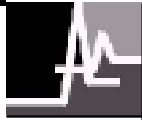


al majdal

ISSUE NO.9 ~ MARCH 2001



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**



Facing the *Right of Return*

Updates on the Campaign for the Right of Return

The *al-Aqsa Intifada* and Refugee Protection

Venues for Prosecuting Individuals Charged with the Commission of International Crimes

How the Sabra/Shatila Massacre was Buried with the Victims

Palestinian Kids Express Their Anger and Frustration to UN Officials

BADIL Publications & Documents

Table of Contents

- 3 Facing the Right of Return**
- 6 Campaign for Palestinian Refugee Rights**
Update on Activities in Palestine, Europe and North America
- 10 Refugee Protection**
Palestinian Refugees and the *al-Aqsa Intifada*
Summary: UN Special Commission of Inquiry

Other Inquiries: The "Mitchell" Committee, The Or Commission of Inquiry inside Israel

In Memoriam - Palestinians Killed by Israeli Forces (December 2000 - March 2001)
- 17 Feature Section: War Crimes**
Venues for Prosecuting Individuals Charged with the Commission of International Crimes
by BADIL's Legal Unit

Seven Day Horror: How the Sabra/Shatila Massacre was Buried with the Victims
by Rosemary Sayigh
- 29 Refugee Assistance**
UNRWA and the *al-Aqsa Intifada*
- 32 Refugee Voices**
Palestinian Kids Express Their Anger and Frustration to UN Officials
from A'idoun-Lebanon
- 34 BADIL Resources**
- 35 Documents**

Cover Photo: Right of Return Rally, 'Aida Refugee Camp, 13-01-01
(Photo: BADIL)

Back issues of al-Majdal are available in hard copy format from BADIL. The full set of back issues are also archived in html and PDF format on the BADIL website.

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

Annual Subscription
(4 issues)
US\$20

Published by

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

Editor

Terry Rempel

Editorial Team

Gail J. Boling, Mohammad Jaradat, Ingrid Jaradat Gassner, Terry Rempel

Layout & Design

Atallah Salem

Advisory Board

Salem Abu Hawash (Palestine)
Salman Abu Sitta (Kuwait)
Abdel Fattah Abu Srou (Palestine)
Susan Akram (USA)
Mahmoud al-Ali (Lebanon)
Aisling Byrne (UK)
Marwan Dallal (Palestine)
Randa Farah (Jordan)
Arjan al-Fassed (Netherlands)
Jalal Al Hussein (Switzerland)
Mahmoud Issa (Denmark)
Mustafa al-Khawaja (Palestine)
Scott Leckie (Switzerland)
Ali Nasser (Syria)
John Quigley (USA)
Rosemary Sayigh (Lebanon)
Rami Shehadeh (Palestine)

Facing the *Right of Return*

The period of final status negotiations between Camp David II (July 2000) and Taba (December 2000) elicited for the first time since the beginning of the Oslo process a degree of substantive discussion and debate in the Israeli press among journalists, academics, and political figures about the right of return of Palestinian refugees. The debate ranged from a complete rejection of the right of return to more nuanced approaches that purported to "recognize" the right of return but limit its implementation through a variety of restrictions or disincentives. The broad objective of these arguments is inherently discriminatory - i.e., to maintain a clear Jewish demographic majority in Israel. "The Jewish majority's explicit desire [...] to retain its numerical superiority," noted Israeli writer David Grossman in a Norwegian daily newspaper, had become "almost embarrassingly transparent."

A small minority of Israeli Jews recognize and support full implementation of the right of return of Palestinian refugees but their voices have yet to penetrate mainstream public debate in Israel. Israeli writers presented a variety of legal, political, social, and "practical" arguments against the right of return during the period of intensive final status negotiations. Some argued that UN Resolution 194 does not recognize a right of return because it excludes the word "right." Others claimed that the individual right of return is not applicable to situations of mass displacement and that the right of return is neither demanded by nor guaranteed to other refugees.

In the context of negotiations, a number of Israeli political figures claimed that the return of refugees would be inconsistent with a two-state solution. Several academics proposed that the set of rights afforded to Palestinian refugees should be decided by negotiation. Others proposed

numerous disincentives to limit the number of returnees, such as restricting the right of return to first generation refugees or establishing a quota consisting of a set fraction of the annual immigration of Jews to Israel. Still other writers were more apocalyptic, stating that violent confrontation was preferable to implementing the right of return of Palestinian refugees. In all cases, these arguments proved to be inconsistent with international law and practice. (For more on the Israeli debate *see* BADIL Occasional Bulletin No. 5, April 2001.)

The collapse of the Oslo negotiation

process and the move away from a final peace treaty towards indefinite interim arrangements (a euphemism for continued military occupation) under the new Israeli government of Ariel Sharon (Likud), however, has meant that the refugee issue has once again faded from

"I am convinced that this is not the only red line, but it is a special red line, because the moment Israel loses its Jewish majority, it will lose its national character. It will not be able to exist with the same contents of its creation, since it will be an ordinary state, and not a state as we want it to be."

Yossi Beilin, former Israeli Justice Minister (Labor)
Al-Quds (Jerusalem) 5 January 2001

the front pages of the Israeli press. Then Justice Minister Yossi Beilin (Labor) helped foreclose Israeli debate on the refugee issue at the end of 2000 when he rejected requests to open files in state and IDF archives relating to Palestinian refugees. Senior archivists had argued that the contents of the 50-year-old files would damage Israel's foreign relations.

By contrast, however, the right of return remains a central and public demand of the Palestinian people inside Palestine and in the diaspora. Popular rallies and demonstrations during the *al-Aqsa intifada* continue to call for implementation of the right of refugees to return to their homes and places of origin alongside a state in all of the 1967 occupied territories with Jerusalem as its capital. In January 2001 more than 100 participants of a national conference on the right of return in Gaza, representing grassroots organizations, NGOs, unions, political parties and official Palestinian institutions,

"The Right of Return is a Sacred, Inalienable, and Non-Negotiable Right"
 Children from Bethlehem-area refugee camps hold large keys symbolizing the right of return at a demonstration in front of UNRWA offices in Bethlehem
 (Photo: BADIL)



reaffirmed that any final agreement that does not guarantee implementation of the right of return will not be considered legitimate or binding.

In Lebanon, Palestinian children from Shatila refugee camp (the site of the infamous massacre of several thousand Palestinian refugees in 1982 for which Israel's current Prime Minister has been found at least indirectly responsible) issued a direct challenge to the international community in the form of a "Black Book" presented to UNESCO officials. The book contains the names of children killed by Israeli forces during the current uprising (many of whom are refugees) alongside photos of children from Shatila and slogans supporting the children's right to return to Palestine. "[W]e want to show the world that we did not forget Palestine, we are struggling to return, as the pictures of the *Intifada* children show, and we are also studying, dreaming, and playing to return," said one child who worked on the book. When told by a UN official that it took time to implement UN resolutions, a 14-year-old girl from Shatila asked, "Why is it then that the resolutions for Israel have been always implemented, but those for Palestine have been pending for 53 years?"

At the international level, the right of return of Palestinian refugees was the focus of the Third International Conference of the Human Rights Movement in the Arab World held in al-Rabat, Morocco in February 2001. The

conference, which included participation by Amnesty International and Human Rights Watch, in addition to regional human rights organizations, issued a final declaration that reaffirmed the right of Palestinian refugees to return to their homes or places of origin. The UN Commission of Inquiry, established to examine the root causes and human rights violations in the occupied Palestinian territories committed during the *al-Aqsa intifada*, devoted special attention to the Palestinian refugee issue in its final report, emphasizing the urgent need for international protection for Palestinian refugees. Internally displaced Palestinians have called upon members of the community to visit their villages of origin on Land Day (March 30), while grassroots activists around the world - from Palestine to the United States and from Europe to Asia and Australia - plan to hold mass rallies on 7 April 2001 to reaffirm the right of Palestinian refugees to return to their homes and lands from which they were expelled in 1948.

The approach of Israel's new government, however, seems to confirm the position expressed in the Israeli press in late December 2000 that violent confrontation is preferable to the right of return. The Sharon government appears fully prepared to escalate the violence of occupation, including settlement construction, land confiscation, and military closure. Shortly after taking office in March, the government revealed

plans for expanding and building new settlements in the Bethlehem region. In Jerusalem work is to proceed on a settlement in the eastern Jerusalem Palestinian village of Abu Dis, while approval has been given for the construction of an eastern bypass road necessitating the expropriation of some 658 dunums of land from several Palestinian villages. The ongoing military closure imposed on the Palestinian population, which has severely damaged the Palestinian economy, has been described by the Office of the UN Special Coordinator for the Occupied Territories as the "most severe and sustained set of movement restrictions imposed [...] since the beginning of the occupation in 1967."

At the same time, it seems unlikely that the international community is prepared to adopt much needed measures to pressure or even "encourage" Israel to recognize and implement the right of refugees to return to their homes. The former Clinton Administration supported a solution that accorded symbolic recognition of the right of return but failed to include any real measures for the return of refugees based on international law as affirmed in UN General Assembly Resolution 194. While the less activist approach of the new Bush administration may open the door slightly for other initiatives more amenable to refugee rights, such as the British Joint Parliamentary Commission of Inquiry into refugee choice (*See al-Majdal*, No. 7), other key international players in the region like the European Union have not expressed clear support for rights-based durable solutions for Palestinian refugees.

In late March, moreover, the United States vetoed a draft resolution (S/2001/270) in the UN Security Council on the deployment of international forces in the occupied West Bank and Gaza Strip. The US veto came within days of the UN Commission of Inquiry's report calling for international protection for both refugees and the Palestinian people, and one day after the death of 11-year-old Mahmoud al-Darawish, the 101st Palestinian child killed by Israeli forces since the beginning of the *al-Aqsa intifada*. An earlier draft resolution for international protection failed

to acquire enough support in the Security Council in December 2000. The state Parties to the Four Geneva Conventions have yet to decide on whether to reconvene a conference of the High Contracting Parties to discuss and decide on measures to enforce the Convention in the occupied Palestinian territories. The Mitchell Commission set up by the United States in "consultation" with UN Secretary General Kofi Annan as a result of the Sharm al-Sheikh summit in October 2000 has been beset by delays incurred as a result of domestic Israeli concerns.

Meeting in their second summit since September 2000, the Arab states issued a clear statement in support of Palestinian refugees' rights. "Arab leaders hold Israel responsible for the Palestinian refugee problem and they reject Israel's attempts at settling the refugees outside their national homeland." In their final communique from the March summit in Amman,

Jordan, Arab leaders "declared their support for the Palestinian people in their heroic struggle and their Intifada, and the right to resist occupation until all national and just demands for the right to return, for the right to self-determination have been attained." However, Palestinians have yet to see the resources promised by Arab and Islamic states at the first summit held in October 2000 during which some \$1 billion was pledged to provide emergency assistance to the Palestinian people.

The Palestinian people, meanwhile, including its refugees, continue to pay the heaviest price for the lack of concrete political support in Israel, the Arab world, and in the international community for a comprehensive, just, secure and durable peace for all peoples of the region based on international law and relevant UN resolution, foremost being Resolution 194. Between December 2000 and March 2001 over a 1000 more Palestinians have been injured and nearly 100 have been killed by Israeli military forces bringing the total number of dead to over 400 since the beginning of the *al-Aqsa intifada*. This failure only underlines the continued importance of sustained grassroots mobilization. ■

"Israel is a terminal country that needs a dictatorship for a couple of years. [T]he demographic danger is the most serious danger facing Israel today. If we don't come to our senses on this issue and don't take proper steps immediately, then within one generation, or at most two, the State of Israel will cease to exist as a Jewish Zionist state."

Shlomo Gazit, major general (res.) and former chief of Israeli military intelligence
Yedioth Aharonoth, 26 March 2001

UPDATE

Campaign for the Defense of *Palestinian Refugee Rights*

Community Mobilization: "No Peace Without the Right of Return"

Encouraged by - and always doubtful of - the firmness of the official Palestinian negotiating position, refugees in the Israeli occupied West Bank and Gaza Strip have embraced the new *al-Aqsa intifada* and shaped its public speech and demands: full Palestinian sovereignty over the 1967 occupied Palestinian lands including eastern Jerusalem and *al-Haram al-Sharif*, and recognition and implementation of the refugees' right of return, restitution and compensation according to international law as affirmed in UN Resolution 194. The new Palestinian vision of return is strong and powerful and no longer a vague dream.

In the 1967 occupied West Bank and Gaza Strip, the demand for recognition and implementation of Palestinian refugees' right of

return has survived the nights of the *al-Aqsa intifada* during which Palestinian refugee camps have been shelled by Israeli tanks and helicopters. This was emphasized by the more than one hundred participants - representatives of grass-roots organizations, unions, NGOs, political parties, PA and PLO institutions - at the *National Conference for the Right of Return of Palestinian Refugees* convened at the Rashad al-Shawwa Center in Gaza (8-1-2001). Since then, the *Follow-up Committee of National and Islamic Forces* and refugee community organizations have organized numerous local Right-of-Return Marches and Rallies involving tens of thousands of persons. Among those facilitated by BADIL have been a Right-of-Return March in Bethlehem (9-1-2001), a Right-

OATH OF RETURN

Name _____ evicted from _____ currently residing in _____

We, who were forcefully evicted from our homeland Palestine in 1948 by the international and Arab collusion with the brutal Zionist gangs; we whose property was confiscated and whose villages and towns were destroyed; we, who have lived in exile for 52 years,

Swear to God the Almighty and Promise to Our Martyrs

That WE WILL NOT compromise our right to return to our homes, villages, and towns, and that we will not accept compensation as a substitute to this right, which is an individual and collective right, a political right, and a right enshrined in international law and human rights conventions. We also reject all forms of re-settlement and integration outside our homes aimed at replacing our right of return. Our right of return is non-negotiable and not a subject of opinion polls.

Signature _____

* Thousands of Palestinian refugees, heads of households in the camps of the West Bank and Gaza Strip, as well as in the far Palestinian exile have signed the oath above or similar oaths in numerous public rallies and signing ceremonies organized by the community leadership since the abortive Israeli-PLO summit at Camp David in July 2000.

of Return Rally in 'Aida Refugee Camp/ Bethlehem (13-1-2001), and "Al-Awda Week" organized in the Nablus area by the *Palestinian National Institutions* and the *BADIL Friends Forum-Northern West Bank* (5 - 12 February 2001). This includes a photo exhibition ("Refugees and the *al-Aqsa Intifada*") and "Al-Awda Tent" in al-Far'ah Refugee Camp/Nablus. Other public events planned and prepared for February and March (Awda March/Nur Shams Refugee Camp; Right-of-Return Rally/al-Fawwar Refugee Camp) had to be cancelled due to increasing Israeli restrictions on freedom of movement, curfews, and danger to public security.

World Wide Right-of-Return Marches and Rallies will again be launched by the Al-Awda network on 7 April 2001 on the occasion of the 53rd anniversary of the Deir Yassin massacre (9 April 1948) and all other massacres committed against the Palestinian people by the Zionist forces and the governments of the state of Israel. Rallies and marches will be held in: New York/ USA; Vancouver/Canada; Sidney, Melbourne and Perth/Australia; Madrid/Spain; Amsterdam/ Netherlands and other European capitals; Osaka/ Japan, Malaysia and Hong Kong, as well as in Jordan, Syria, and Lebanon.

In Palestine/Israel, the call for 7 April right-of-return marches and rallies has been endorsed by the *Union of Youth Activity Centers*, the *Popular Committees*, the *Refugee Affairs' Follow up Committee-Southern West Bank*, the *Committee for the Defense of the Right of Return* and *Yafa Cultural Center/Balata Refugee Camp* (Nablus), the *National Society for the Rights of the Internally Displaced in Israel*, *BADIL Resource Center*, and the *Follow-up Committee of National and Islamic Forces*. The central rally of internally displaced Palestinians will be held in Jaffa. As Israel's policy of military closures and restriction of movement will prevent organization of a central march/rally in the 1967 occupied territories, Palestinian refugees aim to organize decentralized rallies and right-of-return events in the major towns and camps of the West Bank and Gaza Strip.



For details on 7 April Right-of-Return events in Palestine contact BADIL: camp@badil.org
For information about events world-wide see: <http://al-awda.org>

Recruiting Arab & International Support

Al-Rabat Declaration on the Rights of Palestinian Refugees: Massive support for Palestinian rights, including refugees' right of return, expressed by popular Arab strata during the *al-Aqsa intifada* resulted in the explicit dedication of the *Third International Conference of the Arab Human Rights Movement* to the rights of Palestinian refugees. Organized by the Cairo Institute for Human Rights (CIHRS), in coordination with the Moroccan Organization for Human Rights and the Euro-Mediterranean Human Rights Network in al-Rabat/Morocco (10-12 February 2001), the Conference was attended by representatives of Arab and western governments and the Arab League, the United Nations, Arab and international experts, human rights organizations (e.g. Amnesty International, Human Rights Watch, International Federation for Human Rights) and NGOs. The Rabat Declaration issued by the Conference urges Arab and western governments to press for a just solution of the Palestinian refugee question in accordance with UNGA Resolution 194 (right of return), and calls for international and Arab financial support of UNRWA, Palestinian NGOs and community organizations, and the Palestinian Authority. It also calls upon Arab host countries to protect the civil, social, economic and cultural rights of Palestinian refugees pending the implementation of their right of return. (See the document section for the full text of the Rabat Declaration.)

Palestinian refugee organizations and right-of-return initiatives also addressed the *summit of the League of Arab States* (Amman, 27-28 March). An open letter endorsed by community organizations in Palestine and Jordan calls upon Arab leaders to "fulfill their responsibilities towards the Palestinian issue and secure implementation of international law, foremost Resolution 194 (1948)," and press for international protection of the Palestinian people, including the protection of Palestinian properties in historic Palestine (occupied in 1948). (See the document section for the full text of the Open Letter.)

Right-of-Return workshops and seminars were conducted by BADIL in the framework of a *Week of Palestinian Culture and Identity* organized in Switzerland (1 - 7 March 2001) by

Sanabel, a Palestinian NGO based in Lausanne. Meetings with the Swiss Forum for Human Rights in Israel/Palestine, AVPJP-One Land for Two Peoples, Socialist Alternative-Solidarity, the World Council of Churches, and the Center on Housing Rights and Evictions (COHRE) gave evidence of new interest and concern among the Swiss and the international solidarity and human rights community, as well as progressive Jewish activists and Christian organizations, about the requirements of a just solution for the plight of Palestinian refugees.

Lobbying the United Nations: International Protection

Against the background of the deteriorating situation in the 1967 occupied West Bank and Gaza Strip, Palestinian demands for rapid UN intervention on behalf of Palestinian rights continue to be raised, irrespective of the self-induced impotence shown by the international community in the first six months of Israeli violence and Palestinian uprising.

The Special Commission of Inquiry (Falk Commission) formed by the UN Commission on Human Rights was welcomed in Palestine in February 2001 by the Palestinian community - and boycotted by Israel. The Commission, mandated to report to the 57th session of the UN Human Rights Commission which opened on 19 March 2001 was briefed by numerous Palestinian officials and NGOs. BADIL and MAP (Media Alternatives on Palestine) presented an updated version of the *Appeal for International Protection, Implementation of the Palestinian Right to Self-Determination and Refugees' Right of Return* endorsed by some 52,000 individuals and organizations (See also al-Majdal, No. 8). BADIL also submitted and discussed with the Commission its special report *Palestinian Refugees in the al-Aqsa Intifada: The Impact of the Lack of International Protection* (See Refugee Protection in this issue).

Follow-up with the Committee for Economic, Social and Cultural Rights (CESCR): Israel's policies in the 1967 occupied territories are scheduled for discussion on 4 May 2001 during

the 52nd session of CESCR to be opened in Geneva on 23 April 2001. Numerous Palestinian NGOs, among them BADIL, and international partners such as the US-based Center on Economic and Social Rights (CESR), Habitat International, and the UN Liaison Office of the World Council of Churches, will use this occasion to lobby for a strong stand on Palestinian rights. Briefs and updates based on earlier submissions and reports are being prepared for states and NGOs participating in the sessions of the UN Human Rights Commission and CESCR.



For details about BADIL's submission to CESCR, see al-Majdal, No. 8 and www.badil.org

BADIL Petition against Israeli Expropriation of Palestinian Private Property, 1948 - 2001.

Preparations for this comprehensive petition aiming to affirm the Palestinian right to return and restitution were launched in February 2001 by BADIL's Legal Unit in cooperation with BADIL's Palestinian and international legal support team in the United States and Europe. The petition will document illustrative cases and Israeli court rulings, as well as a legal argument based on relevant international law.

BADIL Emergency Program: *al-Aqsa Intifada*

Israel's attempt to suppress the new Palestinian uprising by massive use of force and the unlikelihood of political change in the short term have had devastating affects on the Palestinian community in the occupied West Bank and Gaza Strip in general and its refugees in particular. Refugee community organizations today must accomplish an extremely difficult set of tasks: maintain the public demand and pressure for recognition and implementation of their right of return on the one hand, and on the other hand cope with the tremendous new need for daily assistance by the relatively resourceless population of the refugee camps.

By March 2001 unemployment in refugee camps had skyrocketed to well above the average of 40 percent, severely inhibiting access of refugee families to adequate food, health services and education. Death and injuries inflicted by Israeli violence as well as destruction of homes and properties, create additional need



Voluntary Health Clinic in Deheishe Refugee Camp in late February 2001 (Photo: BADIL)

for emergency assistance through UNRWA and other international agencies.

In continuation of the small-scale and community-based emergency program designed in October 2000, BADIL and its refugee partner organizations continue to try to address some of the urgent needs of the poorest sectors of West Bank refugees.

Voluntary Health Clinics in Palestinian Refugee Camps: Elehssan Society and BADIL, in cooperation with the Union of Youth Activity Centers-Southern West Bank, the Jordan Chemical Factory, and the Jerusalem Pharmaceutical Company have organized a project including six days of free medical services to refugees in the southern West Bank. Two clinic days were successfully conducted in the Bethlehem area camps of Deheishe (23 February) and 'Aida (9 March) after frequent re-scheduling due to Israeli curfews and military closures. Some 600 patients, most of them children and elderly unable to obtain medical services elsewhere, received treatment and medication.

Contributions (in kind and financial) to homeless refugee families: In cooperation with the Follow-up Committee on Refugee Affairs - Southern West Bank, BADIL contributes to the provision of emergency supplies (blankets, clothes, etc.) and to the reconstruction of refugee homes damaged by Israeli shelling.



Beginning in February 2001 BADIL has provided assistance in English training for students in Bethlehem-area refugee camps studying for their *tawjihi* exams (Photo: BADIL)

Refugee Protection



Palestinian Refugees, the *al-Aqsa Intifada* and International Protection

Since the beginning of the popular Palestinian uprising in late September 2000 numerous local and international human rights organizations, as well as *ad hoc* committees/commissions, have investigated and reported on Israel's violations of human rights law and humanitarian law in the occupied Palestinian territories. While refugees are included within the framework of human rights and humanitarian law applicable to all Palestinians in the occupied territories, an additional body of law - i.e., refugee law - is applicable to Palestinian refugees who comprise over 50 percent of the total Palestinian population in the occupied territories.

Under international refugee law all refugees have the right to international protection to ensure that they receive the full panoply of rights guaranteed under international law. This includes respect for basic human rights in countries of asylum (including physical safety), and, importantly, those relevant to durable solutions (i.e., the right to return to one's home of origin). In theory, a variety of bodies contribute to the protection of refugees, including community organizations, local and international NGOs, the government of the country of asylum, and various UN bodies such as the Office of the UN High Commissioner for Human Rights (UNHCHR) and the Office of the UN High Commissioner for Refugees (UNHCR). International protection covers a variety of tasks beginning with the early stages of exodus/displacement through to durable solutions (i.e., the voluntary return of refugees) and reintegration of refugees in their places of origin. An important aspect of protection is monitoring and documentation of the situation of refugees and, when necessary, intervention with state parties to ensure respect for refugees' rights.

The absence of international protection for Palestinian refugees, due to the collapse of the UN Conciliation Commission for Palestine

(UNCCP), is accompanied by the absence of comprehensive documentation on the impact of the *intifada* on Palestinian refugees. While UNRWA, which provides assistance for most refugees in the occupied territories, continues to collect and document Israeli violations of the rights of Palestinian refugees, the Agency does not have the mandate or resources to provide comprehensive protection - particularly in relation to physical safety and durable solutions. The lack of comprehensive, standardized data on the impact of the *intifada* on refugees makes it extremely difficult to develop an accurate assessment of protection needs.

In order to illustrate the impact of the lack of international protection for Palestinian refugees, BADIL began a small project in late 2000 to gather data on the specific impact of the *al-Aqsa intifada* on refugees in the occupied territories. Given limited resources and the various restrictions on freedom of movement which severely complicate data collection, the material compiled by BADIL only provides a sample. The Palestinian Central Bureau of Statistics (PCBS) has recently included refugees as a sub-group in its survey on the effects of the *intifada*; the survey results should shed more light on the impact and specific needs of the refugee community. The material gathered by BADIL was subsequently presented to the UN Commission of Inquiry. (*See* below for a summary of the UN report)

Israel's brutal use of force to repress the Palestinian uprising has resulted in grave human suffering and material damage in the 1967 occupied territories. Over 400 Palestinians have been killed by Israeli forces since 29 September 2000. Some 13,000 have been injured many of who will suffer permanent disabilities. Several thousand structures, including homes and businesses, as well as agricultural property has been severely damaged or totally destroyed. The

Table 1 - West Bank and Gaza Strip Refugee Martyrs of the *al-Aqsa Intifada* 29 September 2000 - 31 January 2001

Age & Gender Location	Male		Female		Sub-Total	Grand Total
	Under 18	18 & Over	Under 18	18 & Over		
West Bank*						
Northern Districts**	8	27	0	1	36	
Central Districts***	5	15	0	0	20	
Southern Districts****	3	10	0	0	13	
Total	16	52	0	1	69	69
Gaza Strip^						
Gaza North^^	2	12	0	0		
Gaza City^^^	5	21	0	0		
Gaza Central^^^^	2	10	0	0		
Gaza South^^^^^	7	18	0	0		
Total	16	61	0	0	77	77
					Grand Total	146
<p>* Figures for 29 September 2000 to 31 December 2000 ** Including Nablus, Jenin, Tulkarem and Ramallah *** Including Jerusalem and Jericho **** Including Bethlehem and Hebron ^ Figures for 29 September 2000 to 31 January 2001 ^^ Including Jabalyia Camp, And Hay Al-Rimal ^^^ Including Sheikh Radwan, and Beach Camp, and Hay Al-Tufah ^^^^ Including Al-Breij, Deir Al-Balah and Nuseirat camps ^^^^^ Including Rafah, Khan Yunis, and Brazil camps</p> <p>Source: BADIL Field Work & Palestinian Central Bureau of Statistics</p>						

PCBS reported that damage to residential and non-residential structures between 29 September 2000 and 8 January 2001 amounted to some US \$26 million. UNSCO, the Office of the UN Special Coordinator for the Occupied Territories, estimates that between 1 October 2000 - 31 January 2001, Palestinian losses (excluding physical damage), including reduced production and circulation of goods and services and reduced labor income, total some US \$1.15 billion.

While all Palestinians living in the occupied territories have been hit hard by Israel's aggressive military and economic policies, refugees are particularly vulnerable to the ongoing siege imposed on the Palestinian population. The consequences of displacement and the loss of homes and properties in 1948 remain highly visible in the refugee community today. Palestinian refugees, especially camp refugees, are a landless, economically marginalized population. Owning no means of

subsistence, they are completely dependent upon income from employment and wage labor. Israel's closure of its labor market to Palestinians, as well as restrictions on movement within the occupied territories have an especially devastating impact on refugee families whose limited savings are rapidly consumed in times of unemployment.

According to UNSCO there were 72 days of border closures in the last quarter of 2000 raising lost working days to their highest level since 1997. Nearly 40 percent of the population in the occupied territories is currently unemployed. While no figures are available for the number of unemployed refugees one can assume that based on the high level of wage labor among refugees and traditionally lower levels of employment in refugee camps, unemployment among refugees, particularly camp refugees, is higher than average. Both UNRWA and UNDP have supported emergency temporary job creation programs to relieve some of the burden created

Table 2 - Refugee Property Damage Assessment in US\$

Type of Damage Location	Residential & Personal Property	Business & Commercial	Institutional
Bethlehem District			
(as of 31 December 2000)*			
Aida	\$73,038.05	-	\$2,018.00
Beit Jibrin / Azzeh	\$43,376.00	\$10,394.00	-
Beit Jala	\$2,537,501.00	\$16,114.00	
Gaza Strip			
(as of 8 January 2001)**			
	\$3,281,512.00	\$4,952,630.00	
* Source: BADIL Field Work			
** Source: Palestinian Central Bureau of Statistics			

by the rapid increase in unemployment among refugees. As of mid-January 2001, UNRWA, for example, had hired 124 additional temporary medical staff in Gaza under the Agency's Emergency Employment Creation Scheme, an additional 486 sanitation, packing and distribution laborers (to implement the Agency's food aid programme), 336 teachers, 44 social workers, 36 sanitation and supervisory staff, 36 clerks, 9 engineers, 5 technical assistants, 2 registration supervisors, as well as 14 guards. In the West Bank the Agency signed partnership agreements with Camp Committees to start up community works programs.

Reduced household expenditures due to unemployment and the depletion of savings further dampen economic activity and employment. Given the high rate of dependency - the average employed Palestinian supports him/herself plus 4 other people - a large number of persons are affected by the rise in unemployment. Approximately 1 million persons now live below the poverty line (US \$2.1 in consumption per person per day). Due to this state of affairs, approximately 42.5% of the registered refugee population in the occupied territories is receiving assistance from UNRWA and for the first time since 1982 UNRWA is providing rations to the general refugee population in addition to special hardship cases. Palestinian refugees who were previously using the services of other national or private providers are now seeking treatment at UNRWA health facilities. The situation for refugees is further exacerbated by the chronic deficit problem faced by UNRWA, which has already placed existing education, health and social welfare programs for refugees under considerable stress for much of the last decade.

Due to their vicinity to Israeli military installations, settlements and by-pass roads, the refugee camps of 'Askar (Nablus), 'Aida and Beit Jibrin (Bethlehem), Aqbat Jaber (Jericho), Shati, Jabalya, Rafah and Khan Younis (Gaza), as well as Jalazon, Kalandia, and al-Arroub which remain in Area "C" of the West Bank (i.e., full Israeli control), refugees in these camps are exposed to even greater risk of physical injury and death. Initial review of the number of Palestinians killed by Israeli forces between 29 September 2000 and 31 January 2001 suggests that a minimum of 50 percent are refugees. (See Table 1)

Refugee shelters as well as UNRWA installations, moreover, have become regular targets of Israeli military and settler attacks. Damages to family shelters caused by indiscriminate Israeli shelling can be extensive in the densely built-up refugee camps where shelters sharing common exterior walls and constructed from cinderblock with asbestos or zinc roofing are less resistant to military attacks. Approximately 609,000 camp refugees in the West Bank and Gaza live on an area of around 20 sq. km, translating into a population density as high as 30,450 refugees per sq. km. Shock and anxiety attacks, especially among the children and elderly spread quickly among the crowded camp population. In the Bethlehem area and in the Gaza Strip, Israeli military attacks had cause over US \$5 million in damage between 29 September and 31 December 2000. (See Table 2) The PCBS estimated that as of 8 January 2001 total damage to residential and non-residential structures in West Bank refugee camps totaled more than US \$600,000.



For the full text of the BADIL report to the UN Commission of Inquiry see the BADIL website



Damage to 'Aida Refugee Camp in the Bethlehem area due to Israeli shelling in late 2000
(Photo: BADIL)



UN Commission of Inquiry (Falk Commission) Emphasizes Urgent Need for International Refugee Protection

In a sixty page report submitted in March 2001 to the 57th Session of the UN Commission on Human Rights, the special UN Commission of Inquiry, established (Resolution E/CN.4/S-5/1, 19 October 2000) to investigate human rights violations committed by Israel in the occupied Palestinian territories, emphasized the urgent need for international protection for Palestinian refugees and the Palestinian people.

The report covers the legal status of the conflict, Israel's excessive use of force, extra-judicial executions/political assassinations, settlements, and the deprivation of the enjoyment of economic and social rights (effect of closures, curfews, restrictions and movement, and destruction of property in addition) and includes a separate section which emphasizes the "distinctive vulnerability" of Palestinian refugees.

The Commission of Inquiry report notes that "no other refugee community in the world is so excluded ... from the protective mechanisms and responsibility of the United Nations High Commissioner for Refugees (UNHCR)" and concludes, on the basis of a legal analysis of the status of Palestinian refugees in international

refugee law, that urgent international efforts are required to extend UNHCR protection to Palestinian refugees under Article 1D(2) of the 1951 Convention Relating to the Status of Refugees. The Commission report further notes that while the question of the right of return is mostly beyond the scope of the Commission's mandate, a "comprehensive settlement must deal equitably with the issue of Palestinian refugees and their rightful claims" including those living outside of the occupied territories.

The Commission of Inquiry further recommends that an adequate and effective international presence should be established immediately in the occupied Palestinian territories to monitor and regularly report on compliance by all parties with human rights and humanitarian law standards. The commission members also recommend that protection should be accorded in strict compliance with the 1949 Fourth Geneva Convention and that the High Contracting Parties to the Convention should act with urgency to establish an effective international mechanism for taking the urgent measures needed. The Commission members criticized the US veto of the UN Security Council resolution calling for international protection of the Palestinian people in the occupied territories.

Among its other recommendations the report notes that a comprehensive, just and durable peace should be guided at all stages by respect for

human rights and humanitarian law and the full application of international human rights standards. Moreover, it should bring about the end of the Israeli occupation and realization of the right of the Palestinian people to self-determination. The report concludes that Israeli security forces (i.e., military and police) have used "excessive and disproportionate force" from the outset of the *al-Aqsa intifada* and recommends that Israeli forces should not resort to the use of rubber-coated bullets and live ammunition, except as a last resort; that provision of protection for settlers cannot be used for preemptive shooting of unarmed civilians in areas near settlements or on access and bypass roads leading to settlements or for the destruction of Palestinian property; an immediate end to Israel's extrajudicial execution/assassinations; investigation and prosecution of persons found responsible for the use of lethal force or the excessive use of force which has caused death or serious injury; an immediate end to Israeli closures, curfews and other restrictions on freedom of movement; respect for Palestinian economic and social rights; an end to measures that amount to collective punishment; freedom of movement and safety for the provision of medical relief and treatment and in providing humanitarian assistance including that of UNRWA; special protection for children; and, free access to all places of worship and holy sites.

Israel decided not to cooperate with the Commission of Inquiry, regarding its mandate and membership as "unbalanced" and the Commission itself unnecessary due to the existence of the "Mitchell" Committee.



To read the entire Commission of Inquiry report see the website of the UN High Commissioner for Human Rights (www.unhchr.ch) or the BADIL website. An Arabic translation of the Commission's key recommendations is also available on the BADIL website.

For more on international protection and Palestinian refugees see BADIL Brief No. 1.

The "Mitchell" and "Or" Inquiries

In addition to the UN Commission of Inquiry, two additional committees/commissions have been investigating the underlying causes of the *al-Aqsa intifada*. The "Mitchell" Committee, established in October 2000 by the United States, is scheduled to submit a report to US President Bush in the coming months. The Or Commission, a state commission of inquiry established by the Israeli government, continues hearings into uprising that occurred inside Israel at the beginning of the *intifada*. It is unclear if these committees/commissions will include reference to the situation of Palestinian refugees and internally displaced persons.

The Sharm al-Sheikh ("Mitchell") Fact-Finding Committee was established as a result of the US-brokered October summit between the PLO and Israel in Egypt. Unlike the clear terms of reference accorded to the UN Commission of Inquiry, the mandate of the Mitchell Committee is largely political in character and it is uncertain how much, if any, attention will be accorded to the rights of Palestinian refugees, although Committee members visited refugee camps in both Gaza and the West Bank during their visit to the occupied territories in March 2001.

Unlike the UN Commission, the timetable of the Mitchell Committee has been determined largely by Israel's domestic political considerations. Israel has repeatedly pressed the Committee to postpone its mission until the PLO/PA calls for and brings an end to the popular uprising in the occupied territories. Israel halted cooperation with the Committee following an unaccompanied visit by the then head of the Committee's technical team to the Haram al-Sharif in mid-January. The Committee was further requested to delay its mission until after a new government was established following Israeli elections in February 2001.

Israeli government officials have constantly downplayed the ability of the Committee to produce an objective assessment of the underlying causes of the *intifada*. The new government of Ariel Sharon has referred to the Committee as an historic mistake and railed against Committee assurances that it will prepare a "balanced" report, claiming that it would "reward Palestinian violence." Remarks by former Foreign Minister Shlomo Ben Ami are

indicative of the official Israeli view. While testimony could be collected in Israel in an organized manner, stated Ben Ami in the Israeli daily *Ha'aretz* (12 February 2001), this was not the case in the Palestinian Authority. A review of the PLO Negotiation Affairs Department submissions to the Mitchell Committee clearly refutes this view.

Following its long-delayed March visit to the region, the Mitchell Committee is expected to complete its report by the end of April or the beginning of May. The report of the UN Commission of Inquiry has provided a clear international law framework for investigating and analysis of the underlying causes of the *al-Aqsa intifada* and the massive violation of Palestinian rights since September 2000. The findings of the Mitchell Committee report should be interpreted within this legal framework.

Israel's continued claim that it is not responsible for creating the conditions that led to the outbreak of the uprising and that it has responded with restraint raises several obvious questions: 1) why has the Israeli government obstructed the work of the Mitchell Committee (and refused to cooperate with the UN Commission); and, 2) why does Israel object to international law as an objective framework for investigation of the *al-Aqsa intifada* (not to mention the Palestinian-Israeli conflict)?



To read submissions of the PLO Negotiation Affairs Department to the Mitchell Committee see, www.nad-plo.org.

The Or Commission was established by the Israeli government in accordance with the 1968 Commission of Inquiry (COI) Law on 8 November 2000 "to investigate the clashes, which involved security forces and Arab and Jewish citizens of Israel." The Commission replaced a vaguely-defined and ill-fated "Commission of Examination" established in October and opposed by the Higher Follow-up Committee for Arab Affairs (comprised of Palestinian Arab members of the Knesset and Palestinian mayors and communities leaders).

The mandate of the Commission to investigate "the conduct of inciters and organizers, participants in the events [of October 2000 in which 13 Palestinian citizens of Israel were killed] from all sectors and security forces" has been heavily criticized because it pre-determined that 'incitement' was an established

fact and wrongly confused the role of a state Commission (i.e., to investigate state authorities in cases in which their behavior created a loss of trust by the public) with that of the Attorney General (i.e., to investigate criminal offenses and initiate prosecutions). Moreover, the Commission has refused requests to publish the terms of reference and procedures of its work as required under the 1968 COI Law.

The Or Commission has been beset by numerous problems since its inception. Family members of Palestinians killed in October, and Adalah - The Legal Center for Arab Minority Rights in Israel which is acting on behalf of the Higher Follow-up Committee and the victims' families as legal counsel, received no formal notice that the Commission would begin hearings on 19 February 2001. Requests by Palestinian witnesses to give testimony and have questions translated into Arabic were initially denied. Families of the victims were denied access to autopsy reports until mid-March. The autopsy reports contradicted initial police testimony on the use of live ammunition. Testimony given by police, journalists and one civilian about the severity of the situation on the 1 and 2 October contradict statements given to the Israeli press in November.

Given the problems faced by the Commission, staff of Adalah traveled to Britain and Northern Ireland to examine lessons learned during the inquiry into the 1972 Londonderry riots ("Bloody Sunday") in which 13 Irish Catholics were killed by police and soldiers. Jurists who participated in the Bloody Sunday inquiry suggested that it was important that families of the victims be given legal representation while the families' lawyers be permitted to examine all the material submitted to the commission and to cross-examine witnesses. Reviewing the mandate of the Or Commission, jurists in Britain and Northern Ireland concluded that it was a recipe for failing to uncover the truth.

The Commission postponed hearings in late March after several scuffles between family members of the victims and Israeli police during Commission testimonies. By law the Commission's final report must be made public, though portions of the report may be determined classified.



For further information and detailed analysis of the Or Commission contact Adalah - The Centre for Arab Minority Rights in Israel: adalahorg@hotmail.com

In Memoriam

*List of 107 Palestinian Victims of Israeli Violence between 10 December 2000 and 21 March 2001.
For the names of Palestinians killed between 29 September and 9 December 2000
see al-Majdal, Issues No. 7 and 8.*

Between 29 September 2000 and 27 March 2001, 404 Palestinians were killed by Israeli security forces, of whom 105 are below the age of 18. (PCBS figures). During the same period, 12,230 Palestinians were injured. This includes 2,425 injuries due to the use of live ammunition, 4,953 (rubber/plastic bullet), 3,868 (tear gas), and 1,344 (misc.). (Palestine Red Crescent figures). The following names of Palestinians killed by Israeli forces are derived from lists prepared by the Palestinian Authority Ministry of Information and the Palestinian Center for Human Rights. Due to the absence of a central documentation system, there are some differences between the lists in terms of age and village of origin. Differences between the two lists are presented in brackets. According to B'tselem 46 Israelis were killed in the occupied territories and 16 inside Israel during the same period.

Ahmad Kawasmi; 14; Hebron
Anwar Hamdan; 25(28); Arabeh, Jenin
Yousif Abu Sway; 28; al-Khader, Bethlehem
Mohammad Abu Al-Ela; 25; Khan Younis, Gaza
Jaber Alsabe'; 25; Beit Hanoun, Gaza
Mahdi Akeeleh; 35(27); Khan Younis, Gaza
Abbas Oweiji; 26; Bethlehem (Hebron)
Ahmad Imteir; 45(30); Rafah, Gaza
Hani Abu Baker; 31(32); Rafah, Gaza
Mohammad Daoud; 17(20); Hares, Salfit
Mohammad Al-Nori; 19(22); Tel, Nablus
Nour AbuSafi; 22; al-Shati, Gaza
Abdulmo'in Hamad; 23(24); Tel, Nablus
Said Abu Kharouf; 35(32); Nablus
Nihad Hantash; 24; Ramallah (Barqat al-Hatab, Qalqilya)
Mohammad Ma'ali; 70(67); Ejje, Jenin
Mohammad Shalash; 18; Shaqba, Ramallah
Ahmad Qassas; 38; Rafah, Gaza
Iyad Daoud; 27; Rafah, Gaza
Samih Mala'bi; 25; Jerusalem
Rashid Abu Al-Hasan; 34; Bethlehem
Abdulmo'ti Sab'awi; 55(57); Gaza
Hani Al-Safi; 14; Rafah, Gaza
Salman Marzouk; 18; Gaza
Ref'at Abu Marzouk; 22(29); Rafah, Gaza
Ahed Mreish; 18; Gaza
Rashid Barhoum; 27(26); Rafah, Gaza
Ahmad Awad; 48; Khirbet Jebara, Tulkarem
Arafat Jabareen; 15(17); Sa'ir, Hebron
Salameh Sawarkeh; 52; Gaza
Najib Ebeido; 20(19); Hebron
Nidal Abu-O'un; 30; Rafah, Gaza
Abdullah Qanan; 42(40); Khan Younis, Gaza
Mahmoud Naseer; 22(33); Beit Hanoun, Gaza
Thabet A. Thabet; 50(49); Tulkarem
Mo'az Abu Wahdan; 12; Hebron

Tahrir Rizq; 22(20); Hizma, Jerusalem
Tariq Al-Qato; 30(31); Tulkarem
Mo'taz Sarouji; 37; Tulkarem
Saber Khader; 52(51); Jabalya, Gaza
Arij Jabali; 18(19); Hebron
Mohammad Abu Hasirah; 35(37); al-Daraj, Gaza
Fatmah Abu Jeish; 19(21); Beit Dajan, Nablus
Mohammad Ahmad Souf; 27; Hares, Salfit
Abdel Hamid Khanfar; 27; Silt al-Thaher, Jenin
Ibrahim Abu Moghasib; 70; Wadi El-Slaqa, Deir al-Balah, Gaza
Abdelhamid Kharty; 34; al-Moghraba, Gaza
Mohammad Hannoun; 75; Silt al-Thaher, Jenin
Shaker Hassouni; 27(23); Hebron
Omar Khaled; 10(11); al-Bireh, Ramallah
Madi Ishtayyeh; 22(24); Salem, Nablus
Mohammad Al-Shareef; 16; Sheikh Radwan, Gaza
Ayshah Nassar; 29; Ramallah
Ahmad Ghandour; 27; Ramallah
Safwat Qeshtah; 14(17); Rafah, Gaza
Khalil Sandi; 15(22); Rafah, Gaza
Hussein Daraghme; 66; Ramallah
Mohammad Abu Mousa; 21(24); Khan Younis, Gaza
Falah Ayyash; 67; Salfit
Ismail Tilbani; 48(50); al-Zuwaida, Gaza
Ahmad Shehadeh; 18(20); Jabalya, Gaza
Saber Abu Dhaher; 35(38); Johor al-Dik, Gaza
Abdullah Abu Karsh; 21; Gaza
Shadi Kahlout; 24(23); Sheikh Radwan, Gaza
Khadra Ishtewi; 21; Qalqilyah
Ahmad Abu Houli; 16(15); Deir al-Balah, Gaza
Baraa' Qalaweh; 22 months; Al-Bireh
Atef Nabulsi; 25(35); Ramallah
Ziyad Abu Swai; 22; 'Irtas, Bethlehem
Masoud Ayyad; 55(57); al-Zaytoun, Gaza
Bilal Ramadan; 14(13); al-Bureij, Gaza

Ayed Abu Harb; 24; Tulkarem
Naser Hasanat; 19; Deir al-Balah, Gaza
Anwar Merie; 33; Nablus
Issam Tawil; 20(29); Hebron
Shukri Manasrah; 25(23); Bani Na'im, Hebron
Abdulrahman Jom'ah; 79; Tulkarem
Mohammad Hawamdeh; 25; Hebron
Mohammad Izheiri; 65; Jenin
Ahmad Farajallah; 33(35); Ethna, Hebron
Mahmoud Madani; 26(25); Balata, Nablus
Mohammad Al-Qarbi; 18; Beit Jala
Raed Mahmoud Mousa; 24; al-Khader, Bethlehem
Mahmoud Jallad; 45(44); Tulkarem
Husam Imad Deisi; 15; Jerusalem (Ramallah)
Mariam Abduljabbar; 55; Nablus
Naem Badareen; 50(55); al-Bireh, Ramallah
Mohammad Abu Darraj; 9; Gaza
Mohammad Helles; 13; Gaza
Abdulkarim Abu Asbeh; 23; Qalandya, Jerusalem
Mustafa Ramlawi; 42; al-Bureij, Gaza
Abdullah Abu Karsh; 21; Gaza
Ahmad Elaian; 24(25); Qariout, Nablus
Shadi Kahlout; 24; Gaza
Usama Eid; 21(22); Gaza (Jenin)
Ziyad Ayyad; 27; al-Zaytoun, Gaza
Abdulqader Hamdan; 29; Ramallah
Amira Abu Seif; 48; Jenin
Ahmad Naber; 18; Gaza
Murtaja Amer; 17; Qalqilya
Mohammad Abu O'un; 20(21); Sheikh Radwan, Gaza
Mohammad Nassar; 10; Ramallah
Abdulfattah Sbakhi; 4; Gaza
A'ida Daoud Fatiha; 42; al-Bireh, Ramallah
Baher Shafiq Oudeh; 20; Hawara, Nablus
Ahmed Bannar; 19; al-Shojaeya, Gaza
Kamel al-Jamal; 32(31); al-Shati, Gaza

Venues for *Prosecuting*

Individuals Charged with the Commission of International Crimes

by *BADIL's Legal Unit*

Because of the ever-expanding condemnation of international crimes of a humanitarian or human rights law character, the world is seeing a corresponding slow-but-steady increase in the availability of judicial fora where individuals responsible for perpetrating such crimes can be prosecuted. It is certainly to be hoped that this trend will continue and will lead to successful convictions and adequate punishment for criminals found guilty of committing these types of offenses against international law.

Advocates of Palestinian rights world-wide continue to monitor these developments in the hopes that eventually individual Israelis responsible for ordering or committing actions which are widely regarded as war crimes, crimes against humanity or genocide will one day be brought to justice.

The International Criminal Court

Much attention is currently being focused in the ongoing measures being undertaken to constitute the International Criminal Court (ICC), and for good reason. The ICC will mark the first establishment of a permanent court for prosecuting individuals charged with responsibility for committing the world's most serious crimes - genocide, crimes against humanity and war crimes.

The Rome Statute, which is the treaty upon which the jurisdiction of the ICC will ultimately be founded, was adopted on 17 July 1998 at the conclusion of a diplomatic conference in Rome. Of the 160 countries represented at the conference, 120 present voted in favor of the Rome Statute, seven countries voted against it (including the U.S.) and twenty-one abstained. As of 12 February 2001, 139 countries (including the U.S. and Israel) had signed the Rome Statute. Signing a treaty is generally viewed as an indication that the country signing eventually intends to ratify it.

In order for the Rome Statute to come into effect, sixty countries must ratify it. As of 12 February 2001, twenty-nine countries had ratified the treaty. Thus far, neither the U.S. nor Israel has ratified - each country has its own distinct internal legislative or parliamentary procedures for doing so. It is certainly to be hoped that both countries will ratify the treaty - and incorporate the treaty into their respective domestic legislation, as necessary - without undue delay. Human Rights Watch anticipates that the Rome Treaty will receive the requisite sixty ratifications and come into effect in mid-2002.

Importantly, states are not allowed to make reservations when ratifying the Rome Statute. (Reservations to a treaty, where permitted, are a means by which a state may "opt out" of specific provisions of treaty.) Since no reservations are allowed to the Rome Statute, a state chooses either to be bound by the treaty in its entirety or not to be bound by it at all. Absent specific case referral by the UN Security Council, ICC jurisdiction will not extend to states which decline to ratify the treaty because state participation is purely voluntary. (However, since non-ratifying states will run the obvious risk of acquiring the stigma of being "war criminal protectors," the onus will obviously be on states to ratify.) Additionally, however, the Security Council may refer specific cases to the ICC for prosecution, and in that case, the ICC will have jurisdiction to try the case (assuming that other jurisdictional requirements are met.).

The purpose of the ICC is to be a supplementary forum, available as a back-up for prosecuting war criminals when governments of which they are nationals fail to do so. Thus, the first responsibility for prosecution rests at the national level. Nevertheless, the sheer existence of the ICC will be an active inducement for governments to prosecute their own war criminals using domestic procedures which meet international due process and evidentiary requirements.

There are two major limitations on the jurisdiction of the ICC to prosecute crimes. The first is that the ICC will only have "prospective" (forward-looking) jurisdiction, and no "retroactive" jurisdiction. Thus the ICC is only able to initiate proceedings against persons for conduct committed *after* the entry into force of the treaty. (It is unclear at this point whether "continuing" conduct - i.e., conduct begun before the entry into force of the treaty but continuing beyond that date - would come within the scope of the statute.) Also, there is a "seven-year grace period" provision which allows a state invoking it to exempt its nationals (or any other persons found within the territory of the state in question) from prosecution for a period of seven years after the state has ratified the treaty. Both of these limitations would appear to pose serious obstacles to a contemplated attempt to use the ICC as a venue for initiating criminal proceedings against individual Israelis for their roles in the events of the 1948 *Nakba*, for example.

Israel and the U.S. have both lobbied hard against provisions in the Rome Treaty which classify settlement activity in occupied territory as a "war crime." So far, however, these provisions remain in the statute.

Domestic Fora - "Universal" Jurisdiction for Internationally Recognized Crimes

It is now widely accepted under international law that certain crimes are of such an egregious nature that states are able to prosecute individuals charged with committing them regardless of the nationality of the perpetrator and regardless of the geographical location where the crime was committed. This jurisdictional principle - whereby states are allowed to exceed their normal jurisdictional limits, which usually tend to be restricted to actions concerning their own nationals or occurring within their own territory - is known as "universal jurisdiction."

The way that individual states may choose to codify the procedures for exercising universal jurisdiction over internationally recognized crimes varies widely.

The Case of General Augusto Pinochet of Chile

The effort initiated in 1998 to extradite former Chilean dictator General Augusto Pinochet from England to Spain for criminal prosecution for human rights abuses charged to have been committed under his command - which almost succeeded but for the intervention of Britain's executive branch - has raised international awareness about, and hope for further success in, the possibilities for using domestic national fora to initiate proceedings against individuals charged with having ordered or committed international crimes.

In the Pinochet case, for example, Spanish procedures enabled a Spanish judge, Judge Baltasar Garzon of the Spanish National High Court (Audiencia Nacional), who was investigating human rights violations committed in Chile against Spanish nationals under the Pinochet regime, to file a "commission *rogatoire*" (official petition), pursuant to which Spain filed a formal extradition request with Britain. General Pinochet was temporarily in Britain for medical treatment at the time the extradition request was filed. Three other countries joined Spain in the extradition request - Belgium, Switzerland and France. General Pinochet was arrested in the U.K. on 17 October 1998 pursuant to the extradition request, while its review was pending.

In an important decision, the British House of Lords ruled on 24 March 1999 that General Pinochet did not have immunity from prosecution as a former head of state. It was only due to the objections of Pinochet's attorneys, who requested a medical examination to ascertain Pinochet's health condition, and the intervention of Britain's home secretary, Jack Straw, who decided that he was "minded" not to extradite General Pinochet based upon the medical report, that the extradition request was blocked. Despite requests for further medical examinations received from Belgium, the Chilean government, and the five NGO's participating in the extradition campaign against Pinochet, Mr. Straw remained firm in his decision. General Pinochet was set free and he returned to Chile.

The Pinochet story is not yet over, although the legal battle has moved to the Chilean courts. On 1 December 2000, General Pinochet was indicted in a case involving the "disappearance" and presumed murder of 19 political detainees during the early years of his dictatorship. On 29 January of this year, Pinochet was ordered to be taken into preventive custody in Chile. Chilean courts have tossed out his claim of immunity to suit, which he based upon his status as "Senator for Life" (a category created under the Constitution which was passed during his 17-year-long dictatorship).

At last count, General Pinochet has been named in 215 pending lawsuits in Chile based upon human rights abuses charged to have been committed during his dictatorship.

Thus, the "Pinochet precedent" stands as a landmark groundbreaking example where the principle of "universal jurisdiction" was used to establish that a former head of state could not be held immune to prosecution for international crimes committed under his leadership.

Other Efforts to Obtain Jurisdiction over International Criminals

Efforts are underway to obtain jurisdiction over other international criminals to bring them to justice. One of the most notable is the February 2000 arrest and indictment in Senegal of Hisssein Habre, in what is being termed the "African Pinochet" case. Habre, the former dictator of Chad, has been indicted in Senegal - which prides itself on being the first country in the world to ratify the ICC statute - on charges of torture alleged to have been committed during his regime in Chad. Human Rights Watch played a major

role in working quietly with Chadian human rights groups to gather the evidence in Chad necessary to build a case for indictment against Habre, which was then presented to a Senegalese investigating judge (*Juge d'Instruction*), who subsequently issued the requested indictment. Pursuant to the indictment, Habre has been placed under house arrest in Senegal. Since his presence in Senegal can now be guaranteed, the

work of collecting further evidence against Habre has continued in Chad but can now proceed more openly. It is hoped that Habre will come to trial this year. Habre thus becomes the second former head of state (after Pinochet) to be arrested in another country for human rights crimes.

In a case involving a non-former head of state, French police arrested in July 1999 Mauritanian colonel Ely Ould Dah, who was temporarily in France to study at a French military school, on the basis of two eyewitnesses present in France who charged him with torture.

In addition, several European countries -

including Belgium, Denmark, France, Germany, the Netherlands and Switzerland - have initiated or completed prosecutions of persons charged with complicity in international crimes in either the former Yugoslavia or Rwanda.

Earlier this year, Mexico decided to extradite Argentine former naval captain Ricardo Miguel Cavallo to Spain, to face charges of genocide, terrorism and torture. In December 2000, a judge in Paraguay issued a request for the arrest and extradition from Brazil of former Paraguayan dictator General Alfredo Stroessner, who is charged of orchestrating numerous rights abuses during his 35-year authoritarian rule of Paraguay. The same judge also issued a request to Honduras for the extradition of former

"Modern international criminal prosecution efforts will continue to demonstrate that personal responsibility for war crimes and crimes against humanity can find its proper place as a measure by which to promote peace and ensure an appropriate balance between security and liberty.[...]

The criminal sanction serves to affirm a shared preference for law-abiding conduct, which then becomes the basis upon which a community of like-minded individuals, or nations, is formed and nurtured. It relies on appetite, and indeed the basic need for belonging.

In that context, it is truly astonishing that powerful perpetrators of atrocities have not only remained unpunished over the years, but that they have not even been ostracized. It is the "them amongst us" that must be addressed through the exposition of their crimes, because as long as they are among us, we are them."

Louise Arbour, former chief prosecutor of the International Criminal Tribunal for the Former Yugoslavia, and current justice of the Canadian Supreme Court, from a speech to the Forum 21 conference in Deauville, France (March 2001)

International Herald Tribune, 5 April 2001

Paraguayan Minister of the Interior Sabino Augusto Montanaro, who is charged with having assisted Stroessner in carrying out the abuses.

In order to increase their ability to gain domestic jurisdiction over international criminals, states continue to revise their domestic procedures to make it easier to obtain "universal jurisdiction" over suspects located even temporarily within their territory. In Belgium, legal changes were recently instituted to make it possible to obtain jurisdiction over individuals located even temporarily in Belgium who are suspected of having committed international crimes in Rwanda. In France, the concept of head of state immunity is currently under review to determine whether it should be waived in cases of sitting heads of state who are charged with having committed or having ordered international crimes.

U.S. Statutes Providing for Jurisdiction Over International Criminals

The United States has enacted various statutes over the years which have expanded traditional concepts of domestic jurisdiction to include non-national defendants and/or behavior conducted outside U.S. territory. These statutes include the Alien Tort Claims Act and the Torture Victim Protection Act. In addition, manufacturers' liability cases have expanded U.S. tort law to impute liability to corporations where they sell products abroad knowing that they will be used to harm third parties.

In the U.S., military courts are responsible for trying military personnel charged with violating the laws of war. In 1973, in the case of *United States v. Calley*, an American soldier was convicted of murdering civilians in My Lai village during the Vietnam War.

Israel's Exercise of Universal Jurisdiction

In the early 1960s, Israel kidnapped Adolf Eichmann and brought him back to Israel to stand trial for crimes against humanity committed during the Nazi holocaust. Eichmann was found guilty in 1961 and executed by Israel, in the only case of judicially-sanctioned killing carried out by

Israel, which officially does not have the death penalty.(1)

Jurisdiction for Israel to conduct the kidnapping and the trial was said to rest upon the principle of "universal jurisdiction," i.e., that the crimes of which Eichmann was accused were so egregious that Israel was said to have jurisdiction over them even though Israel did not yet exist as a state at the time that the crimes were committed and therefore the crimes could not be said to have been committed against Israeli nationals or on Israeli territory.

Similarly, in 1985, Israel succeeded in having John Demjanjuk extradited from the U.S. to stand trial for crimes also charged to have been committed during World War II. Demjanjuk was initially tried, convicted and sentenced to death on the charges. However, he was later released on grounds that the evidence was insufficient to prove his guilt. Nevertheless, Israel based its claim for jurisdiction to try Demjanjuk on the principle of "universal jurisdiction."

Historical Precedents for Prosecution of War Criminals

Apart from seeking to obtain domestic jurisdiction over international criminals through extradition (or skipping extradition and just kidnapping them, as in the case of Israel's 1960s kidnapping of Eichmann or the U.S.'s 1990 kidnapping of Mexican national Humberto Alvarez-Machain, in a more recent case), the other main way of obtaining jurisdiction over defendants is through international *ad hoc* criminal tribunals established by the international community with specific bases of jurisdiction.

Prominent examples include, of course, the International Military Tribunal at Nuremberg, established by the Charter of London promulgated by the Allies in 1945 after World War II, and the International Military Tribunal for the Far East, established by U.S. military order in Tokyo, also following World War II.

Currently two special international tribunals are operating under U.N. auspices: the International Criminal Tribunal for the former Yugoslavia, and the International Criminal

Tribunal for Rwanda. The conflicts in both the former Yugoslavia and Rwanda are generally viewed to have been primarily internal conflicts, although they did take on international aspects.

In addition, the UN Security Council in August of 2000 approved the establishment of a special tribunal for Sierra Leone to prosecute crimes against humanity, war crimes and other serious violations of international humanitarian law. The conflict in Sierra Leone is also viewed as having been largely an internal conflict.

International criminal tribunals have also been proposed for the conflicts which occurred in East Timor, Cambodia and in Zaire (regarding treatment of Hutus). However, the required international political consensus necessary for the establishment of the proposed tribunals has not yet been achieved.■

Notes:

(1) Israel is widely viewed as having practiced extra-judicial killings on a routine basis for as long as it has existed as a state. Prior to that, such extra-judicial killings of Palestinians (and persons of other nationalities) were carried out by Zionist para-military forces, the responsibility for whose actions Israel has inherited through the law of state responsibility. As a recent example of Israel's widespread practice of extra-judicial killing, Israeli officials were quoted in a series of articles written by Deborah Sontage for *The New York Times* following the outset of the *al-Aqsa intifada* as unapologetically acknowledging an official Israeli assassination campaign conducted against suspected Palestinians resistance fighters and political leaders.

Sources for Further Information about International Criminal Prosecutions

Human Rights Watch released in early March 2001 an excellent report on universal jurisdiction and its application in various national jurisdictions world-wide which is available on the internet. It is titled *The Pinochet Precedent: How Victims Can Pursue Human Rights Criminals Abroad* and is available at <http://www.hrw.org/campaigns/chile98/precedent.htm>.

Another possible source of information is the "War Crimes Research Office," which operates as a subsidiary of American University's Washington College of Law. The Washington College of Law is holding a conference titled "The Pinochet Precedent: Individual Accountability for International Crimes," held on 26 March 2001 in Washington, D.C.



For information see www.wcl.american.edu/secl

For information on the International Criminal Court see, the UN website, www.un.org/law/icc/index.html

For information on the International Criminal Tribunal for the former Yugoslavia see, www.un.org/icty/index.html

For information on the International Criminal Tribunal for Rwanda see, www.ict.rw

Seven Day Horror

How the Sabra/Shatila Massacre was Buried with the Victims

by Rosemary Sayigh

The obscenity of the massacre, its sadistic details, the surrealist landscape of sun-bloated bodies and bulldozed buildings - all this tended to block out in Western media coverage less visible evidence of careful logistical planning. Once journalists succeeded in penetrating the massacre area, their detailed reporting and photography at first horrified but then 'naturalized' the episode in familiar Western stereotypes of Arabs - 'revenge', 'hate', 'primitive brutality'. Massacre photos took on a strange transhistoricity as they were used over and over again by Western media, as if these contorted and swollen bodies had never really lived. Though journalists on the spot quickly found evidence of cooperation between the Israelis outside the camp and the Lebanese militiamen inside, and although they wrote about it, the image that lasted was of a kind of natural disaster. As an American journalist with whom I visited the massacre scene remarked, "These things happen in war". But of course such events don't just happen, they are produced.

Western journalists mostly failed to note signs of IDF advance before the assassination of Bashir Gemayel on September 14: moves towards the Kuwaiti Embassy from 3 September; the sniper-killing of a UN officer who photographed the advance; and Sharon's announcement on September 11 that '2000 terrorists' remained in Sabra/Shatila. Sharon and Bashir Gemayel were in continual contact between June and mid-September, and how to remove the Palestinians from Beirut is known to have been on their agenda. Several sources say there was a meeting at Bikfaya on the night of September 12/13 at which "the two men agreed on joint short- and long-term plans of action: Sometime toward the end of the month, Israel

and the Lebanese Christians were to uproot the remaining 'terrorist' presence in West Beirut. Later, Bashir and Israel would sign a full bilateral peace agreement".⁽¹⁾ After Bashir's assassination, Sharon decided to go ahead with the plan, using the Lebanese Forces under Hobeika to carry out the cleansing operation.

The subsequent massacre horror drew the media from all over the world, evoking reportages that won prizes for meticulous investigation. But - as always - media interest quickly declined, and was not sustained by Palestinian or Arab information campaigns, nor by formal accusations of war crimes. There was no official Arab attempt to register all the victims, or to call for a war crimes tribunal. From Damascus, Yasser Arafat accused

American emissary Habib, who had guaranteed the safety of civilian Palestinians, of bad faith, but nowhere was the PLO's absence so strikingly demonstrated as in the massacre site. Whereas from 1969 until this moment, after every Israeli or Lebanese attack on the camps, the PLO had been there to rebuild, help the wounded, honour the dead and indemnify the living now, in the aftermath of the massacre, it appeared totally impotent. Shatila and its surrounding quarters offered a scene of desolation and chaos, filled with the smell of death, weeping women cursing the Arab governments, media people searching for witnesses, bodies and burial teams.⁽²⁾ Bulldozers with clear Hebrew markings, brought in to demolish housing over bodies, stood like silent witnesses. Among organizations burying the dead were the International and Lebanese Red Crosses, and the Civil Defence. Body counts between them varied. As for the mass graves, there were many apart from the large one at the crossing of Abu Hassan Salameh Street and the

Once journalists succeeded in penetrating the massacre area, their detailed reporting and photography at first horrified but then 'naturalized' the episode in familiar Western stereotypes of Arabs - 'revenge', 'hate', 'primitive brutality'. Massacre photos took on a strange transhistoricity as they were used over and over again by Western media, as if these contorted and swollen bodies had never really lived.

Airport Boulevard where, later, Palestinians were prevented from raising a monument. The Lebanese Army, now reinstated around the camp, stopped people from approaching others near the Kuwaiti Embassy, the Golf Course, and the Sports City. (There may be another near Sidon.) Many families removed bodies for proper burial, many survivors left the area altogether. But the biggest obstacle to a complete count of victims was that many people, mainly men, were removed in trucks, never to return. In such conditions it was impossible to reach an accurate count of the dead and the missing.⁽³⁾

More important reasons why the total number of victims will never be known are: i) neither the Israelis nor the Lebanese had an interest in producing an accurate count; ii) the massacre didn't end on September 18, 1982 at 10am, as in most accounts, but continued in piece-meal fashion throughout West Beirut and the South in individual assassinations and kidnappings, until the domination of the Christian militias was broken in February 1984. This pogrom was carried out by anti-Palestinian militias free to move into areas from which they had been excluded up to 1982. In parallel fashion, the Lebanese Army (re-structured to ensure Kata'eb dominance) undertook a mass arrest campaign of Palestinians, men and women, as well as deportations of foreigners working with the Palestinians.

An examination of *Newsweek's* coverage of the massacre is revealing as an example of how Western media highlighted its macabre aspects but buried its political and legal implications. Its September 27, 1982 issue (more than a week after massacre news was carried by the wire services) has a cover picture of Grace Kelly with a small patch headline: "Massacre in Beirut". Inside is a 2-page article illustrated with body photographs, and one of an Israeli soldier captioned "A horrid mistake". An Israeli official is quoted as saying "We should get some credit (for



The victims of Sabra and Shatilla (Photo: *Sabra/Shatilla in the Memory*, Dar el-Janub Publications, 1983)

stopping the massacre) even if it was a little late". The massacre article is followed by an article on the Nazi holocaust. In the next *Newsweek* (October 4) the lead article is titled "Israel in Torment: A Time of Reckoning"; a sub-title sets the leitmotif for future recall, "*Bodies in Beirut: Protest in Israel*". While local correspondent Ray Wilkinson does an excellent job of reporting (including evidence of Israeli-Lebanese Forces cooperation), the editorializing refocuses attention to Israel with titles like "The troubled soul of Israel", translating the massacre from a crime into an internal Israeli problem. After this, *Newsweek* forgets the massacre until December 6: "Israel: the Massacre Enquiry" (leaks from the Kahan Commission aimed at Sharon); January 3, 1983: a stock massacre body picture has been chosen as one of the 'Images of '82'; and February 21 ("Sharon Takes the Rap"). Here the cover shows a photo portrait of Sharon superimposed on part of a body picture. Inside, the Kahan Commission

Report is praised as "a brave and meticulous accounting of Israel's role in the Beirut massacre" and contrasted with "the moral indifference of Lebanon". *Newsweek's* moral concern is well illustrated by its casual acceptance of a massacre death toll as "700 or more".

Investigations, Official & Unofficial

As necessary as the bulldozers to bury the bodies were the official enquiries to bury the massacre itself, consigning it to history, and making sure that its perpetrators would not be brought to justice. There were two official investigations, Israeli and Lebanese. Established reluctantly by Begin (himself a participant in the Deir Yassin massacre of April 9, 1948), the Kahan Commission's main objective was to pacify Israelis outraged by the massacres, and to impress American public opinion. It salvaged Begin by blaming Sharon whom it judged guilty of 'indirect responsibility' through negligence. However, the Kahan Report stopped short of accusing Sharon of intentionally introducing the Lebanese Forces into the camps to carry out a massacre, and did not question the truth of Sharon's claim that '2000 terrorists' had remained in the camp. It did not probe the prior relations between the Israeli Army and the massacre perpetrators, some of whom are known to have received training in Israel. It also furthered Israel's Lebanon policy by singling out the Phalange for blame and exonerating Haddad's militia in spite of eye-witness and journalistic evidence that Haddadists were there. Further, certain evidence submitted to the Commission was classified as 'secret' (Appendix B), and remains so up to today. According to *Newsweek* (February 21, 1983) the 10-page annex was thought to contain details of Israel's relations with the Kata'eb, perhaps also Mossad's notes on a meeting between Sharon, Amin and Pierre Gemayel the day before the massacre began (September 15). Perhaps a more basic problem with the Report is that by focusing on the Sabra/Shatila episode, which it aimed to 'close' by forcing Sharon to resign, the Kahan Commission deflected attention from the 1982 invasion as a whole, which not only lacked justification but included war crimes such as the bombing of civilian shelters, the use of forbidden weapons,

and torture of detainees. The Kahan findings thus also corresponded to US policy needs: to close a 'regrettable episode'.

Military Prosecutor Assad Germanos was put in charge of the official Lebanese investigation. On January 5, 1983, the Lebanese press reported that Germanos had made two or three visits to Sabra/Shatila, and that his report was expected to be ready in March or April.⁽⁴⁾ In August 1983 the Kata'eb news agency al-Markazieh said that the report "had cleared the Kata'eb of any involvement and that there would be no prosecutions".⁽⁵⁾ The Germanos report was never published. Given the identity of the massacre perpetrators, no other outcome was likely.

Besides these, there were two independent international investigations, the International Commission of Enquiry (ICE) chaired by Sean MacBride, and the Nordic Commission, organized by the Palestinafronten and EAFORD.⁽⁶⁾ Both held hearings in Oslo late in 1982. The ICE report differed from the Kahan Commission Report in several crucial ways. It examined the total conduct of the war, not just the Sabra/Shatila massacres, and judged it as warranting a war crimes tribunal along Nuremberg lines. It underlined Israeli responsibility under the Geneva Conventions as the 'occupying power' totally controlling the area where the massacres took place, and pokes holes in Israeli claims of non-complicity, presenting evidence of the presence of Israelis inside the camps' area.⁽⁷⁾ It also affirms the overwhelmingly civilian nature of the residents of the area on the eve of the massacre and concludes with charges against Israel of intention, assistance and control. Another, less well-known investigation was the Nordic Commission whose report includes eye-witness testimonies. Unlike the Kahan Commission Report, which was widely praised in American media and reprinted in the *New York Times*, the ICE and Nordic Commission Reports were hardly noticed in the Western media. Neither of the two independent investigations became the basis of a Hague-style war crimes tribunal even though Israeli war crimes in Lebanon far surpassed anything that Milosovic is accused of today.

Amnon Kapeliouk's reconstruction of the three days of the massacre and the two days following it is a 'quickie' aimed at rapid

publication, but is valuable because done by a journalist on the spot who had access both the IDF and survivors from the camps. His account confirms what *Newsweek* reporter Ray Wilkinson also says, that ordinary soldiers reported having informed their superior officers of a massacre as early as Thursday, the day the killing began. Kapeliouk's book appeared in Hebrew, French and English, and was well reviewed.⁽⁸⁾ It remains probably the most widely read account of the massacre.

Palestinian Investigations

Almost unknown to the world are three Palestinian investigations. Though carried out by activists and researchers connected to the national movement, they were not called for or financed by the PLO. The one I first became aware of, soon after the massacre, during visits to Shatila, was being carried out by local members of the General Union of Palestinian Women. What happened to this exemplifies the obstacles that Palestinians faced between September 1982 and February 1984 in carrying out any kind of organized work. The volunteers filling out the forms were often stopped and questioned by the Army. Eventually other urgent tasks such as distributing aid to the homeless took priority over registering massacre victims. The documents that had been collected were finally destroyed, either in the Battle of the Camps (beginning in May 1985), or when the Army threw GUPW archives onto the street during one of its searches in Fakhany, West Beirut. None of those who helped with this work have any documents today.

Among national institutions that persisted after the evacuation of the PLO fighters was the Palestine Research Centre, looted by the IDF during their invasion of West Beirut. Its director, Sabry Jiryis, together with head archivist Jaber Suleiman set about restoring the archive collection that the IDF had looted. Another researcher present in the PRC at that time recruited colleagues and local Shatila people to carry out an investigation of the massacre. Their aims were to reconstruct exactly what had happened through eye-witness accounts, and to register the killed and missing. They interviewed more than 120 witnesses before being forced to stop by the blowing up of the Research Centre on

February 5, 1983. After the explosion, most PRC employees were arrested and deported. There are different accounts of what happened to the Centre's documents. Some say they were destroyed in the explosion, some that the Army trucked them away, others that Jiryis managed to salvage some, taking them with him into another exile.

The initiators of the PRC massacre investigation managed to publish their preliminary results in two issues of *Shu'oon Filastiniyyeh* (numbers 132/133 1982, no 138, 1983). In the first of these, the researchers give nineteen brief eye-witness accounts. Full names are not disclosed, though age, occupation and residence are given. From the answers it appears that these researchers were mainly concerned to establish the identity of the massacre perpetrators, whether through their uniforms, insignia and accent. Eye-witness evidence corroborates journalists' reports that Haddad's men took part in the massacre. Several witnesses claimed that there were 'Jews' (i.e. Israelis) among the attackers, for example one woman said, "I knew...from his poor Arabic accent". Another described a commander speaking to the (attacking) fighters: "His Arabic was poor. He was tall and blond, an Israeli". I heard similar evidence from massacre survivors when I began fieldwork in Shatila (October 1982). It is worth noting that none of the other investigations - Israeli, Lebanese, or international - recorded local witnesses.

Of special interest is an account in English written by a Palestinian from Shatila who was present during the massacre, and who attempted with a handful of comrades to resist the attackers.⁽⁹⁾ His accounts convey the horror from the inside, how no one knew what was happening, his efforts to convey the wounded to hospital, his grief for dead friends, his rescue - almost too late - of his own family. In a surrealist episode, an Israeli officer addresses men gathered in the Sports Stadium, after the ending of the killing, telling them that the Israelis have come "to prevent any massacre". Eyewitnesses said that men indicated by a hooded informer were led away and never reappeared.

Another investigation was directed by Palestinian scholar Bayan al-Hout with a team of field-workers, beginning towards the end of 1982. In 1985 Dr. Bayan presented part of her findings

to a conference held by the International Commission of Enquiry into Israeli Crimes Against the Lebanese and Palestinian Peoples, in Bonn. Dr. Bayan withheld her paper from publication pending further data analysis. She estimates that her investigation succeeded in registering most of the killed but not all the missing.

The Fate of the Survivors

Visiting Shatila after the massacre, I was struck by the energy with which people - mainly women - were rebuilding their homes before the winter. Children were being registered in school, the wounded and sick were being taken for treatment. Schools and clinics were working at top speed to restore normality. One of the survivors I got to know that first winter was Umm Nabil, who I found rebuilding her home with her own hands, with her three small children (under five) dozing in a pram. Their home was on one of the main paths the attackers had taken to enter the camp area. They left early on Thursday because of the shelling, but Umm Nabil's husband went back to retrieve milk powder for two-month old Nabil. She found his body later in the jaws of a bulldozer. In the spring of 1983, her rebuilt home was bulldozed by a Lebanese Army unit, and Umm Nabil was forced to move into a building that the PLO had built as a school. There she still is today.

Beit Atfal al-Summood, originally established by the Women's Union to care for the orphans of Tal al-Za'ter, took charge of orphans from this second massacre after it returned to Beirut in 1984. Beit Atfal is not an orphanage in the Western sense and since 1984, it has evolved into a multi-activity NGO, among whose activities is the support of orphans and their natural families, including sponsorships, visits, help with education and training. Renamed the National Institution for Social Care and Vocational Training, it has helped raise seventeen massacre orphans. This is certainly not a complete register. It would take resources and time to trace all the children whom journalists or medical personnel found in the massacre aftermath without parents. For example *Newsweek's* Ray Wilkinson found an 11-year old boy, Milad Farouk, whose father, mother and brother had been killed. Jack Redden,

an UPI reporter told the MacBride Commission of finding a 13-year old girl who was the only survivor of her family.⁽¹⁰⁾ During the winter of 1982, I photographed a boy of about eight years old pushing a cart loaded with water containers. People told me he had lost his parents, and was earning money to support younger siblings. What has happened to these child survivors? There's no quick answer.

On March 8, 2001, Al-Jazira TV reached the massacre episode in its current series on the Lebanese Civil war, showing a long interview with Suad Srour and her brother Maher. Suad was both victim and survivor of the massacre, and has attained fame by attending events like the Women's Court (1996, Beirut) and the Beijing Conference, in spite of semi-paralysis caused by five bullets, one of which is still lodged in her spine. Her father, three brothers and two sisters were shot dead with her; only her mother, one brother and one sister remain. The story of Suad's rehabilitation and activities as member of a cooperative for handicapped people is one of amazing courage and persistence, especially that she was subjected to rape by the Lebanese Forces at one of their checkpoints while being transported in a Red Crescent ambulance for treatment abroad. There has been no gradual forgetting for this family which was recently forced to return to the house in the Horsh where their massacre took place. Suad admits to the need for psychiatric counselling and pills to help her sleep. The bullet in her spine ought to be removed.

Between Shatila camp and the Airport Boulevard, Horsh (the forest) is an area where Palestinian and Lebanese displaced by fighting in the South built 'squatter' homes. Horsh was one of the centres of the slaughter. Until recently, Palestinians were prevented from returning there, since the area is politically dominated by the Amal movement. Palestinians forced to return through lack of alternative housing feel threatened by their neighbours, and sometimes resort to Syrian 'protection'. Among massacre victims in Horsh, I found Samiha Hijazi. She lost her newly married daughter and son-in-law in the massacre. A widow of 50 plus, with severely swollen legs caused by shrapnel wounds during the war of 1975/76, Samiha is forced to work for a living as a cleaner in a not-so-close school.



Shatila Refugee Camp in 1998
(Photo: Gerhard Pulfer/BADIL)

Lebanese by nationality, she was cut off by her family for marrying a Palestinian. During the Battle of the Camps, Amal militiamen vented their anger against her by killing her only son. The apartment she lives in is not her own, and when its owner returns she will have to find somewhere else to live.

These are only three out of hundreds of massacre survivors, many of whom still live in Beirut's poorly serviced southern suburbs. No committee has emerged to represent people such as Umm Nabil, Suad or Samiha, or to lobby for their indemnification. If Suad were Bosnian, she would have some hope that her attackers would be arraigned before the Hague tribunal, but up to now neither the Palestinian authority nor the Lebanese state appears about to embark on such a course. Moreover Shatila people's lives today are even more impoverished and insecure than they were in 1982. To visit the area today is to be shocked by the total absence of improvement. Instead you find a community flayed by unemployment, a degraded habitat, declining services, and an unknown future - in short massacre by other means.

What Happened to the Attackers?

The memoirs of Robert Hatem, nicknamed 'the Cobra', bodyguard to Lebanese Forces commander Elie Hobeika, are neither honest nor history.⁽¹¹⁾ His intent to exonerate Sharon of guilt for the massacre points to Israel or the Lebanese lobby in Washington as probable initiators. The Association for a Free Lebanon cooperates closely with Israel, and Hatem's book concludes with an appeal to Lebanese Christians to side

with Israel against Syria. Though far from a 'true account' of the massacre, Hatem's book has certain details that were not widely known earlier, for example the names of the leaders of some of the killer units: Joseph Asmar, Michel Zouein, George Melco, Maroun Mashaalani. He also names the LF leaders who "arrived to inspect the butchery" - Fadi Frem, Fuad Abi Nader (both subsequently became LF commanders), Steve Nakkour, Elie Hobeika. Hobeika is quoted as giving the order "Total extermination...camps wiped out". Sharon is quoted as telling the unit leaders that there must be no attacks against civilians. Haddad's militia are not mentioned - another sign of Israeli influence.

What is most interesting in Hatem's book is the picture he gives of the in-fighting and break-up of the Lebanese Forces after Bashir Gemayel's death, as well as the sordid deals and thefts through which some of them - in particular Elie Hobeika - became immensely wealthy. Hatem gives a clue to the current situation of ordinary Lebanese Forces fighters when he says, "I am sorry...to bring up such sordid details but I have to do justice to the militiamen who... never asked for payment or consideration. (Today) they live in fear and poverty..." He complains that men like himself are forced to survive on \$400 a month, and live in constant fear of arrest. By switching fealty from Israel to Syria, Hobeika betrayed the Christian community and honest patriots like himself. Hatem ends his book by urging the Lebanese to reverse this choice.

Christian disillusion with the militias of course preceded Hatem's revelations, going back to the battles and assassinations of the eighties. It was then that the militias began to be discredited in their heartland, talked of as 'Mafia' and drug-pushers rather than as heroes. In today's Lebanon, no one would boast of having taken part in the massacre, as several militiamen did to foreign journalists at the time. Probably many have taken Hatem's road to exile. Yet elements loyal to Bashir Gemayal or to Samir Geagea are still active in Lebanon; though dissolved, the Lebanese Forces form a vocal part of the opposition to the present regime.

Of course Hobeika himself is still here. Since the end of the Lebanese civil war, he has been minister in three governments, once with Omar Karameh, twice with Hariri, responsible by

turn for Social Affairs, Electrical and Hydraulic Resources, and Displaced Persons. However in the last parliamentary elections he failed to be elected, and has no place in the present government. A "Middle East Intelligence Bulletin" posted on internet by the US Committee for a Free Lebanon notes that last year (February 2000) state prosecutor Addoum opened the dossier of the 1984 assassination attempt against Dr. Salim al-Hoss, in which Hobeika was thought to be implicated. Nothing has come of this case so far but without any real constituency his power days may be nearing their end.

No Justice, No Indemnities

In conclusion, it must be asked why the perpetrators of one of the most brutal massacres of the 20th century have never been brought to trial? And why have the relatives of the victims not received justice or compensation? It has to be admitted that no official Arab entity - PLO, Arab governments, Arab human rights associations - took any step to pursue the matter. Some would say in defence of the PLO that it was too beset by other problems in the aftermath of the invasion to take any legal steps, but a more basic reason is that the PLO never worked seriously on legal aspects of the Palestinian cause, and had little knowledge of international law. Even the many Lebanese victims were ignored by Amin Gemayel's government, not surprisingly given its sectarian colouring. The Arab governments were only concerned to pursue illusory United States' initiatives such as the 'Reagan plan'. Arab human rights groups at that time were still in their infancy. Another crucial factor is that the Arab media in 1982 were much less developed than today, and their coverage of the massacre was not strong enough to create Arab public pressure on governments to take action. Ultimately, however, it was the hierarchy within the international order that made it impossible for a war crimes tribunal like Nuremburg to be held. Without the backing of a strong state, appeals like those of the Independent International Commission got nowhere. Eastern bloc governments and progressive lawyers campaigned to throw light on the massacre but no Western government did more than condemn and forget it.

28 March 2001

The local community did not forget its victims. On the 40th day after the massacre there was a march - mainly by women - to the best-known of the mass graves. The Lebanese Army harassed them and detained several of the leaders. There were also attempts to clean up and fence the area, and the Japanese photographer Riyuchi Hirowaki designed a monument to the victims. But the site of the mass graves lies in the Horsh, far from Shatila camp, so that for many years commemoration marches had to stay within the confines of the camp. In 1998, however, there was a candle-light procession, while last September a large march took place, in which several Lebanese parties and a substantial Italian delegation participated. There are plans to create a permanent memorial at this site. As the Armenian campaign for recognition of their holocaust reminds us, war crimes will never be fully buried as long as a 'people' lives. ■

Notes:

- (1) Benny Morris, *The Righteous Victims*. (New York: Knopf, 1999), p. 540. Morris does not give a source for the 'Bikfaya agreement' which suggests that he had access to Mossad records.
- (2) There are many excellent descriptions, e.g. Jean Genet, "Four Hours in Shatila," *The Journal of Palestine Studies*, vol. XXII (3), Spring 1983; and Robert Fisk in *Pity the Nation* (London: Deutsch, 1990).
- (3) An article in *Shu'oon Filastiniyyeh* "Sabra and Shatila Massacres: The Results of the Research" (Arabic) lists approximate totals give by the International Red Cross (around 1,000); Israeli Intelligence (700 to 800); Arafat (3,200). The international Commission of Enquiry's estimate was 2,750.
- (4) Chronology, *Journal of Palestine Studies*, no. 47, Spring 1983, p. 151.
- (5) Tabitha Petran, *The Struggle Over Lebanon*. (New York: Monthly Review Press, 1987), p. 289.
- (6) Sean MacBride et. al *Israel in Lebanon* (London: Ithaca Press, 1983); EAFORD, *Witness of War Crimes in Lebanon: Testimony Given to the Nordic Commission* (London: Ithaca Press, 1983). (NB: EAFORD stands for the International Commission for the Elimination of All Forms of Racial Discrimination.)
- (7) These included IDF food rations, the ID tag of IDF sergeant Benny Chaim, a pass written in Hebrew allowing a doctor to transit the area, the Israeli bulldozers, and the use of IDF units to prevent residents leaving: see *Israel in Lebanon*, p. 177-18.
- (8) Amnon Kapeliouk, *Sabra et Chatila: Enquete sur un massacre* (Paris: Seuil, 1982).
- (9) Zakaria al-Shaikh, "Sabra and Shatila 1982: Resisting the Massacre," *Journal of Palestine Studies*, vol. XIV (1), Fall 1984.
- (10) *Israel in Lebanon*, Appendix V: Selected Testimony.
- (11) Robert Hatem, *From Israel to Damascus* (Pride Publications, US), banned in Lebanon but available on the internet.

Refugee Assistance



The heavy demand on UNRWA services in the occupied West Bank and Gaza Strip, including emergency services, comes at a time when the Agency continues to face chronic deficit

problems that affect all areas of its operations. In February 2001, the Agency warned that it expected its regular budget to be around \$65 million for 2000. In 1999-2000, seven of the top 13 donor countries who account for over 90 percent of the Agency's budget (regular & project) in 1999 met the 5 percent annual increase necessary to keep pace

with the expanding refugee population. If one uses 1950 as the standard base for the 5 percent increase per annum, however, none of UNRWA's donor countries have kept pace with necessary annual increases.

The drastic increase in assistance required for Palestinian refugees since the beginning of the *al-Aqsa intifada* has necessitated several emergency appeals by UNRWA to the international community totaling more than a quarter of the Agency's regular 2000 budget and two thirds of the entire regular budget for the West Bank and Gaza Strip for the same period. To date, UNRWA has requested an additional \$80 million from the international community. The largest individual donor to date is the Netherlands which contributed more than US \$13 million to the November Emergency Appeal, nearly US \$3 million more than the Netherlands' regular and project budget contributions in 1999. The European Union has contributed a similar amount.

Emergency donations, however, have not only come from international donors. Palestinian refugees in Syria and Syrian nationals have raised substantial funds for UNRWA's emergency

assistance program. In October 2000, shortly after the outbreak of the *al-Aqsa intifada*,

Palestinian staff at UNRWA operations in Syria decided to donate a day of their salary to help refugees in the West Bank and Gaza Strip, leading to the development of the "Hand in Hand Initiative." In January 2001 proceeds totaling some \$500,000 were presented to UNRWA at the Agency's Sarafand school in Yarmouk

"I do not think that [the] question [of the number of refugees who are willing to go or to come back or not willing to come back] can reasonably be asked to the refugees, unless the refugees have a real choice. If you are asked whether you would give up your rights, I think the answer is very predictable: you will say no. If you are faced with a real choice, maybe you have something to think about. But as long as there is no real choice for refugees, nobody should expect to have a precise answer to that question."

Peter Hansen, UNRWA Commissioner-General
Press Interview, 24 January 2001 (www.unrwa.org)

Damascus. In addition to cash, donations included an inlaid Damascene box containing two gold bracelets and a gold necklace, prayer beads, two bonbons given by a small child, and four wedding rings.

Emergency funds have been used to cover emergency food assistance comprising basic food commodities such as flour, rice, lentils, sugar, whole milk and cooking oil. As of 7 January 2001, 85 percent of the refugee population the West Bank and Gaza Strip were receiving emergency food assistance from UNRWA. This includes some 127,500 families in Gaza and 120,000 families in the West Bank but excludes families registered with the Agency as Special Hardship Cases, those having at least one family member employed by UNRWA, refugee women married to local residents and families with members in high-ranking positions in the Palestinian Authority. In the latter part of January 2001 UNRWA reported that rations were also being distributed to refugee women married to non-refugee spouses. It is not clear whether this is a change in policy or a temporary *ad hoc* measure.

Funds have also been used for medical

Outside the emergency food distribution centre in the Gaza Strip (UNRWA Photo: Adnan Abu Hasna)



supplies, equipment, and services such as mobile medical teams, physiotherapy and prosthetic devices. For the first time UNRWA is also providing psychological support and counseling services for traumatized Palestinian refugee children. In the West Bank it is estimated that UNRWA will have to assist some 1,500 permanently injured refugees with rehabilitation. By the spring of 2001 Refugees' demand for drugs and emergency supplies in the West Bank increased by some 45% over normal conditions. Four mobile medical clinics have provided services to over 22,000 refugees unable to reach UNRWA facilities due to Israel's military closure. In Gaza two mobile teams have treated 1,200 injured refugees since October 2000.

UNRWA also hopes to develop self-learning material and distance learning modules in addition to offering additional classes to compensate for lost time at school due to restrictions on freedom of movement. More than 80 UNRWA schools have been provided with first aid kits.

The Agency has further provided emergency cash assistance to compensate refugee families who lost their income or whose shelters were bulldozed or destroyed by Israeli shelling. Since the beginning of the crisis UNRWA has distributed selective cash assistance to compensation for lost income to 822 families in Gaza. This includes 98 families who lost their breadwinner, 75 families whose breadwinners

sustained serious injuries, relocation fees to 610 families forced to vacate their homes as a result of shelling, 39 families with pressing emergency cash requirements. Emergency appeals have also been used to cover temporary job creation programs.

Implementation of UNRWA's emergency assistance program, however, continues to be delayed and obstructed by Israeli restrictions on the entry of humanitarian goods into Gaza while closure and roadblocks have hindered the movement of UNRWA personnel. UNRWA has been unable to transport medical supplies including an x-ray machine, 13 steam sterilizers, 182 sphygmomanometers, physiotherapy equipment, spare parts and instruments, 4 fetal heart detectors, and 6 wheel stretchers from the West Bank to Gaza. Agency supplies and goods passing through Karni checkpoint between Israel and Gaza have been stopped for a prolonged period, as the Israeli government has insisted that UNRWA's humanitarian goods are subject to fees and security checks in violation of UN privileges and immunities.

The denial of humanitarian access has always prevented UNRWA staff from carrying out their responsibilities. On 15 January alone 769 UNRWA staff were turned back at Israeli roadblocks in Gaza and could not report to work. During the first two weeks in January some 176 UNRWA staff in the West Bank were turned back at checkpoints and unable to report to work.

On 14 January, 410 UNRWA teachers as well as 45 UNRWA instructors could not reach the Agency's schools and in the West Bank 20 teachers were prevented from reaching the Agency's school in Nablus for three days (7-9 January) leaving 680 students unable to sit for their mid-year exam.

* This report is based on UNRWA Emergency Progress reports available on the UNRWA website.



Check the UNRWA website for more details on UNRWA assistance and current emergency programs, www.unrwa.org



UNRWA emergency food distribution (UNRWA Photo: Adnan Abu Hasna)

Top 13 Emergency Donor Contributions to UNRWA

4 October 2000 Flash Appeal and 8 November Emergency Appeal
(Includes Value of In-Kind Contributions)

Donor Country	Received (US\$)	Outstanding (US\$) 31-01-01
Netherlands	13,624,004	13,624,004
ECHO	13,413,768	13,361,878
UK	7,142,857	
Italy	1,441,677	1,441,677
Denmark	1,042,337	
Switzerland	765,754	
Hand in Hand, Syria	552,209	
Norway	536,481	
Canada	495,979	
Spain	453,135	433,135
Sweden	308,828	209,424
USA	300,000	
Ireland	265,510	

Example of Losses Due to Denial of Humanitarian Access

Some 73 containers of flour for Gaza were delayed in Ashdod port for over one month, at a cost of US\$ 61,000 in storage fees;

Some 25 containers of rice for Gaza were delayed for 1.5 month at Ashdod port at a cost of US\$ 38,000;

An additional 7 containers of whole milk were delayed due to prolonged security checks, at a cost of US\$5,500;

And 51 containers of flour for the West Bank were delayed at Ashdod port at a cost of US\$43,000.



Emergency employment program (UNRWA Photo: Nasser Jarallah)

Refugee Voices

Palestinian Kids Express Their Anger and Frustration to UN Officials

from A'idoun Lebanon

"We feel helpless, we need to do something to support our friends in Palestine," said a young person from Shatila, expressing his anger at pictures portraying the deaths of Palestinian children in the *Intifada*. "What shall we do? Go demonstrate? We have been demonstrating for months but our voice was not heard!"

"We are just wasting our time," replied another. "We need to do something that makes our cries heard," said another. "We need to have answers to our questions about the reasons the world is not moving to save us and about the injustices falling upon us as Palestinian refugees."

The idea came up of presenting a letter to UN offices, in order to remind them of their responsibilities towards Palestinian children. Before writing, the young people were asked what they wanted to include in the letter. They started to list a series of questions, while talking about their feelings and watching the news about the Israeli brutality against Palestinian children. The children started to name the children martyrs. Surprisingly, they recollected the names of many of the martyrs and how they were killed. Then, they were asked about children's rights, as defined by the UN, that were violated by the Israelis. The children listed these rights for inclusion in the letter.

A series of meetings was held with the children to discuss how the letter should be presented to the UN. Eventually, the idea emerged of producing a "BLACK BOOK" which would include the names of children martyrs in Palestine and photos from the *Intifada*, in addition to the letter they had already written.

While trying to choose the pictures of children involved in the *Intifada* one of the children cried out: "We should also portray ourselves in a different way. We have to tell the world that we know many things other than throwing stones and fighting for our rights. They always accuse us of being terrorists. We need to show the world that we have dreams and hobbies, that we can dance and play musical instruments and study."

In the book, pictures of children in the camp

were displayed next to photos showing children involved in the ongoing *Intifada*, as well as pictures reflecting the Israeli brutality against them. The end-product was a 10-page book which included, in addition to the photos and the letter, a list of the names of all children killed, the dates of their deaths, their ages, their places of residence and how they were killed. It also included slogans supporting the children's right to return to Palestine. These slogans were presented alongside the pictures of children participating in the *Intifada* and the pictures of children reading and playing the bagpipes and dreaming in Shatila refugee camp in Lebanon. "That is because we want to show the world that we did not forget Palestine, we are struggling to return, as the pictures of the *Intifada* children show, and we are also studying, dreaming, and playing to return," said one of the children while working on the book.

This fact was highlighted when the book was presented to UNESCO. "We can hold a stone and throw it, but our hands can also play the bagpipes," said a Palestinian refugee child to Victor Billeh, the Director of UNESCO in Beirut, pointing to a picture of a child from Shatila camp doing just that.

Aidun, Lebanon, a group of activists working on the right of return and the NGO Forum, a conglomeration of non-governmental organizations working in the Palestinian refugee camps, organized the activity and the meeting with UNESCO.

During the meeting some 35 children mainly from Shatila camp made emotional appeals for Palestinian independence, and for the UN to help Palestinian children, while presenting the BLACK BOOK on behalf of all Palestinian children to UNESCO Director, Victor Billeh. Before reading the letter, one of the young members of the delegation said: "I have worked on many books, but working on this book was so different, we developed it with our hearts, we felt it. It is so dear to us." A question-and-answer session following the book presentation lasted more than an hour, with most of the children raising their hands to

vocalize long-held complaints.

"If you happened to be born a Palestinian refugee and saw all these kids being killed and saw that the United Nations wasn't doing anything, how would you feel?" asked 14-year old refugee child. "That there's no justice in the world?"

Another eager participant, refuted Billeh's contention that the reason UN resolutions concerning Palestinian rights have not been implemented was because "it takes time to implement resolutions." She argued, "Why is it then that the resolutions for Israel have been always implemented, but those for Palestine have been pending for 53 years now?"

about their hard lives as refugee children in Lebanon. Billeh's definition of UNESCO as an organization aiming at providing education to all the children of the world instigated the children to ask about their rights to education and led to a discussion about UNRWA educational policies. They focused on the use of violence against children and requested that this issue be addressed immediately since it is causing many students to drop out from schools.

"The children feel bitter about the killings of kids and need to express themselves to release some of their anger," Billeh said at the end of the meeting. "I am going to contact UNRWA to draw

LETTER to UN Officials

Dear Sir

As we, the Palestinian refugee children in Lebanon, watch the news about the murders of children in Palestine, we feel very angry and frustrated. We feel angry to see children dying in their fathers' laps like Muhammad Jamal Al Durra. We feel mad to see them dying while still carrying their school bags like Salim Hamaideh. We feel incensed to know that the 23 day old baby, Hind Nidal Jameel Abou Kweider died because she was not allowed access to a hospital. We feel outraged when we know that Maram Imad Ahmad Saleh Hassouneh died because she inhaled the Israeli tear gas. We feel enraged to see Faris Odeh having to flee from school every day to go throw stones at the Israeli tanks that smashed him at the end to death.

We feel furious to see them deprived of their rights to go to schools because of the Israeli curfew or because of the Israeli shells or because they are afraid of the settlers. We feel angry to know that they can't play because they are afraid they will be killed. We feel angry to see them throwing stones instead of going to schools.

We also feel frustrated because we can't find answers to our questions: What's the fault of the murdered children? Where are the rights of the children? Why can't we play and have fun like all other children of the world? Why can't you see that we are killed every day and that our blood is in the streets? Why don't you hear our cries? Why don't you listen to us? Is it because we are refugees, and don't have an identity? Are we less important to you? Is that why our blood is in the streets?

Israeli soldiers and civilians have killed almost ninety-five children and you were watching. You have done nothing. What would you do if the murdered were Israelis. We are sure you would have moved to save them. Why don't you move to save Palestinian children? How would you like us to believe that there is justice and equality in this world? How would you like us to believe that the UN works for these causes?

We are also suffocating here from the unbearable human conditions. We are deprived of all our rights as children and we urge you to move to grant us our rights, which will only be complete, if we go back to our homeland in Palestine. We call you to force the Israelis to apply the UN resolutions granting the Palestinians the right of Return. Don't we have a right to have a nationality? Don't we have a right to live in peace to get educated? Don't we have a right to dream and just to live even if we are Palestinian refugees? Don't we have a right to our childhood?

We just want to live like all other children of the world freely, independently and enjoy the rights that the UN grants us. To achieve these rights we need your support. You have passed the children's rights convention and it is your responsibility to punish those who violate this convention and to help children, all the children of the world, to live in peace and to enjoy their rights. Act to save our lost childhood, act to grant us the right of return.

Carried away by the opportunity to have their grievances listened to for the first time, the outspoken teenagers could not relax during a refreshments session but instead engaged UNESCO representatives in a discussion on how to return Palestine to the Palestinians. "We are against the use of violence," said one of the children "but if the UN does not assume its responsibilities towards helping us get our rights back peacefully nobody will blame us if at the end we use violence to return to Palestine."

The children also took the chance to talk

their attention to the kids' concerns about the education system and will pass on the book to headquarters in Paris and other UN agencies and international Human rights organizations," he added.

Before leaving, one of the children requested that 100 more sessions like this be organized so that Palestine will finally be liberated and "because we didn't vocalize all that we have in our hearts," she noted.

For more information contact: A'idoun - Lebanon, Mahmoud al-Ali, mmukhtar01@hotmail.com

BADIL

Resources

BADIL - Information & Discussion Brief No. 8:
Palestinian Refugees and the Right of Return: An
International Law Analysis.

*Prepared for BADIL by Gail J. Boling, Coordinator of
the Legal Unit (English & Arabic)*



For a complete list of BADIL Information and
Discussion Briefs, see the BADIL website

BADIL Follow-Up Information Submitted to the
Committee for Economic, Social and Cultural
Rights, Regarding the Committee's 1998
"Concluding Observations", Regarding Israel's
Serious Breaches of Its Obligations under the
International Covenant on Economic, Social and
Cultural Rights, with Special Document Annex
(*Prepared by Dr. Salman Abu Sitta*), *Quantifying
Land Confiscation inside the Green Line (English &
Arabic, 70 pages)*

The 1948 Palestinian Refugees and the Individual
Right of Return: An International Law Analysis.
*Prepared for BADIL by Gail J. Boling, Coordinator of
the Legal Unit (English & Arabic, 60 pages)*

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.

Occasional Bulletin No. 4 - The Meaning of
Refugee Choice (*English & Arabic, 4 pages*)

Occasional Bulletin No. 5 - The Right of Return:
Analysis of Recent Debate in the Israel Press
(*English & Arabic, 4 pages*)



For a complete list of BADIL Occasional
Bulletins, see the BADIL website

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. US \$15
ISBN 0-88728-274-1. 2nd Revised Edition
forthcoming. Arabic edition forthcoming.*



BADIL Website
www.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 visit the BADIL website**

Selected Websites



Across Borders Project

www.acrossborders.org

Adalah - The Legal Center for Arab Minority Rights in
Israel

www.adalah.org

All That Remains (Destroyed Palestinian Villages)

www.allthatremains.org

Arab Association for Human Rights

www.arabhra.org

Al-Awda, The Palestine Right to Return Coalition

<http://al-awda.org>

Al-Awda (London)

www.ataha.com/londonrally/

Centre on Housing Rights and Evictions (COHRE)

www.cohre.org

Council for Palestinian Repatriation and Restitution

www.cpr.org

Eye to Eye

www.savethechildren.org.uk/eyetoeye/

Office of the United Nations High Commissioner for
Human Rights

www.unhchr.ch

Office of the United Nations High Commission for
Refugees

www.unhcr.ch

Palestinian Refugee Research Net

www.prrn.org

Palestinian Return Centre

www.prc.org.uk

SHAML

www.shaml.org

Documents

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

1. The Rabat Declaration on the Rights of Palestinian Refugees: Conference of the Human Rights Movement in the Arab World
 2. Policy on the Right of Return: Human Rights Watch
 3. A Human Rights Agenda for Peace (*excerpts on the right of return*): Amnesty International
 4. Letter to the Arab Summit: Palestinian Community Organizations
 5. Land Day Statement: Society for the Defense of the Rights of Internally Displaced Palestinians
 6. Land Day Statement: Palestinian Community Organizations and NGOs in Palestine and the Diaspora
-

1. **Future of the Palestinian Refugees under the Current Political Settlement: The Rabat Declaration on the Rights of Palestinian Refugees**

Issued by The Third International Conference of the Human Rights Movement in the Arab World

The Cairo Institute for Human Rights Studies (CIHRS), in cooperation with the Moroccan Organisation for Human Rights and the Euro-Mediterranean Human Rights Network (EMHRN), with the participation of experts and representatives of Arab and international human rights organisations, and with generous facilitations from the Moroccan government, organised the Conference on the Future of the Palestinian Refugees under the Current Political Settlement/the Third International Conference of the Human Rights Movement in the Arab World from the 10th to the 12th of February, 2001, in Rabat, Morocco.

The participants,

Having reviewed the relevant international human rights declarations, conventions and covenants and the Casablanca Declaration issued by the First International Conference of the Human Rights Movement in the Arab World,

Having reviewed the papers presented to the Conference,

Having examined the tragic and inhuman conditions of the Palestinian refugees and displaced persons in the homeland and the Diaspora for more than fifty-two years,

Having considered Israel's intransigence and refusal to comply with the resolutions of international legality on the refugees' right to return and compensation, and the Israeli continuous practices of banishment, displacement and human rights violation,

Having considered the attempt by some international parties to circumvent the resolutions of international legality by suggesting permanent settlement in the host countries and compensation as an alternative to compelling Israel to comply with the will of the international community,

Decide to adopt the following declaration.

The Conference affirms that:

First: Israel bears full responsibility for creating the Palestinian refugees issue, through systematic expulsion, whether direct or indirect, massacres, killings, terror and intimidation. These acts are corroborated by Israeli documents as well as testimonies by some Israeli officials and historians. Israel bears the responsibility in full also because of its persistent rejection of the return of the Palestinian refugees.

Second: According to the UN General Assembly Resolution 194, the Palestinian refugees' right of return to their homes and property is a personal right for every individual and a collective right for the refugees as a whole. No one is to be authorised to conclude any agreement that denies refugees, individually or collectively, their right of return. Furthermore, the establishment of the Palestinian state, or a refugee's acquiring of another nationality, does not deny refugees the right to return to their own towns and villages.

Third: Compensation for property usurped and for the grave psychological, economic and social suffering of Palestinians for more than fifty-two years is not an alternative to the enforcement of the right of return. Indeed, as the UN General Assembly Resolution 194 of 1948 sets out, compensation should be paid in addition to return.

Fourth: Any political settlement that does not ensure the rights of the Palestinian refugees will not lead to a lasting, comprehensive peace in the region. The Conference reaffirms that the international community bears the main responsibility for enforcing resolutions adopted by its institutions concerning the Palestinian people's enjoyment of their right to self-determination, the return of the Palestinian refugees to their homes, and providing them with international protection until their return.

Fifth: Pending the implementation of the Palestinian refugees' right of return, they must enjoy their human rights to the full, namely their civil, social, economic and cultural rights, in the (temporary) Arab host countries. The Conference further reaffirms that safeguarding these rights is not the same as permanent settlement in host countries, which is rejected by Palestinians and Arabs in general. Nor does it mean relinquishing the right of return. Rather, it helps support the refugees' resistance to attempts to eliminate this right.

Sixth: Arab host countries are responsible for enforcing the relevant Arab League resolutions, conventions and recommendations. The Conference calls for putting an end to the gross infringements of the international and regional resolutions on the rights of Palestinian refugees in a number of Arab host countries. It is incumbent upon international and Arab human rights organisations to dedicate more attention to such condition.

Seventh: The Conference urges international and regional development agencies and donor states to provide the necessary financial support to:

1. The Arab host countries, in order to realize all of the economic and social rights of the Palestinian refugees.
2. Civil society institutions in the Palestinian communities, so as to be able to carry out their role in improving their conditions.
3. The Palestinian National Authority, so as to enable it to accommodate the Palestinians displaced in the wake of the Israeli occupation of the West Bank, including Jerusalem, and the Gaza Strip after the June 1967 war.
4. The UNRWA, in support of its role concerning the Palestinian refugees.

Eighth: The Conference reaffirms the right of the Palestinians displaced within Israel to return to their original towns and villages, to reclaim their property, and to be compensated for their injuries. Institutions working towards the implementation of these rights should receive support.

Ninth: Israel's continued rejection of the implementation of UN General Assembly Resolution 194 of 1948, which was one of the conditions for its accession to the UN according to General Assembly Resolution 273 of May 11th, 1949, leads in effect to annulling the decision to accept its membership. This makes it obligatory that the United Nations expel Israel and impose sanctions on it until it complies in full with UN resolutions. Accordingly, the Conference calls upon the League of Arab States to start forthwith taking the practical measures necessary for implementing this recommendation.

Tenth: The forced displacement of millions of Palestinians because of the acts of ethnic cleansing perpetrated by Israel, which included slaughters and acts of brutal terrorism, are crimes against humanity to which statutory limitations do not apply. The relevant civil society institutions as well as international and Arab human rights organisations should perform their duty to work for bringing perpetrators of such crimes to international justice, including working for the establishment of an ad hoc criminal tribunal.

Eleventh: The Conference reaffirms its profound appreciation of the international organisations and networks that took a principled stand in supporting the Palestinian refugees' right of return, and urges them to further their efforts in this regard. The Conference also calls upon the international and Arab human rights organisations to coordinate their efforts in this regard with the networks organising the international campaign for the implementation of the Palestinian refugees' rights to return and compensation.

For more information contact: Cairo Institute for Human Rights Studies(CIHR), tel: +202 794-3715 / 795-1112, fax +202 795-4200, 9 Rustom St. Garden City- 7th floor, flat 35 Cairo- Egypt. Mailing address: P.O.Box 117 Magles Al Shaab, 11516 Cairo -Egypt

2. Human Rights Watch Policy on the Right of Return

Human Rights Watch has long defended the right of refugees and exiles to return to their homes. We have upheld this right both when international borders were settled - Guatemala, El Salvador, Honduras, Malawi, Burma, Mauritania - and when they were in dispute - Bosnia, Croatia, Kosovo, East Timor, Ethiopia/Eritrea. Human Rights Watch similarly urges that this right be recognized for all displaced people in the Middle East, regardless of religion or nationality. In the case of the Middle East peace agreement currently being negotiated, the agreement should recognize this right for Palestinian refugees and exiles from territory located in what is now Israel or in what is likely to be a future state of Palestine. Recognition should accord with the *following principles*:

The right is held not only by those who fled a territory initially but also by their descendants, so long as they have maintained appropriate links with the relevant territory. The right persists even when sovereignty over the territory is contested or has changed hands. If a former home no longer exists or is occupied by an innocent third party, return should be permitted to the vicinity of the former home.

As in the case of all displaced people, those unable to return to a former home because it is occupied or has been destroyed, or those who have lost property, are entitled to compensation. However, compensation is not a substitute for the right to return to the vicinity of a former home should that be one's choice.

All nations should assist in finding durable solutions to refugee problems. Ideally, this consists of giving each displaced person three options: local integration, third-country resettlement, and voluntary repatriation. In the Middle East context, countries where Palestinians now reside should offer them the option of full local integration. Palestinian families, many having lived in these countries for more than fifty years, have built lives there which they should be granted the option of continuing to lead. Similarly, the international community should be generous in offering the possibility of third-country resettlement to those who might desire it, and in providing aid to assist the permanent settlement of those who choose to remain in the region as well as those who choose to exercise their right to return. Neither the options of local integration and third-country resettlement, nor their absence, should extinguish the right to return; their humanitarian purpose is to allow individual Palestinians to select during a specified period among several choices for ending their refugee status.

Like all rights, the right to return binds governments. No government can violate this right. Only individuals may elect not to exercise it. The parties currently involved in negotiating a Middle East peace agreement should focus on implementing the right to return and facilitating the options of local integration and third-country resettlement. They should not waive individuals' right to return.

The international community has a duty to ensure that claims of a right to return are resolved fairly, that individual holders of the right are permitted freely and in an informed manner to choose whether to exercise it, and that returns proceed in a gradual and orderly manner. Governments' legitimate security concerns should be met consistently with these principles and other internationally recognized human rights.

For more analysis on definitions and legal sources for this policy statement on the Palestinian right of return see the Human Rights Watch website, www.hrw.org. Mailing address, 350 Fifth Avenue, 34th floor, New York, NY 10118-3299 USA, tel: 1-(212) 290-4700, fax: 1-(212) 736-1300

3. Amnesty International, Israel/Occupied Territories/Palestinian Authority, "A Human Rights Agenda for Peace" (excerpts on the right of return)

7. Everyone has the right to return to his or her country. The right to return is an individual human right which cannot be given away as a political concession. Palestinians in exile should be given the choice to exercise such a right and return to Israel, the West Bank or Gaza Strip as appropriate. Palestinians should also be allowed to choose other durable solutions, such as integration in their host country or resettlement in a third country. Those who choose not to return are entitled to compensation. Those returning should also receive compensation for lost property. The same rights relating to return and compensation should also be given to Israelis who fled or were forced out of Arab and other countries.

The Agenda was released by Amnesty International in March 2001. To read the entire Human Rights Agenda see the Amnesty International website, www.amnesty.org. Mailing addresses for Amnesty International country offices are available on the Amnesty website.

4. Letter of Palestinian Community Organizations in Palestine and Jordan to the Arab Summit, Amman, 27 March 2001 (Translation of Arabic original by BADIL)

Your Highness King Abdullah II
Chairman of the Arab Summit in Amman, Jordan
Your Excellencies, Kings, Presidents and Delegations of the Arab States participating in the Amman Summit

Greetings of respect,

The Tel Aviv government continues its hostile discriminatory policy against our Palestinian people through its comprehensive military and economic closure, the continued killing and destruction carried out by its occupation forces as well as its policy of extra-judicial execution/political assassination. These policies have been committed in front of the whole world, which has not taken action to provide the Palestinians with international protection.

The United Nations, and the Security Council in particular, is constrained by the support granted by the United States to Israel. Without mentioning the scale of the losses and damage caused by these policies, the continuation of Israel's aggressive attacks and violence threatens even greater harm to the Palestinian people and the nations of the region, destroying every hope of achieving the desired peace and stability in this region. It has become even more clear that Israel is not yet ready to pay the price required for peace because of the discriminatory ideology that governs its major policies, the support that it receives from the United States, and the arrogance of power. Therefore, we call upon you to implement your decisions in order that the Arab people might restore their dignity among the nations. We also call upon you as leaders to work on the following:

1. Unify the Arab position in the framework of a comprehensive strategy to confront Israel's arrogance, including reconsideration of the role of United Nation bodies, especially the Security Council, which should fulfill their responsibilities towards the Palestinian issue and secure implementation of international law, foremost Resolution 194 (1948).
2. Pressure for international protection of the Palestinian people by the United Nations through the Security Council. This should include the protection of Palestinian properties in historic Palestine (occupied in 1948), Palestinian rights to the lands included in the Jewish state under Resolution 181, as well as Arab-Palestinian rights in Jerusalem.
3. Reaffirm the Palestinian rights to return, self-determination, and the establishment of an independent state with Jerusalem as its capital. Provide political and financial support to the Palestinian position through projects that limit the impact of Israel's arrogant policies. Isolate Israel on the international level, including through international sanctions, until Israel implements international law and resolutions.
4. Ensure the implementation of the Arab and Islamic position concerning Jerusalem and the right of each Arab state to protect its economic interests, markets, and culture against the Israeli infiltration linked to its strategy of control, including military attacks against Arab states.
5. Draw the attention of the international community and all peoples working for peace to the fact that any political settlement of the

Arab-Israeli conflict must be based on the re-instatement of Arab and Palestinian rights enshrined in international law and resolutions. This requires a clear Israeli recognition of its readiness to implement all United Nation resolutions pertaining to the Palestinian case. UN Resolutions 181 and 194 (Palestinian refugees' right of return and compensation) are especially important in this context, because the issue of Palestinian refugees inside Palestine and in exile is indivisible and continues to constitute the core of the Palestinian issue and the core of the Arab-Israeli conflict.

You have always expressed unity and solidarity with the Palestinian people. This support, provided through appropriate and effective mechanisms, forms the basis of our people's steadfastness against Israel's military machine and the arrogant occupation.

*Union of the Youth Activity Centers - Refugee Camps in Palestine
National Society for the Defense of the Internally Displaced
Popular Committees - Gaza Strip
Yafa Cultural Center - Balata Camp, Nablus
BADIL Resource Center, Bethlehem*

*Union of the Women Activity Centers - West Bank Refugee Camps
Popular Committees - West Bank
Committee for the Defense of the Palestinian Refugee Rights-West Bank
Follow-up Committee for Refugee Affairs - Southern West Bank Camps
High Committee for the Defense of the Palestinian Right of Return - Jordan*

5. Land Day Statement, Society for the Defense of the Rights of Internally Displaced Palestinians in Israel

Long Live the Eternal Land Day! Yes to the Return of the Displaced, No to a Compromise on the Right of Return

Palestinians in 1948 Palestine/Israel commemorate the 25th anniversary of Land Day with a public strike, demonstrations and rallies, as well as visits to the graves of the martyrs of the first Land Day (1976) and the Al-Aqsa Intifada. They will plant olive trees in the coastal area, the Galilee, the "Triangle" and the Naqab in order to reaffirm the link between our people and our land, and our right to the restitution of property stolen by Israel even as Israel continues its arrogant policy of "Judaization" and confiscation of our remaining lands. Unjust Israeli laws have been adopted for the purpose of distributing properties stolen from us before, during and after the Palestinian Nakba of 1948. More than four million dunums of land belonging to displaced Palestinians are currently being transferred to the ownership of Jewish moshavim and kibbutzim established on our land after our displacement and the destruction of our homes in more than 531 Palestinian villages and towns. Palestinian homes and buildings that have remained in the towns of mixed Jewish-Palestinian population are considered "Absentee Properties" and offered for sale.

We affirm our commitment to our right of return, the return of all refugees and displaced to their lands and homes. We declare that we will reject resettlement and compensation projects. We reaffirm the illegality of unjust Israeli laws which contradict international law. We declare that all these laws legislated by the Zionist Israeli establishment are illegal, because we are not absentees; we are here, present on our land.

On the occasion of Land Day, we reaffirm that the innocent blood shed in the defense of our rights to live in dignity on our land will not be wasted, and that we will remain committed to the land and our country.

We thus call upon our people to make the general strike successful and to participate in the national protest activities announced by the High Monitoring Committee of the Palestinian community. We also call upon our people and the local committees of internally displaced Palestinians to conduct visits to the destroyed villages on the morning of Land Day.

We call upon our people to participate in the Jaffa Right-of-Return march to be held on 7 April, a day of international solidarity with the Palestinian refugees. We also call upon our people to participate in the public march that will mark Israel's "Independence Day" and our Palestinian Nakba (catastrophe) on 26 April 2001. The march will lead from Nazareth (Jaffa neighborhood) to the destroyed village of Ma'lul - and it will reaffirm our commitment to our right of return.

Long live the Land Day! Eternal Respect for our Innocent Martyrs

6. Land Day Statement, Palestinian Community Organizations and NGOs in Palestine and the Diaspora

The anniversary of Land Day takes place this year as the *al-Aqsa Intifada* continues into its seventh month. The primary significance of this occasion is the reaffirmation of the link between our people and the national soil as well as resistance to all forms of settlement, uprooting, and displacement. The *al-Aqsa Intifada* reaffirms this meaning more than at any time before, through the great sacrifices offered until now and through national achievements represented in the unity of the people and the land from the Galilee to the Triangle to the Naqab to the West Bank and Gaza Strip reaching to the diaspora, both near and far.

The *al-Aqsa Intifada* has brought the Arab-Zionist conflict to a head through which the American-Israeli alliance, opposed to our people's right to return and right to self-determination, is exposed. In this context the Intifada has unequivocally reaffirmed the following:

- The Palestinian people are a factor that cannot be ignored in finding a solution to the half-century conflict; Zionism has failed to erase our national identity;
- The Palestinian issue has become, more than at any time before, a factor that determines regional stability, and cannot be ignored by the international community and dominant powers. Regional stability is dependent on the realization of our basic national aims to return, self-determination, and statehood with full sovereignty with Jerusalem as the capital;
- The Right of Return, in accordance with the international law, is the core of our national aims. The Right of Return has become a core issue of the Intifada because it was considered negotiable and subject for compromise due to Israel's adamant refusal to recognize the Right of Return from the signing of the Oslo agreements, through the period of negotiations until Camp David II. Our people, by various popular, political and official bodies continue to recognize the significance of Land Day as a national symbol of the unity of the Land and the People.

Based on these affirmations, we emphasize the following:

- The right of displaced Palestinian and refugees to return to their homes of origin is historic, sacred, and inalienable. This right repudiates all plans for permanent displacement and resettlement. It is strongly linked to the right to self-determination, which is considered a customary rule in the international law. It is impossible for a people, the majority of them refugees, to practice this right without closing the gap between demographic dispersal and demographic unity through the implementation of the right of return both as an individual right and as a collective right;
- The demand for international protection of the Palestinian people falling under Israeli occupation, including temporary protection as provided for under international law. This demand has become a necessity in the wake of the election of the government of the war criminal Ariel Sharon alongside similar criminals who, based on racist attitudes, call for continued repression and the collective transfer of Palestinians;
- The essence of Land Day is represented by the continuation of and increasing the Intifada through all forms of struggle legitimized by the international law to confront the occupation, settlement, and racism.

Honor and Eternity to our Innocent Martyrs, We Will Return

A'idoun Group - Syria
A'idoun Group - Lebanon

Arab NGO Network for Development - Lebanon

Badil Resource Center - Palestine

Committee for the Defense of the Palestinian Refugee Rights - Palestine

Committee for the Defense of the Internally Displaced (inside the green line)

Follow-up Committee for Palestinian Refugee Affairs - South West Bank

Higher Committee for the Defense of Right of Return - Jordan

NGO Forum Working in Palestinian Refugee Communities - Lebanon
Palestinian Prisoners Society - West Bank

Popular Committees - Gaza Strip Refugee Camps

Popular Committees - West Bank Refugee Camps

Right of Return Coalition - Europe

Union of the Youth Activity Centers - Palestine

Yafa Cultural Center - Balata Camp - Palestine

About the meaning of *al-Majdal*

Al-Majdal is an Aramic 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*.