המוקד להגנת הפרט
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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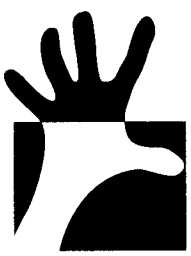

HaMoked:

Center for the Defence of the Individual

Semi-Annual Report: January – June 2001

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Table of Complaints Received by HaMoked During the Period January 1, 2001 - June 30, 2001

Subject	No. of complaints	Percent of total complaints	Percent of complaints in 2000
Residency	12	2.0	3.8
Tracing Detainees	486*	81.9	65.5
Family Prison Visits	5	0.8	0.5
Violence and Property Damage	18	3.0	4.1
Causing Death	2	0.3	0.1
Actions against Curfews and Closures	4	0.7	-
Exit permits	38	6.4	11.3
Entry from Jordan to West Bank	1	0.2	0.5
Entry from Israel to Territories	13	2.2	4.8
Entry from Territories to Israel	4	0.7	5.2
Guarantees	-	-	0.2
Confiscation of ID cards	1	0.2	-
Return of bodies - suicide bombers	5	0.8	-
Other	4	0.7	0.2
Total	**593**	**100%**	**100%**

* In practice, the number of detainees traced was higher than the figure shown in the table. The number quoted here refers to tracing requests opened for the first time during this period, but does not include people whose identifying particulars were already in our information system, for whom re-location was requested due to re-arrest or transfer between prisons.

Introduction

Infringements by Israel of the human rights of Palestinians in the Occupied Territories are not a new phenomenon since the outbreak of the Al-Aqsa Intifada; they have been part and parcel of the occupation since 1967. Since the signing of the Declaration of Principles between Israel and the Palestinians, the Occupied Territories have been divided into disconnected enclaves, and restrictions have been imposed on movement by Palestinians, including restrictions on entry into Jerusalem and Israel. The basic rights of "security" detainees and prisoners have been infringed, and all these prisoners have been transferred to prisons inside Israel. The confiscation of land has continued, the Jewish settlements have been expanded, and violence on the part of Israel Defense Forces (IDF) soldiers, Border Guard police and settlers has continued.

Since the outbreak of the current Intifada, there has been a significant deterioration of human rights in the Occupied Territories. Israel has adopted a policy directed mainly at the civilian population, which is not involved in actions against Israel. In so doing, Israel has used excessive force, leading to the killing of hundreds of Palestinians and the injuring of thousands, including a large number of children. Israel demolishes homes and uproots fields. Instances of violence by security force personnel against the residents of the Territories have risen considerably. The restrictions currently imposed on freedom of movement of the Palestinian population are unprecedented in scope and ramification. A siege has been imposed on most of the villages and towns in the West Bank and Gaza Strip; main roads have been blocked with earth embankments and concrete blocks, preventing residents from leaving their communities. The complete closure imposed on the Territories following the outbreak of the Intifada has prevented workers from the Territories from entering Israel, leading to a deterioration in the already difficult state of the Palestinian economy.

During the Intifada, HaMoked has continued to process individual complaints on the various subjects under its mandate. We have also addressed problems of principle raised by these complaints, with a view to changing the policies implemented by the Israeli authorities. We petitioned the Supreme Court against the curfew imposed on the village of Silat Al-Daher, and against the failure to enforce the law against the Jewish settlers in Hebron. We also petitioned the Supreme Court against the hermetic closure imposed on the villages of Faqu'a and Al-Sawiya. In a civil appeal to the District Court, we are challenging a Court Magistrate's interpretation of the army's rule of engagement – an interpretation that could leed to an even more "trigger-happy" approach than that already in force. Another Supreme Court petition led to an agreement with the Ministry of Health and the National Insurance Institute providing health insurance from birth for Palestinian children in Jerusalem whose status as residents has not yet been clarified (in cases when only one of the parents is a resident).

HaMoked's activities received public recognition this year when the director of the organization was one of a number of human rights activists and public figures invited to light beacons at a ceremony organized by the Yesh Gvul movement to pay tribute to those striving for justice and equality in Israel. In addition, two representatives from HaMoked were invited for the third consecutive year to give testimony before the special United Nations committee investigating infringements of human rights in the Occupied Territories.

Detainee Rights

Locating Detainees

The location of prisoners and detainees continues to be one of the most important services provided by HaMoked for the residents of the Occupied Territories. Israel continues its practice of not informing the families of detainees of their place of detention of its own initiative, despite the fact that Israeli law and Supreme Court rulings oblige it to do so. Families continue to rely on HaMoked in order to obtain this information. The work of locating detainees has acquired a routine nature; every day, HaMoked employees locate detainees and prisoners. In most cases, the IDF provides accurate replies within a reasonable period of time, although cases of procrastination and inaccurate responses still occur.

Since the outbreak of the Intifada, there has been a sharp increase in the number of requests to locate detainees. There has also been an increase in the number of cases in which HaMoked has been obliged to contact the State Attorney's Office due to the failure of the IDF to locate detainees. M.S. of Kalkiliya, for example, was arrested at his home in April 2001. The IDF informed HaMoked that it was unable to locate him at any detention facility, and that he could not be located with the General Security Services (GSS)since he did not appear in the Population Registry. Contacts with the State Attorney's Office revealed that M.S. was detained at the Kishon Prison. Some three days later, HaMoked once again attempted to locate M.S., after the possibility arose that he might have been transferred to a different facility following the extension of his detention. During two days HaMoked was unable to contact the Kishon detention center, while the Sharon detention center refused to provide us with information. Only after contacting the State Attorney's Office again were we able to ascertain that M.S. was still detained at Kishon.

Administrative Detainees

In September 2000, before the outbreak of the Intifada, Israel held just five administrative detainees who were residents of the Occupied Territories. As of June 30, 2001, this number has risen to 15 (one is a resident of the Gaza Strip, one of East Jerusalem, and 13 of the West Bank). In addition, one Israeli citizen is detained, as are at least three Lebanese citizens. In total, therefore, Israel is holding at least 19 administrative detainees. In July alone, four people were incarcerated through the process of administrative detention. It should be noted, however, that these figures are much lower than during two previous crisis periods. During the first Intifada (1988-1993), the number of administrative detainees reached many thousands; and during the "run-in" period of the Oslo Accords (1995-1998), many hundreds were held. Since 1998, there has been a drastic reduction in the number of administrative detainees.

Prior to the new Intifada, administrative detainees held by Israel were alleged to be members of Hamas or Islamic Jihad. Now, however, approximately half of the detainees

are alleged members of Fatah or the DFLP. As a general rule, detention orders are ratified by military judges, and appeals against detention orders are rejected.

According to military law applying in the Territories, administrative detainees must be brought before a military judge within eight days of their detention. Three months after the judge's decision, the detainee is brought for a process called "periodic review." Detainees are entitled to appeal against the decisions of the judge, and against the periodic review; the appeals are heard by a judge in the military appeals court. Attorney Tamar Pelleg Sryck, on behalf of HaMoked, represents most of the administrative detainees in the judicial reviews, periodic reviews, and, when appropriate, in appeals against the judges' decisions in these proceedings. During the period January - June 2001, 23 orders issued came under judicial review. 16 orders were authorized in full. In many cases, individuals are detained for the purpose of interrogation, and administrative detention orders are obtained subsequently. In six cases handled by HaMoked, the number of days spent in interrogation was deducted from the period of administrative detention as stipulated in the order. One detainee represented by HaMoked was released following a preliminary hearing, before the judge made his ruling. All 12 cases of periodic review (11 of which were represented by Attorney Tamar Pelleg Sryck on behalf of HaMoked) were approved. 13 appeals were heard; all were rejected.

The case of Imad Siftawi

Mr. Siftawi is a 39-year old native of Gaza, married and father of four. During the 1980s, he was active in the Palestinian Islamic Jihad movement. He was imprisoned and indicted, but before sentencing he escaped from prison and crossed the border to Egypt, eventually settling in Sudan. Following the signing of the Oslo Accords in September 1993, Mr. Siftawi joined those who supported the agreement; he expressed this position in public, and quit Islamic Jihad, later joining Fatah. As a result, his car was torched by members of Islamic Jihad, he received threats and was ordered to leave Sudan. In 1996, he returned to Gaza as a "returning resident," and found employment in the PA Ministry of Religious Affairs. His return to Gaza was possible in light of an Israeli commitment not to take legal steps against Palestinians relating to offenses committed prior to September 13, 1993 (this commitment appears, inter alia, in Article 16.3 of the Interim Israeli-Palestinian Agreement concerning the West Bank and Gaza Strip, 1995). Mr. Siftawi became active in attempts to promote rapprochement between Israelis and Palestinians, and developed contacts with the Ahmadian Muslim sect, which advocates peace and non-violence (the leader of the sect in Israel testified to these contacts before a judge). He also maintained contacts with the Van Leer Institute in Jerusalem, and took steps to establish a "Good Neighbors" movement to encourage cooperation with Israelis. He was invited by the Van Leer Institute to participate in a project on religious tolerance, but did not receive permission to enter Israel. He suffered hostile reactions from the Islamic Jihad and Hamas movements due to his political positions.

On December 13, 2000, when returning from an overseas visit, he was detained by Israel and interrogated by the GSS at Shikma Jail for over two months. During this period, he was threatened with deportation and administrative detention. He was twice prevented from sleeping, and was kept for 36 hours tied hand and foot to a chair. He was also placed in a cell with collaborators, who used threats in an attempt to force him to admit membership in the Islamic Jihad. The extension of his detention and his own application for release were heard without him being allowed to meet his attorney, or even to be present in court at the same time as her. On January 21, 2001, a petition was filed to the Supreme Court to enable him to meet with an attorney. The petition was heard the next

day and rejected by the Court. However, the ruling stated that the State had announced that Mr. Siftawi would be able to meet with his attorney prior to the next extension of his detention. This meeting took place on January 25, 2001.

On February 18, 2001, the Commander of the IDF Forces in the Gaza Strip issued an administrative detention order for six months. Mr. Siftawi was transferred to Ashmoret Prison, where he was held in isolation, contrary to the Israel Prison Services' procedures for isolation, and contrary to the relevant regulations applying to administrative detainees. After a protracted struggle, he was transferred to a cell with another detainee, but in the same wing – again, in contravention of the procedures.

During his entire period of detention, Mr. Siftawi has continued to deny any involvement in unlawful activities, and to insist that he has not been involved in such activities since his return to Gaza. In an affidavit submitted to Amnesty International, he writes:

> "I touched a gun and explosives for the last time in my life in 1990 when I was in Syria and Lebanon. Since my return in 1996 I was engaged, in Gaza, in promoting the peace process. I was in touch with Israelis planning joint activities. I declared the above in detail to the judge."

Amnesty International recently recognized Mr. Siftawi as a prisoner of conscience. Several branches of Amnesty have adopted his case and are in contact with him. Amnesty International has called on Israel either to prosecute Mr. Siftawi or to release him immediately.

HaMoked maintains close contacts with Mr. Siftawi. Attorney Peleg Sryck visits him often, and has also visited his family in Gaza. On the legal side, HaMoked has represented Mr. Siftawi in various proceedings, relating both to the initial order and to the extensions – a total of nine hearings, to date.

The case of M.M.: A death foreseen

On September 16, 1997, M.M. was found hanging in his cell at Megido Prison. All the details relating to his arrest clearly show that his suicide was foreseeable, and that his arrest was arbitrary and unreasonable in the extreme. M.M., who was born in 1966 and was married with three children – suffered severe mental problems from 1995, and received psychiatric treatment. Although the Israeli authorities were aware of his serious condition, he was held in administrative detention from August 4, 1997 for a period of two months. In his first meeting in the prison, his interviewer wrote that M.M. "has an unclear psychiatric background, is taking drugs suggestive of schizophrenia, and has been under treatment for three years. He claims that his mother set herself on fire and his sister committed suicide. Attention should be paid to this detainee." His grave condition worsened still further. On August 18, 1997, the commander of the prison clinic wrote that he "expressed a desire to commit suicide, and began to make a disturbance in the compound… I believe he should be hospitalized in a psychiatric ward at a prison hospital for treatment and monitoring; alternatively, his release from prison should be considered." On September 3, 1997, M.M. was examined by an expert psychiatrist at Ayalon Prison. Following this examination, the commander of the prison clinic wrote to the prison authorities on the same day, stating that "this is indeed a psychotic state… *He should be released* from Megiddo Prison. If it is decided to continue his detention, this should be done *solely* in the prison service, through psychiatric hospitalization in the psychiatric ward" (emphases in the original). On October 10, 1997, while completely

ignoring the recommendations of the physicians and the commanders in the field, Brigadier-general Shlomo Oren, military commander of the West Bank, extended the administrative detention of M.M. by four months. Six days later M.M. committed suicide.

In June 2001, HaMoked commissioned an expert opinion from a psychiatrist relating to the death of M.M. In his opinion, the psychiatrist wrote that M.M.'s suicide could have been avoided had he been hospitalized. He wrote that "stupidity, negligence, a series of errors and malice combined, and culminated in [his] death." The psychiatrist added that M.M. should have been transferred to a "therapeutic psychiatric framework." HaMoked intends to file a civil suit in this matter in the near future.

During the period covered by this report, four administrative detainees were released under restrictive conditions. The agreements in all these cases were signed after protracted negotiations. One example is the case of H.G., who was held in administrative detention for a consecutive period of over four years. H.G. was detained in February 1997 for four months, and subsequently released. The GSS claimed that his release was an error, and just nine days later he was detained again for six months. His detention was subsequently extended repeatedly. All the appeals filed by HaMoked were unsuccessful, as was a Supreme Court petition filed in July 1999. Only in May 2001 was H.G. finally released, after signing an agreement with the IDF commander in the region. As part of the agreement, a special supervision order was issued stipulating that:

1. After his release, he must not leave his home for one week;
2. After one week, he will be moved to another village, which he must not leave for one year;
3. During the entire period, he must report to the police once every two weeks.

H.G. was required to undertake not to take part in violent activities or to threaten violence; not to support such activities; and not to contact activists in organizations engaged in violence. He was also required to provide a cash deposit of NIS 20,000 for a period of one year.

Detainees under General Security Services (GSS) Interrogations

During the period November 2000 - March 2001, Attorney Pelleg Sryck represented eight detainees on behalf of HaMoked – seven from Gaza and one from the Jenin region. Seven hearings took place during January - March at Shikma Prison (relating to the detainees from Gaza), and one hearing at Kishon Prison, regarding the detainee from Jenin. Visits took place to same detainees in order to prepare for hearings and monitor interrogation. Of the eight detainees represented by HaMoked, four were released, one was placed in administrative detention (Mr. Siftawi – see above), and three were prosecuted (these cases were referred to another attorney). Of the five detainees not prosecuted, three were not allowed to meet their attorney at various stages of their detention, let alone family or friends.

On the night of December 14/15, 2000, H.A. was shot by Israeli soldiers from an ambush point established close to the Jewish settlement of Yitzhar. Another person in the car together with H.A. was shot and killed; this latter person seems to have been on Israel's "hit list," and the shooting was planned in advance. H.A. was seriously injured

and lost a kidney. He was transferred directly from hospital to interrogation with the GSS. His detention was extended several times; for one week he was prevented from meeting with his attorney, Tamar Pelleg Sryck, and with his family. The GSS also refused to provide his attorney or family with information on his medical condition. On January 31, 2001, following protracted interrogation by the GSS, H.A. was released unconditionally, and without him being indicted. At the time, the IDF Spokesperson justified the shooting on the grounds that the incident involved "an Islamic Jihad activist who came to the place to undertake hostile terrorist action. A force in the field followed the procedure for arresting suspects, and after he failed to stop – he was shot by the force." There can be no question that this claim is completely without foundation. Apart from H.A.'s version of events, which states that the shooting began without any prior warning (a version supported by the results of a polygraph examination), the search of the car undertaken by the soldiers, and their search of the two injured Palestinians, failed to produce any signs of weapons or any other item suggesting hostile or violent intent.

In March, HaMoked asked the attorney-general of the Central Command to investigate this incident. In April, we were informed that the matter is being examined by the relevant bodies.

Conditions of Imprisonment at Ashmoret Prison

Attorney Pelleg-Sryck of HaMoked was partly successful in her efforts to improve the conditions of four administrative detainees held at this prison. The detainees were taken out of complete isolation and placed in two-man cells. HaMoked is continuing to challenge their detention.

Parole Board

In January, HaMoked represented ten detainees before the parole board, the committee empowered to authorize the release of prisoners who have completed two-thirds of their sentence. Legal representation in these cases is of virtually no use, since the committee refuses to release prisoners without the consent of the GSS or the State Attorney's Office. Minor prisoners were represented by an attorney on behalf of DCI, with the assistance and guidance of Attorney Pelleg Sryck; the results in these cases were marginally more positive.

Right of Prisoners to Meet with an Attorney

HaMoked processed requests from Palestinian attorneys to receive entry permits to Israel for the purpose of their work. Further problems are expected in this regard. Israel already is imposing restrictions on the right of attorneys from the Occupied Territories to visit prisons by requiring proof in advance that the attorney represents a specific prisoner. HaMoked is among the public petitioners to the High Court challenging these practices.

Family Visits for Prisoners

Since the redeployment of the IDF in the Territories, all Palestinian prisoners have been transferred to prisons inside Israel. Family visits are possible only through special transportation under the auspices of the Red Cross, and with special entry permits to

Israel issued by the IDF. Two types of permit exist: periodic permits enabling participation in all transportation during a period of three months, and one-day permits. The permits are limited to first-degree relatives, and not more than five relatives may hold a permit simultaneously. Many relatives are unable to obtain permits since Israel refuses to allow them to enter, allegedly for security reasons.

In mid-2000, HaMoked achieved some measure of success in this field. Contacts with the State Attorney's Office regarding a group of 12 parents and wives who were refused permission to visit their relatives led to the issuing of a new procedure. The new arrangement insured that all members of the immediate families of prisoners who had not hitherto been permitted to enter would receive one-time visit permits on a regular basis, without security checks between visits. After the outbreak of the Al-Aqsa Intifada, this procedure was nullified.

From the beginning of the year through June, prison visits have been permitted for only three and a half months in the Gaza Strip, and just six weeks in the West Bank. Between October 2000 and January 2001 prison visits were not authorized. Even during the period when prison visits were permitted, the criteria were very strict. At the end of January, for example, it was decided that siblings and children over the age of 16 would not be allowed to visit their relatives in prisons. In mid-February, the Red Cross was forced to suspend visits just one day after it was reactivated. The organization claimed that "the suspension is the result of steps taken by the Israeli authorities, such as closures, blockages, forced detours, and the delaying of the visitors' buses… the steps taken have rendered the program impossible in logistical terms."

In April, the reactivation of prison visits was approved. In addition to parents, wives and sisters, those permitted to visit prisoners include children under the age of 16, and brothers over the age of 35, provided the latter are married. Throughout this period, Palestinians not permitted to enter Israel have been unable to visit prisoners.

Violence against Palestinians by the Security Forces

Since the outbreak of the Al-Aqsa Intifada, there has been a sharp rise in the number of cases of physical violence and abuse of Palestinian residents of the Occupied Territories by security force personnel. Among other reasons, this increase is due to heightened friction between the residents of the Territories and the security forces, and is reflected both in the number of violent incidents and their severity and character. However, the exacerbation in the situation in the field did not lead to an increase in the number of complaints received by HaMoked – the number of complaints processed during the first six months of 2001 is similar to that received during the same period in 2000. Among other causes, this fact reflects a declining willingness on the part of residents of the Territories to file complaints against the Israeli security forces, due to their lack of confidence in Israeli law enforcement. In addition, the travel restrictions imposed on the residents of the Territories mean that in some cases people wishing to file a complaint may be unable to do so. Moreover, our experience shows that during periods of severe and protracted clashes with the Israeli security forces, with a high number of Palestinian fatalities and injuries each day, the population tends to rally around the common cause, rather than complain about specific or localized instances of violence against a particular person.

Complaints received in recent months relate to cases of severe violence by Border Control policemen and IDF soldiers; complaints of damage to property by regular police personnel; complaints of ongoing and large-scale shooting into residential homes, forcing residents to leave and rent homes in other areas; and a complaint relating to the shooting at close range of an unarmed Palestinian detained by a soldier, causing severe injuries.

As well as receiving new complaints, HaMoked continues to process existing cases, assisting Palestinians in forwarding their complaints to the authorities and monitoring official responses. The claims for compensation filed by HaMoked in the Israeli courts are intended, inter alia, to force the authorities to acknowledge their liability in such cases of violence, and to act as a deterrent against the recurrence of such incidents.

Conviction, Punishment and Deterrence

On October 19, 1994, at 11:00 pm, two Border Guard policemen and an IDF soldier entered Moshav Azariya (within the green line) to arrest three Palestinian laborers they suspected of being in Israel without permits (it later emerged that the laborers held lawful permits). According to the charge sheet filed against the defendants by the State, the defendants woke the laborers by kicking and beating and dragged them into the yard, where they beat them and performed a body search. The security force personnel took the Palestinians to a checkpoint on a neighboring village where they continued to beat them, including with a night stick, and humiliated them by forcing them to sing degrading songs. Two of the laborers were stabbed with a syringe. During the journey to the checkpoint, the three victims were beaten with various objects in the vehicle. In addition to charging the security force personnel with assault in aggravating circumstances, the commander of the force, Roni Borgana, was also accused of instigation to perjury during the investigation. Since Moshav Azaria lay outside the commander's field of responsibility, he encouraged his subordinates to report during the investigation by the Police Investigation Department that the laborers were arrested not in the village itself, but at the Border Guard checkpoint.

In December 1999, Judge Yoram Noam at the Magistrate's Court in Jerusalem acquitted two of the defendants, but convicted Borgana of assault leading to actual bodily injury, and of instigation to perjury. During the course of the case, HaMoked assisted in locating the Palestinian witnesses and bringing them to give testimony.

The judge's verdict, issued in January of this year, includes the following comments:

> The phenomenon of violence on the part of police personnel, or other law enforcement officers, while abusing their power and toward innocent victims who have committed no wrong is a serious one. In addition to the physical injury and humiliation of the victim, such acts damage the image of the police and the law enforcement bodies and impair public trust in these bodies. The Courts must combat this unacceptable phenomenon by imposing severe punishment duly reflecting the value of maintaining personal integrity and human dignity, in order to condemn such actions, reflect society's revulsion at their occurrence, and include an element of deterrent punishment toward violent police officers. Lenient punishment is liable to fail to meet the goal of the punishment.

The defendant's actions are grave due to the assault itself, the cruelty and the abuse of defenseless persons. These are unforgivable acts that deserve every condemnation. The circumstances in which the offense was committed should be considered particularly grave – the defendant attacked the plaintiffs without any cause during all the stages of the event, over a considerable prior of time; using objects and tools – work tools in the vehicle, a baton and a syringe; and causing actual injuries to the plaintiffs. A further aggravating aspect is the fact that the assault was committed by a commander, who should set an example to his subordinates, in the presence of the subordinates, as well as the incitement of the subordinates to present a false version during the interrogation by the Police Investigation Department.

Despite these grave comments, the judge sentenced Borgana to no more than ten months' suspended imprisonment, public service and a fine of NIS 5,000. In his verdict, the judge wrote that one of the reasons for the light punishment was the fact that the defendant had, in the past, required nine years of psychological and psychiatric treatments. In March 2001, HaMoked filed suit for damages against Borgana on behalf of the three injured Palestinians.

In many cases, the ineffectiveness of the authorities is seen during the early stages of investigation. In April 1994, for example, IDF soldiers fired live bullets, tear gas and flares toward the family home of Z.A. in the village of Jit. The firing caused extensive damage to the family home and to property therein, and killed a number of animals. Numerous gas canisters penetrated the home and exploded, injuring the residents. In July 1994, HaMoked demanded that the attorney of the IDF's Central Command instigate an investigation of the event. Only in February 1995, after a number of reminders, did the attorney's office notify HaMoked that the matter was still under investigation. In September 1995, after additional reminders and correspondence with the State Attorney's office, the Central Command attorney's office informed HaMoked that an examination with the army sources "revealed that the said incident is unknown, and there is no record that might indicate the involvement of IDF soldiers…"

In a suit for damages filed in January 2001 at the Magistrate's Court in Jerusalem, HaMoked notes that the damage to the property "were compounded by the disregard of the investigating bodies, which poured salt on the plaintiffs' wounds by failing to take serious action in order to clarify the plaintiffs' complaint and to prosecute those responsible."

HaMoked continues to receive numerous complaints of violence, despite the reduced inclination of Palestinians to file complaints. For example, several Palestinian residents of Jerusalem complained to HaMoked of violent behavior by Border Guard and regular policemen in the Al-Wad area of the Old City of Jerusalem. The policemen broke and destroyed merchandise in a row of shops, and beat several residents with nightsticks and rifle butts, causing injury to various parts of the body. In a further complaint received by HaMoked in April, M.S. testified that Border Guard policemen removed him from his car by force, beat him and kicked him until he lost consciousness. The policemen also took M.S.'s identity card, his magnetic identity card, and some NIS 800 in cash.

Civil Suits

During the first half of 2001, the Jerusalem Magistrate's Court ruled in favor of a damages suit filed against the State of Israel by HaMoked on behalf of R.S. The claim relates to an incident that took place in Sebastia in 1989. While on his way to visit his uncle, he met several youths who shouted "Soldiers, soldiers!" In order to avoid a possible confrontation between the soldiers and the youths, R.S. turned back and headed in a different direction. Some time later he encountered a soldier, who aimed his weapon at him. As R.S. turned in order to head back, the soldier shot him from behind, hitting him in the head. The plastic bullet penetrated R.S.'s head, where it remained lodged. As a result of this serious injury, R.S. was found to suffer a 20% permanent neurological disability. The judge accepted R.S.'s version of events and ruled that the State is liable for damages. A decision on the amount of damages will be given in September 2001.

It is worth adding that in his ruling, the judge expressed dissatisfaction with the manner in which the IDF investigated this incident:

> "The IDF authorities should have examined and investigated the circumstances of the incident in 1989, and all the more so should the Defendant [the State] have undertaken the said clarification following the filing of the suit in 1996. No-one denies that the incident was not investigated by the Military Police, nor by the command levels… The Defendant's failures in investigating this incident, and its refraining from offering testimonies – either concerning the incident itself, or concerning its attempts (if any) to locate witnesses – weigh against it, and thus constitute support for the Defendant's version."

Compensation claims completed this year

On November 17, 1993, H.A. was selling vegetables close to Damascus Gate in the Old City of Jerusalem. Municipal inspectors arrived, accompanied by policemen and Border Guard police, and confiscated her merchandise. While attempting to obtain her merchandise, H.A. was beaten with a nightstick; her hand was broken and disfigured. The Jerusalem Magistrate's Court accepted the suit filed by HaMoked, and ruled that the State was liable to pay damages to the plaintiff. In March 2001, HaMoked and the State reached a settlement providing compensation of NIS 50,000 for the plaintiff.

L.M., an employee of the Jerusalem Municipality, was severely beaten by policemen in November 1995 close to the New Gate in the Old City of Jerusalem. The policemen, who wore civilian clothes, attempted to undertake a body search, ignoring L.M.'s request that they show identification. In light of this refusal, L.M. refused to allow them to search his person. In response, they beat his face with their fists and with handcuffs, tied him, beat his head against a wall while he was tied, and continued to kick him after he fell to the ground, to the point that he lost consciousness. When he awoke, he was informed that he had been arrested for assaulting police officers and for attempting to evade lawful arrest. His requests to receive medical treatment were denied. He was eventually released on bail by a senior official from the Municipality and was rushed to hospital, where he required several stitches on his face. After HaMoked filed a suit for damages against the two policemen and the State, a settlement was reached providing L.M. with

compensation of NIS 15,000. The criminal case against the policemen is still pending; the State has refused to represent the defendants.

Freedom of Movement

For many years, Israel has imposed restrictions on the Palestinian residents of the Occupied Territories. Since 1991, the closure of the Territories has been one of the main forms of collective punishment used against the population. In addition to the clear infringement of freedom of movement, the closure also infringes other human rights, such as the right to work and to a livelihood; the right to receive appropriate medical treatment; the right to education; and the right to family life. The closure causes particular damage to the livelihood of those Palestinians who work in Israel; it disconnects East Jerusalem from the rest of the West Bank; disconnects the north and south of the West Bank; and prevents travel between the West Bank and the Gaza Strip. The damage to the city of Jerusalem, which formerly served as a social, economic, cultural and religious center for the residents of the Territories, is particularly severe. In addition to the general closure of the Territories, the concept of "internal closures" was introduced in 1996, referring to the practice of preventing Palestinians from entering or leaving specific locales. During the Al-Aqsa Intifada, Israel has used this tool extensively. The IDF has used earth mounds, concrete blocks or ditches to block access roads to Palestinian locales. Israel has also imposed total curfews on several Palestinian locales for days and weeks on end, particularly in areas close to Jewish settlements.

Travel Abroad

The Oslo Accords include detailed provisions allowing for the passage of the Palestinian residents of the Occupied Territories through the border crossings on the Jordan River and at Rafah (on the border with Egypt). The accords include a defined list of cases in which the departure of a resident may be prevented: the absence of travel documents, a court order prohibiting the individual from leaving the area in the context of legal proceedings, or suspicion of illegal activities requiring detention and interrogation of the suspect. These provisions ostensibly imply the elimination of the situation that pertained since the occupation of the Territories in 1967, when the area was declared a "closed military zone," and any departure required the approval of the IDF commander. In practice, however, the IDF continues to treat the Occupied Territories as a closed military zone, and exploits its control of the border crossings to prevent the departure of residents for reasons other than those stipulated in the accords. In a statement of defense submitted by the State in response to a civil suit filed by HaMoked in 1995, the State argued that the security orders from 1967 and 1970 relating to closed areas continue to apply, and that the Palestinian residents of the Territories do not, therefore, enjoy an automatic right to travel outside the area. The IDF adjutant-general in the West Bank expressed similar positions in July 1999 and in April 2001 in letters to HaMoked, explicitly claiming that the right to travel abroad is in fact a privilege, and that the Israeli security forces still have the right to decide who is entitled to leave the Territories. HaMoked has asked the Supreme Court to consider the argument that the signing of the accords ended the status of the Territories as a "closed military zone" in the context of foreign travel, but the Court has yet to rule on this issue.

In practice, therefore, the arrangements that have applied for many years continue to be imposed. Many Palestinians wishing to cross at the Allenby Bridge or the Rafah Crossing

are rejected without explanation. Intervention by HaMoked in cases when Palestinians are denied the right to travel abroad have only been successful in a small number of cases; HaMoked is usually informed that the resident was prevented from leaving "for security reasons" due to his membership of organizations active against Israel. The information used to reach the decision to prevent the resident from leaving remains classified. In March 2001 alone, HaMoked was informed in four separate cases that the resident was prevented from leaving since he was "an active member of Hamas." The authorities have never responded to HaMoked's requests to receive detailed grounds for rejection.

The case of Z.R. and M.R. from Ramallah exemplifies the belief of the Israeli authorities that they are under no obligation to prove that the departure of a Palestinian resident threatens Israel's security – rather, it is the resident who must prove that there is a "good reason" for his or her departure. Z.R. submitted several applications to travel to Jordan in order to care for her elderly mother, who had become sick. Her daughter, M.R., filed similar applications. In correspondence with HaMoked, the authorities claimed that the women's departure "had been prevented for security reasons." In June 2001, HaMoked contacted the authorities once again, asking them to reconsider their refusal. In response, we were informed that in order to process the application, the women must produce "medical documents testifying to the condition" of the elderly relative in Jordan.

Requests for travel permits are often exploited by the GSS as an opportunity to pressure residents to cooperate with the Israeli security services. With this goal in mind, the authorities inform HaMoked that further processing of applications will require a meeting between the Palestinian resident and the GSS. HaMoked protested this procedure, which cynically exploits the person wishing to travel abroad, and makes HaMoked itself into an unwilling mediator in arranging meetings for the GSS. HaMoked's protests have been to no avail, however, and the GSS continues to implement this policy. The only difference is that the terminology has now changed – the summons to the GSS is described as an opportunity for a "hearing," in order to enable the GSS to complete its security evaluation of the applicant in borderline cases. In practice, the meeting could in no way be considered a genuine hearing: the applicant is not informed in advance of material or evidence relating to his/her case, and is not allowed legal representation.

On March 24, 2001, A.E.R. was turned back from Allenby Bridge after attempting to cross to Jordan in order to continue to the USA, where he was enrolled in academic studies. After refusing to allow him to cross the border, the authorities gave him a summons to a meeting with the GSS. At the meeting, which took place two days later, he was informed that he would only be permitted to depart for Jordan if he agreed to collaborate with Israel. A.E.R. refused. After HaMoked contacted the authorities, we were informed that in order to re-examine the application, A.E.R. must once again come to a meeting with the GSS. A.E.R. attempted to cross the border again, was turned back and was once again ordered to attend a meeting with the GSS. On June 5, 2001, A.E.R. attended the meeting, and once again refused to agree to collaborate. The next time he attempted to cross the Allenby Bridge, A.E.R. was arrested by the Israeli security forces; he was still in detention at the time of writing this report.

R.K., a resident of Nazlat Sharqiya, was ordered to meet with the GSS as a condition for processing his application to travel to Jordan. After HaMoked intervened in March 2001, the authorities sent a letter including unreasonable demands that R.K. must meet in order

for his application to be processed. He was asked to submit an affidavit stating where he would stay and sleep, "including addresses and telephone numbers, and how long he intends to spend outside the region." The letter further stated that "insofar as his departure is permitted," he would be required "to declare and undertake not to exploit his departure for any activity injurious, or liable to be injurious to the security of the region and/or the security of the State of Israel."

In other cases, the authorities have conditioned their consent to the departure of residents on their agreement to spend an extended period (over one year) outside the region – thus constituting a form of voluntary deportation. In February this year, A.A. was turned back from Allenby Bridge after attempting to cross to Jordan on his way to the United Arab Emirates, where he intended to meet his fiancee and examine employment options. HaMoked was informed that A.A. would be permitted to leave if he undertook "to spend a period of at least one year outside the region." After agreeing to this condition, A.A. crossed to Jordan in June 2001.

B.A. attempted to cross to Jordan several times; each time, he was sent back from Allenby Bridge. His requests to receive permission to travel to Jordan were rejected. B.A. was recently accepted to doctorate studies in Jordan, and paid the registration fee. He met a GSS officer in Kalkiliya who informed him that he would only be allowed to leave if he undertook to stay outside the region for three years. B.A. refused to agree to this condition, and his application was rejected. If he cannot begin his studies in October 2001, he will lose the registration fee. At the time of writing, his appeal is pending.

A.A.A. began doctoral studies in England some five years ago. In 1998, his studies were interrupted after the authorities refused to permit him to leave the region. In response to a letter sent by HaMoked in July 2000, the authorities inquired how long the applicant intended to spend abroad, and whether he would be willing to undertake not to return to the area until he completed his studies. HaMoked replied that the applicant is a part-time external student; his family and place of work are in Nablus. Accordingly, he needed to travel for occasional brief periods. In October 2000, the authorities replied that his departure had been disallowed "for security reasons." In May 2001, six months after the authorities' response, HaMoked submitted an application for reconsideration according to the procedures, and was informed that the application would be considered if A.A.A. agreed not to return to the region for two years. After HaMoked protested, the authorities stated that the application would be considered "subject to an undertaking to leave the region for at least one year." A.A.A. refused, since his departure for such an extended period would severely harm his family.

HaMoked secured a significant achievement this year relating to the authorities' obligation to inform Palestinians in advance that they are not permitted to leave the region. In May 1994, the members of a sports team from Hebron were due to participate in a competition in Jordan. The authorities refused to allow seven members of the team to leave. On April 26, 1994, after HaMoked intervened, all seven received permission to travel to Jordan. However, on arriving at Allenby Bridge a few days later (on May 5, 1994), A.S. was forced to return. HaMoked contacted the authorities and expressed its anger that within a few days permission to travel had been reversed. The authorities replied that A.S. was prevented from leaving because he was a member of Hamas. After the authorities refused HaMoked's demand to compensate A.S. for their error, HaMoked filed a civil suit at Jerusalem Magistrate's Court. The Court recently ruled that the authorities must inform an individual whose departure has been approved

if this status is changed. "There is no cause to injure the dignity of any individual beyond the required degree, whether he is a member of Hamas or an innocent 50-year old citizen. The required degree is preventing his departure. There is no cause not to inform him of this in advance." Accordingly, the Court ruled that the State acted negligently in failing to inform A.S. of the cancellation of permission to travel, and that it must compensate him both for his travel expenses and for the mental anguish caused to him.

Closures and Curfews

HaMoked and other human rights organizations have filed several petitions against curfews and closures imposed on villages and towns in the West Bank since the beginning of the Al-Aqsa Intifada. These petitions detailed the specific circumstances of each closure or curfew, and raised general arguments against such steps on the part of the IDF. The petitions emphasized that the specific circumstances in these villages were identical to those in other locales in the West Bank. The tendency of the Supreme Court has been to reject the general sections of these petitions on the grounds that they are insufficiently specific. Accordingly, and based on repeated Supreme Court rulings, HaMoked decided to file separate petitions relating to villages and towns subjected to particular severe curfew or enclosure.

During the course of discussions between HaMoked and the IDF relating to specific villages, the IDF claimed "with regard to each of the Palestinian villages, at least one road has been left open permitting entry to and exit from the village, as well as access to another locale providing vital needs, such as medical services, food and water." Unfortunately, HaMoked is aware of many villages where the principle of one open road has not been maintained.

HaMoked submitted a petition to the Supreme Court demanding lifting the restrictions imposed in Hebron, which have resulted in 30,000 residents being confined to house arrest by the IDF. In the petition, HaMoked specifically demanded all restrictions be lifted during the Eid al-Fitr festival and that Palestinian vehicles not be prevented fro traveling in Israeli controlled areas during intervals between curfews. On the basis of an affidavit submitted by the IDF area commander, which described a "virtual reality" not reflected by any reports by observers in the Hebron area, the Court rejected the petition.

Curfew in Silat Al-Daher

On June 20, 2001, after a Jewish settler was killed by Palestinians, the IDF imposed a curfew on the village of Silat Al-Daher, which is in Area "B" (Israeli security control and Palestinian civilian control). The residents of the village (which has approximately 6,000 inhabitants) were effectively imprisoned in their homes. Students were not allowed to take their matriculation examinations; ambulances and medical personnel were prohibited from entering the village; pharmacies, bakeries and grocery shops were forbidden to open; refuse collection was halted; and commercial life ground to a complete halt. After the curfew was imposed, several olive-trees belonging to villagers were burnt by Jewish settlers. Throughout the period of curfew, Border Guard police broadcast offensive attacks on the villagers over loudspeakers every morning. On June 28, 2001, HaMoked petitioned the Supreme Court against the closure; three days later the closure was removed and the petition withdrawn.

Curfew in Al-Sawiya

On June 5, 2001, an Israeli baby was injured after a stone was thrown at a car carrying settlers along Road No. 60, close to the village of Al-Sawiya. Following this incident, a curfew was imposed on the village. The curfew was not announced publicly, and no time limit was announced for the measure. The curfew was implemented by means of blocking both entrances to the village, from the south and the north, preventing anyone entering or leaving the village. The villagers were also forbidden to leave their homes. Deep ditches were excavated at the southern entrance to the village and earth mounds were created. A military checkpoint was installed at the northern entrance. The curfew led to a shortage of food in the village, particularly fresh food. The day after the curfew was imposed, a large number of Jewish settlers attacked the village, throwing stones at houses and damaging solar heaters on the roofs. The settlers uprooted olive-trees in groves close to the edge of the village. The IDF forces took no steps to protect the villagers, and did not detain any of the Jewish rioters. The incident took place in the full view of the soldiers.

HaMoked filed a petition against the curfew on June 14, 2001. The judge ordered the IDF Commander to respond within three days. In fact, the curfew was lifted the day after the petition was filed.

Closure to the East of Jenin: blocking the access roads between Jenin, Faqu'a and Adjacent Villages

At the beginning of October 2000, the IDF prevented any possibility of access from Faqu'a and other villages to the east of Jenin and the city itself. The authorities blocked the main road from the east linking these villages to Jenin, installing a three-meter high earth embankment and a barricade of car scrap and concrete blocks. At various times a tank was positioned at the main check-point, preventing residents even from reaching the earth embankment. In order to prevent the villagers from using dirt tracks to reach Jenin, the IDF dug ditches along the by-pass road to a depth of two meters and a width of three meters, and erected a three-meter high earth embankment. Parts of the road border areas of large rocks, so that the ditches were superfluous since passage was in any case impossible. Thus the IDF blocked all the principal, secondary and makeshift possibilities allowing villagers from Faqu'a and the surround areas to access the city of Jenin.

In May 2001, HaMoked contacted the authorities and complained that the villages had been disconnected from the city of Jenin, their sole center for a variety of services. After threatening to petition the Supreme Court, the IDF changed its deployment in the field. People and vehicles were allowed to pass through a central intersection leading to Jenin from the north, and the earth embankment was removed from the main road entering Jenin from the east.

Closure of Azoun

During the first half of 2001, all the entrances to the village of Azoun were gradually disconnected, cutting the village off from the outside world. The 8,000 residents of the town were prevented from leaving, and thus could not reach the nearby towns providing vital services – Kalkiliya, Tulkarem and Nablus. The main roads were blocked with concrete blocks and ditches across the road, while secondary roads were blocked with two-meter high earth embankments. HaMoked contacted the IDF, demanding that main thoroughfares to the surrounding towns be kept open. The IDF made changes to the nature of the closure, slightly alleviating the possibilities of leaving the village. HaMoked is continuing to work to improve the situation.

Entry into the Gaza Strip

The Oslo Accords repeatedly stress that the West Bank and Gaza Strip are to be considered a single territorial unit. This declaration has never been respected on the ground. Even during the period when the "safe passage" operated between the West Bank and the Gaza Strip, prior to the Al-Aqsa Intifada, a large number of residents from both areas were unable to use this facility. Use of the "safe passage" was conditional on possession of a magnetic identity card and security clearance. Buses traveling with special supervision provided freedom of movement for some of those who have usually been denied this freedom by the Israeli authorities, but many Palestinians continued to be prevented from using the passage. Residents of East Jerusalem also required a special permit to enter the Gaza Strip; HaMoked processed a significant number of cases in which such permission was withheld.

Since the outbreak of the current Intifada, the situation has exacerbated markedly. Indeed, the total closure imposed on the West Bank and the Gaza Strip means that there is no possibility of travel between the West Bank and the Gaza Strip for Palestinian residents. The criteria for entry into Gaza by Jerusalem residents and Palestinian citizens of Israel have also been tightened. The result is that since the beginning of the Intifada, HaMoked no longer receives requests for assistance from residents of the West Bank wishing to enter the Gaza Strip. Conversely, a much larger number of complaints than in the past have been received from Jerusalem residents and Israeli citizens wishing to travel to Gaza.

Palestinian residents of Jerusalem and Israeli citizens seek help from HaMoked in order to enter the Gaza Strip for a variety of purposes: for family visits; to participate in conferences and lectures; for commercial purposes, and so on – all needs that are an integral part of everyday life. Particular distress is faced by divided families, where one of the couple is a resident of Gaza and the other a resident of Jerusalem or an Israeli citizen; in such cases, Israel does not permit the couple to live together within its territory.

The "divided families procedure" proposed by HaMoked several years ago insured that Jerusalem residents and Israeli citizens living in the Gaza Strip were able to receive three-month permits to stay in Gaza, and to renew these permits without being required to leave the Gaza Strip each time. Toward the end of 2000, the Israeli authorities suspended this procedure. As a result, many families were forced to remain in the Gaza Strip without a permit; in other cases, family members were "stranded" in Jerusalem and Israel, unable to return to their families in Gaza. In many cases, children were unable to return to school; in others, mothers forced to remain outside Gaza were cut off from their children. After intervention by HaMoked, the procedure was reinstated in February 2001 regarding those who remained within the Gaza Strip. Absurdly, however, those who obeyed the authorities and left Gaza after their permits expired were still unable to return to their home. Only after HaMoked threatened to petition the Supreme Court did the authorities relent; in principle, divided families who stayed in Israel and Jerusalem were to be allowed to return to Gaza. In practice, however, HaMoked continues to receive a significant number of complaints from families whose applications for reunification according to the "divided families procedure" have been rejected. After terror attacks against Israelis, for example, Israel refuses to implement the procedure, without formally nullifying it.

The case of G.M. and her children illustrates the problems faced by these divided families. G.M. is an Israeli citizen who is married to a resident of Gaza. The couple has ten children, all of whom are registered in G.M.'s identity card – i.e. they are Israeli citizens. In February, when G.M. left Gaza to visit her family in Israel, she applied to extend her entry permit to Gaza so that she would be able to return to her husband, and her children would be able to recommence their studies. After failing to receive any response to her application, G.M. contacted HaMoked. The authorities informed HaMoked "the entry of Israelis into [Gaza] is not permitted at present, with the exception of urgent humanitarian cases," and stated that the case of G.M. "does not meet the criteria applying to the entry of Israelis into [Gaza] at present" – i.e. her case was not considered of an urgent humanitarian character. HaMoked contacted the State Attorney's Office regarding this and four similar cases; only after threatening to petition the Supreme Court, however, was HaMoked informed that G.M. and her children would be allowed to enter Gaza on the occasion of the Id Al-Adha festival. This response failed to acknowledge that G.M. was entitled to enter Gaza in accordance with the "divided families procedure;" neither was their any assurance that she would be able to renew her permits to stay in the Gaza Strip. Only the threat of Supreme Court action convinced the authorities to allow G.M. to enter Gaza in accordance with the accepted procedure.

Yet the problems of G.M. and her family were not over. On May 29, 2001, she once again entered Israel on a family visit. In June, when she wished to return to the Gaza Strip, her application for an entry permit was once again denied. After HaMoked intervened, the application was again denied, this time on the grounds that her husband in Gaza was also married to another woman who was a resident of Gaza. After HaMoked again threatened to take the case to the Supreme Court, the authorities agreed to provide an entry permit to Gaza for G.M. and her children – though only for one month.

On February 16, 2001, H.A.H., an Israeli citizen married to a resident of the Gaza Strip, was forced to leave her home and her five children in Gaza after the Israeli authorities refused to renew her permit. HaMoked contacted the State Attorney's Office and explained that the woman urgently needed to return to her home in order to care for her children, as well as for her husband's elderly and infirm parents (since the husband worked, he was unable to care for them). As in the case of G.M., H.A.H. received a permit only for Id Al-Adha. On July 17, 2001, the authorities finally agreed to provide an entry permit – yet again, this happened only after HaMoked threatened to petition the Supreme Court.

N.R., a Jerusalem resident married to a resident of Gaza, suffered from a hemorrhaging tumor in her stomach. On January 24, 2001, after the authorities rejected her mother's request to enter Gaza in order to help her daughter, HaMoked informed them that N.R. was due to undergo surgery on January 27, 2001; accordingly, her mother's presence was vital. The day after contact was made, the mother was permitted to enter Gaza for one week. On May 26, 2001, N.R. entered Jerusalem to undergo a further operation. When she sought to return to Gaza, her application was rejected. After intervention by HaMoked, she was permitted to return to Gaza on July 17, 2001.

Residency Rights

Residency in Jerusalem

Since annexing East Jerusalem in 1967, Israel has considered the area an integral part of its sovereign territory. Under international law, however, East Jerusalem is an occupied area with the same status as the West Bank. Israeli policy in East Jerusalem has been guided by one key principle: to create a demographic and geographical reality pre-empting any attempt to challenge Israel's sovereignty in the areas it annexed. In practical terms, this means increasing the number of Jews living in Jerusalem and decreasing the number of Palestinians in the city. In pursuing this political and demographic objective, the Israeli authorities exploit planning and building laws, social security laws, laws relating to residency and citizenship, and allocations provided for infrastructures, education, culture and municipal services. Instead of providing decent services for the population, the authorities make the lives of Palestinian families intolerable with the goal of encouraging them to leave the city.

In March 2000, in response to a petition filed by HaMoked against the "Quiet Deportation" policy adopted by the Ministry of the Interior since 1995, the Minister of Internal Affairs at the time (Natan Sharansky) announced that the ministry was introducing a new policy in this respect. The Ministry of the Interior would no longer deny residency rights for residents of East Jerusalem who moved abroad or to other parts of the Occupied Territories, provided their travel documents remained valid throughout their period outside the city. Those who residency had been denied following the change of policy in 1995 would be entitled to regain their rights after living in Israel for a period of at least two consecutive years. HaMoked's experience shows that those who meet these conditions are not always successful in securing residency rights; forceful intervention is often needed in order to restore thei status as residents. Former residents who have since acquired permanent residency rights or citizenship in another country are excluded from the new arrangement, and their residency rights are denied.

In recent months, a slight improvement has been seen in the attitude of the Ministry of the Interior in dealings with residents of East Jerusalem, at least in terms of the bureaucratic procedures. Different types of requests (such as family reunification or registration of children) are now processed on different days, and the lines are separated. However, the registry clerks continue to demand evidence that the center of applicants' lives is in Jerusalem; this entails bringing a long list of documents. For example, it is not sufficient for residents to present medical insurance cards or details relating to medical treatment undergone in Jerusalem: the clerks demand an updated printout from their medical insurance fund confirming that the applicant is eligible for treatment. Unemployed applicants (or those who do not receive a salary slip and cannot present a document relating to their work) are required to submit an affidavit verified by an attorney or by the court concerning their sources of income. Photocopies of documents sent to the Ministry of the Interior by HaMoked must be notarized as "faithful to the original." These are just a few of the demands that prevent many residents from realizing their rights, unless they are able to afford expensive private legal representation, or can secure the assistance of human rights organizations, which cannot deal with the immense case load. The promise made by the Ministry of the Interior to the Supreme Court to move to new offices providing improved services for residents has not yet been fulfilled.

The National Insurance Institute continues to infringe the social rights of residents of East Jerusalem. Here, too, intervention by human rights organizations or attorneys is often the only way to insure the practical implementation of court rulings. For example, the Supreme Court ruled that the National Insurance Institute must provide prior written notification in cases when it intends to remove individuals from the list of those entitled to services in accordance with the National Health Law, and must offer them a hearing. In several cases, HaMoked was forced to intervene in order to restore names to the list that were removed in contravention of this procedure. Nevertheless, some improvements have been seen. For example, the National Insurance Institute's East Jerusalem office now accepts many forms by mail, rather than requiring applicants to present the forms in person. Following complaints by several organizations, including a complaint by HaMoked after a pregnant woman miscarried after being required to stand in line, the Director-General of the National Insurance Institute informed HaMoked that several changes had been introduced. Disabled and sick people are no longer required to wait in line; shelter and benches are now available for those waiting outside the building. A new, air-conditioned hall is to be built in order to reduce lines outside the building. As at the Ministry of the Interior, different types of cases are now processed on separate days.

Health Insurance for Minors

In mid-2001, a joint effort by HaMoked, Physicians for Human Rights and the Association for Civil Rights in Israel secured the right to medical treatment of children in East Jerusalem in cases when only one of the parents is an Israeli resident.

The former policy of the National Insurance Institute had been that children in such cases were not entitled to national insurance from the moment of birth. Instead, eligibility was confirmed only after an extended investigation to ascertain whether Jerusalem was the family's "center of life," and after registration of the children at the Ministry of the Interior, or the allocation by the Institute of temporary numbers in place of official identity numbers. The result of this policy was that at a critical stage of life, babies and children were deprived of medical supervision and treatment. The Palestinians of East Jerusalem form one of the poorest populations in the State of Israel, and most residents are unable to afford private medical treatment.

In March 1999, HaMoked petitioned the Supreme Court against this procedure. Following the filing of the petition, a settlement was reached with the state stipulating that these children would receive health insurance by means of a procedure that should not, as a rule, exceed one week. The children are to continue to receive medical treatments as long as the National Insurance Institute has not conclusively established that they are not residents, including a hearing on this matter.

Immediately after birth of the baby, parents must complete a form (printed in Hebrew and Arabic). The form may be submitted in person or by mail, and is distributed at the National Insurance Institute offices, at maternity wards in Jerusalem hospitals, at health fund clinics and at mother-and-baby clinics in the east of the city. The process of affiliating the child to a health provider takes one week. The Court accepted the settlement and incorporated the complete text of the agreement in its ruling.

Following this ruling, HaMoked visited hospitals around Jerusalem to inform the staff of the significance of this decision, to insure that the appropriate forms are indeed available

in the relevant wards, and are given to the mothers of newborn children. In cooperation with Physicians for Human Rights, HaMoked is currently preparing to disseminate information on the new procedure to all the clinics and mother-and-child centers in East Jerusalem and other key locations.

Fee for Registration of Children

N.A. is a single mother with seven children. Lacking any source of income, she lived in extreme poverty and appalling conditions in her brother's home in East Jerusalem. In 1998, the Ministry of the Interior revoked her status as a resident of the city. Deprived of any formal status in Israel, N.A. was unable to receive benefits from the National Insurance Institute, and she and her children did not enjoy health insurance. After the Ministry of the Interior changed its policy on the revocation of residency rights, and following intervention by HaMoked, N.A. regained her status as a resident of Jerusalem in 2000. Some three months later, she was informed that her children had been registered in the Population Registry.

However, the notification regarding the registration of her children also stated that she would be required to pay a "service fee" of NIS 535 for each of five of her children who were not born in Israel. In order to insure her children's status in Israel, N.A. was thus expected to pay the amount of NIS 2,675. As a woman lacking any means, and surviving with her seven children on her brother's National Insurance benefit (which supported a family of 18), N.A. was unable to pay such an amount, and therefore refrained from registering her children for a period of four months.

HaMoked submitted an application to the Ministry of the Interior to exempt N.A. from payment of this fee. The application was initially rejected without reason; after HaMoked applied again, the Ministry of the Interior stated that the exemption was granted only in extreme humanitarian cases, and that N.A.'s case did not meet this definition.

Given the urgent humanitarian need to register the children, HaMoked decided to pay the fee from its own funds, and to file a petition against the refusal of the Population Registry to exercise its discretion to grant exemption from the fee and against the absence of clear criteria for such exemptions.

In April, N.A.'s seven children were duly registered at the Population Registry. In mid-2001, HaMoked petitioned the Supreme Court, asking that criteria be established and published for eligibility to exemption from the fee. HaMoked also asked that criteria be established providing a full or partial exemption from fees for all services relating to the status of minor children, in cases when the parents' income was below a given level. The petition specifically asked that the refusal to exempt N.A. from payment of the fee be overturned. The hearing on the case has been arraigned for November this year.

Revocation of residency, registration of children and family reunification

F.A.A. and her family were forced to move to Jordan due to the Ministry of the Interior policy (until 1994) of not allowing women residents of Jerusalem to file applications for family reunification with their partners. In 1994, the couple returned to Jerusalem with their five children. F.A.A. later discovered that the Ministry of the Interior had revoked her residency status, as well as that of two of her children whom had been registered in the Israeli Population Registry. The lack of residency status meant that the family was obliged to live in Israel in conditions of extreme poverty, without any official status or

social rights. In 2000, after HaMoked petitioned the Supreme Court, the Ministry of the Interior changed its policy. After HaMoked intervened on behalf of F.A.A, her residency rights and those of her daughter were restored. The Ministry of the Interior refused to restore the residency rights of her son, M. This year, after extensive correspondence, affidavits and discussions with Ministry of the Interior officials, M.'s residency rights were finally restored. The two youngest children in the family were registered in the Population Registry; an application for family reunification for Mr. A.A. and the eldest son T. was approved; and the National Insurance Institute recognized the family's right to social benefits.

Residency in the West Bank and Gaza

Residency rights in the Occupied Territories are clearly a matter of human rights, but this has been prevented due to it becoming a bargaining chip in the negotiations between Israel and the Palestinian Authority. The registration of people born in the Territories but not registered for various reasons ("late registration"); the return of deported persons; the return to the area of people who lost their residency rights after their travel documents expired ("extension of departure cards"); the quotas for approval of family unification (the official quota is 4,000 applications – 2,400 for the West Bank and 1,600 for the Gaza Strip) – all these issues have been dealt with as a function of the political progress of the Oslo Accords, with no consideration for the needs or rights of the residents.

Since the signing of the Oslo Accords, processing of the above issues has been divided between the Palestinian Authority and Israel. Israel continues to make decisions in these areas, while the PA functions as a mediating agent, receiving applications, "screening" them and forwarding them to Israel for its decision.

Since the outbreak of the Al-Aqsa Intifada, a serious deterioration has been seen in the handling of all matters relating to residency rights in the West Bank and Gaza; processing of various types of visiting permits, family reunification, late registration, the return of deported people and so on has been totally discontinued.

In October 2000, a military official involved in processing residency-related issues informed HaMoked that due to the events there was "almost no cooperation" between Israeli officials and the Palestinian Authority. Accordingly, residency issues would not be processed and HaMoked would not receive responses on these matters. Processing of applications relating to family reunification, entry permits and actual entry to the area, and residency were frozen. In response to this decision, HaMoked petitioned the Supreme Court, noting that the absence of cooperation with the Palestinian Authority "cannot justify refraining from processing applications relating solely to Israeli actions and to data held by the Israeli authorities." Accordingly, "there is no place for the total freezing of processing all applications."

Cases that are processed entirely by the Israeli side include, in particular, those deported from the occupied Territories and whom Israel has recently permitted to re-enter the region, but have been unable to do so in practice; as well as applications for family reunification filed prior to the outbreak of the Intifada that still await decisions by the Israeli authorities. Most of these applications relate to the population addressed by the first Supreme Court petition on this matter. These are the partners of residents who were present in the Occupied Territories, or who received permission to enter the Territories,

during the period from 1989 though the end of August 1992, and who are therefore entitled to a Palestinian identity card immediately and separately from the matter of the quota (excluding cases that have been rejected for security reasons). An agreement with the State before the Supreme Court held that these people are lawfully entitled to live in the Territories during the consideration of their application; permits are to be extended, and they are permitted to leave and enter the region without restriction. Other cases relate to the second Supreme Court decision, which concerned the partners of residents who were present in the Territories or received permits to enter the Territories during the period from September 1, 1992 through August 31, 1993. Again, these individuals are entitled to a Palestinian identity card as part of family unification, without delay and without reference to the quotas, except in security-related cases. These individuals are entitled to the same conditions as summarized above regarding the first group.

In a reply sent to HaMoked in January 2001, three months after receiving our appeal, the State Attorney's Office claimed that it was due to the Palestinian Authority official, responsible for the Ministry of Civilian Affairs, that no contacts were taking place between the sides. "In the circumstances, as a rule, no application on the subject of family reunification can be pertinent at the present stage." However, the State Attorney's Office added that "it will be possible to clarify questions relating solely to the affiliation of a given individual to a population which the State formerly agreed would be enabled to receive family reunification outside the framework of the quotas established for this matter… Beyond the clarification of actual affiliation to such a population, the authorities will not, at present, address the issue of granting residency per se," since this issue was under the responsibility of the Palestinian Authority, with which, as noted, there were currently no contacts.

Following this reply, HaMoked once again contacted the Civil Administration, and asked to clarify what had become of various applications filed prior to the outbreak of the Intifada. These all complied with the State Attorney's conditions for providing information. After two months passed without any reply, HaMoked contacted the Legal Advisor of the West Bank, demanding a prompt response. HaMoked also raised the problem of the former deportees whose return had been authorized by Israel, but who were in practice unable to enter the area. In its reply, the Judge Adjutant-General replied that, as a general rule, "due to the recent events, processing of applications for family reunification in Judea and Samaria has been discontinued." A further letter announced that processing of several applications for family reunification submitted by HaMoked that had reached the Israeli side, and which relate to the population covered by the first Supreme Court petition, had been frozen due to the Intifada. The intolerable delays in processing applications for family reunification prevent many couples from living together lawfully in the Territories, since non-processing also leads to the non-issue of permits or extensions for individuals to stay in the area.

As for the deported individuals whose return has already been approved by Israel, HaMoked was informed in April that visiting permits are not currently being issued. This effectively prevents the former exiles from returning to the region. The processing of these applications has been forwarded to the relevant authorities in order to find a solution enabling their entry. In June, HaMoked was informed that families of exiles must file an application on their behalf; this will be approved, and they will then be able to enter and exercise their right to permanent residency. HaMoked counseled the families accordingly, but in practice their applications for visiting permits were rejected.

Correspondence between HaMoked and the Israeli authorities reveals that the responsibility for the failure to process residency issues rests primarily with the Israeli side. The replies received from Israel officials support the comments made in a letter to HaMoked by Mr. Tarifi, the Palestinian Minister for Civilian Affairs. Mr. Tarifi claimed that thousands of applications for family unification were submitted to the Israeli authorities prior to the outbreak of the Intifada, but to date have not been processed. Since September 2000, the Palestinian side has also submitted a large number of applications for visiting permits, but the Israeli side has refused to accept them, claiming that the present situation does not allow this. Mr. Tarifi added that the decision to break off contacts was a purely Israeli one. He claimed that efforts by the Palestinian side to resume contacts relating to civilian affairs according to the model pertaining prior to the Intifada have been rejected by the Israeli side.

Respect for the Dead

A joint report by HaMoked and B'Tselem, published in March 1999 entitled "Captive Corpses," noted that from the occupation of the Territories in 1967 through November 1994, there was no

> "…consistent pattern regarding the question as to whether the bodies of those killed should be returned to their families. The question of how to act with regard to the body of each Palestinian killed in clashes with soldiers or in attacks seems to have been taken on an ad hoc basis in each separate case, and sometimes in a completely arbitrary manner… After the suicide attack at Netzarim settlement in the Gaza Strip on November 11, 1994, a more consistent pattern began to emerge, in accordance with which Palestinian bodies are not returned to their families, with the exception of extremely isolated instances."

In 1992 and 1999, HaMoked petitioned the Supreme Court regarding the bodies of two Palestinians whose remains were not found in the two graves where they were suppose to have been buried according to the IDF notification. Following the petitions, the Chief-of-Staff established a military commission of inquiry to examine all aspects of the IDF's treatment of enemy fatalities. HaMoked representatives gave testimony regarding the defects in identification and marking of Palestinians buried at the cemeteries for the enemy dead. The State refused to forward the committee's report to HaMoked, or even those sections relating to the body of the subject of the first petition from 1992. The Supreme Court accepted the State's position on the specific matter, and announced that "we did not find it appropriate – for security reasons – to order the forwarding of this report…"

On January 31, 2001, HaMoked contacted the Chief Adjutant-General's Office, arguing that its right to review the report is guaranteed, inter alia, by the Freedom of Information Law, which since December 31, 2000 has also applied to the IDF. Three months later, the authorities replied that the report would not be forwarded. In June we submitted an identical request to the IDF. The subject is currently under review by the relevant military authorities.

In addition to addressing the principled issues raised in this respect, HaMoked has also continued to process specific complaints. In 1972, S.A.M. was killed in a clash with IDF forces in the Hebron area. Immediately after the incident, the family were shown pictures of the body, which they identified. In November 1995, an IDF representative informed Attorney Leah Zemmel (who handled the case at the time) that approval had been given to return the body to the family. In practice, this did not happen. In 1999, work on this case was transferred to HaMoked, which once again asked the authorities to return the body to the family as had been promised. After additional contacts, HaMoked was informed in February this year that the body was not known to the IDF, and accordingly there was no possibility of locating it. Since it seems that the entire subject was the responsibility of the police at the time, we were referred to the police. In a letter to the IDF, HaMoked expressed surprise at the former approval of the return of the body by the IDF, given the present claim that it was unknown. In response to our request to receive copies of correspondence between the various authorities, we were informed that, apart from documents already presented to us, the only other items were

internal correspondence between military bodies, which could not be forwarded. We intend to petition the Supreme Court next month on this issue.

Organizational Report

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