HAMOKED Center for the Defence of the Individual
هموكيد - مركز الدفاع عن الفرد

מיסודה של ד"ר לוטה זלצברגר – עמותה רשומה
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Semi-Annual Report
January – June 2002

"All human beings are born free and equal in dignity and rights."

(Article 1 to the Universal Declaration of Human Rights, 1948)

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INTRODUCTION

"**Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind... national or social origin... no distinction shall be made on the basis of the... status of the country or territory to which a person belongs, whether it be independent... or under any other limitation of sovereignty."**
(Universal Declaration of Human Rights, Article 2)[1]

The rise in violence in the Occupied Territories and in Israel since the beginning of the present "Al-Aqsa Intifada" has further hardened the hearts of the authorities and their emissaries, who have intensified their attack on basic human rights, and expanded their violations of the rules of humanitarian law. In the first two months of 2002, Israel continued using the same means used since the beginning of the Al-Aqsa Intifada – assassinations ("extra-judicial killings"), siege, curfew and roadblocks. At the end of February, the IDF launched an invasion, unprecedented in scale, into the territories of the Palestinian Authority (PA). Since that came two more IDF invasions, each bringing with it harsher results than the previous, for both Palestinians and Israelis. The first invasion, from the end of February through mid-March, and the second, Operation Defensive Shield, undertaken during April, were characterized by hundreds killed by shooting, thousands detained in inhuman conditions, countless incidents of looting, destruction of private and public property, and extended curfew. The third invasion, Operation Determined Path, which began in mid-June, led to the reoccupation of the West Bank with the exception of the Jericho area, an occupation that continues to the date of this writing. In addition, the State of Israel has begun punishing family members of those who carried out attacks against Israelis, through demolition of their homes and deportation to Gaza.[2]

The field activities that inflicted harm upon Palestinians were backed up by official policies and legislative acts. Orders were issued authorizing the detention of thousands of innocent Palestinians for periods exceeding two weeks, with no option of meeting with an attorney and with no legal scrutiny; a policy of non-investigation into hundreds of cases of death and thousands of injuries inflicted on Palestinians was implemented; a legislative amendment was passed that prevented those same Palestinians access to courts where justice could be rendered; a new family reunification policy was decided upon, preventing families in which one member was a resident of the Occupied Territories from being together; and the conditions for granting Palestinians entry permits into Israel and Israelis permits to enter Gaza or the West Bank were further restricted.

These events had a decisive impact on the activities of HaMoked during the first half of 2002. The number of requests for help received during this period grew considerably, and required special reorganization, some of which had been undertaken in advance with the opening of the emergency hotline in March. Grave violations of human rights on one hand, and a lack of functioning on the part of the authorities on the other, has led to the rise in recourse to petitions to the High Court of Justice (HCJ) and to intensification of cooperation with Palestinian, international and other Israeli human rights organizations. At the same time, HaMoked has continued working on complaints received prior to the IDF invasions, and towards an amelioration of the situation in areas of activity not directly related to the emergency situation.

New Requests

The number of new requests handled by HaMoked in the first six months of this year, 4,652, was similar to the combined total of new requests received during the past four years together (1998-2001). This increase occurred in all areas of activity but for Residency, as can be seen in the following table:

Number of Files Opened in HaMoked, January-June 2002, by Subject[3]

Subject	Detainee Rights	Violence and Property Damage	Freedom of Movement	Residency	Other[4]
First half of 2002	4314[5]	103	191	9	35
Change Relative to midway 2001	+778%	+415%	+218%	-25%	+133%

In addition, HaMoked continued to handle some 900 additional requests received in the past.

[1] Universal Declaration of Human Rights, 1948. All quotations in the titles of the following chapters are taken from this declaration, unless otherwise indicated.
[2] At the time this report was written, the matter of deportation was pending in the High Court of Justice.
[3] A detailed table can be found in the appendix at the end of the report.
[4] Other includes requests for returning of corpses.
[5] In practice, the number of request recieved was at least twice as much, since often in cases of detainee tracing more than one individual and/or organization turned to HaMoked for assistance.

The waves of mass arrests carried out during the IDF invasions into PA territories resulted in requests to HaMoked for the location of some 4,200 detainees, approximately 60% of the total number of Palestinians the IDF reported as having been detained during these invasions. Requests of this sort, received from families, attorneys and organizations, led to the significant increase in the field of Detainee Rights. To these were added dozens of administrative detainees whom HaMoked began to represent when hundreds of detention orders were issued beginning with Operation Defensive Shield. The number of requests regarding violence and property damage increased with the abatement of the battles at the end of April, a time when residents could take stock of the many damages to body and property, and consider the possible ways of locating those responsible for their suffering and obtaining compensation for what was taken from them. Despite the relative increase, the number of requests in the field of Violence and Property Damage is low relative to the countless cases in which IDF soldiers inflicted harm on civilians during the invasions. This is explained by the state of war, in which injustice is the rule and the individual victim is perceived as participating in the nation's suffering; in the Palestinian Authority's hasty and partial repair of damages; and in the lack of faith of residents of the Territories in the desire and ability of the Israeli authorities to act justly towards them.

The increase in the number of requests in the field of Freedom of Movement stemmed mostly from the opening of the emergency hotline on March 10. The initial goal of the emergency hotline was to deal with the problems arising at IDF roadblocks, such as the passage of women in labor, incidences of violence, damage to vehicles, confiscation of identity cards, and unjustified delays. Most of the requests received by the emergency hotline during the IDF invasions of areas under PA control dealt with violations of freedom of movement as a result of the curfew imposed on West Bank residents: evacuation of the wounded, of the sick and of women in labor to hospitals, evacuation of corpses for burial, and transport of humanitarian aid from Israel to the Territories. At times when the curfew was lifted, a great number of requests were again received regarding the roadblocks. The freeze on the handling of requests for family reunification in March and April, and the increase severity in residency policy, led many East Jerusalem residents to approach HaMoked for information regarding policy changes and tools they could use for protecting their family life. However, at present, there is nothing to be done but await the government decision on the matter, expected in November. HaMoked continues to handle these matters for some 160 East Jerusalem families, a process that goes on for years.

Legal Recourse

During the first half of 2002, HaMoked submitted 39 petitions to the HCJ and one administrative petition, compared to 18 submitted during all of 2001. Two central reasons led to this increase. One was that the many violations of basic rights of Palestinians necessitated immediate intervention. The harsh conditions of imprisonment in the Ofer Camp, and the prohibition against meetings with attorneys imposed upon those detained since Operation Defensive Shield, led to the submission of 13 petitions, two of them general, submitted when the first testimonies about the situation there were received (cf. p.5). The demolition of houses with residents inside in the Jenin refugee camp led to the appeal of HaMoked, determined to make every effort to extricate them (cf. p.39). Two petitions against the deportation of persons who have no legal standing in the Territories, and three petitions against the demolitions of the homes of perpetrators of violence against Israelis were also submitted due to the urgent situations.[6] The additional reason for increase in the number of petitions to the HCJ was the significant deterioration in the functioning of the relevant Israeli authorities. The outstanding example of this is the 14 writs of habeas corpus submitted by HaMoked on behalf of 55 missing persons whose families requested HaMoked's help after the authorities did not act sufficiently to find them (cf. p.10). Among the additional petitions submitted by HaMoked were the petition for granting exit permits from the Territories for persons requiring medical assistance (cf. p.26), a petition to enable family visits to detainees in the Ketziot Camp, and an administrative petition for restoring residency to a Jerusalem mother who recently lost her status (cf. p.29).

In 25 of the petitions submitted by HaMoked, partial or complete success was achieved, in most cases with no ruling issued. 37 of those missing were located by the State following submission of a writ of habeas corpus (the remainder were located by HaMoked); regarding the conditions of detention in the Ofer Camp, some improvement ensued following submission of the petition, even though they remained inadequate; a deportation order was rescinded; an exit permit granted; and the residency status of the mother was restored to her. An additional achievement was in the HCJ petition submitted by HaMoked in 2001, when the State committed for the first time to stipulate and publish the conditions under which an exemption would be

[6] During July and August, additional petitions were submitted to the HCJ regarding the deportation of family members of suspected attack perpetrators and the demolition of their homes, to be covered in detail in the Annual Activity Report. See also p.38, p.41.

granted from payment of the fee for registering children. The submission of so many petitions was made possible, inter alia, thanks to the preparation of a generalized standby petition formulated by the HaMoked legal department, containing an array of arguments derived from comprehensive legal research. These petitions were prepared regarding topics of utmost urgency, such as house demolition and deportation, and in areas of frequent need, such as habeas corpus and exit permits.

In addition to the HCJ petitions, HaMoked continued submitting and directing civil suits with the goal of doing justice to those wronged and to deter infringement of the rights of those whose rights had not yet been violated, as well as to demand State accountability. Seven suits were brought during the last six months, seven were concluded, and representation in about 40 was continued. Two of the lawsuits were submitted in the context of our Detainee Rights Project regarding the irresponsible causing of the death of detainees; three regarding incidences of violence by security personnel towards Palestinians and two relating to property damage. Six lawsuits ended in compromise, including one for two months of unlawful imprisonment (cf. p.12); two regarding injury; two for incidences of violence during detention (cf. p.15), and one regarding prevention of passage to a woman in labor at a roadblock (see p. 25). Due to our appeal of the ruling given in the lawsuit regarding a shooting injury, the District Court accepted HaMoked's position, and rejected a broad interpretation given by the magistrates court regarding the open-fire regulations and the term "combatant activity" that had granted the State legal immunity from suits (cf. p.21).

Cooperation

The emergency situation created when the IDF invaded PA territories led to an intensification of cooperation between HaMoked and other human rights organizations, from the sharing of office space to joint petitions to the HCJ. During the first IDF invasion and Operation Defensive Shield, Jerusalem residents employed by al-Haq were unable to reach the organization's offices in Ramallah due to the fighting and the total curfew there, and therefore continued working from the offices of HaMoked. Lawyers from Addameer also faced a similar problem, and accepted HaMoked's offer of lodgings. The close cooperation with these two Palestinian human rights organizations, as well as with others, also found expression in the ongoing work of HaMoked. At the beginning of Operation Defensive Shield, the offices of al-Haq in Ramallah were broken into by soldiers, who also detained employee Yasser Disi. HaMoked worked hastily to located him and prevent an additional break-in of soldiers into the offices. HaMoked, al-Haq and B'Tselem collected money and food to send a truck carrying food to Ramallah during the April siege.

Requests to locate detainees were received from many organizations, including the Palestinian Prisoners' Club, LAW, B'Tselem, The Public Committee Against Torture in Israel, and Amnesty International. Attorneys from HaMoked, al-Haq and Addameer took depositions from individuals released from detention in the Ofer Camp as part of preparations for a petition to the High Court, and joint attempts were made to return them to their homes. HaMoked's activity towards improvement of detention conditions in the Ofer detention camp and at Ketziot was undertaken in conjunction with the Association for Civil Rights in Israel (ACRI), B'Tselem, Physicians for Human Rights (PHR), A'dalah, LAW, Addameer and al-Haq. Permission for attorney visits in these camps was obtained jointly with Addameer and A'dalah, as was the representation of many administrative detainees. HaMoked assisted in preparing and joined in presentation of five petitions to the HCJ submitted by ACRI, A'dalah, and the Palestinian Centre for Human Rights. B'Tselem, HaMoked, PHR and ACRI issued a press release detailing human rights violations during Operation Defensive Shield. Representatives of HaMoked participated in a full day seminar on humanitarian law organized by the International Committee for the Red Cross. Amnesty International chapters in Europe invited the director of HaMoked along with representatives of two other Israeli organizations to inform various groups, NGO's and governmental officials in three European countries about the status of human rights in the Occupied Territories.

In addition to the intensive cooperation among organizations regarding events during the emergency period, HaMoked organized meetings between representatives of ACRI, PHR and private attorneys who deal with a variety of topics relating to the status of East Jerusalem residents. HaMoked is in contact with additional organizations dealing with this topic and is organizing joint action against the new policy of the government. In addition, the cooperation continued in the human rights coalition for the struggle against an amendment of the compensation law which would grant the State immunity from legal suits on behalf of Palestinians following combatant activity. Representatives of the organizations appeared in vain before the Knesset Law and Constitution Committee to present claims against the amendment (cf. p.20). This was also the fourth consecutive year in which HaMoked representatives were invited to testify before the UN

Special Committee to Investigate Israeli Practices Affecting the Human Rights of Palestinian People and Other Arabs of the Occupied Territories.

Organizational Preparation

The rise in the number of new requests to HaMoked reveals only a partial insight into the effort required to confront the emergency situation created by the IDF invasions. On one hand, the number of telephone calls to HaMoked was at least double the total number of new requests that resulted in the opening of a file. Due to the deep fear for the lives of their loved ones, a number of family members would individually call HaMoked and other organizations, who also turned to HaMoked with a detainee tracing request. On the other hand, the processing of requests on many topics necessitated an investment of effort not previously required, following the deterioration of functioning of the authorities which resulted in repeated requests to them; the difficulty in making contact with clients, following the collapse of the telephone infrastructure in some areas; and clients' leaving their homes, frightened by the battles and the destruction.

HaMoked quickly redeployed itself in order to continue serving these clients. Hours of activity were extended and HaMoked's offices were staffed seven days a week, from 7 AM to 4 AM. Workers on the emergency hotline became part of HaMoked's client intake staff, and Arabic-speaking volunteers joined them to continually maintain contact with the thousands of families. Telephone lines were added to those already in place, with the goal of enabling many more clients to call. A special team was established to deal with requests for location of detainees; it consisted of three fulltime HaMoked staff members reinforced with volunteers and temporary workers. The computer system was reorganized and expanded and new work procedures implemented. The goal was to reduce to a minimum the time that elapsed between receiving a query to locating the missing person and notifying his family. In order to handle the additional burden on the ongoing activity of HaMoked and the growing need to submit petitions to the HCJ, HaMoked used the services of external attorneys in 13 of the petitions submitted.

Prior to the IDF invasion, a full day seminar was held by HaMoked's board of directors, in order to assess the organization's present activity and to sketch out strategy for the future of the organization. During this seminar, the activity of HaMoked during its 14 years of operation was surveyed, representatives from other Palestinian and Israeli human rights organizations attended and a preliminary discussion was held in which guidelines to continue the discussion were set. HaMoked continues in establishment of its information services department, which will coordinate design and operation of an internet site to include legal material relating to HaMoked's areas of activity and will prepare and disseminate topical research reports. During the month of June, the offices of HaMoked were expanded to make room for the growing number of employees and to improve the physical conditions for visiting clients.

Detainee Rights

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." (Article 5)
"No one shall be subjected to arbitrary arrest, detention or exile." (Article 9)

During its invasion of the PA territories, the IDF detained over 7,000 Palestinians, most of them innocent, and imprisoned them in inhumane and degrading conditions. Information as to their place of detention was not transmitted to the families, detainees were forbidden under a sweeping order to meet with attorneys for the first 18 days of their detention, and administrative detention orders were issued by the hundreds. HaMoked appealed to the High Court of Justice (HCJ) to improve the insufferable conditions of imprisonment and to lift the prohibition on meeting with attorneys, processed thousands of requests from families and other organizations to locate missing persons, and represented dozens of administrative detainees in the various legal appearances.

The Ofer Camp

Most of the Palestinians detained in the West Bank since the first IDF invasion of the PA territories were transferred to the Ofer Camp. Some of them remained there and some were transferred to General Security Services (GSS) interrogation facilities, to the Ketziot Camp, and to other prison facilities in Israel. The camp is located west of Ramallah and served until March as an emergency military storage site. During the first IDF invasion the camp became a temporary prison facility. It was opened on 10 March, two days after the mass arrests undertaken by the IDF in the Nur a-Shams refugee camp near Tulkarem. Some ten days later, with the release of the last detainees from this invasion, the camp was closed, only to reopen on 30 March, with the onset of the wave of detentions from the second invasion. Upon receiving preliminary information regarding the insufferable conditions in which detainees were being held in the camp, HaMoked, in conjunction with other human rights organizations, began working to improve them. First, HaMoked attempted to enable visits by attorneys and representatives of the organizations in the camp in order to evaluate the situation there. After the HCJ rejected the petition dealing with visitation, a process of collecting testimonies from those released from the camp was begun as preparation for an additional petition demanding immediate improvement of the detention conditions in the camp. When the hearings for this petition were prolonged, HaMoked began submitting individual petitions pertaining to conditions of imprisonment.

Attempts to Visit the Camp

HaMoked learned of the disgraceful conditions suffered by the detainees at the Ofer Camp on 4 April, when telephone contact was made from one of the first persons released, in continuation of the process of locating of missing persons. The conversations painted a picture of a particularly grave situation with sub-human conditions that violated human dignity and endangered the health of the detainees. On that same day, HaMoked contacted the IDF and the State Attorney's Office, demanding that appropriate conditions of detention be implemented in the Ofer Camp, that proper medical care be arranged for detainees, and that the entrance of attorneys and representatives from human rights organizations be arranged in order to evaluate the conditions of detention. Testimonies received by other human rights organizations completed the difficult picture, with descriptions of violence and a severe lack of food. This brought into focus the need for detainees to meet the attorneys as a tool for improving their conditions of detention. Such a meeting would lessen detainees' feeling of isolation and despair , would enable the collection of reliable testimonies regarding the situation, and would require those responsible for the camp to improve the conditions there.


HCJ

On 5 April, after no official response was received from the IDF, HaMoked appealed to the HCJ, demanding to enable detainees at the Ofer Camp to meet with their lawyers. On Friday night, after the petition was submitted, the IDF sent HaMoked a copy of Order 1500. The order, issued that day by the IDF commander of the West Bank, gave every officer from the rank of captain the authority to arrest any person in the West Bank for 18 days, during which meeting with an attorney is prohibited. Only after these 18 days would the detainee be brought before a judge. The order applied to everyone detained since 29 March, the beginning of Operation Defensive Shield. Thus were thousands of detainees "legally" isolated from the outside world, left to the mercy of prison wardens subject to no oversight or outside scrutiny, legal or public. The State defended the sweeping prevention of the meetings, invoking the need to identify hundreds of detainees and sort them into those who are suspects of one sort or another whose detention would be extended, and the innocent, who would be released. The State's claim was that meeting with an attorney might foil the clarification and sorting, thus interfering with the investigation and compromising security. On 7 April, the HCJ rejected the petition of the organizations. However, the court insinuated that

within a short period, the conditions enabling a consideration of the particular circumstances of each detainee would become ripe, and then it was likely that a sweeping order would no longer be valid. After a short hiatus, HaMoked began operating in this direction.

Collection of Testimony

Immediately following the HCJ ruling, HaMoked began searching for detainees regarding whom Order 1500 did not apply, and thus were eligible to meet with an attorney. The process of locating detainees revealed that some of those detained in military detention facilities in the West Bank before 29 March had been transferred to the Ofer Camp. Together with attorneys from Addameer, on 8 April HaMoked requested from the commander of the Ofer Camp to arrange meetings with those detainees. Shortly after the request, those detainees were transferred from Ofer to other detention facilities, and their attorneys were permitted to visit them. This added weight to the assumption that the IDF is not interested in exposing the conditions of detention in the Ofer camp to outside scrutiny.

With the channel of attorney meetings now blocked, detailed testimony was taken from those who had been released and whose families had been in contact with HaMoked as part of the location process. As these testimonies – indicating a continuation of the insufferable situation – accumulated, HaMoked reiterated its demand that the IDF institute suitable conditions of detention in the camp and arrange for visits by representatives of human rights organizations in order to evaluate the conditions, a type of visit not prohibited under Order 1500. At the same time, it became known that among the dozens of released detainees staying in Qalandiya were those who were prepared to give a signed deposition regarding what had happened to them from the day of their arrest. On 13 April, after HaMoked conducted tedious contacts with the Civil Administration, attorneys from HaMoked and from other organizations were permitted to arrive at the site to take depositions.

The next day, immediately after HaMoked announced its intention to submit a petition on the matter to the HCJ, the IDF's response to HaMoked's previous requests was received. It claimed that suitable conditions had existed in the Ofer Camp since it first began operating as a prison facility. This response completely contradicted testimonies taken a day earlier in Qalandiya. These testimonies painted an intolerable situation: terrible crowding in torn tents, each housing 60 men, and under awnings perforated with holes, under each of which 300 men were crammed. A constant feeling of hunger resulted from the scant quantity of food, which included a container of cheese and a container of humous for every six detainees, one piece of fruit or one vegetable, a frozen cutlet and three pieces of matza per day – and with no plates or utensils. Exposure to disease due to deteriorated hygienic conditions, with no change of clothes, no toilet paper, no hot water, soap or personal towel, and no possibility of cleaning the filthy bathrooms. Medical care, apart from pain relief pills, was not provided, even in the case of wounds.

General Petition – Conditions of Detention

HCJ

On 18 April, HaMoked submitted in its name and on the behalf of six additional Israeli and Palestinian human rights organizations, a petition to the HCJ demanding that minimum humane, appropriate and dignified conditions of imprisonment be provided for detainees in the Ofer Camp and in areas where they are concentrated prior to being transported there. In addition, the petition required that representatives from human rights organizations be enabled to enter the camp, in order to assess the conditions of imprisonment there. Included in the petition were testimonies and depositions taken at Qalandiya and over the telephone that offered a detailed picture of the detention process and the stay at Ofer. The deposition of Ramzi a-Nabrisi, age 24, detained on 30 March in Ramallah, was one of those appended to the petition. At the end of his testimony, in which he described the period of his detention in great detail, he added:

> This is without a doubt the most difficult period of my life. I have never felt so humiliated or insulted. Entire days of feeling cold and hungry, dirty clothes, a lack of basic medical care – all these planted in me a difficult feeling, that I'm not being treated like a human being. This kind of treatment is not suitable even for animals… to this day I don't understand why I was arrested in the first place, and why they had to keep me in detention for 10 days.

Approximately one week after the petition was submitted, a hearing was held in the court. The State claimed that while during the first days there were problems in some of the areas raised in the petition, brought about by the large number of detainees, the situation had been quickly rectified and the conditions of imprisonment in the camp had been astoundingly improved. In response, HaMoked presented a deposition, taken on 21 April from an administrative detainee staying in the camp, testifying to a negligible improvement in the conditions, which remained harsh and insufferable. The taking of the deposition had

been made possible on 20 April when attorneys were allowed for the first time to enter the Ofer Camp in order to meet with and represent detainees to whom Order 1500 no longer applied, since administrative detention orders had been issued for them. The Court stipulated that five representatives of the human rights organizations who had submitted the petition would be permitted to visit the Ofer Camp, and submit their impressions to the court, which would receive the State's response and only then rule on the matter.

The visit took place on 22 May, after the State capitulated on its refusal to allow a meeting between representatives of the prisoners and representatives of the organizations. During the visit, which was limited in time and confined to a small area of the camp, representatives of the organizations witnessed the difficult conditions present at the time in the camp: crowding, intolerable heat, lack of medical care for the chronically ill, insufficient quantity and sub-standard quality of food, and the total lack of activity forced on the detainees. From short discussions with two of the detainees, it became apparent that this situation was considered an improvement relative to the conditions in the camp prior to submission of the petition and prior to the visit. After the visit, the media reported on the existence of an internal report prepared by the State Attorney's office in preparation for a response to the HCJ petition. This report, according to the media, confirms one-by-one the facts presented by the organizations in the petition, and requires the camp administration to quickly improve the conditions therein, by the time of the first hearing for the petition.[7] This provided an example of the relative power of HCJ petitions. The very act of submitting them requires the State to investigate its acts and improve them before passing through the courthouse gates.

Following the visit, an agreement was made between the organizations and the State to attempt to solve the problem of the difficult conditions without court intervention, in order to shorten the process for the benefit of the detainees. HaMoked prepared a list of demands for improvement of the conditions of imprisonment in the Ofer Camp which included: reducing the number of detainees held in each tent, installation of fans to relieve the overbearing heat, provision of appropriate clothing and personal hygiene products, granting suitable medical care for the chronically ill, improving the number and quality of toilets and showers, and providing the possibility of receiving school books so that the students among the detainees can take exams then scheduled for the near future. The list was sent to the State Attorney's Office, which passed it on to the army. The State claimed in court that since this was no longer a case of substandard and inhumane conditions, the petition should be annulled, but the HCJ decided to continue discussing it and a ruling is forthcoming.

Individual Petitions – Conditions of Detention and Meeting with an Attorney

Parallel to the general petition, HaMoked began operating on the individual level as well and submitted a number of petitions to the HCJ on behalf of individual detainees, attacking the conditions of imprisonment in the camp, with the goal of obligating the State to improve those conditions for all of the detainees.

HCJ

On 30 April, at around 5 AM, N.N., a 45-year-old resident of Hebron, was arrested in his home, wearing only pajamas and a jacket. From the day of his arrest and for some two weeks that followed, N.N. received neither clothing nor change of underwear. After an administrative detention order was issued for him, his attorney brought him a change of clothes. IDF soldiers forbade the transfer of clothes, and even an appeal to the West Bank legal advisor and his assistants who were on site at the time, was to no avail. The following day, HaMoked submitted a petition to the HCJ demanding that the IDF fulfill its obligation to distribute a change of clothes to detainees or alternatively to allow the supply of clothes from the outside. In response to the petition, the State promised to provide a change of clothes to the detainees. (**File 17831**)

Besides the detention conditions, HaMoked took action to enable detainees to meet with their attorneys at the earliest possible date, in order to reduce the suffering of the innocent. HaMoked participated in the petition to the HCJ submitted by ACRI, attacking the legality of Order 1500 as violating the rights to personal freedom and due process, and the right of a detainee to meet with attorney. In addition, after the reasonable time period stipulated in the HCJ ruling in HaMoked's petition had passed, HaMoked acted independently to remove the prohibition against meeting with an attorney for those detainees arrested under Order 1500.

HCJ

T.H., age 38 and the father of nine, was detained on 2 May. N. S., age 37 and father of three, was detained on 26 June. Their arrests were made on the authority of Order 1500, and they were therefore prohibited from meeting with a lawyer. After each of them was located in the Ofer Camp, HaMoked submitted a petition to the HCJ on their behalf, in order to remove the prohibition on meeting with an attorney. One day after submitting the petition in the name of T.H., the State permitted him to meet with his attorney in the

[7] Uri Blau, Kol Ha'Ir, 24.5.02.

Jerusalem detention center. One day after submission of the petition in the name of N.S., it was related that in effect, the prohibition on the meeting between him and his attorney had been annulled, and that the information regarding validity of the prohibition had been based in error. HaMoked asked the HCJ to impose costs on the State following its error, which required submission of a petition, and the HCJ accommodated the request. (**Files 17830, 17896**)

Even when detainees in the Ofer Camp were permitted to meet with their attorneys, the meeting was conducted under unreasonable conditions. HaMoked petitioned the HCJ on an individual basis also regarding this matter.


HCJ

At the end of April, M.Q. was arrested in his house in Hebron, and placed in administrative detention for three months. On 13 June, his attorney met with him at the Ofer Camp. During the meeting, M.Q. wore plastic handcuffs, and the soldier who accompanied him to the tent where the meeting took place sat at a distance of about two meters from the table. The legal advisor of the Ofer Camp claimed that she was aware of the matter regarding conditions of the visit, and commented "that's what we've got." About one month earlier, a request had already been put in to the West Bank legal advisor on this matter, that was left unanswered. HaMoked petitioned the HCJ against the handcuffing of M.Q. during the meeting with his lawyer as constituting an unnecessary violation of his dignity, and against the excessively close presence of the soldier, that made it impossible to carry out a private meeting, as required by law. The petition has not yet been heard. (**File 17894**)

Release from Detention

The hardships suffered by detainees in the Ofer Camp did not end once they were released. The release process itself was, in most cases, long and humiliating.


HCJ

A.B., age 15, was arrested at his family's home in Qalqilya on 5 April. He was located by HaMoked in the Ofer Camp, but later disappeared from there, and was not located elsewhere. On 19 April HaMoked petitioned the HCJ on his behalf. In its response to the petition, the State related that A.B. was detained in the Ofer Camp but was to be released the following day. The following day, HaMoked maintained contact with A.B.'s family, but by evening he still had not returned. After a number of inquiries with the authorities, it was ultimately relayed that A.B. had been released at 5 PM., but he arrived home only at 3 AM. From his story it emerged that from 9:00 AM, when those released were called to alight on the buses, and until 23:00, the released detainees were on the bus, in handcuffs, without water or food. During that time, they were called one by one to the GSS interrogations room in the camp, in order to confirm that their identity was indeed correct. At 23:00 the bus left the Ofer Camp and, with the 50 detainees on it, arrived at the outskirts of Qalqilya after midnight. A.B. lives at the other end of the city, and since he feared that soldiers would shoot him, he sneaked slowly towards his house, and reached his destination at 3:00 AM. On the same bus that released the detainees in Qalqilya were many who are not from the area, and they arrived home only several days later. (**File 17772**)

The army released many detainees at points far away from their homes. These released detainees spent many days in unfamiliar places and endangered themselves in journeys the length of the West Bank, which was divided up with roadblocks. Some 130 Palestinians, released from the Ofer Camp on the nights between 3-6 April, were released near Qalandya. Residents of Ramallah and al-Bireh succeeded in getting home on foot, but those whose homes were in other places could not return home, and remained in a local community center. Attempts by HaMoked and al-Haq to organize private buses that would transport them home failed.

The personal possessions of many released detainees were taken from them at the time of arrest or when they were taken into the Ofer Camp, and were not returned to them upon release. Identity cards, other official documents, money and cellular telephones, were confiscated by soldiers, and no one knows where they are and if they will be returned. HaMoked approached the IDF demanding the return of the detainees' items at the end of the detention, and since there has been an improvement in the situation.

A.A. is a photographic journalist who works for Israeli and foreign networks. On 2 April he was arrested in Ramallah by IDF soldiers who took all his equipment from him. This equipment included a camera, a bulletproof vest, a wallet, and two cellular telephones. A.A. was held in Ofer until 25 April, without any steps being taken against him. At the time he was released, not a single item from the equipment taken from his was returned. After he contacted HaMoked, a letter was sent to the West Bank legal advisor, demanding that A.A.'s stolen property be returned to him. (**File 17812**)

Detainee Tracing

"The obligation to make this announcement [regarding arrest and place of detention] is a direct result of the fundamental right granted a person who has been detained… this right is a natural right, and derives from human dignity and general principles of justice…" (HCJ 670/89).[8]

Legislation regarding the Occupied Territories requires the authorities to inform the family "without delay" the fact of a person's arrest and his or her place of detention. This announcement is important both so that the family members know what happened to their relation, whether he has been detained or, heaven forbid, is dead, and so that the family can obtain the necessary help in order to defend his freedom. The IDF has never fulfilled this obligation. In the petition to the HCJ submitted by HaMoked and ACRI in 1995,[9] an arrangement was stipulated requiring the authorities, on one hand, to tell the detainee's family and his attorney regarding the place of his detention, whether by telephone or through a postcard, and on the other hand, to convey updated information regarding the location of every detainee to public organizations and attorneys, through the military police administrative control center, which supposedly is updated by the IDF, the police, the Israel Prison Service, and the GSS.

These arrangements, which existed over the years in only partial fashion (only in exceptional cases the family received some kind of announcement regarding the arrest of a family member) collapsed with the first IDF invasion. Some 1,700 Palestinians were arrested in the West Bank during this invasion. HaMoked received requests to locate 500 of them. The hundreds of detainees held at the Ofer Camp, opened as a prison facility during the invasion, could not be located, since the IDF did not make preparations for conveying information about them, even to the administrative control center. A list of some 100 names of detainees that HaMoked did not succeed in locating was sent to the State Attorney's Office on 14 March, in order to draw attention to the severity of the problem and to obligate those responsible for the Ofer Camp to remedy the families' lack of certainty. Since almost all of the detainees were released a number of days after their arrest, there was no longer a need to locate them.

At the beginning of Operation Defensive Shield, HaMoked faced a broken-down system. The delay of over a week in the administrative control center's responses regarding place of location, and their incorrect or obsolete answers, were a result of the IDF's lack of preparedness for mass detentions. Despite the bitter experience from the wave of arrests during the first invasion, it appeared that not a single lesson had been learned. In the schoolyards, commons, and fenced-in areas where thousands were held in the first hours and days of their detention, no records were usually taken. When the detainees were transferred to the Ofer camp, a number of days passed until their details were conveyed to the administrative control center. Registration was negligent and the names or identity card numbers of a significant number of detainees were erroneous. A lack of manpower at the administrative control center and the reduced functioning of the authorities according to holiday protocol due to the Passover holiday also added to the chaos that reigned at the beginning of the operation. All this occurred at a time when the urgency of transferring information was greater than during normal times, due to the expansive military operation. Families whose relatives disappeared did not know with any certainty whether they were detained, injured, or had been killed in the exchanges of fire.

In order to bring about an improvement in the situation, HaMoked, on 1 April, submitted a request to the State Attorney's office protesting the ineptitude of the army authorities in all that related to the transfer of information regarding places where detainees were being held. This request led to no change whatsoever in the IDF's functioning. The individual requests submitted to the State Attorney's Office were also not answered. At the same time, HaMoked changed the way in which it operated in order to deal with the thousands of requests to locate over 2,000 missing persons, received during the month of April. A special staff was established to organize the matter, the computer system was overhauled, volunteers were recruited, and new work procedures were adopted. Due to the inactivity of the State Attorney's Office, HaMoked decided to relinquish its usual procedure of turning to the State Attorney's Office after receiving a negative answer from the administrative control center, and only then submitting a petition to the HCJ. Instead, it was decided to petition directly to the court in order to obligate the State to respond. Every petition to the HCJ necessitates on the one hand a clarification of exact details regarding the missing person and the circumstances under which s/he disappeared, which in the field conditions at the time was almost completely impossible, and on the other hand a comprehensive clarification with the authorities regarding

[8] HCJ 670/89, Odeh et al v. Commander of IDF Forces in Judea and Samaria, PD 43(4) 515, p. 517.
[9] HCJ 6757/95, Hirbawi et al v. Commander of IDF Forces in Judea and Samaria, pending publication.

location, including, in addition to the cross-check with the administrative control center, submission of inquiries to possible places of detention.

On 4 April HaMoked petitioned the HCJ. This petition had two aspects, one of which was a principle demand: the request to grant an order nisi obligating the authorities to prepare appropriately to uphold their obligation to convey information to families of detainees without delay. The second, a personal aspect, was a request for a writ of habeas corpus regarding two missing persons, that would require the IDF to immediately announce whether and where they were detained.

HCJ

On 1 April the IDF began shelling the a-Ramoni building in Ramallah, were A.J. was located at the time. When he tried to flee through the window, he fell and was injured. A medical staff arrived at the site and began administering care, but IDF soldiers arrested him and took him with them. Since until 4 April the administrative control center had been unable to locate him, HaMoked submitted a petition to the HCJ on his behalf and on behalf of a second missing person. The State's response was that A.J. was not in its custody. Parallel to submitting the petition, HaMoked continued its efforts to locate A.J. in the hospitals, and ultimately he was located in one of them, where a soldier who did not permit HaMoked's attorney to visit him in order to check up on his situation and speak with him was guarding him. HaMoked continued to follow up on A.J.'s place of detention. Despite no improvement in the state of his health, he was transferred to the Ofer Camp. HaMoked intervened and he was re-hospitalized. This time, an attorney from HaMoked was permitted to meet with him. A.J. was given an operation, from which he is recovering. (**File 17761**)

Following this petition, the military police administrative control center was reorganized, greatly improving it's functioning, but the information it received remained partial, faulty, and not updated. The continuing problems and the lack of cooperation on the part of the State Attorney's Office regarding HaMoked's request on one hand, and the growing importance of accurate information regarding the detainees' place of imprisonment so that he can be represented by an attorney in legal proceedings relating to extension of his detention, approval of an administrative detention order issued against him, or conditions of detention on the other hand, led HaMoked to again turn to the HCJ at the end of April. Three petitions were submitted on behalf of 21 people. Following these petitions, the authorities acted at the beginning of May to update the details of detainees at the Ofer Camp, and so was it possible to convey to many additional families information regarding the location of their loved ones, whose whereabouts until this point had been unknown to them.

The petitions to the HCJ did not always lead the State to invest maximum efforts into finding the detainee, and only after the strenuous work of HaMoked could the worried family be informed of the place of detention.

HCJ

W.A., age 22 from Dura in the Hebron district, was arrested at his home on 24 May in the early hours of the morning. On that day, he succeeded in contacting his mother and told her that he was at a detention facility of the Judea regional brigade and asked for attorney representation. When the attorney tried to visit the facility, W.A. was no longer there. His family contacted HaMoked, but there was only one answer to repeated inquires: not found. On 6 June HaMoked submitted a petition to the HCJ on his behalf and on behalf of three other missing persons. The place of detention of two of the petitioners was provided, but it was claimed that there was no information indicating that the security forces detained W.A.. Since he had been arrested at his home, and had announced that he was being held at a military facility, HaMoked continued its efforts to locate him. On 20 June HaMoked received information that W.A. was probably being held at the GSS interrogation facility in the Ashkelon prison, but under a different surname. The information was immediately conveyed to the State Attorney's Office in order to receive a clear and official response as to whether it was the same person. But the State, on its part, did find the detainee even under the new name. On 1 July HaMoked's attorney went to the Ashkelon prison and met with W.A., who not only had been there since 25 May, the day following his arrest, but had even had his detention extended twice by a judge. An announcement regarding his place of detention was immediately conveyed to the family, and the HCJ was asked to impose the legal expenses on the State since it had provided erroneous information. (**File 17855**)

On the other hand, the petition to the HCJ sometimes brought about a reevaluation of the detainee's detention and his release. Ten of thirty-seven missing persons located by the state following HaMoked's submission of a petition on their behalf, were released once they were located.

HCJ

H.R. was arrested at his home in Ramallah on 1 April. His family requested assistance from HaMoked and he was located at the Ofer Camp. After approximately two weeks, H.R. disappeared from the Ofer Camp

and the military administrative control center was unable to locate him in the various prison facilities in Israel and in the Occupied Territories. In the State's response to the HCJ petition submitted on behalf of him and seven other missing persons on 1 May, it was stated that on 15 April a three-month administrative detention order had been issued for H.R., some ten days later an additional three-month administrative detention order was erroneously issued for him, but on the day the response was given, he could not be located. The day after this information was conveyed, H.R. was located in the Ofer Camp, and he was granted a hearing before a judge who ordered his release. H.R. was released on 7 May 2002. (**File 17793**)

Since Operation Defensive Shield, the number of mass detentions undertaken by the IDF has decreased. While the drop in the number of detainees every day has reduced the extent of problems created by the authorities' malfunctioning, the delays in conveying information and the incomplete nature of the information continue to bring hardship to detainees and their families. HaMoked, which since the conclusion of Operation Defensive Shield and through the end of June, received 1,400 location requests, continues its work vis-à-vis the IDF, State Attorney's Office and the courts in order to solve these problems.

Deportation

Among the thousands of Palestinians detained since the IDF invasion of the PA territories, many did not have legal status to reside in the West Bank, some of them are from families in the Occupied Territories whose request for family reunification or extension of a visitor's permit was not addressed since the beginning of the Intifada as part of the Israeli policy of freezing all handling of these issues. Despite the randomness of their arrest, and although most of them were not involved in any security or political activity, their status made them candidates for deportation. The attempts to locate them were met with many difficulties since they have no identity number based on which a search in the prison facilities can be conducted. Some 30 detainees whom HaMoked attempted to locate were deported before they could be located. Regarding matter of those whom HaMoked succeeded in locating prior to deportation, an urgent request was submitted to the IDF to delay their deportation. Regarding two, petitions were even submitted to the HCJ. The petition of one of the detainees is still being heard, while the second was released to his home in the West Bank.

HCJ

M.M. arrived to the West Bank with his mother in 1993, just a few days after the death of his father. At that time, M.M. was 11 years old. HaMoked has been assisting in his mother's request for family reunification since 1994, when, in keeping with an Islamic precept, she married her husband's brother, a resident of the West Bank. The mother's request for family reunification was approved only in 2000, and when she received an identity card from the PA, she registered her children in the PA population registry. M.M. was at that time already 18 years old, and therefore could not register. He was required to submit a separate request for family reunification. But at that time, the Intifada began and his request was not processed. In June of this year, M.M. was arrested, detained at the Ofer Camp, and was slated for deportation to Jordan. Immediately upon learning of this, on 19 June, HaMoked contacted the West Bank legal advisor demanding that his deportation be delayed for 72 hours. The extension granted was ultimately only 48 hours, during which time HaMoked submitted a petition to the HCJ against the intention to deport M.M. Within just a few hours after the petition was submitted, HaMoked was informed that the IDF intended to release him, and indeed, on 23 June M.M. returned to his family. (**File 17898**)

Administrative Detainees

Three processes that occurred simultaneously during the last half year, and particularly since the IDF incursions, worsened the violation of the right to individual freedom and to due process of Palestinian residents of the Occupied Territories: the sharp increase in the number of administrative detainees held for unlimited periods with no charges submitted against them;, frequent legislative changes made to cover, like layers of patchwork, the defects left by previous laws; and the military legal system's capitulation to security considerations and gave wholesale approval both to administrative detention orders and to legislative changes. To these processes was added the chaos that reigned in the detention camps and military courts and led to the non-representation of many detainees and to red tape in the case of others. HaMoked, through attorney Tamar Pelleg Sryck continued to represent administrative detainees in the military courts in the judicial review of detention orders and in the appeals against their approval.

At the end of 2001, the number of administrative detainees was 36. By March of this year, it had risen to 70, and by the end of June, over 900 Palestinians were being detained under administrative detention order

in the Ofer Camp and in Ketziot, which was opened on 13 April.[10] This is the largest number of administrative detainees since the end of the 1980s, during the first Intifada. Attorney Tamar Pelleg Sryck , who works on behalf of HaMoked, represented dozens of them, and appeared in the trials of many whose lawyers could not appear due to the situation in the Occupied Territories. According to the authorities, the widespread use of this tool was necessary due to the great load placed on the interrogators with the waves of mass arrests and the need to complete the interrogations, but even before the first IDF invasion, administrative detention orders were issued for the sake of holding an individual for interrogation. In a number of appeals against detention orders of this type, HaMoked charged that this act was in violation of the Supreme Court ruling stipulating that administrative detention is intended solely to prevent a risk arising from the detainee, and when there is no other way to prevent this risk. Technical difficulties cannot justify violating basic rights. But the president of the military appeals court determined that a person's right to personal freedom could be violated through administrative detention even if the reason was technical difficulties that were delaying the process. This situation – in which the GSS's claims that a detainee requires interrogation, and that due to a lack of resources there is no possibility of interrogating him immediately, is sufficient to bring about the approval of an administrative detention order – 'excused' the security authorities from having to interrogate immediately detained individuals and made it easy for them to carry out mass arrests during the IDF invasion.

In addition, the authorities have used administrative detention orders in order to legalize defects in their functioning. Detention orders were issued retroactively, after the detainees apprehended under Order 1500 were not brought before a judge after the first 18 days had passed.

After 18 days had passed following the arrest of R.J. under order 1500, he was not brought for a judicial review, as this order requires. Despite this, he was issued an administrative detention order four days later, four days during which he was under illegal detention. In the petition against his detention, HaMoked charged that issuing an administrative detention order after the period of a person's legal detention has expired does not legalize the illegal period of his detention. R.J. was released, as were other detainees in a similar situation. But the detention orders of other detainees, whose detention was illegal but whose release the GSS opposed, were approved despite this.

Cases of illegal imprisonment through use of an administrative detention order have occurred in the past. One of them was subject of a civil suit, submitted by HaMoked, which ended this year with a compensation for the days of illegal detention.

Civil

In October 1997, A.A., from Beit Ula in the Hebron district, was placed in administrative detention for six months. In the appeal against his administrative detention order, in which A.A. was represented by HaMoked, the president of the military appeals court shortened the detention order by two weeks. The day before A.A's intended release, the IDF commander of the West Bank signed an administrative detention order that increased the period of his detention by four months, without presenting any new testimony. In so doing, the military commander turned himself into the appeals judge's superior. HaMoked submitted a petition in A.A.'s name to the HCJ, which accepted the petition and ruled that the IDF commander had not been authorized to extend the detention in this case.[11] A.A. remained imprisoned for 69 days after the date when he was supposed to have been released according to the judge's directive. HaMoked's demand that the IDF compensate him for his pointless imprisonment was rejected. In September 2000 HaMoked sued for compensation on A.A.'s behalf. In January of this year a compromise agreement was signed, which achieved the order of a ruling, leading to the State's compensation of A.A with NIS 20,000 for the days during which he had been illegally imprisoned. (**File 8146**)

Since the beginning of April, the legislation relating to administrative detentions in the Occupied Territories has been changed a number of times. The goal of these changes has been to make easier the labor of issuing orders by dropping the requirement of a periodic review, which contributes an additional judicial review to the administrative detention order. This was to have carried out three months after the order was first approved in the initial judicial review. This easing of conditions resulted in the fact that most detainees arrested during Operation Defensive Shield and not released after the 18 days of detention stated in Order 1500, remained in administrative detention. Even those released after being arrested by this order were not immune to administrative detention.

HCJ

H.Q. was arrested at the beginning of Operation Defensive Shield and taken into GSS interrogation. On 24 April, a day before the trial requesting a re-review of the decision to extend his detention, H.Q. was released at the recommendation of the GSS. But he was released to Tarqumiyya near Hebron, while his

[10] Statistics from B'Tselem, www.btselem.org.
[11] HCJ 2320/98, al-A'maleh et al v IDF Commander of Judea and Samaria et al, P.D. NB (3) 346.

home is in al-Bireh. One day later, when he tried to return home, he was arrested at one of the roadblocks and taken to prison, despite the permit he carried from the Prison Service stating that he had been released. Following exhausting clarifications, it became clear that a three-month administrative detention order had been issued against H.Q. for "being a Hamas activist," a fact that H.Q. adamantly denies. In the judicial review of his detention, the military court decided that the classified information submitted for approval of the administrative detention was insufficient, and ruled to release him. This, however, was not the end of H.Q.'s suffering, and the military prosecutor's appeal against this release was accepted, even though there had been no significant change in the classified information regarding him. On 6 May HaMoked petitioned the HCJ, demanding that the administrative detention order be cancelled. One day before the trial, the State agreed to shorten the period of detention. H.Q. was released on 3 June and returned home. (**File 17801**)

In mid-April, it became known that dozens of administrative detention orders had been issued for detainees in the Ofer Camp, and that judicial reviews of these orders were being held. This information was first used to make possible attorney visits to the Ofer Camp. The first appeals submitted were regarding orders approved during the first judicial reviews, before the attorneys were permitted to enter the Ofer Camp.

The petition of Dr. B.K., a physician from Ramallah, was heard on 25 April at the Erez Military Court. Following negotiations, the prosecution agreed to release him in five days, claiming that the GSS would probably be interested in taking him into interrogation. The judge accepted the prosecutor's position and only after those days of uncertainty was Dr. B.K. released.

Subsequently, with the cooperation of attorneys from Addameer, appeals were submitted against decisions of approval for administrative detention orders issued later. During the appeals, the helplessness and negligence of the authorities was evident. Reliable information regarding the place of detention of administrative detainees was not conveyed, preventing their attorneys from meeting with them. Difficulties facing attorneys at the entrances to the Ofer and Ketziot camps accumulated, appeals submitted received no hearing date, and detainees were not delivered to appeals that had been scheduled. All this detracted from the basic right of every detainee to representation. In light of this difficult reality, the military appeals court president decided to release 11 of the administrative detainees since they were not brought, like many others, to the hearing. In response, the commander of IDF forces in the West Bank submitted a petition to the HCJ against the decision to release them. HaMoked and the Public Committee Against Torture in Israel represented these eleven detainees. The HCJ accepted the IDF's claims and returned the hearing regarding them to the military appeals court. In addition to these violations, the military appeals court granted an exemption to the GSS representative from appearing at the hearings, and stipulated that he would have to hear only new legal arguments. Thus was the way blocked for the detainee, his attorney and the judge to examine the GSS witness, on whose recommendation the administrative order was issued, resulting in a violation of an administrative detainee's right to have all of his legal and factual arguments, new and those heard in the first round, heard in an appeal; a right that derives from the Supreme Court ruling that recognizes the unique role of the appeal.

As a rule, the military justices approve the administrative detention orders and appeals are routinely rejected. The central defect, however, lies not with the number of such orders approved, but, mainly, in the way in which the military courts relate to the obligation towards a balance between the rule of law and security. This gives great weight to the claims of the GSS, unavailable to the detainee, as opposed to the instructions of the law.

Administrative detention orders issued against two detainees from Gaza were approved by a person who is not a judge, in contravention to the law, and therefore the authorities were obligated to release them at the conclusion of 18 days' detention, as stipulated in Order 1500. Although during the appeal the prosecutor acknowledged this fact, the appeals judge rejected the appeal on the grounds that the argument of lack of authority does not stand up to the factual situation presented by the GSS.

Violence Committed by the Security Forces

"Everyone has the right to life, liberty and security of person." (Article 3)

With the IDF invasion of the PA territories, there was a significant increase in the number and severity of phenomena of violent behavior of security force personal vis-à-vis Palestinians and their possessions. Shooting "according to the procedures" that resulted in the death and injury of the innocent, destruction and ruin in homes and offices, and theft of money and jewelry, were the lot of many residents. In addition, IDF soldiers took control of many houses, offering no compensation to their owners. Much personal and public property was confiscated. The Palestinian residents of Jerusalem also suffered from the escalating violence from the Israel police and Border Guard forces stationed throughout the city. This heightened tension did not just result in an increase in violence but also in the deeds, or more accurately the lack of deeds, the inaction, of the authorities responsible for investigating these cases. Their silence when faced with many testimonies, demonstrates the lack of willingness to root out or even restrain the violent behavior of the security forces. Of the small number of investigations initiated, most related to looting, and but a few concluded in placing soldiers on trial. Most of the cases of death and injury were transferred for clarification by the units in the field, and were concluded with no results.

HaMoked, continued acting vis-à-vis the authorities on behalf of those who requested help in opening an investigation, carrying it to the end, and bringing the suspects to trial. In addition, HaMoked continued working through the courts with the goal of bringing justice to the victims, requiring State accountability for the deeds of its emissaries, whether for a violent act or for not carrying out an investigation, in order to try to deter security force personnel from exercising violence against the civilian population. During the second half of this year, five civil suits were filed in the courts for bodily and property damage and four ended in compromise. The situation in the field added problems to the filing and conducting of these suits, since Palestinians could not meet with their lawyers or enter Israel in order to testify before the court. The passing of a proposed amendment to the Torts Law dealt an additional blow to the struggle for meting out justice for the victims of violence in the Occupied Territories, by blocking their way to seeking justice in the Israeli courts.

Violence aimed at the Body

"Protected persons are entitled, in all circumstances, to respect for their persons their honour… They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof…" (Article 27, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949))

From the beginning of the present Intifada through the end of June 2002, over 1,100 Palestinians in the occupied territories were killed by Israelis. 9,900 were wounded in shooting incidents. Of this number, over 500 were killed in the last four months of this period, alongside the incursion of Israeli forces into the Palestinian Authority. During that same time, over 700 individuals were injured. Despite the thousands of injured and killed among the civilian population, the army was satisfied with opening only a few dozen cases, only a small number of which resulted in bringing the soldiers to trial. This reality was the direct result of a policy followed even before the present Intifada, and regarding which the Chief Military Prosecutor declared the following: "the policy stipulated… was, as a rule, not to open military police investigations regarding the cases of use of weapons… this policy was completely different from the policies followed during the Intifada in the years '87-'94, a period when the main tool for clarifying facts was military police investigations."[12]

A clarification, or a debriefing, a process in which examinations are performed by the army units themselves rather than by a special investigator replaced the investigation. But the army did not initiate even these clarifications. In requests for assistance handled by HaMoked, the internal clarification was initiated only after HaMoked approached the authorities, even regarding serious cases.

During the evening hours of 10 April, shots were heard near the village of A'rabeh in the Jenin district. At that time, M.H. and his wives, A.H. and J.H. were on their way home from the family farm to their home in the village. An ambulance squad from the Red Crescent arrived to the area from where the shots were heard, and found their bodies, riddled with bullets. An examination revealed that they had been shot from close range in their heads and bodies with M16 and high velocity 'dumdum' bullets. Later that night, a bomb was thrown from a helicopter at the H. family's farm. The 67 year old father of the family was

[12] Quote from the letter of the Chief Military Prosecutor as it appeared in Kol Ha'Ir, 1.3.02, p. 25.

seriously injured from the explosion. Only after HaMoked's intervention was a clarification launched regarding the events of that night; it has not yet been completed. (**File 17816)**.

The clarification was meant to be a preliminary step to investigation. In effect, clarifications drag on unreasonably, are conducted unsuccessfully, and conclude with no results. As the Chief Military Prosecutor himself testifies, "…in many cases… debriefings transferred to us were, by way of understatement, unsatisfactory and unprofessional."[12] The time that passed and the negligent collection of evidence contribute to a whitewashing of the facts, and make difficult any future investigation.

On 15 May 2000, S.H., age 15, was shot in the head and killed during confrontations between the IDF and Palestinians in Ramallah. On that same day, in the same area, a second young man, F.S., was injured and lost his left eye. HaMoked's repeated requests to the IDF that an investigation on the matter be launched were not answered, and only the threat to take the matter to court pressured the army into opening an investigation. HaMoked's demand to be notified of the results of this clarification came to naught. Only in June of this year, more than two years since the killing of S.H. and wounding of F.S., was the response of the Central Command's attorney received, that "no information was found regarding the incidents." HaMoked is now considering taking the matter to court. (**Files 14965, 14966**)

Despite the pathetic nature of the clarifications, the Office of the Chief Military Prosecutor relies on their conclusions almost entirely. "…Only in exceptional cases is the matter transferred for my [Chief Military Prosecutor] consideration to decide whether to order an investigation by the military police." [12] But even on the few occasions when investigations are launched, they drag on interminably and are conducted, in most cases, with no particular effort on the part of the investigators to discover the truth.

A.M., age 21 from Jerusalem, works as an assistant to a delivery truck driver. On February 2001, soldiers at the Halamish roadblock (Wadi al-Harmiyyeh) apprehended the delivery truck he was on. The soldiers ordered A.M. to get out of the truck, and when he descended, one of them began pushing him. When A.M. asked why he was being pushed, the same soldier, along with another soldier, began beating him, using the butts of their weapons. A.M. was beaten all over his body, and only when a police patrol car passed by did the soldiers stop. The truck driver who worked with A.M. called an ambulance that took him to the Hadassah Mt. Scopus hospital. HaMoked contacted the Chief Military Prosecutor's office demanding that they investigate the circumstances of the event and bring the soldiers to trial. The response of the Chief Military Prosecutor from April 2001 was that a clarification on the matter had been initiated. In August 2001, the Central Command Attorney announced that an investigation had been launched. To this day, approximately a year and a half from the day of the event, and some ten months from the day the investigation began, no response to HaMoked's inquiries regarding the results has been received. (**File 15541**)

This policy of the Chief Military Prosecutor's Office in effect prevents investigation of the truth in all that relates to the death and injury of thousands of residents, and leaves the courts in Israel as the only open venue for residents of the Territories for discovering the truth. Even during the first Intifada, the authorities were not overjoyed to investigate cases in which Palestinians were injured or killed as a result of the actions of IDF soldiers. HaMoked, in representing injured persons in the courts, acts with the goal of bringing the State to acknowledge its responsibility, not only for violent acts committed by its emissaries, but also to gauge their actions in all that relates to the investigation.

Civil

In March 1989, H.A. was shot in the back by IDF soldiers in a confrontation with a group of young people near his home in the A'skar refugee camp near Nablus. H.A. lost consciousness and was transported to the nearby hospital, where he was hospitalized for 34 days and underwent surgery for removing his left kidney. Although the event and the injury were known to the IDF, no investigation was undertaken. HaMoked filed suit for compensation on behalf of H.A. in 1996. In the compromise agreement reached this year, H.A. was awarded NIS 57,000. H.'A. agreed to the compromise, among other reasons because his witnesses were unable to reach Israel to appear in court. (**File 6695**)

HaMoked also represents those request help in cases that do not involve intended abuse or particularly grave results. It is expressly in the seemingly mild cases that the authorities' contempt for Palestinians takes expression most strongly, both in the deed itself and it its investigation. It is doubtful that this contempt would be evidenced if the person wronged were not Palestinian.

Civil

Late into the night of 10 March 1999, B.T. was arrested at his home in Beit Fajar due to a suspicion that he was in possession of a stolen vehicle, a suspicion that later was proved to be baseless. He was taken to the police station with his hands bound in plastic handcuffs. When they reached the station, one of the

policemen took off his handcuffs using a sharp blade, and injured B.T., cutting him deeply in his left palm. B.T. was taken to the military infirmary where the doctor referred him to the hospital, but only two hours later, during which B.T. was held at the police station, was he released and he went independently to the hospital in Beit Jala. B.T. contacted the Palestinian District Coordinating Office and submitted a complaint regarding the event, and HaMoked followed the investigation. In October 1999, the Police Investigation Department (PID) decided to close the file due to insufficient evidence. In June 2000, HaMoked sued for compensation on B.T.'s behalf against the policeman who wounded him and against the Israel Police. The parties, under the court's encouragement, reached a compromise agreement, in the framework of which B.T. was compensated with NIS 12,000. (**Filed 13729**)

In those few cases when the authorities' investigations did yield results, and some of those involved were even stood trial, the punishments imposed were, in most cases, ridiculous. Here as well, working through the court system obligates the State and those who acted in its name to take responsibility for their acts and to do justice to those wronged.

Civil

H.W. made his living at a watermelon stand at the entrance to the A'skar refugee camp outside of Nablus. On 18 July 1992, Border Policemen arrived at the stand and demanded that he present his identity card. One of the policemen conducted a body search on H.W. and removed the documents in his wallet. When H.W. asked the policeman not to tear his referral form for surgery, the latter began beating him. He overwhelmed H.W. with punches and kicks, from the force of which H.W. fell to the ground; the kicks were followed-up with blows from the butt of policeman's rifle. All the while, the commander of the squad watched and did not raise a finger to stop the violence. H.W. was detained for a month, during which he suffered an attack that caused him to lose consciousness. Even after his release, he continued suffering from such attacks, and received medication. Following the investigation of the PID, the policeman who had beaten H.W. was taken for a disciplinary hearing, where he was found guilty of illegal use of force, and sentenced to the punishment of a harsh scolding.

HaMoked represented H.W. in a civil suit submitted in February 1997 against the policeman, his commander, and the State of Israel. The court recommended that the parties reach a compromise of NIS 60,000, but before HaMoked was able to clarify H.W.'s preference, Operation Defensive Shield began and a request was received to locate him. He was located in the Ofer Camp, and when it was learned that an administrative detention order had been issued against him, HaMoked contacted the camp authorities in order to enable his attorney to visit him. When the visit was approved, the compromise suggestion was presented to H.W. and he agreed to it. (**File 9812**)

Pillage and Destruction

"Pillage is prohibited. Reprisals against protected persons and their property are prohibited." (Article 33, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949))

During the first two IDF invasion of West Bank cities and towns, reports reached HaMoked regarding looting and vandalism carried out by IDF soldiers in homes and private offices. When the reports came in, HaMoked contacted the Chief Military Prosecutor's office demanding that steps be taken to prevent the looting, to locate the looters, to punish them, and to return stolen property to its owners. Individual requests for help were received later, and for each, HaMoked contact the authorities demanding that an investigation be opened and that suspected soldiers be stood trial. This topic drew attention in the Israeli media more than injury to life and limb and despite the repeated declarations of the IDF that these cases would be dealt with severely and promptly and reports that soldiers who had committed these crimes were placed on trial, most cases of looting and destruction by IDF soldiers were not investigated.[13]

On Shabbat, 30 March, an IDF force arrived at the home of F.M., an approximately 50-year-old widow who lives in Ramallah, and makes her living as a seamstress. One of the soldiers asked F.M. whether there was anyone besides her in the house, and she replied that her husband had died and she had no children. The soldiers left and returned a few minutes later. This time, they took F.M. out of her house, sat her at the entrance, entered the house, and began destroying her property. The contents of the kitchen and bedroom closets were thrown to the floor, the bed and arms chairs were broken, three sewing machines, a calculator, a washing machine and a tape recorder were smashed, food that had been in the kitchen was spoiled, a large Koran that had been in one of the closets was torn, and F.M.'s automobile was destroyed. When the IDF forces withdrew, F.M. contacted HaMoked, which contacted the Chief Military Prosecutor's Office,

[13] By the end of August, 2002, 35 investigations of cases of looting during the three IDF invasions had been opened. HaAretz, 26.8.02, p. 5a.

enclosing pictures of the destruction from the house and demanded an investigation of the incident and compensation of F.M. for the damages. To date no response has been received, some two months since the request, and despite repeated memorandums that were sent. (**File 17790**)

In nine of the forty requests on the topic received over the past six months, HaMoked's intervention led to an investigation by the military police. In these cases, HaMoked assists in coordinating testimonies and in conveying documents to the investigators, in order to bring about a discovery of the truth and to compensate those wronged within a reasonable time period.

The H. couple, physicians who run a clinic in Bethlehem, live with their four children in Beit Jala. After the first IDF invasion, during which their daughter was injured by IDF gunfire searches were carried out in their house during which damages were incurred and valuable items were stolen. The couple requested assistance from HaMoked. HaMoked demanded that the Chief Military Prosecutor investigate the shooting and the behavior of the soldiers during the searches as well as return the couple's stolen property. This demand has not been accommodated to this day. With the first lifting of the curfew during Operation Defensive Shield, H.H. arrived at her clinic and discovered that it had been severely damaged. The door of the clinic had been broken in, the waiting room chairs broken, the pictures on the walls vandalized, the ultrasound and sterilization equipment destroyed, the chandelier smashed, and medical books defaced. There were signs of shooting. Remains left by soldiers who had used the space as toilets were evident. The other offices and clinics in the same building were greatly destroyed as well. Some two months after HaMoked sent its demand for an investigation regarding destruction of the clinic, an investigation was opened. HaMoked is following developments. (**File 17766**)

Looting and destruction also occurred in Jerusalem, but the PID, charged with investigating Border Police activity, did not investigate the complaints, mostly due to a lack of public interest, or the great difficulty in locating suspects, due to the great number of police who had been in the field. A situation was thus created in which property damage caused by Border Policemen was not investigated, and damage caused by IDF soldiers was more likely to be subject to investigation.

In the afternoon hours before the start of Israel's Independence Day, security forces entered Isawiyya in Jerusalem, imposed a curfew and took over a number of houses. Family members who lived in those houses were removed from them, in some of the cases through use of violence, were concentrated in the elementary school courtyard, and were detained there until the early hours of the following morning. Men over 35 were taken to the edge of the village, were interrogated by GSS interrogators, and ordered to accompany the security forces on their house searches. When they returned home, the families discovered that great damages had been caused: smashed windows, broken furniture, the content of closets thrown on the floor, the odor of urine and feces, and in some cases, even money that had disappeared.

In the house where Y.S. lived with his ten children, Border Police took over. Y.S. arrived at the offices of HaMoked and was referred to submit a complaint to the PID. HaMoked followed-up the complaint, which concluded less than a month after it was submitted, on the pretense that "there is no public interest in the investigation" and that there was no "specific suspect, and it is highly doubtful that a specific finding could be reached as a result of the investigation." The security forces took over A.S.'s house. HaMoked contacted the West Bank legal advisor, leading two months later to the launching of an investigation that is taking place at the present. (**File 17773, 17778**).

In addition to the acts of destruction to private property, extensive destruction of infrastructure was wrought in communities where IDF forces entered. Tanks, armored personnel carriers and tractors damaged electric cables, water and sewage pipes, roads and sidewalks, and led to entire neighborhoods being cut off from basic services, at the same time that the IDF imposed total curfew on those areas. The handling of ten requests for help received by HaMoked included coordinating between army forces and employees of the local authorities, in order to enable the latter to enter the field and repair the damage.

Residents of Tel Street in Nablus contacted HaMoked on 27 June, after an IDF tank had damaged water lines three days earlier, causing a cessation in the water supply to all the houses on the street. HaMoked maintained contact with the Civil Administration until the pipes were repaired that day. At the beginning of July, tanks again broke the water lines, and again the flow of water in the faucets stopped, leading residents of the street to again contact HaMoked. This time, HaMoked was also in touch with the Nablus municipal water department, which claimed that workers had tried to reach the site a number of times in order to renew the water supply, but IDF soldiers prevented them from carrying out the necessary repair and even shot at them. Two days later, during which HaMoked worked to assure that IDF forces would not prevent the repair of the pipes, the taps of residents of Tel Street again flowed with water. (**File e145, e168)**

Requisition of Property and Seizure of Homes

"Requisitions in kind… shall not be demanded… except for the needs of the army of occupation… Such requisitions shall only be demanded on the authority of the commander in the locality occupied… Contributions in kind shall… be paid for…" (Article 52, Regulations Respecting the Laws and Customs of War on Land (1907))

During the three invasions of the PA territories, the IDF confiscated much equipment and a large number of documents that are not necessarily related to a military or intelligence need. The property was confiscated from private offices and homes and sometimes accompanied by destruction and theft. As a rule, HaMoked received no response regarding the military investigations on the matter. The solution to the problem is ostensibly simple – no in-depth investigation is required, such as a charge sheet or compensation; but only the return of the confiscated property to its owners. Since the quantities are large and no one knows how they were handled, it is likely that a large part of the property is lost and will not be returned again.

R.A. is an attorney in Qalqilya who deals with civil issues. During the first invasion of Qalqilya IDF soldiers entered his office and took with them all the office equipment including two computers, a fax machine, a typewriter, a telephone, professional books, and cash. Even graver, IDF soldiers also took all the files that were in the office relating to the private matters of hundreds of people represented by R.A. HaMoked contacted the West Bank legal advisor demanding that the files and confiscated equipment be returned. This request has not been answered for over three months. At present, HaMoked is considering taking legal action in the courts. (**File 17621**)

Confiscations were not limited to the invasions. One of the widespread phenomena at IDF roadblocks in the occupied territories is confiscation of identity cards and car keys by soldiers, which turns the residents into roadblock captives, with no possibility of returning or passing through until the soldiers decide to return the confiscated documents and keys, if at all. Many times, shows of violence accompany the confiscation.

On 30 May, A.A'. and A.A. set out in their truck from Dahariyya to the al-A'rub refugee camp. At the entrance to the camp was an IDF roadblock. The roadblock soldiers stopped the truck while shooting in the air, and confiscated the identity cards and licenses of A.A'. and A.A., as well as the keys of the truck. All of their requests to have their documents returned, or, alternately, to enable them to park the truck at the side of the road, were denied. They passed the night in al-A'rub and after the soldiers at the roadblock again refused to return what they had confiscated, A.A'. and A.A. turned to HaMoked for help. During the course of the day, HaMoked was in touch with the District Coordinating Office (DCO) in Hebron until, in the afternoon, the documents and keys were returned. (**File e107**)

Since the beginning of the occupation, the IDF has taken over roofs, houses and plots of land to use as outlooks, shooting positions and soldiers' residences. Until the present Intifada, in most cases when soldiers took over houses and land areas, this was done by power of an order, which could be appealed, where the property owners were referred to the Civil Administration in order to receive a usage fee for the period that the property was in the possession of the military. Since September 2000, and, and especially during the IDF invasions into the PA territories, the extent of captured private property grew significantly. The IDF took control of private houses and apartments from which families were thrown out, of public buildings and offices where all activity was suspended, and of vineyards and agricultural fields whose crops were ruined. As a result, hundreds of Palestinians found themselves without a roof over their heads and with no livelihood. Sometimes, these takeovers involved damages to property and violence. In some of the cases, no orders were presented, and it was not even possible to demand a usage fee. In the situation created, it is not known when the IDF will decide to take control of a house or a field, there is no ability to appeal such a takeover, and there is no compensation for the IDF's use of property or of the damage it causes.

HaMoked handled requests for help in this field both on the principle and the individual levels. HaMoked demanded that the Office of the Chief Military Prosecutor set straight the manner in correlation to the basic rights of the residents according to international law and existing legislation in the Occupied Territories. The response of the Chief Military Prosecutor's office was that provisions had been formulated arranging the matter of taking over buildings and damage to private property, but HaMoked's requests to receive a copy of the provisions or an enumeration of the procedures relating to the requirement to issue a seizure order, granting of compensation, and investigation of IDF soldiers' behavior, were not answered.

HaMoked's action regarding individual claims in this subject began with a demand that the army evacuate the property and provide compensation. After no response was received, HaMoked submitted a request to the State Attorney's Office. In some of the cases, the IDF evacuated the house after HaMoked's request to the State Attorney's Office, posing the question of the essence of military need regarding the takeover of those houses and additional houses across the territories.

IDF soldiers took over the apartment building owned by the A. family, inhabited by six families, on the evening of 20 October. The soldiers remained in the building for a month without presenting any order. Upon their return, the family members discovered that the building and its contents had been damaged greatly. Broken furniture, broken electrical appliances, shattered glass and perforated solar water heaters. On 2 December, three weeks after they first left, IDF soldiers returned and again took over the apartment building. Five minutes were given to 28 people who were sleeping at the time in the house, to evacuate, leaving them to the mercies of others for shelter, clothing and food, in the middle of winter. Only four days later, following requests by HaMoked, were the residents permitted to return to the apartments for a short time in order to stock up on clothing and food. HaMoked turned to the State Attorney's Office, and some three weeks later, the soldiers left the building and the families were permitted to return to their previously damaged apartments, which had again been severely damaged. HaMoked has demanded an inquiry. (**File 16709**)

HaMoked's demands for paying a usage fee to the owners of homes taken over by the IDF were not answered, not even on one occasion. HaMoked's request to open an investigation regarding those cases in which soldiers caused damage to houses and their content also received no response. This situation, in which the authorities behave with entire disregard for the law, led HaMoked to litigate.

Civil

On 14 December 2000, an IDF force took over a plot of land and building owned by A'.M., without presenting an order. At the time of the takeover, the IDF evacuated three families who were renting apartments in the building. The IDF did not evacuate the site for a year and a half. During this time, the rainwater reservoir was polluted, furniture, construction tools and agricultural implements disappeared from the building storage shed, electrical appliances were vandalized, and the grapevines planted on the plot of land were not cared for. In addition, A.M. was required to pay the bills for electricity and water used by the soldiers. HaMoked's request to the IDF demanding evacuation of the building and the land, and payment of the bills, usage fees and compensation for the damages incurred by A.M., were not answered satisfactorily. Only after HaMoked's request were takeover orders for the land and the building presented, but these were valid for three months only. The IDF acknowledged its obligation to pay the water and electric bills, but this obligation was not fulfilled. The authorities claimed that an investigation regarding suspicions of theft and damages had been opened, but to this day, the investigation has not taken place. In light of this, HaMoked, in A.M.'s name, filed suit for loss of rental fees and property damage. (**File 16032**)

Access to Justice

"Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms… are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity" (Article 2 (3), International Covenant on Civil and Political Rights (1966))

During the past six months, Palestinian residents of the Occupied Territories who wish to sue the State of Israel and IDF soldiers for bodily and property damages suffered two large blows. The first is practical, with the sweeping prohibition against the entrance of Palestinians into Israel, and the second in law, with the passage of a government proposal to amend the Civil Torts Law regarding State responsibility. Both have rendered almost impossible the very preparation and submissions of suits in Israeli courts by residents of the Occupied Territories, and have minimized chances that these suits would be heard out to the end. So has the only remaining way for residents of the territories to seek justice for suffering at the hands of IDF soldiers been almost completely blocked.

Prohibition on Entry of Palestinians into Israel

Following the overall closure imposed on the West Bank and Gaza Strip since 1991, the ability of Palestinian residents of the Occupied Territories to stay in Israel is conditional upon a permit issued by the Civil Administration. With the beginning of the present Intifada, the granting of these permits has been severely curtailed. During the IDF invasion of the PA territories, the Civil Administration issued no permits, and today they are only issued for humanitarian cases, according to the army's judgment. This policy, on one hand, and the prohibition against entry of Israelis to Palestinian communities in the

Occupied Territories on the other, place countless hardships on lawsuits against the State and its emissaries for harm incurred to Palestinians. At a time when the plaintiffs are prevented from entering Israel and their attorneys are prevented from reaching them, the legal suits, their hearings in court, and their fair conclusion have become difficult to attain.

Necessary activities for filing suit such as collection of material, gathering testimony, medical examinations so that opinions can be formulated, and signing of affidavits, which until now have been carried out in face-to-face meetings, are today carried out with extreme difficulty. Destruction of infrastructure has led to a collapse of the telephone system in some areas and the use of fax machines, which are not present in every home, is conditioned upon lifting the curfew.


Civil

At the beginning of August 1995, soldiers entered the house of Z.Z., a 64-year-old resident of the village of Turmusaya. The search conducted included breaking possessions, scattering food about, and stealing 3,000 dollars that had been hidden in a cloth bag. The next day, Z.Z. submitted a complaint to the Ramallah police, which was conveyed to the military police. Only 3 months later, was the first testimony taken from one of the soldiers present at the site. The investigation revealed that the soldiers saw the money, which had been in a bundle, but it was not discovered who took it, and therefore the case was closed. The Civil Administration refused all requests by HaMoked to permit Z.Z. to enter Israel, in order to have her sign documents meant to be appended to her suit. Ultimately, a testimony was prepared over the telephone, corroborating the facts of the lawsuit, and when it was submitted in June, HaMoked asked the court to accept this affidavit in lieu of Z.Z.'s signature. The State, in its response to the petition, was not willing to accept it, and demanded that Z.Z. sign the affidavit herself. (**File 8976**)

Even in lawsuits that were already filed in court, but are still in preliminary proceedings prior to the hearing of the facts themselves, travel prohibitions prevent their progression.


Civil

HaMoked submitted a lawsuit on the behalf of H.R., who was injured by border policemen in Tulkarm, to the court in 1999. A hearing in this case, scheduled for 3 September 2001, has been postponed four times since a meeting could not be held between the attorney and the plaintiff for the taking of a first witness's affidavit, which must be submitted prior to the hearing. (**File 5648**)

Even when the court itself summons Palestinian residents to give testimony, the Civil Administration ignores the summons and does not issue the required permits. An unreasonable situation is thus created, in which the Israeli army prevents the carrying out of a decision made by the Israeli judicial branch. In lone cases in which HaMoked's efforts to arrange entry permits are successful, the IDF imposes additional difficulties that cannot be bypassed. In most cases this involves the entry permit of the witness, a procedure that requires that the army or police escort him from his entry into Israel and until he leaves the country. HaMoked's efforts then focus on arranging the escort but the IDF, which imposes this condition, is not willing to carry it out and again prevents a resident of the territories from testifying in court.


Civil

HaMoked submitted the lawsuit on behalf of the members of the A. family from Hebron concerning the theft of jewelry and money during a search by IDF soldiers in their home, in 1998. The trial reached the stage of proof, and the family members were summoned by the court to testify on 10 December 2001. Despite HaMoked's efforts, entry permits to Israel were not obtained due to delays and oversights on the part of the IDF. The court postponed the meeting to 12 June this year, and the process of requesting permits was repeated. This time, the response of the Civil Administration to HaMoked's request was positive, but conditioned on security escort of the witnesses during their stay in Israel. Attempts to arrange for this escort by the army or police yielded nothing. The court was thus forced, once again, to postpone the testimonies to 11 December, a year from the original meeting day. (**File 5642**)

In addition to handling the requests themselves, HaMoked wrote to the West Bank legal advisor demanding that clear procedures and guidelines be instituted that would make easier the issuance of permits for residents of the Occupied Territories summoned to testify in Israeli courts. This request was not answered.

The Compensation Prevention Law

During June, the Knesset Law and Constitution Committee passed a proposed amendment to the Torts Law, pertaining to the State's responsibility for activities of the security forces in the West Bank and the Gaza Strip. The proposal dates back to 1997 but until recently has remained dormant, due to the activity of a coalition of human rights organizations of which HaMoked was a part. It was revived at the urging of the current Minister of Justice. Until the amendment was accepted, the State was immune to civil suits in the courts if the incident in question occurred in what was defined as a war activity. The courts first interpreted

the term narrowly, as "real war activities in the narrow and simple meaning of this term, such as: amassing forces for battle, combative attack, exchange of fire…,"[14] and distinguished between it and police activity, such as dispersal of demonstrations or carrying out an arrest, in which cases the State does not enjoy immunity. The ruling given in the Supreme Court in March expanded this interpretation and stipulated that an action would be considered a war activity when "all circumstances of the event must be examined: the goal of the activity, the place of the event, the duration of the activity, the identity of the acting force, the threat that proceeded it and was anticipated from it, the power of the military force in operation and the extent and duration of the event"[15] The mass arrests, carried out during the first IDF invasion into the PA territories, and Operation Defensive Shield, can be defined as war activity according to this ruling.

The broad interpretation was insufficient for the government, which propelled the amendment to the law. The amendment works in two ways to assure that Palestinian residents of the Occupied Territories affected adversely by the activities of security force personnel will not be able to sue for compensation from the State or from its soldiers in Israeli courts. On the one hand, the amendment expands the definition of a war activity in a manner that includes almost all activities of security personnel in the West Bank and Gaza Strip. On the other hand, the proposal places nearly impenetrable barriers in the way of anyone who wishes to submit a suit. The effect of this amendment on the activities of HaMoked in all that relates to lawsuits, with the goal of rendering justice for victims and requiring State accountability for the deeds of its emissaries and to deter security force personnel from harming Palestinian residents, will be far-reaching.

According to the amendment, "any activity of fighting against terror, terrorist acts, or uprising as well as the activities aimed at preventing terror and terrorist acts or uprising" will be considered war activity.[16] This definition turns all shooting deaths by the IDF during demonstration dispersal, every wound inflicted during an arrest, and all destruction of property during a search, into war activities. The court will not be able to award compensation to families of the dead, to the injured, and to owners of property destroyed during such activities. The State thereby is given freedom of action in all its activities in the West Bank and the Gaza Strip, since in all of them it will have immunity. This wide definition also includes a sizable portion of the civil lawsuits submitted by HaMoked on behalf of residents of the Occupied Territories against the State and its emissaries for acts causing bodily and property damage.

Civil

H.A. took part in his cousin's wedding in 1992. When he exited the wedding hall, a civilian vehicle pulled up and four IDF soldiers in civilian garb descended, shot him and injured him in the thigh and hand. HaMoked represented H.A. in a lawsuit against the State in the magistrate's court. The State claimed that the incident was due to the suspicion that H.A. took part in stone-throwing ten minutes earlier, approximately one kilometer's distance from the wedding hall near which he had been shot. However the soldier who fired the shots admitted in his testimony that he did not see H.A. throw stones and that during the time of the shooting no danger was posed to him or to the others. The magistrate's court rejected H.A.'s suit, giving an expanded interpretation to the Open-Fire Regulations and to the term war activity. The court viewed the stone-throwing event and the shooting event, that were far in time and distance, as a single event, and all stone-throwing events that occurred in that area on previous days as part of a composite that led to the injury of H.A. The court thus rendered the shooting at H.A. justified according to the Open-Fire Regulations, which state explicitly that "fire shall not be opened unless the procedure for apprehending is carried out immediately and at the same time as the stone-throwing,"[17] and classifying it as part of a war activity which grants immunity to the State from litigation regarding this shooting.

H.A. was not willing to accept this ruling. HaMoked respected and supported his decision and continued representing him in an appeal to the District Court. At the beginning of July, the District Court accepted the petition, and overturned the ruling of the magistrate's court. In its ruling, the District Court ruled that the broad interpretation given by the magistrate's court in defining war activity and to the Open-Fire Regulations was faulty: "The soldier who shot… was not in a position of real life danger that would place the activity in the classification of war activity… in light of the aforesaid, the State in the case before us has no defense in the claim that the shooting was a 'war activity.'"[18] This, as stated, was before the amendment to the Torts Law had been passed. H.A. received NIS 9,000 in compensation. (**File 3504**)

In order to not rely too much on the courts' judgment in ruling on whether each activity falls within the new definition of war activity, the amendment provides a number of requirements regarding which the

[14] Civil Appeal 623/83, Levi v. State of Israel, PD M(1), 477, 479.
[15] Civil Appeal 5964/92 Bani 'Odeh et al v. State of Israel, unpublished.
[16] Civil Torts Law (State Responsibility), Ammendment – Litigation for Activities of the Security Forces in Judea and Samaria and the Gaza Strip (2001-5761), par. 2.
[17] From the Instruction Sheet for Soldiers, Instructions on Behavior in the Territories, Part B., Art. 5(c).
[18] Civil Appeal 2163/01, unpublished.

ability of residents of the Occupied Territories to meet them is doubtful. First, the person wronged must announce in writing his intention to sue the State within 60 days after the event occurred. In order to meet this condition, those wronged, who are mourning their dead, nursing their wounded, or repairing their property, must postpone these minor tasks, decide whether they would like to file suit against the State of Israel in the future, fill out a special form enumerating all the particulars of the event, send it and keep track of its arrival, activities which should be performed with legal guidance. This requirement is rationalized by the State's difficulty in locating the soldiers involved and interpreting their impressions regarding events that occurred long ago. The residents of the Occupied Territories will thus pay the price for the failures of the State and its emissaries. A substantial portion of those who request help from HaMoked regarding violent events and property damage do so more than two months past the event, whether for the circumstances stated or due to a lack of awareness regarding their right to compensation.

Second, the amendment shortens the period defined before which such suits become obsolete; from seven years to two, and in special cases, to three. This reduction is particularly deleterious to Palestinians who were severely injured, since in these cases the first years are devoted to their care, and the damage for which a suit could be filed and compensation demanded can still not be assessed. For this reason, a significant portion of suits regarding bodily damage, submitted by HaMoked until now, was for events that occurred, four, five and even six years from the day of the event. The third requirement does not pertain at all to those injured themselves, but to the Palestinian Authority. According to this requirement, the PA must cooperate with Israel in all that pertains to the trial, and if it does not, the court can reject the suit. Should documents not be sent in a timely fashion, witnesses not located quickly, partial data only provided, the State is granted the authority to demand that the court rejects the suit. From a number of cases being handled by HaMoked, it emerges that the State is already summoning many witnesses from among residents of the Territories who are not related to the essence of the suit, with the knowledge that most of them will not risk their lives at roadblocks and will not waste entire days in order to appear in court. Their failure to arrive already now provides sufficient reason to fulfill the requirements for rejecting the suit.

In addition to all this, the amendment to the law transfers the burden of proof from the State to the plaintiff, in cases that until now, the burden was on the State to prove that it had not been negligent. Now, even if the plaintiff proves injury in an action by IDF soldiers, he will be required to find those soldiers, who injured him, investigate them and prove that their action is actionable. Thus the plaintiff not only bears a burden that he cannot carry, since he has no access to military documents or to the soldiers themselves, but also the last existing incentive for the State to carry out investigations of events that ended in death, injury or property damage has disappeared. Today as well, there are nearly no investigations. This is at a time when the State is required to prove that the behavior of its soldiers was not negligent and requires an investigation which, if carried out in a negligent manner, can be grounds for compensation, as determined in a precedent ruling issued in 1998 in a lawsuit submitted by HaMoked.

Despite the difficult results for the values of equality and justice, on 24 July the Knesset approved the amendment in a second and third reading, and in the coming days it will take effect. An additional governmental law is already pending, granting sweeping immunity to all activities of security force personnel in the Occupied Territories beginning 29 September 2000. If passed, even those injured by the security forces in an action that does not involve preventing terror, a terrorist act or uprising, and who succeed in jumping through the hoops and conducting a lawsuit in an Israel court, will not be able to sue for justice. HaMoked is continuing its work with the coalition of organizations in order to prevent passage of this law, and also continues to file lawsuits in Israeli courts and minimize, to the extent possible, the damage that this amendment causes to residents of the Occupied Territories.

Freedom of Movement

**"1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country."** (Article 13)

"Collective penalties and likewise all measures of intimidation or of terrorism are prohibited" (Article 33, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949))

During the past six months, Israel has intensified its use of collective punishment, leading to the increasing infringement of the rights of Palestinian residents of the West Bank and Gaza Strip to freedom of movement. In the West Bank, the imposition of curfew, in addition to the closure, the roadblocks and the siege, has become more frequent. Curfew, imposed for days and weeks at a time on Palestinian communities invaded by the IDF, has turned the homes of residents to prison cells within the penal colonies that their cities and their villages have become since the beginning of the present Intifada. The Gaza Strip, whose Palestinian residents are imprisoned due to the closure and the annulment of guaranteed passage to the West Bank, has been split in two, and passage between north and south is impossible.

The collective punishment has also been manifested in policies relating to individual permits which West Bank residents need every time they have to leave or enter the area. Since the IDF invasion of the PA territories in the West Bank, the already strict criterion for acquiring exit permits to Jordan and entry permits into Israel have become more draconian. Almost no visitation licenses to the territories and permits for travel between the West Bank and Gaza Strip have been granted since the beginning of the present Intifada, and the provisions for Israeli women married to Gaza residents to remain in Gaza, and visitation by Israeli family members have been frozen. These limitations have led to the almost complete derogation of the right to freedom of movement in the territories and an infringement of other basic rights, such as the right to health and to receive medical care, the right to education, the right to earn a living wage, and the right to freedom of worship.

Curfew

West Bank cities and villages entered by IDF forces during the invasion of PA territories were placed under full curfew until the IDF leaves the area. The situation was particularly grave during Operation Determined Path, when some 800,000 West Bank residents were forbidden from leaving their homes for two weeks. IDF forces have been in the Palestinian cities since the month of June, and the curfew has been lifted in most places for a number of hours every day, but even then leaving one's home is not a sure thing, since sometimes the curfew is reinstated earlier than expected, and residents who were not home at the time are exposed to the danger of being shot by soldiers. Following attacks on Israelis either in the Territories or in Israel the curfew, in most instances, is reinstated for a number of days. The curfew disrupts the course of life in every place it is imposed: women in labor cannot reach hospitals; pupils cannot attend school; workers cannot go to their daily jobs; garbage is not collected from the streets; and food does not reach the pantries. HaMoked's demands of the military to lift the curfew based on the needs of the residents in areas where help was requested received no response.

In 2000, HaMoked dealt with the prolonged curfew on the village of Hawara in the Nablus District. After HaMoked submitted a number of requests to the IDF and threatened to file a petition to the HCJ, the curfew was lifted.[19] During Operation Defensive Shield, the village was under full curfew almost every day. Beginning in May 2002, the curfew was lifted daily for no more than two hours. The village mayor reported to HaMoked the severe infringements of village residents' rights resulting from the curfew: the father and husband of a woman in labor were shot to death while trying to transport her to the hospital; some 2,500 pupils could not attend school with any regularity; and the village stores were unable to run their businesses. HaMoked demanded that the IDF commander in the West Bank lift the curfew or minimize it by increasing the time it was lifted to enable residents to transport the sick, conduct their studies, and run their businesses properly. The West Bank legal advisor is currently being looking into the matter. (**File 15236.2**)

Evacuation of the wounded, the sick, and women in labor to hospitals was very difficult during the IDF invasion of the PA territories. The curfew and the presence of soldiers in the streets led to a freeze on all travel in private vehicles. Ambulances were also not immune to shooting and delay. HaMoked processed 25 requests in this area.

[19] 2000 Annual Narrative Report, HaMoked: Center for the Defense of the Individual, p. 3.

On the afternoon of 13 April , A.A. was shot in the head while standing on the steps of his home in the A'skar refugee camp. He was evacuated to the al-Huda mosque where attempts were made to take him to the hospital. From 17:45, when the request was received by the emergency hotline, until 21:00, it was not possible to evacuate him, despite the many efforts made to coordinate with the Civil Administration. An ambulance, whose arrival was coordinated with the IDF, arrived at 20:10 to the entrance of the camp, but was shot upon by soldiers. Following additional contacts with the army, the ambulance arrived at the mosque at 21:10 and A.A., together with a sick child from the area, were loaded on board. However, the soldiers, who had previously delayed the entrance of the ambulance into the camp, now delayed its exit. HaMoked again appealed to the Civil Administration, and only at 21:50 was the ambulance permitted to continue towards the hospital. (**File e42**)

The siege on West Bank communities has led to a severe shortage of basic foodstuffs, medications and medical equipment. The prolonged curfew made it very difficult to transport humanitarian aid. The emergency hotline coordinated with the Civil Administration the transport through IDF roadblocks of humanitarian aid to besieged communities.

Residents of the Israeli village of Zalafeh, responding to a rumor about lacking equipment, purchased for the al-Dabaj neighborhood in Jenin gloves and masks for handling corpsesand ritual burial objects necessary of preparing corpses for burial as required in Islam. For four days, the emergency hotline mediated contact with the Civil Administration in order to enable the passage of the equipment truck. After the arrival of a Palestinian truck was arranged, the equipment was transported to an IDF roadblock from the Israeli truck to the Palestinian truck, and the equipment reached its destination. (**File e52**)

Siege

Already at the end of 2000, the IDF began using siege against Palestinian communities in the occupied territories. The siege is achieved using physical blocks – ditches, cement blocks, piles of earth, and fences – in addition to roadblocks staffed by soldiers and tanks. Sometimes, the IDF acts in violation to its obligation to the HCJ and does not even leave one approach road open to the besieged community. The presence of IDF forces in cities and villages following Operation Determined Path, led to a further deterioration of the situation, since each time the curfew was lifted, the siege was tightened. The damages caused by the siege were even more severe in small communities dependent on larger ones for food supplies and essential services. With no doctor, school, sources of employment or food stores, and with no regular supply of water, the siege paralyzes the course of civilian life.

The al-Mawasi area, home to some 8,500 Palestinians, is a Palestinian enclave in the southern Gaza Strip, surrounded by the lands of the Gush Katif settlements. Since the residents of al-Mawasi are dependent on urban centers in Gaza for medical, financial and educational services, and also socially and culturally, their access to the area was arranged for in the Agreement on the Gaza Strip and the Jericho Area of 1994. On May 12, the IDF imposed a curfew on al-Mawasi. The curfew was lifted a week later, but the siege continued. On 16 May HaMoked received a request for help regarding a group of women, men and children who arrive everyday to the roadblock at the entrance of al-Mawasi in the hope of returning home and working their land, wait their until evening, and are returned to Khan Yunis.

HaMoked appealed to the legal advisor of the Gaza Strip, and subsequently to the State Attorney's Office. HaMoked's intervention led to an easing of travel conditions in the area. Women, youths under age 14 and males over 55, were permitted to leave al-Mawasi. On an individual level, the entrance of some 120 residents was arranged for, including a woman who had just given birth and was unable to reach home, a father of five who works in Khan Yunis and could not transfer his salary to his family there, and a farmer whose crop was in danger of wilting, since his lands had not been irrigated. In addition, HaMoked acted on behalf of some 200 high school students who were scheduled to take their matriculation exams in Khan Yunis. (**File 17845**)

Roadblocks

A Palestinian resident who succeeds in avoiding the punishments of curfew and siege, still cannot avoid the army roadblocks posted across the West Bank and the Gaza Strip. Some are permanent; mostly those at the entrances to Israel and the areas of Jewish settlement, and some are positioned in different places for varying lengths of time – surprise roadblocks. Some are staffed by soldiers, some have tanks posted and some are empty. The roadblocks have infused new meaning in the concept "way," which is no longer a measure of the physical distance of the road that leads from place to place, but the number of roadblocks

erected along the journey. Each roadblock creates hours-long delays, and exposes Palestinians to severe abuses by soldiers whose decision as to who will or will not pass is ultimately arbitrary. Only in extreme cases are roadblocks perceived by the Israeli public as violations of human rights: when they cause a delay in passage of the sick and women in labor or in cases of indiscriminate shooting at Palestinian vehicles which ends in death. Yet even in these cases, Israel has been unwilling to accept full responsibility for the soldiers' deeds. The few investigations which have been opened were superficial and in most cases, without results. The only way to bring the State to acknowledge the injustice and to lead it to compensate those wronged or injured is by turning to judicial intervention.

Civil

During the night of 14 March 1996, J.H., in her ninth month of pregnancy, felt that she was close to giving birth. Due to her age, a hospital birth was necessary. The nearest hospital to her village of residence was in Hebron, and since the phones in the village had been disconnected and it was not possible to call an ambulance, the couple set out in their neighbor's car. When they reached the entrance to Hebron there was a surprise roadblock manned by soldiers who denied their request to pass, even though the nearby hospital was approximately a five-minute ride away. When J.H.'s water broke, the couple returned to the women's clinic in the village. At the time, the doctor was in Jordan, and a worker in the clinic assisted in the birth. The child was born with no heartbeat and was not breathing. All attempts at resuscitation failed. The military police, which investigated this complaint, did not carry out an in-depth investigation and did not locate the soldiers who had detained J.H. at the roadblock, since no documentation of surprise roadblocks in the area was found. The investigation file was closed, and in March 1999 J.H. and her husband, through HaMoked, sued for compensation for the denial of medical care to J.H. and her baby. In January of this year, the compromise agreement reached between the parties received the status of a ruling, and the couple was awarded an NIS 25,000 compensation payment. (**File 10079**)

Cases of death and injury are just part of the picture of suffering created by the roadblocks. Waiting from morning until night, physical and verbal violence, deflation of tires, collecting "tolls" in the form of cigarette packs and cans of soft drinks, are the daily lot of Palestinian residents.

On 20 March in the afternoon hours, some fifty Palestinians were detained at a roadblock at the entrance to the Tunnels Road between Bethlehem and Jerusalem. They were forced to get out of their cars, their identity cards were confiscated, and they were told that they would be left there until at least morning. The soldiers ridiculed them, humiliated them with "get up / sit down" exercises, and acted violently towards them. An older woman who tried to speak to their hearts was pushed and fell, and at least one young man was beaten. Among those detained were also employees of al-Haq who made contact with HaMoked. Following HaMoked's inquiry with the Civil Administration, and after approximately an hour and a half, an IDF officer arrived at the roadblock and brought the acts of humiliation and beating to an end, returned the identity cards that had been taken and permitted the people to return home. The woman who fell was taken to the hospital. (**File e9**)

Exit Permits

Since the beginning of the occupation, travel abroad for Palestinian residents of the Occupied Territories has been conditioned on approval by IDF commanders in the West Bank and Gaza Strip. This control has often been taken advantage of as a punitive tool or as a tool for pressuring people into collaboration. Many residents who have tried leaving through the Allenby and Rafah border crossings have been returned upon arrival since they have been assigned a no-exit status. All they could do then was to wait, at least for six months, the time allocated by the army for submitting a new exit request, wait several more months for an answer, and hope that this time it would be positive and not conditional upon a meeting with a General Security Services (GSS) agent. In most cases, a negative answer is not substantiated and so, even after many months of uncertainty, the resident remains with no options of appealing the decision that denies his right to exit the territories.

The IDF invasion of the PA territories brought about a change in the number of requests received by HaMoked relating to exit permits, and in the related circumstances. On the one hand, the number of new requests has declined, and those persons whose requests are already being handled by HaMoked and are now due to be again submitted to the authorities have requested to wait until the rage has abated, due, among other things, to a fear that even if their request to leave is approved, it will be hard for them to return. On the other hand, the new requests received have been from residents whose situation requires immediate exit, such as receipt of medical care or fulfillment of the Moslem precept of pilgrimage to Mecca (the Haj).

HCJ

A.H. moved to Jordan in 1972, and from then on returned almost every year to the West Bank. In February, A.H. tried returning to Jordan with two of her eight children, but the authorities denied her passage. For an entire month, A.H. went back and forth between the District Coordinating Office (DCO) in Hebron, where she was told that there was nothing preventing her departure, and the Allenby Bridge, where she was turned back for security reasons. For all of this time, A.H. lived with relatives in Jericho, for lack of a better option. Moreover, her husband, who remained behind in Jordan, suffers from a chronic disease and is dependent on her help. At the beginning of March, her children returned home to Jordan, but she was still unable to cross the bridge. A.H. contacted HaMoked on 3 March and on the same day, her demand to be allowed to return home was dispatched. The army replied that A.H. had a no-exit status, and in order to continue processing the request, she must present medical documents regarding her husband. The medical documents were transmitted, but no answer was received. HaMoked then submitted a request to the State Attorney's Office, but received no answer from there as well. Therefore, on 3 June, HaMoked appealed to the HCJ. On 9 June the IDF allowed A.H. to return to her husband and children in Jordan. (**File 17217**).

Even when delaying exit from the Occupied Territories prevented a woman from receiving medical care that could have saved her life, the authorities were in no hurry to respond, and only the threat of appealing to the HCJ motivated them into action.

A.Q., age 68 from Nablus, suffers from a severe liver infection that could be fatal. There is no medical care for this problem in the Occupied Territories, but such care is available in Jordan. In November 2001, A.Q. went to Jordan, received preliminary care, and was summoned again for treatment in February 2002. When she reached the Allenby Bridge in February, she was told that her exit was prohibited by the GSS despite the fact that she had never been arrested or summoned for interrogation. HaMoked made a request to the authorities on her behalf, and when no response was received, on 19 March contacted the State Attorney's Office. This also did not lead to any progress in A.Q.'s matter. On 31 March, HaMoked informed the State Attorney's Office that it planned to appeal to the HCJ. Within 20 minutes HaMoked received a fax from the West Bank legal advisor's office, permitting A.Q.'s exit once she presented her summons from the hospital, and an affidavit regarding her place of stay in Jordan. The required documents were transmitted within two days, but three more weeks passed until A.Q.'s exit to Jordan was approved. (**File 17207**)

The religious precept of pilgrimage to Mecca (Haj), is one of the most important precepts of Islam. Due to the enormous number of people wishing to fulfill this precept, the Saudi Waqf (in charge of Islamic religious affairs) holds a lottery for those wishing to be eligible. Only those whose name is selected are granted a permit to travel to Mecca, usually after a wait of several years. Residents of the Occupied Territories whose names are selected in the lottery wait an additional period for permission from the IDF, which does not hesitate to violate their right to freedom of worship and to prohibit them from traveling abroad.

Four people who were prevented from leaving the Territories in the past and whose affairs were previously handled by HaMoked were selected in the lottery this year, granting them the possibility of making the pilgrimage to Mecca. Immediately after letters of invitation were received from the Waqf, HaMoked approached the authorities. The response was delayed for approximately one month. When the last possible date for leaving to Mecca approached, HaMoked submitted a request to the State Attorney's Office. The response received granted permission to two of the four applicants. (**File 31250**)

Entry to Gaza

When the Palestinian Authority entered Gaza in 1994, the IDF prohibited the entry of Israeli residents to the PA territories there. The closing of the Gaza Strip led to the cutting off of family, economic and cultural ties between two parts of a single society. Two exceptions to the prohibition, achieved following intervention by HaMoked in 1995, relate to Israelis married to Gaza Strip residents in the framework of the "divided families procedure" and to visits by Israelis to relatives living there.

Divided Families

The prohibition on entry of Israeli residents to the territories of the PA in the Gaza Strip caused great adversity to families in which one member of the couple is Israeli and the second is a Gaza Strip resident. The former is prohibited from residing in Gaza due to the prohibition on entering, and the second is prohibited from entering Israel due to the closure. The goal of the "divided families procedure" was to protect the right of these families to live together. The procedure provides for Israeli spouses and their children to remain in Gaza, through visitation permits that can be renewed once every three months. To renew the permit, the Israeli spouse must go to the Erez checkpoint.

In January, the validity period of visitation permits was reduced to one month, a reduction that placed a heavy burden on the families. In most cases, the Israeli spouse is a woman who has children and babies in her charge, and must make the trip from her home to the Erez checkpoint, placing herself in danger of chancing upon one of the violent incidents that occurs on the Gaza Strip roads. HaMoked placed a request with the legal advisor of the Gaza Strip, demanding that the previous situation be restored – three-month permits – and asked that open-ended visitation permits be issued for Israeli spouses and their children in order to minimize the danger to which they are exposed every time they must travel to the checkpoint.

In April, the IDF completely froze renewal of visitation permits. Women who were in Israel at the time could not return to their husbands and children, and women who were present with their families in Gaza became law-breakers and risked having their requests for permit renewal rejected in the future. Cancellation of the procedure was immediate, and was neither substantiated nor was it instigated by any significant change in the situation in the Gaza Strip. It appears that this act, which constitutes collective punishment and a serious violation of the rights of members of divided families, was an additional attempt to increase pressure on the civilian population. On 16 April HaMoked submitted a request to the State Attorney's Office to reinstate the divided families procedure. On 15 May it was reinstated.

A.D., a 50-year-old resident of Israel, has been married to a Gaza Strip resident since 1967. The couple has 11 children, including two girls who live at home and attend elementary school. Her sister, S.D., also a resident of Israel, married a Gaza Strip resident in 1976 and has 7 children. The two sisters received visitation permits in an orderly fashion once the divided families procedure took effect. On 20 March A.D. and S.D. exited the Gaza Strip to visit their mother in Jerusalem, but following the cancellation of the divided families procedure in April, they were unable to return to their husbands and children. Following efforts by HaMoked to renew the procedure, the sisters returned to their families at the end of May. (**File 17763, 17768**)

Renewal of the divided families procedure was no remedy for women who remained with their husbands and children during the period that it was frozen. When their permits expired, they were liable to be fined or temporarily deported from the Gaza Strip. Dozens of women caught in this position turned to HaMoked for help. At first, the IDF was unprepared to accommodate the request not to punish these women. Only a second appeal by HaMoked to the Gaza Strip legal advisor yielded a commitment that women who remained in the Gaza Strip and whose permits expired would not be punished and that their permits would be renewed.

W.S., a 47-year-old Jerusalem resident, married a Gaza resident in 1980. Her first request to HaMoked regarding arrangement of a visitor's permit for the Gaza Strip was in 1995. Her permit expired this year when the divided families procedure was annulled. On 15 May, immediately following reinstatement of the procedure, W.S. hurried to the checkpoint to renew her permit, due to a fear that any delay would lead to imposition of a fine or deportation. She was delayed there from the afternoon until ten at night, when it was decided, due to the intervention of HaMoked, to give her a visitor's permit only until 19 May. But at that point W.S. fainted and was taken to Barzilai Hospital in Ashkelon. Upon her release, she was taken to Jerusalem. HaMoked wrote a harsh letter to the IDF demanding that W.S.'s permit be renewed. Five days later, her permit was renewed and she returned to her family. (**File 8830**)

Family Visitation

From the time that the Gaza Strip was closed to residents of Israel, the State of Israel, taking Islamic custom into consideration, allowed Arab Residents of Israel to enter the Gaza Strip during the holidays. Thus was an opportunity provided for meetings between family members who had not seen one another for a long period, due to the closure and the prohibition on entering Gaza. After the Al Aqsa Intifada broke out, this practice was halted, except for the few hundred Israeli residents permitted entry for E'id al-Fiter in 2000, Following intervention of HaMoked, the conditions forbidding the entry of Israelis during the Moslem holidays were not eased.

As E'id al-Fiter of December 2001 approached, HaMoked made a request to the Israeli authorities to return to earlier times and to instate rules that would ease the situation and would allow Israelis to visit their relatives during the holiday. The response of the Gaza Strip legal advisor was that this year no easing of the conditions would be implemented, and only "… individual requests of a humanitarian nature… would be considered on their merit." The DCO, responsible for issuing visitation permits, interprets "humanitarian nature" in the most narrow way: the request of a person with a first-degree relative who resides in the Gaza Strip and suffers from a serious illness, who can prove this with a medical document not more than two weeks old, or a request to attend the funeral of a first-degree Gazan relative. But even when a request that

complies with these terms was submitted, the granting of a permit was not assured, and only a request to the State Attorney's Office motivated the IDF to answer in the affirmative.

In April 2001, A.B., and Israeli resident born in Gaza, turned to HaMoked, after his request to visit his mother in the Gaza Strip, whose health is failing, was turned down. Following intervention of HaMoked, A.B. was permitted to enter the Gaza Strip. In early February of this year, A.B. again turned to HaMoked, since his mother was scheduled for complicated surgery. The DCO at the Erez checkpoint did not approve the request, even though the visit involved a first-degree relative facing a dangerous medical procedure. HaMoked wrote to the State Attorney's Office and on the day of his mother's surgery, A.B.'s entry was permitted. (**File 15758**)

HaMoked's requests to the State Attorney's Office sometimes even led to the approval of entry permits to Gaza that did not fulfill the strict conditions of "humanitarian nature."

The daughter of the A. family is married to a resident of the Gaza Strip and lives there. When she was scheduled to give birth to her first child, the couple requested HaMoked's assistance in arranging for them to visit her. HaMoked's request led to the approval of their entry and they ultimately visited for a short while both with her and with their eldest granddaughter. With the approach of E'id al-Fiter this year, the couple asked again to visit their daughter and granddaughter. The daughter, who was still nursing, was again pregnant, and the doctor prescribed rest. The request was rejected, since there was no urgent medical matter. HaMoked then submitted a request to the State Attorney's Office, leading to the approval of a visit with their daughter during E'id al-Fiter. (**File 15629**)

Jerusalem Residency

"Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family." (Article 16 (1))

"A State must not discriminate, act arbitrarily or [act] with an ulterior motive…" (The Honorable Justice Barak)[20]

During the last six months, the right of Palestinian residents of Israel to lead a family life with a spouse who lives over the Green Line has been curtailed. This right, whose implementation was until recently confined to the whims of a discriminatory bureaucracy, has become a primary goal in Israel's war against the Palestinian minority in its midst which has been declared a "security, criminal and political threat, as well as an economic and demographic burden."[21] The government decided on these means in May, since beginning last April, processing of anything relating to requests for family reunification and registration of children of Palestinian residents of Israel, including citizens, has been frozen by the Interior Ministry. The government's decision creates impenetrable barriers, based on "origin," vis-à-vis families in which one of the spouses is Palestinian. The decision adversely affects all the divided families who wish to live together in Israel – from engaged couples, which do not know if their marriage can be actualized, to heads of families who have not finished their bureaucratic journey in the Interior Ministry, the endpoint of which is residency status. The decision views marriage and bringing children into the world as a weapon in the Palestinians' war against the State of Israel, and overlooks the desire of human beings to live together as a family.

The government decision has been particularly detrimental to the residents of East Jerusalem. The Palestinian residents of the city are intimately linked with the West Bank and Jordan, and have submitted around a half of the requests for family reunification that were approved in the past eight years.[22] The handling of their requests for family reunification by the Interior Ministry takes many years. In addition, they must deal with the National Insurance Institute (NII) regarding registration of children for health insurance and subsidies. These residents suffered an additional blow during the month of March, when the employees of the Interior Ministry office in East Jerusalem, serving some 250,000 residents, began implementing sanctions, as part of a labor dispute. Thus the handling of a range of topics relating to residency was delayed, and the path to receipt of daily services required by every citizen blocked.

Under these difficult conditions, HaMoked continued working on behalf of more than 150 families, all affected adversely by the government's decision, and offered counseling to dozens of couples who reached its offices in all matters relating to the dim reality created as a result. During the sanctions in the Interior Ministry in East Jerusalem, HaMoked handled urgent requests for exit permits to Jordan. In a petition to the High Court of Justice (HCJ), submitted by HaMoked, the State committed to decide upon and publicize the conditions for granting an exemption from the fee for registering children, and as a result of a petition to the Court for Administrative Affairs (CAA), a woman had her residency returned to her. In addition, HaMoked continued its collaboration with human rights organizations with the goal of formulating courses of action in light of the government's decision and the resulting policy that was taking shape.

Revocation of Residency

During the second half of the 1990s, the Interior Ministry made a practice of revoking the residency for residents of East Jerusalem who had moved the center of their lives to the Occupied Territories or abroad, but continued to maintain close contact with the city. HaMoked, together with other human rights organizations, began a public and legal campaign against this policy of "quiet deportation." The peak of this campaign was the HCJ petition submitted in 1998. In 2000, in response to the petition, the Interior Minister declared an end to the "quiet deportation" policy. Since then, HaMoked has received very few requests in this field. In October 2001, such a request was received, and was resolved following submission of a petition to the CAA, which took over handling of such cases for the HCJ.

CAA

R.D., a Jerusalem resident, was married to a Gaza resident and lived with him in Jerusalem. Beginning in 1991 at the time of the Gulf War, the couples' life became unbearably difficult. As a Gaza resident, the

[20] HCJ 840/79 Construction Center v Government of Israel and the Builders in Israel, PD 34(3), 729, 745-746.
[21] Spoken by the Minister of the Interior and director of the Population Registry to government ministers in a meeting on 12.5.02, as published in Ha'aretz internet edition, www.haaretz.co.il, 12.05.02.
[22] According Interior Ministry data, Ha'aretz, 6.2.02, p. 1a.

husband's presence in Jerusalem was conditional upon entry permits which he had to renew frequently, and as a woman, R.D. could not submit a request for family reunification with her husband, because of Interior Ministry policy at the time, according to which only male residents of East Jerusalem were permitted to submit requests for family reunification on behalf of their wives. R.D. and her husband were forced to move to Gaza. In 1994, immediately following cancellation of the Interior Ministry's policy of gender discrimination, R.D. submitted a request for family reunification with her husband and children. To this day, no response has been received. When R.D. attempted to return to Gaza from a visit to Jerusalem in October 2001, soldiers at the Erez checkpoint reported to her that there was a problem regarding her status in Israel, and that if she were to enter Gaza and deposit her Israeli identity card at the roadblock, as is the practice, she would not be accepted back and would have to remain in Gaza forever. R.D. chose to return to Jerusalem with her three small children in order to make arrangements regarding her status, while two other children of hers remained in Gaza. When she returned to Jerusalem, her infant daughter fell ill, and it transpired that she was not eligible for medical care, since R.D. is not covered for health insurance in Israel. Intervention by HaMoked ultimately made it possible to obtain care for the baby, which however died.

HaMoked's efforts to clarify R.D.'s status revealed that her residency had been revoked already in 1990, when she was living with her husband in Jerusalem. For the 11 years during which R.D. continued visiting Israel, and even when she went to the Population Registry Office to submit a request for family reunification, she was not told even once that there was a problem regarding her status. Even after HaMoked was informed that her residency had been revoked, no written affirmation was received from the Ministry regarding the matter, the motives or reasons. Thus was R.D. denied the opportunity of presenting her claims to the authorities in order to overturn the harsh verdict HaMoked's requests to the Interior Ministry requesting consideration for R.D.'s difficult situation - mourning over her daughter and separation from her two children residing in Gaza - fell on deaf ears. On 16 April HaMoked petitioned the CAA on behalf of R.D. demanding that her right of residency be restored, or at least that she be informed of the reasons for its revocation and be able to request a hearing. On 23 June, in response to the petition, the State announced that R.D.'s residency would be returned, and indeed, one week later, R.D. received an identity card. (**File 16554**)

Family Reunification

Since 1997 and through April of this year, the family life of Palestinian residents of Israel who were married to a non-resident have been subject to a gradated arrangement. According to this arrangement, the spouse who is not a resident receives Israeli residency within an average of ten years from the day the request for family reunification is submitted to the Interior Ministry. This is contingent on approvals, annual security and criminal checks, and the requirement to produce hundreds of documents attesting to the fact that the couple and their children live in Jerusalem. The status of the couple's children is determined in a separate process of registration in the Israeli population registry.

In early April of this year, the Interior Ministry decided to freeze the processing of all requests for family reunification and registration of children involving families of Palestinian citizens and residents of Israel. Ostensibly, the decision was made as a punitive measure in response to the suicide attack in Haifa, carried out by the child of an Israeli citizen who was married to a resident of the Occupied Territories and had not lived in Israel for many years. In fact, since late 2001, the Interior Ministry has taken steps towards changing its policy in this area, with the goal of preventing immigration of Palestinians into Israel. A special staff was established to collect data and propose legislative changes. When the topic was discussed in the government, data were presented regarding the extent of the phenomenon, according to which between 1993-2001, more than 23,000 requests for family reunification submitted on behalf of Palestinians were approved.[23] On 12 May the government approved a decision about temporary policy regarding family reunification for Palestinians who are not residents of Israel. The government decision was passed, among other reasons, "due to the ramifications of processes of immigration and settling-down of foreigners of Palestinian origin, including through family reunification…. ."[24] A conversation with the director of the Population Registry Office in East Jerusalem reveals that a check into the Palestinian origin of non-residents is performed even for non-first degree relatives, including grandparents.

The decision comprises three "no's"– no receipt of new requests for family reunification, no processing of requests already submitted and not yet approved, and no upgrading of status for those whose request was approved. The three "no's" are an attack on the social tradition of the Palestinian population in general,

23 According to data of the Interior Ministry, Ha'aretz, 6.02.02, p. 1a.
24 Government Decision No. 1813, 12.02.02, Art. b.

which encourages marriage between members within the extended family (*hamula*), and on Palestinian residents of Israel in particular, a large portion of whose extended families live in the Occupied Territories and in Jordan. The decision particularly affects residents of East Jerusalem, from whom HaMoked receives requests for assistance. The social and familial ties with residents of the West Bank, Gaza Strip and Jordan have remained strong, despite Israel's attempts to sever them. According to Interior Ministry data, approximately one half of the requests for family reunification approved since 1993 were submitted to the Interior Ministry's East Jerusalem office. Thus were the lives of thousands of families in East Jerusalem threatened due to the origin of the spouse.

The government's decision stipulates guidelines for a permanent policy that will be formulated this year. Among the principles is the prohibition on processing a request for family reunification of someone who resided illegally in Israel, and a decision to consider implementing quotas for the number of requests approved. The decision also has a harsh effect beyond what appears on paper. Entrance into Israel is not approved by the Interior Ministry for persons of Palestinian origin who are not residents of Israel, who are already married and still have not submitted a request for family reunification; those who reside in Israel but did not yet submit a request, or submitted and the request was not approved, become illegal aliens against their will, and as such are vulnerable to deportation and invalidation of any future request. The IDF does not permit entry into Israel of a person whose request is already being handled by the Interior Ministry in the framework of the gradated arrangement. A special budget of NIS 21 million has been allocated to bolster the enforcement and monitoring of illegal aliens and those requesting family reunification.

The lack of certainty caused by the Interior Ministry freeze and the government decision have led to many requests to HaMoked from families whose affairs have been handled by HaMoked in recent years, and from couples seeking advice regarding their shared future in the city. In addition, many have asked for help who until now have succeeded in wading through the Interior Ministry's discriminatory bureaucracy on their own, and now face the insurmountable barrier to the continuation of their lives placed in their way by the government policy. Two petitions to the HCJ that were submitted by the Association of Civil Rights in Israel and Adalah dealt with the government decision and the Interior Ministry freeze on requests submitted by Palestinian citizens of Israel. These petitions have not yet been decided. Residency status is more vulnerable than citizenship. HaMoked is therefore awaiting a decision in these petitions in order to determine its next steps.

Non-Acceptance of New Requests

The government decision states that new requests for residency status in Israel on behalf of PA residents will not be accepted. The number of requests being handled by HaMoked that are affected by this move is not large, but in recent weeks, many requests have been received from young couples who were recently married or are about to get married and still have not submitted a request for family reunification. HaMoked, for lack of any other option, is collecting the data about them as preparation for handling their requests or petitioning in court, once the new policy has been formulated.

S.F., a Jerusalem resident, was married in 1999 to a resident of Ramallah. She turned to HaMoked for assistance at the beginning of 2001. Health insurance child allowances were arranged for her children in June, at the end of two years of investigation by the NII. S.F. did not submit a request for family reunification and registration of her two daughters in the Israeli population registry since she was unable to afford the fees. By February, the couple had amassed a sufficient sum for submitting a family reunification request. With the help of HaMoked, all the required documents for the request were gathered, and the couple was even scheduled for an appointment in April. The Interior Minister's decision to freeze processing of all topics related to family reunification led to a cancellation of the appointment. The government decision prohibiting submission of new requests on behalf of PA residents placed the final seal on the aspirations of the couple to live together in Jerusalem. (**File 15544**)

The decision to freeze submission of new requests for Palestinians has an indirect effect on the granting of visitation permits to couples whose requests have not yet been submitted. Without these permits, one cannot submit a request for family reunification, since at the time of submission, both spouses must be present at the Interior Ministry. The Interior Ministry views these visitation permits as a first step to submitting the requests, and since submission is frozen, so is the granting of the permits. This distorted logic, that views marriage as no more than a tool to receiving residency in Israel, leads to a situation where the shared future of the spouses is not only hanging by a thread, but their lives together are now impossible.

R.S. married her fiancé, a Jordanian resident, in March of this year. HaMoked arranged for her and her family to leave Israel for the wedding during a strike of Interior Ministry workers in East Jerusalem. In

May, R.S., at the beginning of a pregnancy, asked HaMoked's help in enabling her new husband to enter Israel so that they could embark upon their shared life. HaMoked made a request to the Interior Ministry but the response of the clerks was that all requests for visitation permits for Palestinians were frozen until further notice, since it was clear that this was the beginning of a request for family reunification. A further look into the matter revealed that the husband is not and was not a resident of the PA. The Interior Ministry thus agreed to process R.S.'s request for a visitor's permit for him; the process is still pending. (**File 16889**)

The visitor's permit of a Palestinian spouse already in Israel is not extended and he has to leave his family. If he does not do so willingly, he is deported. A number of spouses have already received a deportation order. In this manner, Israel forces the families into a situation where separate lives are the only escape route. If they live together in Jerusalem, the spouse who is not a resident will become an illegal alien, will be deported after being examined by one of the hundreds of policemen who patrol the city, and will lose his right to submit a request for family reunification in the future. In order to avoid this, he has to shut himself up into his house, unable to work and support his family, at a time when the number of families living below the poverty line in East Jerusalem has grown due to the difficult economic situation. If the couple decides to live together in the Occupied Territories until the policy is changed, the most basic condition required by the Interior Ministry regarding family reunification policy is not fulfilled – the proof that the Israeli spouse's center of life has been in Jerusalem for at least two years. Therefore, the only possibility at the disposal of the couple that does not endanger their future as a family is to live separately.

Non-approval of previously submitted requests

Requests for family reunification that have already been submitted on behalf of spouses of Palestinian origin are not approved based on the government decision. The spouse in whose name the request was submitted has to leave Israel and not return until a different decision is passed. An average of four years pass from the moment that the request is submitted and until its approval further requests submitted during this period are not approved and couples for whom requests are submitted are deported from Israel. As in cases where the members of a couple still have not submitted their request, in these cases as well the decision to conduct a life together becomes impossible. The situation of spouses who have already submitted their requests is even more difficult, since most of them are already parents and any decision they make affects their children, whether psychologically, if separation is decided upon or if a secret life together is decided upon until the vengeance abates, or legally, if the family moves to the Occupied Territories in which case the future status of the children is unclear.

Those who submitted their request for family reunification during recent years began receiving letters in which the Interior Ministry announced to the applicant that "according to a government decision of 12 May 2002… your request … is not approved [emphasis in the original.]" Non-approval is a new term in this area. Until now, requests were refused for reasons relating to security or center of life. The letters also state that the spouse whose request was not approved must immediately leave Israel because if he does not do so, a deportation order will be issued against him.

In 1998, M.H. married a resident of Hebron. The couple has since lived in the Shuafat refugee camp, and currently has three children. In April 2001, M.H. submitted a request for family reunification for her husband and in October 2001, when no response arrived from the Interior Ministry, she turned to HaMoked. In July of this year, the head of the family reunification branch in the Interior Ministry sent a letter to HaMoked, announcing to M.H. that her request to receive status for her spouse had not been approved. The couple had still not decided how to proceed, whether to remain in Jerusalem and risk deportation of the husband/father, or whether to move to Hebron. Their decision will also influence the status of their children, who are not yet registered in the Israeli population registry. (**File 16462**)

Freezing of upgrading requests already approved under the gradated arrangement

Even families whose request for reunification were approved and thus became part of the gradated arrangement were detrimentally affected by the government decision. As part of the gradated arrangement, a visitor's permit that grants no rights whatsoever other than entering and sleeping in Israel is issued. After about two years, during which the Interior Ministry and the security forces review the family's center of life and any potential criminal record of the non-resident family member is checked by the police and the General Security Service (GSS), the permit is upgraded to temporary resident. This permit grants the right to work, and to receive health insurance and NII benefits. It is renewed every year for about three years subject, again, to the submission of documents that validate that the center of life is in Jerusalem, and to criminal and security checks. Permanent residency in Israel is granted after these years have passed.

The government decision declares that permits granted via the gradated arrangement will be extended, but not upgraded, thereby freezing the arrangement promised by the Interior Ministry in 1997. Families who lived in Jerusalem for more than eight years now live in uncertainty regarding their future. In addition, the strike in the Interior Minister's office in March, and the slow processing of requests for family reunification within the gradated arrangement has created a situation in which requests that should have been upgraded prior to the freeze decision by the Interior Ministry to either temporary residence or residence – had everything run smoothly - were not upgraded. Many families who acted in accordance with the law were thus adversely affected.

HaMoked has been working on the matter of the couple R. since 1993. The wife, a Jerusalem resident, and her husband, a resident of the West Bank who is handicapped due to a problem in his leg, were married in 1990, and first requested help to arrange the status and rights of their three children, their health insurance, and their registration in the Israeli population registry and in the NII. After making these arrangements, the couple submitted a request for family reunification. The first request, submitted in 1995, was turned down two years later. HaMoked appealed this decision on behalf of the family, and in 1999, their request was approved and M.R. received a one-year visitor's permit. M.R.'s request to renew the permit was not processed in the Interior Ministry for over a year, despite repeated requests of HaMoked, due to an "office error." Due to the delay, the Interior Ministry promised to count this year towards the upgrade and therefore, when HaMoked submitted a request on M.R.'s behalf in January of this year, it was for a temporary resident's permit, as more than two years had passed since he entered the gradated arrangement. This upgrade is extremely important, since M.R.'s handicap prevents him from working, and temporary resident status makes him eligible to receive medical help and a subsidy from the NII, which would slightly ease the family's dire financial situation. But despite his situation, processing of the request was delayed, this time with the police and the GSS. Their approval arrived only at the end of June. By this time, however, the government decision had already passed, and M.R. did not receive temporary residence status – only a visitor's permit. (**File 5075**)

The IDF is another body standing in the way of Palestinian residents of the territories who wish to live with their spouses and children in Jerusalem and whose request for family reunification is already being handled by the Interior Ministry as part of the gradated arrangement. These residents' stay in Israel, during the first two years of the gradated arrangement, is dependent upon entry permits issued by the Civil Administration. Until the end of February, these entry permits were issued contingent on the approval of the Interior Ministry regarding handling of a request for family reunification and following a security check. Since the IDF invasions of the PA territories, no entry permits to Israel are issued, except in humanitarian cases. Since the Civil Administration does not view the right to family life as a humanitarian right, entry permits are not issued even after Interior Ministry approval is presented. This approval, for which applicants waited for months, thus becomes entirely worthless. The Interior Ministry does not inform applicants that this new policy of the Civil Administration denies them the opportunity of using the approval granted to them and fulfilling their right to family life, turning husbands and fathers, who acted in accordance with the law, into illegal aliens whose request for family reunification will be abrogated should they be caught.

This policy leads to a situation in which the military prevents almost completely implementation of a binding decision by the government (see also p.20). Spouses are placed in an unbearable situation. Not only are their shared lives thrown into uncertainty due to future policy changes, but even when they are given the hope of an additional year of life together, it is blocked by the Civil Administration. HaMoked submitted requests to the army and the Interior Ministry demanding that a quick solution be devised for this difficult situation. No response has yet been received

Z.K., a resident of Jerusalem, submitted a request for family reunification for her husband, M.K, in 1995. HaMoked assisted Z.K. as early as 1993 regarding registration of her children in the population registry. The request for family reunification was approved in 1999, and after that point, M.K. resided in Israel on yearly visitor's permits issued by the Interior Ministry and the Civil Administration. The couple has eight children. On 20 May, some nine months after the necessary documents were submitted to the Interior Ministry after security officials gave a 'green light,' M.K. received the approval he had requested for the coming year. From the Interior Ministry, M.K. was referred to the District Coordinating Office in Hebron in order to receive an entry permit into Israel, but there he was told that all the permits had been cancelled and that he had to bring his wife and children to Hebron since he would no longer be able to live in Jerusalem. (**File 4992**)

Registration of Children

Many of the residency-related services provided by the Interior Ministry require payment of fees. In order to register children not born in Israel in the Israeli population registry, the parents must pay NIS 535 for each child. The Interior Minister can grant a partial or complete exemption from the fees, but to date, the conditions for eligibility for such an exemption have been neither formulated nor published. Given this situation, those in need of an exemption do not know what they must do to receive one. In response to a query submitted by HaMoked, the director of the Population Registry responded that the exemption is given "in extreme humanitarian cases." However over the years during which HaMoked has dealt with the matter, not a single exemption has been granted, even though those who requested had few resources and were unable to afford the fees.

The story of N.A. has been related in the past.[25] HaMoked handled her case regarding revocation of residency, registration of children, and receipt of child benefits for which she was eligible from the NII. In order to register her five children – born in Jordan – on her identity card, the Interior Ministry required her to pay a fee of NIS 2,675. This sum far exceeded what N.A., divorced, mother of 7, and utterly without income, could afford. HaMoked's request on N.A.'s behalf to exempt her from the registration fee was rejected by the Interior Ministry, since it was not considered an extreme humanitarian case. Given her difficult situation, HaMoked decided to pay the fee from the organization's fund, and at the same time in July 2001 submitted a petition to the HCJ on behalf of N.A., demanding that the Interior Minister be required to publicize the conditions and application procedure for eligibility for an exemption from child registration fees. (**File 12648**)

In June 2002, the State promised in the HCJ that the Interior Ministry would decide upon, by the end of July, conditions and procedures for receiving an exemption from paying the fees, and would publish them on the application form for status in Israel and on the Office's Internet site. To date, no publication of these conditions and procedures has been evident.

The discriminatory policy that was the practice in recent months regarding requests for Israeli-Palestinian family reunification, has also affected the right of children of these families to grow up in a stable family unit and the right of Israeli parents to raise them in Israel. Registration of these children in the Israeli population registry was frozen by the Interior Minister's decision. Although the government decision does not state so explicitly, according to clerks in the Interior Ministry with whom HaMoked is in touch, and according to what actually occurs, children with a non-resident parent and who were born outside of Israel, will not be registered in the registry. The children become foreigners and candidates for deportation against their will. Unlike requests for family reunification, the freeze on registration of children arises not from a legislative change or from a published government decision, and HaMoked is working vis-à-vis the Interior Ministry to reverse it.

In 1987, Y.J., a resident of Jerusalem, married a Jordanian resident and lived with her and their son in Jordan. In 1998, when he returned to Jerusalem, Y.J. attempted to submit a request for family reunification and a request for a visitor's permit for his wife and son, but was told that he first had to live in Jerusalem for at least two years. After the two years, he again requested a visitor's permit for his spouse and child. The Interior Ministry lost his request and with HaMoked's intervention, the mother and son were finally approved for entry into Israel approximately one year after the original request had been submitted. In October 2001 the request for family reunification for the wife was submitted, as well as a request to register the son in the Israeli population registry. In January 2002, the Interior Ministry's response was finally received, namely that the request for registering the son had been rejected since it had not been proven that the center of Y.J.'s life was in Jerusalem. HaMoked sent to the Ministry of Interior all the documents, which had already been submitted with the original request, proving that since 1998 the center of Y.J.'s life had been Jerusalem. But before an answer was received from the Interior Ministry, the government decision was passed and the Ministry's response was that "…since the child was born in Jordan, his request for registration in the Israeli population registry will be discussed in the context of the family reunification request of his [Y.J.'s] wife." In response, HaMoked wrote to the Interior Ministry demanding that it reconsider the illegal decision, which contravenes a 1989 decision by the HCJ (**File 15510**)

[25] HaMoked: Center for the Defence of the Individual, Activity Report January-June 2001, pp. 20-21.

Travel Abroad

Residents of East Jerusalem are not eligible for an Israeli passport and are forbidden from carrying a Palestinian passport. Some have foreign passports, but their use can result in the revocation of their status as Israeli residents. Travel to Jordan over the Allenby Bridge requires approval of the Interior Ministry in East Jerusalem. On 10 March, employees of the Office began sanctions, refusing to open to the public or answer the phone. The sanctions, declared due to a lack of personnel and difficult working conditions in the office, were particularly difficult for residents whose trips to Jordan could not be delayed – the illness of a family member, a funeral, or studies. At first, the Office operated an exceptions committee, which could be approached in the most urgent cases. As the sanctions grew more intense, the committee ceased to function and these cases were not processed.

During the sanctions, HaMoked handled 23 requests from residents of East Jerusalem whose trips to Jordan could not be delayed (these requests are not included in the general data). Following much effort, a significant portion of these requests was approved. HaMoked made a point of verifying whether the applicants indeed succeeded in crossing the Allenby Bridge, since in most cases, the approval was not transferred to border control there. In parallel, HaMoked contacted Knesset members, journalists, and Histadrut labor union officials in order to bring to their attention and to the attention of the public these sanctions and their difficult impact, and to bring about an easing of conditions for receiving an exit permit. HaMoked's efforts regarding cessation of the exception committee's activity, and it resumed functioning three days after the decision to cease activity had been made.

A.A.'s 80-year-old grandmother lives alone in Jordan. On 18 March, she was hospitalized in an intensive care unit in Jordan, due to heart disease. Since her son, A.A.'s father, is also not well and cannot endure the trip from Jerusalem to Jordan, A.A. wanted to go take care of his grandmother. A.A. requested help from HaMoked, but HaMoked's repeated requests for a review of his matter were not answered. Operation of the special exceptions committee was subsequently terminated, but immediately when it resumed operation, HaMoked was able to submit A.A'.s request for approval and he set out for Jordan.

Residents of East Jerusalem who wish to travel abroad through the Ben Gurion airport are also required to withstand the difficult conditions in the long line to the Interior Ministry office in East Jerusalem in order to receive or extend a travel permit ('laissez passer'), valid for one year.

Seven pupils from the St. George elementary school in East Jerusalem were invited to a summer camp in the US for Jewish, Moslem and Christian children, as part of the KIDS4PEACE project, sponsored by St. George College. Another group of ten children from the Nidal center in East Jerusalem were invited by the Belforte municipality to attend a summer camp held during July in the city. Over the course of several days the children and their parents tried to gain entry into the Interior Ministry office and did not succeed, even when they arrived at 3 am and waited until the afternoon hours. HaMoked submitted a request on their behalf to the director of the office, their entrance into the office was arranged and they received travel permits.

Respect for the Dead

"Protected persons are entitled, in all circumstances, to respect for their persons… their family rights, their religious convictions and practices, and their manners and customs." (Article 27, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949))

The treatment of the deceased is a clear test case for the upholding humanitarian norms that apply even in times of confrontation. Once a person has died, s/he no longer constitutes a security threat in any way. The deceased person exits the battle. Bringing him or her to a dignified burial is a human necessity, an act of true kindness. A respectable burial is not only for the human dignity of the deceased; it is also the family's right to conduct a ceremony for the physical body in order to internalize the fact of death, and to have a gravesite at which pain and loss can be expressed. The treatment by the Israeli authorities regarding this right reflects a vengeful perspective, including the dehumanization of the deceased and his family. In the past, Israel's policy of not returning corpses to the family was very consistent. Palestinians killed were buried in "cemeteries for the fallen enemy," and the procedures for identifying and marking the graves and bodies were not adhered to.[26] This policy has changed, partially due to the petition to the High Court of Justice submitted by HaMoked, but the disregard for this right continues.

Returning the bodies of Palestinians killed while carrying out an attack against Israelis is a complex and long procedure, which involves the Israel Police, the Abu Kabir Forensic Institute, and the IDF. The police investigate the attack and make the decision to disinter the corpse from its place of temporary burial at the alternative cemetery in Beersheva or the Abu Kabir Institute. The Forensic Institute is responsible for identifying the body. With identification and "release" of the corpse, the IDF by agreement is required to transport it to the Occupied Territories for burial. When this final approval also arrives, a transfer of the corpse from the forensic institute or the temporary burial to the family's area of residence is required. One vehicle, accompanied by a military police car, brings to the corpse to the border of the West Bank, where it is transferred to a Palestinian vehicle. During the first six months of the year, HaMoked dealt with 30 requests (old and new) regarding identification of bodies and their return to their families for burial. Of these, the body was returned to the families in eight cases.

F.A., age 23 from Qalqilya left his home on 28 March 2001. When after a week he had not returned, and after searches turned up nothing, the family approached HaMoked, who tried to locate him through the IDF and the State Attorney's Office. The State Attorney replied that F.A. had apparently carried out a suicide attack on the day he died. His parents identified the body based on pictures presented to them at the Coordination Office in Qalqilya. HaMoked asked the IDF to transfer the corpse to the family, and at the same time asked the Israel Police to assure that the corpse in their possession had been unequivocally identified, since no blood samples were taken from family members for DNA matching, and they received no document attesting to the identification. The Israel Police responded that the matter at hand was a serious crime still under investigation and so no information regarding it could be provided.

Three months after HaMoked's request to the army, in August 2001, an answer was received that the body of the suicide bomber from that day had been buried but still not identified, and that a date and way of identifying the body should be set with the Forensic Institute. HaMoked arranged issuance of entry permits to Israel for family members. When they arrived, they gave blood samples and were promised an answer within two weeks. When HaMoked asked to clarify whether the DNA matched, the answer offered was that the Institute had been forbidden to convey any information. In response to the request from the Israel Police, it was related that the body of the attacker had been identified as F.A., and that in order to return the corpse to the family, a request should be made with the IDF, and it was. On 11 February of this year, the IDF stated that return of the body had been approved. HaMoked rented a car for transporting the body and arranged the required military escort from the alternative cemetery in Beersheva where F.A. was buried, to the Qalqilya roadblock. A representative of HaMoked went to the cemetery, was present when the body was exhumed from the temporary grave and escorted it to the roadblock. From that point, HaMoked maintained contact with the driver of the vehicle that transported the body from the roadblock to the family's home, and assured that it was not detained at additional roadblocks along the way. Three months after F.A.'s body was transferred to the family, and a week after the headstone was set, F.A.'s father died of a heart attack. (**File 15806**)

The Security Cabinet's decision to demolish the homes of those who carry out attacks against Israel and to deport their family members to Gaza, makes it very difficult to facilitate the return of bodies. If until now HaMoked demanded to receive the results of the identification procedure for the bodies of suicide bombers in order to prevent the error of transporting the wrong body to the family, a grave danger is now posed to

[26] See, Captive Corpses, HaMoked: Center for the Defense of the Individual and B'Tselem, 1999.

the family as a result of that identification – whether demolition of its home, or deportation. In addition, the organizations also no longer publicize the name of the perpetrator due to a fear that harm will come to his family. HaMoked is now evaluating the possible courses of action in light of this development.

Deportation

"… deportations of protected persons from occupied territory… to that of any other country, occupied or not, are prohibited, regardless of their motive." (Art. 49, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949))

For many months, the media reported the intention of the government of Israel to deport family members of those who carried out suicide attacks against Israel. As a result, the legal department of HaMoked conducted a comprehensive study regarding the laws prohibiting deportation and collective punishment of families, and prepared an array of legal arguments on the matter. When the official discussion on deportation began, HaMoked requested from the legal advisor of the West Bank that should such a measure be decided upon, the right to a hearing be given to the candidates for punishment and a suspension period to enable an appeal to the HCJ.

On the night of 18 July, Israeli forces arrived at the homes of six families in the Nablus area and arrested 21 family members. Among the detainees were a 16-year-old youth, a sick elderly man aged 72, a retired school principal, and others. The media announced the intention to deport the arrested family members to Gaza. In a matter of hours, HaMoked had collected information regarding the detainees and their families and urgent letters were dispatched to the State authorities requesting that they give HaMoked – as the legal representatives of the families – advance notice of a decision to deport, in order that steps could be taken to prevent this. In the afternoon of that same day, when the special meeting at the Attorney General's Office concluded, it transpired that the Attorney General had agreed to deport the family to the Gaza Strip under certain conditions. It further transpired that the State would make no commitment to inform HaMoked in advance regarding the deportation. In light of this, HaMoked immediately submitted a petition to the HCJ against the deportation. That weekend, another petition was submitted against the deportation of additional detainees not included in the first petition. Upon submission of the petitions, the State committed to not deport the detainees to the Gaza Strip without granting a 12-hour hiatus during which preventive legal action could be taken. Given this commitment, HaMoked withdrew the petitions, and continued representing the candidates for deportation in their detention proceedings and to act on behalf of their release. At the end of July came the decision to deport two of the men from the families who had been detained, and shortly afterwards, the decision to deport a woman of the same family. HaMoked represented the three in proceedings in the appeals committee (which recommended that the OC Central Command not rescind the orders), and in August submitted a petition to the HCJ against the deportation.

HCJ

In addition to its activity toward preventing the deportation of family members, HaMoked continued to handle the complaints of residents of the occupied territories who had been deported in the past and wished to return to their families in the territories. These are mostly Palestinians who were deported during the first decade of the occupation with no deportation order and no option of contesting their deportation. HaMoked's demand to convene the Advisory Commission for the Return of Deportees regarding two people deported in the past, led to the annulment of the deportation order for one deportee, and a requirement to review additional documents regarding the other. After the signing of the Oslo Accords, the Commission cancelled a number of deportation orders of this type that related to deportees of the 1970s. However, with the outbreak of the second Intifada, all activity on the Israeli side relating to the issue of residency was halted. HaMoked was thus surprised to learn of the discussion of the Commission meeting this period, and even more surprised regarding its decision to cancel one of the two orders. HaMoked hopes that with cancellation of the said deportation order, the Commission will begin discussing the cases of those deported in this group in a more intensive manner, without disruption or delay.

A.D., a resident of the village of A'yin in the Ramallah District, was 22 in 1970 when he was deported to Jordan together with 15 additional administrative detainees. The 16 detainees were brought from Beersheva Prison in a military truck to Wadi A'rabeh, handcuffed and blindfolded, and were ordered to march to Jordan. In Jordan, A.D raised a family and in 1996 he received a visitation license to visit his family in the West Bank. When he arrived, he began working towards his return home, as a resident and not a visitor. In 1998, after his request was rejected, HaMoked asked the IDF Commander of the West Bank to convene the Advisory Commission for the Return of Deportees in order to discuss the matter. Only after approximately two and a half years, in February of this year, did the Commission convene, and the HaMoked attorney who appeared before the Commission was informed that the deportation order had been cancelled. (**File 11159**)

House Demolition

"Any destruction by the Occupying Power of real or personal property belonging… to private persons… is prohibited, except where such destruction is rendered absolutely necessary by military operations." (Art. 53, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949))

The homes of hundreds of families have been demolished since the beginning of the present Intifada, as a result of the policy of "clearing," which punishes residents living in the area where an attack took place, and as a result of the policy of punishing families for attacks carried out by their relatives. With the IDF invasion of the PA territories, the use of demolition of residential areas "for security reasons" spread from the Gaza Strip to Jenin and Nablus. Faced with the inability to prevent attacks, even after the IDF's reoccupation of the West Bank, Israel began demolishing home after home where family members of attack suspects lived. HaMoked submitted a series of petitions to the HCJ in order to require the IDF to observe the procedure of giving advance notice of a demolition, based on an HCJ ruling from the previous Intifada: to enable families living in houses slated for demolition to set forth their arguments with the goal of lessening the severity of the decree and giving them time to remove their possessions from the house.

The "Clearing" Policy

"Clearing", the main aspect of which is razing wide expanses of land using bulldozers, has been implemented since the beginning of the present Intifada, and has led to the uprooting of hundreds of trees, the destruction of thousands of acres of agricultural produce, and the demolition of entire neighborhoods. Until the IDF invasion of PA territories this year "clearing" of built-up areas occurred primarily in the Gaza Strip. During the last six months, the IDF has demolished dozens of houses in Gaza, on a few moments' notice, and has left hundreds of people without shelter, clothing or food.

HCJ

On 14 March, IDF bulldozers began destroying buildings in the al-Mufraqa area, near the Netzarim settlement in the Gaza Strip. The demolition of houses came shortly after an explosion occurred in the area that caused property damage. As in the past, and in violation of the State's commitment from a previous HCJ petition, the bulldozers began their work of destruction without allowing the homeowners any possibility of removing their personal possessions or appealing the decision to demolish their homes. That same day, a petition had been submitted to the HCJ by B.W., a resident of the area, and by The Palestinian Human Rights Center – Gaza, PHR and HaMoked, against the continued mass destruction of houses, and demanding that the right of home owners to present their arguments against the demolition to the authorities be upheld. In its response, which received the status of a ruling, the State promised to give advance warning of demolition which could be appealed before the military commander and should that be rejected, 48 additional hours would be given prior to demolition in order to enable the family to petition the HCJ. This was to be the procedure, unless it was not possible due to "operational reasons." (**File 17501**)

The pathetic results of wholesale house demolition for "security reasons" were revealed in the Jenin refugee camp when, during 'Operation Defensive Shield,' and following the difficult battle that cost dearly in blood, IDF bulldozers began demolishing dozens of homes, sometimes without any warning to their residents, some of whom who were unable to save even themselves. The pictures from the area, and the testimony of camp residents and soldiers present, left no room for doubt that houses were demolished with no regard for the lives of those who lived therein.[27] The first requests from residents of the camp arrived just a few days following the demolition. HaMoked had no option but to act on behalf of those who remained trapped under the ruins of their homes. Following elaborate clarifications with the families, and after the IDF refused to send a Home Front rescue unit with extensive experience with rescuing trapped persons around the world to the camp, HaMoked submitted a petition to the HCJ demanding that the State bring this unit to the refugee camp. The State promised in court that the rescue unit would work in the camp, but to this day, no information has been received from the IDF regarding the extent of its activity there.

HCJ

On Sunday, 7 April, an IDF bulldozer began demolishing the house of P.A. a woman approximately 60 years old, in the Jenin refugee camp. Her son managed to flee the house but P.A., confined to her bed, and her daughter-in-law, remained behind. Her family members believed her to be dead after hearing rumors regarding the bodies of women lying in the street where the house was located. At the end of that week, P.A.'s grandson heard that cries for help were coming from women buried under the ruins of the houses. Since it was not possible to set out for the location due to the curfew, the grandson contacted HaMoked, which was in contact with the army during Friday night and Saturday, with the goal of locating and rescuing the women, but in vain. The Coordination Officer in Jenin went to the site during the afternoon

[27] Operation Defensive Shield: Soldiers' Testimonies, Palestinian's Testimonies, B'Tselem, 2002, pp. 12-13.

and called to the women, but heard nothing. According to him, he was himself unable to find the place where the house had stood, even though its exact location was sent by fax, since "the area is completely razed… ."

HaMoked demanded that a special unit skilled in location and rescue of persons buried under rubble be sent to the site, but until Saturday evening, no information was sent to HaMoked that such a unit was in the area and trying to locate the two women. Moreover, the official response of the army indicated that only when precise information is conveyed, and only when the safety of the rescue crew is assured, will it go into the field. At 22:30 HaMoked submitted a petition to the HCJ, requesting that the Defense Minister be obligated to order dispatch of the special Home Front rescue unit for location and rescue of any living person buried under rubble in the Jenin refugee camp. In court, the IDF committed the Home Front rescue unit to work in the field in the refugee camp and searching for those buried under rubble, not only when accurate information was available, but also based on the professional experience of its personnel. (**File 17767**)

Punishment of the Families of Attack Perpetrators

As with the idea of deportation, demolishing the home of families of those who perpetrate attacks was raised as a tool for fighting the suicide attacks. Thirty-one homes were demolished in punitive acts since the beginning of the Intifada through 14 August, [28] most with no order issued, without enabling the families to present their arguments against demolition of their homes and without providing time to remove possessions from the house. For these reasons, and due to the harsh results, every request made to HaMoked was followed up urgently, even if there was only a suspicion.

HCJ

In the beginning of November 2001, A.A.'s brother was killed during an IDF assassination operation. A day after the assassination, soldiers entered the village of Tal in the Nablus area, evacuated the family out of the home, and informed them of the intention to demolish the house. A.A contacted HaMoked, which demanded that the IDF not demolish the home until the family's right to appeal was realized. The IDF responded that there was no intention of demolishing the house. Two months later, on Friday, 4 January 2002, IDF soldiers again entered the village, removed A.A.'s family from their home, and told them that they intended to demolish the house. This time, a tractor that began destroying the staircase accompanied the soldiers. HaMoked feverishly attempted to clarify with the IDF, but to no avail. With no commitment on the part of the authorities, HaMoked immediately went to the HCJ with a request to issue a restraining order against the demolition and to require the IDF to hold a hearing. In the appeal hearing, the State submitted a number of facts that led HaMoked to withdraw the petition: among other things, it was reported that the house contained a large quantity of weapons and findings were reported attesting that the house also served as an explosives laboratory. This ostensibly dissociated the demolition from an act intended as a punishment for the actions of the brother. Ultimately, the IDF left the village prior to the petition hearing, and the house was not demolished. It later became clear that the 'large quantity' of weapons found was one rifle and a number of bullets, and that other details submitted by the State during the hearing were inaccurate. In light of this, HaMoked requested a clarification from the State Attorney's Office as to why facts that did not correspond with the reality at the time were presented in court. The State Attorney's clarification is still pending. (**File 16629**)

The legal arguments that serve as the basis of HaMoked's petitions against house demolitions to the HCJ relate to the IDF Area Commander's obligation to follow fair procedures and exercise reasonable judgment. These obligations include issuing an order based on reliable evidence, granting the family the right to a hearing and to appeal, and preserving the principle of proportionality to minimize the harm caused to innocent persons.

HCJ

In the early morning hours of 12 March, IDF forces entered the al-A'mari refugee camp on the outskirts of Ramallah. S.A. escaped from the soldiers, as did most of the male residents of the camp. Later, the media publicized that the house where he and his sister, who had committed suicide in an attack in a Jerusalem not long before, had been demolished by IDF soldiers. The house was home to S.A., his two brothers, their wives, their mother and their children, aged 6 months to 8 years. Later, it was learned that the news items regarding demolition of the house were premature and that it was still standing. Immediately after the request was received, HaMoked contacted the IDF commander of the West Bank, who has the authority to order the demolition of homes, and the State Attorney's Office. When the request was not answered, HaMoked petitioned the HCJ, requesting issuance of an order that would prohibit the IDF from demolishing S.A.'s house, until he and his brothers could appeal. The High Court of Justice issued an

[28] According to data provided by B'Tselem, www.btselem.org.

interim order as requested, and in light of the State's response that it had no intention of demolishing the house, and the withdraw of IDF troops from Ramallah on 19 March, the petition was rejected. (**File 17330**)

HCJ

At the same time that the decision to deport the families of those suspected of carrying out attacks was made, the IDF began a sweeping house demolition maneuver. On the night when the family members of the wanted persons were detained, against three of whom deportation orders were issued, the family homes were demolished. During the first four days of August, nine additional homes were demolished in the West Bank. HaMoked submitted petitions to the HCJ in the name of 35 families who had earlier requested assistance in returning the bodies of their family members who had committed suicide attacks. After both collective petitions were rejected, HaMoked submitted individual petitions regarding additional families. These petitions were also rejected. The HCJ justices stated in the hearing that the place for realizing the right to make their arguments was not the HCJ, and that each family could lodge a request with the IDF Area Commander in writing, specifying the particular circumstances. Thus, when the commander is about to issue a particular demolition order, he can check what is written in the family's letter and rule whether or not to proceed with the demolition. This HCJ decision almost completely obviated the possibility of appealing to the court, unless outstandingly exceptional circumstances prevail regarding a certain house. HaMoked will soon be again turning to the HCJ, along with ACRI, with a request to hold an additional and expanded hearing.

Appendices

Appendix 1 – Statistics

Table of New Files Opened by HaMoked: Center for the Defence of the Individual
During the Period January 1, 2002 – June, 30 2002

	First Half 2002		First Half 2001	
	Number	Percentage	Number	Percentage
Residency	9	0.2%	12	2.0%
Tracing Detainees	4252	91.4%	486	82.0%
Administrative Detention	62	1.3%		
Violence and Property Damage	96	2.1%	18	3.0%
Causing Death	7	0.1%	2	0.3%
Freedom of Movement	121	2.6%	56	9.4%
Curfew, Siege, Blockade	70	1.5%	4	0.7%
Return of Corpses	14	0.3%	5	0.8%
Other	21	0.5%	10	1.7%
Total	**4652**	**100.0%**	**593**	**100.0%**

Appendix 2 – Organizational Report (as of 30 June 2002)

Board of Directors

Ms. Tagrid Jahashan, Advocate, Chairperson

Dr. Yossi Schwartz, Vice-Chairperson

Mr. Arturo Eifer, Treasurer

Mr. Dan Bitan

Dr. Neve Gordon

Mr. Ala Hatib

Dr. Raphi Meron

Dr. Alchanan Reiner

Ms. Rachel Wagshal

Comptroller

Mr. Sergio Vinocur

Legal Advisor

Ophir Katz, Advocate

Accountants:

Manaa' & Maj'adalah, CPA

Staff of HaMoked

Ms. Dalia Kerstein, Executive Director

Client Intake:

Ms. Maisa Hourani, Coordinator

Ms. Ranna Khalil

Ms. Mai Masalha

Ms. Georgina Saria

Complaint Coordination:

Ms. Ariana Baruch

Ms. Tal Filmus

Ms. Mihal Leibel

Mr. Gabriel Wolff

Detainee Tracing:

Mr. Aviad Albert

Ms. Kawther Matane

Mr. Itai Schurr

Emergency Hotline:

Moran Cohen, Coordinator

Ms. Gida Abu Achmed

Ms. Mayyada Alosh

Mr. Bashar Khamis

Ms. Nehaia Magdoub

Legal Department:

Mr. Tamir Blank, Advocate

Mr. Tarek Ibrahim, Advocate

Ms. Adi Landau, Advocate

Mr. Hisham Shabaita, Advocate

Mr. Yossi Wolfson, Advocate

Communications and Development:

Mr. Curt Arnson

Research:

Mr. Eitan Buchvall

Administration:

Mr. Meir Turiansky

Bookeeper:

Mr. Yosef Bruder

HaMoked: Center for the Defence of the Individual, should like to acknowledge the support of the following organizations:

Association pour L'Union les Peuples Juif et Palestinien, Switzerland

British Embassy, Tel Aviv

Canadian Representative Office, Ramallah

CCFD (French Catholic Committee against Hunger and for Development), France

Royal Danish Representative Office, Ramallah

The European Commission

Embassy of Finland, Tel Aviv

The Ford Foundation, USA

Haella Stichting, Netherlands

Global Ministries, Netherlands

Jusaca Charitable Trust, England

The John Merck Fund, USA

Minister for Development Cooperation, Ministry of Foreign Affairs, Netherlands

New Israel Fund

Royal Norwegian Embassy, Tel Aviv

NOVIB (Netherlands Organization for International Development Cooperation), Netherlands

SAS Charitable Trust, England

SIVMO, Netherlands

Stichting Solidariteits, Netherlands

International Commission of Jurists, Sweden

Federal Department of Foreign Affairs, Switzerland

HaMoked: Center for the Defence of the Individual is an Israeli human rights organization dedicated to defending the human rights of the Palestinian residents of Israel occupied territory in the West Bank, the Gaza Strip and East Jerusalem. HaMoked, with offices in East Jerusalem, offers free legal and administrative aid and advocacy to these individuals.

HaMoked's staff includes attorneys, client intake coordinators, client complaint coordinators and administrative support staff. HaMoked operates an emergency hotline service seven days a week in order to try to offer real-time solutions to violations of human rights of Palestinians.

HaMoked represents the complainants before the various Israeli civil and military authorities as well as in court, including the Israeli High Court of Justice.

HaMoked addresses areas of human rights, specializing in Detainee Rights (including administrative detention), Freedom of Movement, Residency Rights and Family Unification, Military Accountability and Violence towards Palestinians by members of the Israeli security (military and police) forces as well as settler violence.

Relying on International humanitarian and human rights law, HaMoked seeks to halt these abuses against Palestinians and to assure remedy for the individual. Since our founding in 1988, HaMoked has opened over 20,000 files.

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