



Documents and Source Material

16 MAY–15 AUGUST 2017

This section comprises *JPS*-produced summaries of international, Arab, Israeli, and U.S. documents and source materials from the quarter as well as an annotated list of recommended reports. Each summary contains a link to the original document.

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INTERNATIONAL

A1. OCHA, REPORT DOCUMENTS HUMANITARIAN IMPACT OF OCCUPATION, EAST JERUSALEM, 31 MAY 2017

On 31 May 2017, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) released its sixth annual report documenting the impact of Israeli occupation on Palestinians in the West Bank, East Jerusalem, and Gaza. As in previous years, the report, titled Fragmented Lives: Occupied Palestinian Territory Humanitarian Overview 2016, documents key indicators such as security, life and liberty, freedom of movement, and forced displacements.

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Marking 50 years since the beginning of the Israeli occupation in 1967, the report states: “Israel’s occupation is a key driver of humanitarian need . . . the prolonged occupation, with no end in sight, cultivates a sense of hopelessness and frustration that drives continued conflict and impacts both Palestinians and Israelis.”

While Israel’s continued resort to extrajudicial executions is a key concern, the report notes an overall drop in conflict-related deaths and injuries of Palestinians in 2016. The total number of Palestinians killed dropped to 109 in 2016 from a high of 169 the previous year, when settler incursions at Haram al-Sharif precipitated what is referred to by Palestinians as the habba (the surge of Palestinian resistance, random attacks, and protests that began in Jerusalem in 9/2015). The report highlights forced displacement as another area of grave concern. It notes that nearly 50,000 people remain homeless in Gaza because of the summer 2014 Israeli attack (codenamed Operation Protective Edge) on the territory that targeted civilian infrastructure and resulted in the “highest rate of internal displacement since 1967.” (See JPS special issue 44 [1], “Operation Protective Edge,” for extensive coverage of Israel’s 50-day war on Gaza.)

In the West Bank, including East Jerusalem, Palestinians faced the greatest number of home demolitions “since OCHA started recording this trend in 2009.” And, “Tens of thousands of Palestinians in Area C endure fear and insecurity due to approximately 12,500 final demolition orders outstanding against their structures. The number of donor-funded, humanitarian assistance structures demolished or confiscated in 2016 is also unprecedented.” (For more, see Documents and Source Material, JPS 46 [4].)

[Read the full document.](#)

A2. OXFAM, 50 YEARS LATER, ISRAELI OCCUPATION IS THE ROOT CAUSE OF INJUSTICE, OXFORD, 1 JUNE 2017

Oxfam International, the Oxford-based umbrella aid organization that fights poverty worldwide, released a 10-page media briefing on 1 June 2017 criticizing Israel for its continued human rights violations. Released to mark 50 years since Israel’s 1967 occupation of the West Bank, Gaza, and East Jerusalem, the statement, titled “No End in Sight: 50 Years of Impunity and Inaction in the Occupied Palestinian Territory (OPT),” singles out the occupation as the “root-cause of poverty and injustice” in the oPt.

The statement goes on to describe how occupation has resulted in the “de-development” of the Palestinian economy and fostered widespread Palestinian dependence on aid. Israeli policies have also “deepened poverty and sparked serious violations of international law, including the denial of rights, freedom, dignity and opportunities for Palestinians living under occupation,” it notes.

The following are some of the facts highlighted in the briefing: the dire situation in Gaza where 80% of the 2 million Palestinian residents now rely on food aid and other humanitarian assistance for survival as a result of Israel’s 10-year siege; the killing of 9,402 Palestinians and 1,231 Israelis since the beginning of the Second Intifada in 2000; and for Palestinian women, inadequate access to medical care, very high incidence of domestic violence, and unemployment.

The document admonishes the international community for providing only what it calls Band-Aid solutions: mostly because it is not tied to any political demands, aid has further entrenched the occupation and the Palestinians' resulting state of dependency. It concludes by warning that there can be no meaningful change for Palestinians in the oPt unless the international community holds Israel accountable for its violations of international law.

[Read the full press briefing.](#)

ARAB

B1. 7AMLEH, ENGLISH TRANSLATION OF PA CYBERCRIME LAW, HAIFA, 2 AUGUST 2017

In an effort to combat an alleged rise in online crimes, in 2016 the Palestinian Authority (PA) created a cybercrime task force whose recommendations eventually resulted in the issuance, by presidential decree, of the Electronic Crimes Law on 24 June 2017. Ever since, civil rights groups have been protesting what is colloquially known as the Cybercrime Law, saying that its provisions infringe on the rights of free speech and expression. The measure requires internet service providers to cooperate with PA intelligence agencies, empowers PA officials to block websites and record online conversations, allows online violators of “public morality” to be imprisoned for one year and fined the equivalent of \$7,000, and makes online acts deemed to undermine “national unity” or “social harmony” punishable by 3 to 15 years of hard labor (see Update on Conflict and Diplomacy, JPS 47 [1]).

The English translation was provided by 7amleh, the Arab Center for the Advancement of Social Media, on 2 August 2017. The PA has not produced an English translation of the decree.

[Read the full translated text.](#)

B2. AL JAZEERA, INTERACTIVE TIMELINE OF THE NAKBA, DOHA, 23 MAY 2017

The term Nakba refers to the catastrophic events prior to the establishment of the State of Israel during which Zionist militias forced 750,000 Palestinians into exile and destroyed or depopulated more than 500 villages in what was mandate Palestine. Although it is widely commemorated to have occurred on 15 May 1948, the day the state came into being, the Nakba was not a one-time event, notes a new Al Jazeera interactive timeline titled “The Nakba: The History of Palestine since 1799.” Released on 23 May 2017, the timeline sets out to show that the process of displacement began much earlier and remains ongoing. It emphasizes that by 15 May 1948, more than half of those Palestinians who became refugees had already been violently displaced by Zionist forces and that the ethnic cleansing of Palestine’s indigenous population continues “albeit in a less explicit way than that during the Nakba.”

Following a brief introduction, an accompanying [primer](#) presents basic facts in a question-and-answer format, including: “What caused the Nakba?” “When did the process of displacement actually begin?” “Is the Nakba over?” And, “What is the situation today?”

[View the full timeline.](#)

ISRAEL

C1. GISHA, REPORT LISTS 50 WAYS ISRAEL CONTROLS GAZA, TEL AVIV, JUNE 2017

To mark 50 years since Israel occupied the West Bank and Gaza in 1967, Gisha, the Legal Center for Freedom of Movement, released a document in June 2017 listing 50 ways in which Israel continues to control the lives of Palestinians, even in areas it no longer purportedly occupies. The document notes that despite Israel's official withdrawal from Gaza in 2005, the territory's air space as well as its sea and land borders remain under Israeli control, impacting two million Palestinians. Gisha holds Israel responsible for the grave humanitarian crisis in Gaza that has resulted from severe Israeli restrictions on the free flow of goods and people, and especially access to reconstruction materials and adequate medical care. It notes that Israel is violating its obligations under international law to protect the rights and quality of life of the people it occupies.

Israel's reasoning that it enacts these punitive measures out of security concerns belies reality, Gisha writes. "Many of Israel's restrictive measures against Gaza residents have nothing to do with concrete security needs. The control Israel wields is so pervasive and encompassing that it is difficult to reconcile it with military needs alone. . . . In many cases, it is blatantly clear that no effort is made to strike a reasonable balance between legitimate security concerns and the rights of residents of Gaza, including recognition of Israel's responsibility to maintain normal life in the Strip."

Using cultural references and popular idioms, the Gisha document presents 50 basic facts for those unfamiliar with the conflict. For instance, number 8 on the list, "Forbids family meals and visiting grandma in the West Bank," illustrates the restriction on travel permits between the West Bank and Gaza. Number 13, "Limits dreams," highlights the burdensome travel restrictions that make it nearly impossible for people to study abroad, run in a marathon in the West Bank, or attend an international cultural competition. While many items on the list pertain to freedom of movement, others include Israel's total control of Gaza's reconstruction plans, including the importation of building materials rendered necessary by three massive Israeli assaults on the territory, which destroyed or severely damaged hospitals, clinics, water and power plants, and schools.

[Read the full report.](#)

C2. GISHA, "GRAPHING 10 YEARS OF CLOSURE," TEL AVIV, SEPTEMBER 2017

This quarter marked 10 years since Israel imposed a near-total blockade on Gaza, and in September, Gisha, the Legal Center for Freedom of Movement, released "Graphing 10 Years of Closure," a fact sheet documenting the siege.

In addition to the decade-long siege, which prevents manufacturers and farmers from reaching outside markets, three major Israeli assaults that damaged infrastructure and factories as well as electricity and water plants have brought Gaza's economy to a grinding halt, the document notes. In 2017, unemployment in Gaza remained above the 40% mark despite improvements in the overall economic picture since the last and most deadly Israeli assault in the summer of 2014.

Only consumer consumption and continued international aid “have prevented a total plummeting of Gaza’s per capita GDP” as “the labor-intensive industrial and agricultural sectors remain far below their pre-closure levels of production or potential,” Gisha indicates. The fact sheet points out that Gaza’s economic free fall also has a deleterious effect on the West Bank because the Palestinian economy is highly integrated.

[Read the full document.](#)

UNITED STATES

D1. ACLU, LETTER TO CONGRESS OPPOSING ANTI-BOYCOTT ACT, WASHINGTON, 17 JULY 2017

On 17 July 2017, the American Civil Liberties Union (ACLU) addressed a letter to U.S. legislators stating its strong opposition to S. 720 (in the Senate) and H.R. 1697 (in the House of Representatives) criminalizing the boycott of Israel. The Israel Anti-Boycott Act, which was still in committee and had not been passed to the floor for a vote in either chamber, carries provisions of up to 20 years in prison and \$1 million in fines for violators. The measure expands the prohibition on U.S. citizens participating in a foreign government’s boycott of a country friendly to the United States under the 1979 Export Administration Act to include multilateral bodies and organizations such as the United Nations and the European Union.

“The bill would amend those laws to bar U.S. persons from supporting boycotts against Israel, including its settlements in the Palestinian Occupied Territories, conducted by international governmental organizations, such as the United Nations and the European Union. It would also broaden the law to include penalties for simply requesting information about such boycotts. Violations would be subject to a minimum civil penalty of \$250,000 and a maximum criminal penalty of \$1 million and 20 years in prison,” the letter stated.

The ACLU opposed the legislation on First Amendment grounds since the boycott falls under protected political speech. Additionally, the civil rights organization argued, the legislation would penalize people for their political beliefs about Israel and its policies. According to the ACLU, “only a person whose lack of business ties to Israel is politically motivated would be subject to fines and imprisonment—even though there are many others who engage in the very same behavior. In short, the bill would punish businesses and individuals based solely on their point of view. Such a penalty is in direct violation of the First Amendment.”

[Read the letter.](#)

D2. U.S. SENATORS, REPLY TO ACLU LETTER AGAINST ANTI-BOYCOTT ACT, WASHINGTON, 20 JULY 2017

Three days after receiving the ACLU letter (Doc. D1 above) asking senators not to sponsor or vote for the Israel Anti-Boycott Act (S. 720) on the grounds that its provisions violate the First Amendment of the U.S. Constitution, Sen. Ben Cardin (D-MD) and Sen. Rob Portman (R-OH),

bill cosponsors, wrote a response in which they welcomed “the opportunity to correct some fundamental misunderstandings.”

In their letter of 20 July 2017, the senators reiterated their commitment to the First Amendment and said they would not support legislation that violated free speech or other protected political activity. Furthermore, they wrote, Congress was amending the 1979 Export Administration Act (EAA) to add “international governmental organizations such as United Nations agencies or the European Union” to the entities that U.S. citizens were prohibited from engaging with in a foreign boycott of Israel under the EAA. The current law prohibits U.S. citizens from participating in a foreign country’s boycott of a friendly state. The senators wrote:

Individuals who “actively avoid purchasing goods and services” because of their own political viewpoint would not be subject to the bill. Similarly, the bill does not regulate civil society organizations who are critical of Israeli policies or prevent them from speaking in favor of BDS. The legislation does not encourage or compel persons to do business with Israel, nor does it punish individuals or companies from refusing to do business with Israel based on their own political beliefs, for “purely pragmatic reasons,” or for no reason stated at all. Any suggestion that this bill creates potential criminal or civil liability for these actions is false.

[Read the letter.](#)

RECOMMENDED REPORTS

R1. UNSCO, GAZA: TEN YEARS LATER, NEW YORK, 11 JULY 2017

Gaza is already “unliveable,” nearly three years ahead of predictions, according to this 33-page report released on 11 July 2017 by the Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO). The report, *Gaza: Ten Years Later*, updated UNSCO’s 2012 study that warned that Gaza would be uninhabitable by 2020. According to the new document, with just a few hours of electricity per day, nearly no potable water, lack of freedom of movement, and the collapse of adequate health care, the situation in Gaza is a “humanitarian and human rights disaster.”

“An 11-year-old child has not experienced more than 12 hours of electricity in a single day in his/her lifetime. No one remembers a time in recent memory when drinkable water reliably appeared out of the tap. Memories of ease of movement in and out of the Strip are also increasingly distant,” the document notes.

Gaza’s infrastructure and economy have not been able to keep abreast of population growth, which has swelled by 25% since 2012, reaching two million in 2016. Insufficient basic services, including health and education, mean that Palestinians in Gaza suffer from a dire shortage of doctors, nurses, hospital space, health clinics, teachers, and classrooms. The report points to Israel’s 2014 Operation Protective Edge attack, which killed more than 2,200 Palestinians, and to Hamas’s takeover of Gaza’s administration, as contributing to the humanitarian disaster. “Despite the warnings issued by the UN in 2012, Gaza has continued on its trajectory of de-development, in many cases even faster than the UN had originally projected.”

[Read the full report.](#)

R2. CARNEGIE ENDOWMENT, *REVITALIZING PALESTINIAN NATIONALISM: OPTIONS VERSUS REALITIES*, WASHINGTON, 30 JUNE 2017

Given the failure of repeated attempts to negotiate a two-state solution to the Palestine-Israel conflict over the course of more than 20 years, “a coherent strategy is needed, along with a new generation of leaders that can stem the political ruptures and inject new life into Palestinian institutions,” according to a multi-author 79-page report by the Carnegie Endowment for International Peace, released on 30 June 2017.

Revitalizing Palestinian Nationalism: Options versus Realities, points to a stagnant Palestinian national movement, which needs an infusion of new ideas to move forward. The report notes, “Fifty years after the 1967 Arab-Israeli War, the Palestinian national movement seems to be at a crossroads. Repeated efforts to negotiate a two-state solution have faltered, and the traditional instruments of Palestinian nationalism—the Palestine Liberation Organization (PLO), Fatah, and, since 1994, the Palestinian Authority (PA)—face crises of confidence. While the current path is likely to lead to continued occupation, settlement expansion, and further internal division, the strategic alternatives could unravel Palestinian institutional and diplomatic achievements, with no certainty of success.”

As skepticism grows about the advent of two states, the report continues, alternative structures are emerging that include calls for a binational state, a human rights approach, the Boycott, Divestment and Sanctions movement (BDS), and armed resistance. While not claiming to be a representative study, the report is based on interviews with 58 Palestinian scholars, journalists, human rights lawyers, activists, student leaders, former senior officials, and others. The participants were drawn from the West Bank, Gaza, East Jerusalem, Israel, and the diaspora.

[Read the full report.](#)