

## Humanitarian Issues

# The Villages of Deir al Hatab, 'Azmout & Salim in the Nablus Governorate

An OCHA discussion paper<sup>1</sup>

15 April 2003, Nablus

*This discussion paper is the first in a series of OCHA papers which intend to: (i) document the areas in the West Bank and Gaza under internal closure; (ii) analyse the humanitarian impact of this particular type of internal closures; and (iii) advocate for their removal.*

### Summary / Conclusions

The Palestinian villages of Deir al Hatab, 'Azmout and Salim of the Nablus Governorate (see attached map) have been hermetically closed since September 2002. The closure regime enforced in these villages (geographic cells<sup>2</sup>) is total. The IDF has erected physical barriers around the villages blocking access to them from all directions. Extended and severe in character, this policy has led to a sharp deterioration in the humanitarian situation of the civilian population.

The plight of the affected populations in this situation has attracted little international attention despite repeated appeals by humanitarian and human rights organisations. However, this particular case made it to the local headlines following the petition lodged by Physicians for Human Rights – Israel with the High Court of Justice (“HCJ”). Pending the HCJ’s decision, the Israeli Defence Forces (“IDF”) on 1 April 2003 opened a single temporary road connecting the three villages with the city of Nablus. This move followed several visits to the area by international humanitarian organisations and a debriefing session by OCHA personnel with the local COGAT Liaison Officer/IDF staff.

It is the conclusion of this paper that the humanitarian situation will significantly improve only through a total removal of the internal closures. Partial measures

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<sup>1</sup> This paper is produced based on OCHA fact-finding missions to the three villages and extensive discussions with relief operators, as well as the Israeli Coordinator of Government Activities in the Territories (“COGAT”) Liaison Officer in Nablus.

<sup>2</sup> Term used by Israeli security forces to describe the West Bank localities under closure.

currently mooted, such as construction of an alternative road through another closed village, or the establishment of a manned checkpoint which allows only limited traffic, may alleviate certain aspect of the villages' plight, but will not address the underlying causes and long-term effects of the problem. Further, they do not relieve the IDF of its obligations under international law to support and provide for the civilian population, especially those populations suffering from an humanitarian crises created by the security measures of the occupying power.

### **Background:**

The internal closure regime enforced in the West Bank has been changeable in character and varied in its severity since the outset of the Palestinian uprising. Physical barriers or roadblocks isolating Palestinian areas from each other have been a common pattern in all types of closure regimes. While acknowledging the fact that the IDF has "established physical roadblocks (by means of earth embankments or concrete blocks)", the army has claimed not to have established areas to which access has been totally blocked. According to the IDF policy, in each [geographic cell] "there is at least one access road not closed by a physical roadblock".<sup>3</sup>

This IDF assertion has been challenged on a number of occasions by human rights organisations through the judiciary. Several of the petitions filed by these organisations [most notably by PHR-Israel] have resulted in the removal of roadblocks in a number of the West Bank localities. However, the persistent need for legal actions – petitions – "reflects the fact that physical roadblocks are indeed used on a routine basis, contrary to the notification submitted the High Court by the security forces."<sup>4</sup>

One of the important concepts that emerged through the judicial proceedings, was the notion of a "selective passage", referring to discretionary authority of IDF manned checkpoints to grant or deny access to Palestinians. Accordingly, while these checkpoints may support the IDF position that no population areas in the West Bank are "entirely blocked by physical roadblocks" because at least one of the barriers is a manned checkpoint, free passage is still not guaranteed as long as such "selective passage" authority remains in place.

In recent months, humanitarian and human rights groups have identified a number of "enclaves"<sup>5</sup> – Palestinian villages – which have been cut off from the rest of the West Bank both by physical barriers and manned checkpoints. In a number of cases, the physical barriers – concrete blocks, earth mounds, concrete walls, deep ditches, ditches into which sewage has been diverted (so

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<sup>3</sup> From the ruling in HCJ 9242/00, PHR-Israel v Minister of Defence et al., as quoted by PHR-Israel

<sup>4</sup> "Report on a visit to the villages of Salim, Deir al Hatab and 'Azmout, February 2, 2003", Physicians for Human Rights – Israel.

<sup>5</sup> Ibid.

that they cannot be crossed by foot) – prevent civilian access to IDF manned checkpoints. “A sick person who manages to cross sewage, ditches and makeshift embankments on foot may then encounter a couple of soldiers preventing access to the city”.<sup>6</sup>

The arguments voiced by human rights organisations against physical barriers have thus far have focused purely on medical grounds: roadblocks make medical evacuations impossible. But the ramifications are obviously more far-reaching jeopardising food security, water supply, household income and worsening the psychosocial environment.

### **The COGAT/IDF position: ‘Azmout, Salim and Deir al Hatab’<sup>7</sup> villages**

The IDF imposed a total closure on the ‘Azmout, Salim and Deir al Hatab villages following a Palestinian attack on the nearby Israeli settlement of Elon Moreh in September 2002. According to the IDF, the perpetrator of the attack was not a resident of any of the three villages but from ‘Askar refugee camp located west of the villages. In response to the attack on the Elon Moreh settlement, the IDF raided the refugee camp and conducted search and arrest campaigns over several weeks. The villages themselves were not subject to search and arrests campaigns and no resident of the area was arrested and/or detained in connection with the attack.

Following the attack, the IDF built a number of barriers designed to prevent possible infiltrations from the refugee camp to the settlement and thus contain any threat from the camp. In the absence of alternative technical solutions, the IDF stated that it erected what it called “preventive” structures – ditches, dirt mounds, etc.- within and around the adjacent area to the three villages, which effectively sealed all access to and from the villages.

When OCHA met with the IDF in March 2003, seven months after the Elon Moreh attack, the IDF stated that it was not considering removing the barriers and/or the reopening of internal roads. Instead, it indicated that it planned to construct a new road to connect the three villages to Beit Fourik village, also under closure, but with a manned checkpoint exercising “selective passage” authority. According to the IDF, construction of this new road had been delayed because of poor weather/soil conditions, and it would need two more months to complete.

The IDF stated that it was cognisant of the problems created in the affected communities by the barriers it had erected, but believed that the humanitarian issues faced by the Palestinian civilians had not reached critical dimensions. As an intermediate solution to address humanitarian needs, the IDF offered to convoy Palestinian ambulances through the bypass road of the settlement

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<sup>6</sup> Ibid.

<sup>7</sup> Based on a briefing and de-briefing session with the COGAT Liaison Officer in Nablus (Huwwara).

(medical evacuation) and facilitate international humanitarian traffic through the same road.

Following OCHA's meeting in March, the IDF removed one of the roadblocks on the Askar- Deir al Hatab road a month later on April 1, 2003. In its place, the IDF set up a manned checkpoint with the presence of a tank at the Deir al Hatab intersection. At this checkpoint, the IDF exercises "selective passage authority" permitting some pedestrian passage to and from the villages. Vehicular traffic is prohibited except for humanitarian cars.

### **A snapshot of Humanitarian Consequences<sup>8</sup>:**

The total population of the area is estimated at 10,000 (all three villages). The main occupations of the residents are agricultural production (olive oil), livestock and, to a lesser extent, labour export (both domestically and to Israel). Following the imposition of the severe internal closure, domestic employment opportunities further declined, resulting in a mass unemployment. Currently, some 200 residents of the area are estimated to be on the Palestinian Authority payroll (salaries ranging between 600 and 800 NIS).

The construction of barriers and ditches has prevented farmers reaching a large proportion of their land. In Deir al Hatab alone, some 1,400 *dunums* of land (estimated 70 percent of the total) and 10,000 olive trees (approximately 30 percent of the total) are currently inaccessible.

With vehicular traffic forbidden, only small quantities of food can be brought into the villages. They are either hand-carried or brought in on donkeys from petty retailers or family members who manage to travel to Nablus. The situation is even more critical with the supply of manufactured goods and cooking gas. The limited supply of commodities has affected prices. Several staples have soared in price. A fifty kilo bag of wheat flour, for example, now costs 115 NIS against 70 in Nablus, or a bottle of gas costs now 53 NIS against 38 before September 2002. There is also a notable deficit of staple vegetables in the local market as fruit/vegetables were traditionally imported from other villages in the Nablus area.

Despite formidable difficulties and reduced harvest surface, local residents took advantage of the last year's (2002) exceptional olive harvest. However, in the absence of export possibilities, olive oil producers have stocked the great majority of the product. Thus, because of blockages, the local economy has lost the only remaining major income source – proceeds of the olive oil sale.

Overall, the food security situation is precarious. The ICRC rural relief and the UNRWA supplementary feeding programs (the latter is not regular) are of enormous importance as they provide some stability in food supply.

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<sup>8</sup> Health-related issues in these communities have been analysed in the PHR-Israel mission report – see [www.reliefweb.int/hic-opt](http://www.reliefweb.int/hic-opt).

Water supply in the communities is adequate since the villages are connected to the water distribution network supplying the Elon Moreh settlement.

Of particular concern are the regularly interrupted classes in the local schools. Some 80 percent of the teaching staff is said to be Nablus-based and have been unable to reach the schools during 2 months out of the 7-month long academic year.

In summary, the total internal closure regime of 'Azmout, Salim and Deir al Hatab since September 2002, has seriously accelerated the socio-economic decline of these communities. Rapid impoverishment, inaccessibility of health services, reduced food consumption and declined quality of the consumed food, social isolation and psychological strain, decline in class attendance are all factors rendering the overall humanitarian situation precarious.

## **Outlook**

Although the 'Askar – Deir al Hatab road re-opened on 1 April, it will not fundamentally improve the situation. The 'Askar camp has been under curfew for 175 days<sup>9</sup> during the period 1 September through 8 March (i.e., 92 percent of the time).

Additionally, this road is unlikely to be open for transiting traffic at times of high tension. The road may improve medical evacuations and facilitate the humanitarian traffic. But because of the arbitrary nature of the “selective authority” of the soldiers at the new checkpoint and the prohibition of all civilian vehicular traffic, the overall socio-economic situation in the area is unlikely to improve. This is especially so if the movement of various economic agents including the PA personnel (medical, educational, etc.) remain restricted as it is currently.

The IDF proposal to construct the Salim – Beit Fourik “bypass” road also does not appear to be an adequate solution. Although it may be less affected by curfews (only once since September 2002), this village has been very problematic to reach because of the manned Beit Fourik checkpoint. The fact construction of this road has not yet begun casts doubt on whether it will ever occur.

## **International Humanitarian Law:**

International humanitarian law clearly specifies the obligations of the occupying power. Under the Fourth Geneva Convention in particular, movement of specific civilians may be restricted for imperative security purposes and for *short-term*

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<sup>9</sup> Source: OCHA curfew tracking system.

periods only. And, the occupying power may not, suspend indefinitely all freedom of movement collectively on an entire area, especially as a punishment or in response to an attack.

*Article 33:*

*No protect persons may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.*

In addition, under the Fourth Geneva Convention, the occupying power is obligated to the fullest extent possible, to safeguard the humanitarian conditions of the civilian population and provide the necessary assistance.

*Article 55:*

*To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.*

*Article 56:*

*To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining with the co-operation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory...Medical personnel of all categories shall be allowed to carry out their duties.*

Further, when the occupying power takes measures, such as movement restrictions, which interfere with the civilian population's access to employment and/or result in shortages of food, health services, etc., the occupying power is obligated to provide financial and humanitarian support to the civilian population.

*Article 39- Means of Existence*

*Protected persons who, as a result of the war, have lost their gainful employment shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations...be equal to that enjoyed by the nationals of the Power in whose territory they are.*

*Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially is such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependants.*

This responsibility remains in effect, even if humanitarian organisations provide relief shipments and other services to the civilian population.

*Article 60:*

*Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities [food, medical supplies, hygiene, and public health.]*

### **Recommended short-term Humanitarian Actions:**

The short-term humanitarian action in the affected area should be designed to serve three objectives: to limit the negative consequences of social isolation (enclave) through frequent visits; to increase the coping mechanisms of the population; and to advocate for farmers' access to agricultural land, olive trees and pastures

Some of the recommended specific humanitarian activities in the area include:

- Purchase of the surplus olive oil and cash injection into the local economy ;
- Food security assessment – implementation of school feeding projects ;
- Equip and supply the newly opened Deir al Hatab clinic with basic medical and laboratory equipment, medicines and disposable ;
- Implementation of psychosocial counselling schemes in the communities.

As IDF “engineering” activities are unpredictable it is important for the humanitarian community to closely monitor the accessibility of these villages and the status of their “life-line”. OCHA will regularly monitor these villages and for both humanitarian and commercial traffic (including labour movement) and the overall humanitarian situation of the affected population.

### **Conclusion:**

Most importantly because of the serious consequences created by the internal closures of the three villages, it is clear that **the humanitarian situation will significantly improve only through a total removal of the closures**. Partial measures such as construction of an alternative road through another closed village, or the establishment of a manned checkpoint which allows only limited traffic, may alleviate certain elements of the crises but not the underlying causes and long-term effects of the problem. Further, they do not relieve the IDF of its obligations under international law to support and provide for the civilian population, especially those populations suffering from an humanitarian crises created by the security measures of the occupying power.

# Nablus Governorate: Closure Regime of 'Azmut, Deir al Hatab and Salim Villages

