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

HaMoked: Center for the Defense of the Individual
2000 Annual Narrative Report

מיסודה של ד״ר לוטה זלצברגר – עמותה רשומה
Founded by Dr. Lotte Salzberger – Registered Association
اسسته د. لوطة زلتسبرغر - مكتب الشكاوي - جمعية مسجلة

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רחוב אבו עובייدה 4 ירושלים 97200 טל. 02 6264438/6283555 פקס. 02 6276317
4 Abu Obeidah St. Jerusalem 97200 Tel. 02 6264438/6283555 Fax. 02 6276317
شارع ابو عبيدة ٤، القدس ٩٧٢٠٠ هاتف: ٠٢٦٢٨٣٥٥٥ / ٠٢٦٢٦٤٤٣٨ فاكس: ٠٢٦٢٧٦٣١٧
e-mail: mail@hamoked.org.il http://www.hamoked.org.il

Table of Complaints Received by HaMoked: Center for the Defence of the Individual During the Year 2000

Subject of Complaint	No. of Cases	Percent of 2000 Cases	Percent of 1999 Cases
Residency	34	3.8	8.8
Detention Conditions & Violence	18	2	0.7
Tracing Detainees	*589	65.5	63.0
Family Prison Visits	4	0.5	0.8
Violence and Property Damage	37	4.1	3.5
Exit Permits	102	11.3	10.6
Entry from Jordan into the West Bank	4	0.5	1.0
Entry from Israel to Gaza	43	4.8	1.7
Entry from Territories to Israel	47	5.2	9.0
Mortality	1	0.1	0.1
Guarantees	2	0.2	0.1
Others	18	2	0.7
Total	**899**	**100%**	**100%**

* Tracing of Detainees – The actual number of cases received during the year was significantly higher than this figure. This was due to prolonged delays in the building and installation of HaMoked's new operational computer system that has prevented the calculation of the accurate figure for 2000.

Introduction

The end of September 2000 witnessed the severe collapse of the ongoing "peace" process. Without doubt the continuing violations of Palestinian human rights in the Occupied Territories played an integral part in the igniting of the Al Aqsa Intifada. The feeling amongst residents of the Occupied Territories was that the peace process had failed to improve the conditions of their lives. The territories have been compartmentalized into areas of remote islands, whilst freedom of movement is restricted. Jerusalem continues to be kept out of reach for Palestinians from both the West Bank and the Gaza Strip. Security prisoners, who are all detained within Israel, are denied their most fundamental rights such as family prison visits. At the same time the expropriation of land and expansion of settlements continues as the IDF, Border Control and settlers maintain their heavy-handed control over the Occupied Territories at the expense of human lives, pain, suffering and destruction.

Following the outbreak of the new Intifada the IDF adopted excessive measures in order to contain the confrontations. The extensive use of live ammunition and rubber coated

metal bullets has resulted in the deaths of over three hundred Palestinians with thousands more injured. Many of the victims are children. Cities and towns have been bombed and targeted with gunfire. Individuals "wanted" by Israel have been "eliminated" – at times involving injury to bystanders. Under minimal scrutiny by the press Israel has undertaken actions entailing the collective punishment of all the residents living in the West Bank and Gaza Strip; olive tree plantations have been uprooted; houses demolished; cities and villages are placed under prolonged curfews, schools have either been closed or confiscated for the use of the IDF and farmers who have requested to harvest their olive trees have been prevented from reaching their land. The enforcement of a full closure has not only prohibited Palestinian workers from reaching their places of employment and the transportation of goods and merchandise, but has also prevented family prison visits and the entry of Palestinian women, who are married to Gazan residents, into the Gaza Strip.

Against this backdrop HaMoked persists with the handling of its existing cases that demand both attention and action. Alongside this HaMoked has condemned the new wave of oppression, while laying the groundwork for legal actions against specific human rights violations. In such a manner HaMoked is continuing to handle the treatment of family reunification cases and compensation suits from the previous Intifada. Recent actions include the submission of a High Court petition against the closure in Hebron, the reaching of an agreement allowing Jerusalem women to stay in Gaza despite the closure and the issuing of a series of complaints against cases of violence committed by soldiers and settlers. In a number of notices and letters published in the newspapers HaMoked condemned the excessive use of lethal force and efforts by Israel to minimize the number of child fatalities by redefining who is a child.

Freedom of Movement

Restrictions on freedom of movement remain one of the central elements of the Israeli occupation. Sanctions have continuously been used against Palestinians involved in political or military activities, such as the issuing of orders preventing their departure abroad. Since 1991, the imposing of closures on the Occupied Territories has constituted a primary source of collective punishment against the population. Closures particularly affect the income of Palestinian workers, through the isolation of various parts of the territories from one another. East Jerusalem is cut off from the remaining parts of the West Bank, the northern area of the West Bank is isolated from the south and all three of these regions remain inaccessible from the Gaza Strip. The closures are especially harmful to Jerusalem, which in the past had been the center of cultural, economic, social and religious activities. The residents of the Gaza Strip are forced to live with the feeling that they are inmates living in a large prison. In 1996, the element of internal closure was added to the format of the general closure whereby individuals were denied the right to leave or enter Palestinian villages or cities. A new version of this has been incorporated by Israel in its attempt to suppress the Al Aqsa Intifada. Area A, consisting of the major urban areas and villages in the West Bank, has been placed under military closures. Physical access to these areas is restricted by the IDF by means of large cement blocks placed across many of the roads. In addition, curfews are imposed on the Palestinian residents for days, sometimes weeks, in order to strengthen the Israeli settlers' sense of security.

Huwara Curfew

On October 5th 2000, soon after the outbreak of the Al Aqsa Intifada, a curfew was imposed on the village of Huwara situated along the Ramallah–Nablus Road. The curfew was maintained 24 hours a day and lasted for more than a month. Only during the weekends, between the Sabbath hours when settlers are not driving on the roads, were the restrictions temporarily lifted. The curfew affected every aspect of the residents' lives in the village: the four schools and the kindergarten were closed, as were the villages' three pharmacies, while access to the clinic was permitted on Saturdays only. The harvest of the olive crop, a major source of income for many of the families, was prevented, shops remained closed and the entry of supplies was interrupted. In addition, residents remained exposed to attacks by settlers such as the breaking of windows along the main road, an arson attack on a Mosque and the uprooting and cutting down of hundreds of olive trees.

On November 8th 2000, HaMoked wrote to the Military Commander of the IDF forces in the West Bank demanding that the curfew be lifted. The letter noted that the curfew had been intended to secure the safety of Israeli settlers driving through the village from nearby settlements. However, imprisoning one population in order to assure the freedom of movement for another is discriminatory and illegal. HaMoked threatened that should the curfew not be lifted, a petition would be submitted to the Israeli High Court of Justice. A copy of the letter was also sent to the State Attorney's Office.

On November 10th 2000, two days after the letter was submitted, the IDF lifted the curfew on Huwara. The military commander's decision was based on a "periodical reevaluation by the IDF established in order to assess the need for a curfew against the damage inflicted on the local population."

Hebron Curfew

Soon after the start of the Al Aqsa Intifada, the IDF imposed a curfew on the areas of Hebron under Israeli control (H2 zone), effectively confining over 30,000 of its Palestinian residents to house arrest. Children were prevented from attending school and from playing outdoors. Workers were unable to reach their places of employment and the industrial area and factories stood silent. The vital olive crop could not be harvested. Hundreds of private businesses and industries located in the H2 zone were also closed, affecting the entire population and its surroundings. Ambulances were permitted to travel only in critical medical cases, while pregnant women, babies and the chronically ill were forced to go without any medical treatment as clinics and medical facilities remained inaccessible. The curfew continued throughout the month of Ramadan preventing many of the traditional customs associated with this holy time: people were unable to visit gravesites, participate in public prayers in the mosques or partake in the traditional family visits and festive meals during the evenings of Ramadan. Instead, the H2 residents remained enclosed in their overcrowded houses of the old city, forced to pass the time as their frustrations grew, left without income and without knowing what the next day will hold.

As the days passed, the H2 zone remained under curfew with the lives of its residents disrupted beyond normality. HaMoked reacted by sending a letter to the Military Commander of the IDF forces in the West Bank, and the State Attorney's Office, demanding that the curfew be lifted at least during the three days of the Eid al-Fitr festival marking the end of the fast month of Ramadan. HaMoked argued, *inter alia*, that the curfew violated the Military Commander's obligations under international law to ensure the continuation of normal life for all the residents of the area. HaMoked cautioned against imposing the curfew as a form of collective punishment and claimed that a curfew should not be employed as a permanent "solution". The extension of the curfew would only succeed in further harming the residents who had already passed their "breaking point". In response, HaMoked was informed that the imposing of the closure would be periodically reevaluated with no assurance that it would be lifted permanently. On the day the reply was received the curfew was lifted, however two days later it was imposed once again.

On December 25th 2000, HaMoked submitted a petition to the Supreme Court, together with a request for an urgent hearing, demanding that the restrictions be lifted at least during the Eid al-Fitr festival, that curfews not be imposed solely for reasons of shooting from Palestinian areas and that Palestinian vehicles not be prevented from traveling in Israeli controlled areas during intervals between curfews. In response, the State submitted an affidavit by the IDF Brigade Commander in Hebron to the Supreme Court describing a "rosy" reality on the ground. According to the affidavit, curfews are imposed for the protection of the population during times of open crossfire, and the restrictions are cancelled within 12 hours of the shooting. The commander also claimed that the curfew was lifted in at least half of the cases where the curfew had been in force (in most cases referring to intervals of a few hours) and that no restrictions were placed on the movement of Palestinian vehicles during periods when the curfew was not in force. The Brigade commander went on to state that he would make a concerted effort to refrain from imposing curfews during festivals. The situation described in the affidavit however did not correspond with the reality witnessed by HaMoked workers who visited the area or with reports received from residents in Hebron. The Supreme Court judges however

rejected HaMoked's petition based on the contents of the affidavit. HaMoked continues to follow up the situation in Hebron to ensure, amongst other reasons, that at least curfews remain within the limitations stated in the Hebron commander's affidavit.

Departures Abroad

The Oslo Accords stipulate precise regulations for the movement of residents from the Occupied Territories through the border crossings (bridges) into Jordan and Rafah. The apparent intention of the new procedures was to normalize the regulation of departures and to cancel the existing status of the Occupied Territories as 'a closed military zone', with each departure requiring the approval of the commander of the IDF forces. The Oslo Accords also stipulate a specific list of conditions according to which an individual's departure abroad may be prevented: incomplete travel documents, a travel prevention order due to ongoing legal proceedings or suspicion of illegal activities requiring the arrest and investigation of the suspect. Despite these regulations, the IDF in practice continues to view the Occupied Territories as a closed military zone and exploits its hold over the border crossings in order to control the entire population. The legal arguments presented by HaMoked to the High Court are based on the assertion that following the implementation of the accords into law, the status of the Occupied Territories as a 'closed military zone' with regards to departures abroad, is cancelled. This standpoint, however, has yet to be recognized by the Court.

In reality the same practices that have been used for years continue. Many residents from the Occupied Territories continue to be sent back from the border crossings and denied permission to travel abroad. Requests from HaMoked succeed in removing a significant portion of the prevention orders; however, in the majority of cases residents are still prevented from traveling due to 'security considerations' or because of their alleged connection with one of the Islamic parties or banned organizations. The basis for these decisions remains classified, however on more than one occasion it appears that the reason behind the prevention order was either to pressurize the individual into collaborating with the authorities, to serve as a sanctioned punishment, or as a means of showing a resident, "who's the boss".

Based on the experiences of HaMoked, on more than one occasion the General Security Services (GSS) has viewed a request for permission to travel abroad as an opportunity to apply pressure on a resident in order to gain information, to 'recruit' him as a collaborator or to show him their dependence on the local GSS administrator. The GSS also demands meetings between Palestinian residents and GSS agents as a condition for handling some of HaMoked's requests to travel abroad. HaMoked protested against this practice as it acts to exploit the often-urgent need of a person to travel abroad and turns HaMoked, a human rights organization, into a mediator for the Security Services. The protest however had little effect. The GSS described these meetings as an opportunity for the individual to a hearing and to allow the authorities to finalize its security evaluations in borderline cases. The meetings, of course, do not constitute fair hearings. Security materials or evidence held against the person are not shown beforehand and the right to representation by an attorney is also forbidden. The case of R.M., for example, clearly shows the motive behind the meetings. R.M. was awarded the right to a "hearing" in the offices of the GSS in January 2000, which he decided not to attend. In August, HaMoked requested from the authorities to reconsider the order preventing his departure abroad. The response was that the request would not be handled since R.M. did not attend the earlier "hearing".

HaMoked has still not succeeded in receiving a final decision as to whether the GSS has sufficient information in their hands to again prevent R.M.'s departure or if he is permitted to travel.

An additional concern for HaMoked is the problem of prolonged delays before receiving responses from the authorities. This is in contravention to a longstanding agreement achieved through the Supreme Court whereby the waiting period for replies from the authorities was to be no more than two months. However, in the case of Y.G., a resident from Kalkilia, two years were required before a response was received. Y.G. is a lecturer at the Al-Najakh University in Nablus and needed to travel to Jordan to participate in academic conferences and events. An appeal that was submitted on his behalf in May 1998 was only answered in February this year after repeated requests were made to the Prosecutor for the IDF forces in the West Bank. In response, HaMoked was informed that his departure is prevented due to his "support of the Hamas organization." HaMoked protested the decision; it is inconceivable that an individual's freedom of movement be restricted based solely on his identification with a political organization, as opposed to posing an actual security threat to Israel. Within two weeks the authorities altered their version, concluding that he now not only supported but also was also active within the Hamas organization.

Further individuals refused permission to travel during the first half of 2000 include a 49-year old woman who wished to celebrate the annual Hajj festival together with her brother and sisters in Jordan. Her request was denied, "based on her identification with the Palestinian Islamic Jihad organization". A second woman was prevented from visiting her imprisoned son in Egypt because he is "active in the military wing of the Hammas" and due to "security considerations" her departure was prevented. Finally, a resident of Hebron was prevented from visiting his family in Jordan because he is "the father of a wanted Hammas activist" and is liable to exploit a journey abroad for aversive security purposes.

Entry into the Gaza Strip

The Oslo accords repeatedly call for the need to view the West Bank and the Gaza Strip as a single territorial unit. These declarations, even before the outbreak of the Al Aqsa Initifada when the "safe passage" was still open, were mainly meaningless phrases as many of the residents living in these two areas were still prevented from traveling freely between them. Access to the "safe passage" was conditional on the possession of an Israeli issued magnetic card, which can be withheld by Israel based on its own security considerations. An agreement involving the escorting of buses had made it possible for a number of these people to travel between the two areas, many others however were denied even this option. At the same time residents of East Jerusalem still require special permits in order to enter into the Gaza Strip. HaMoked remains very active in this area, particularly in assisting individuals who are denied entry permission.

Many people turn to HaMoked for assistance in gaining entry permits for a wide array of reasons including visiting parents, brothers, sisters or other family members, participating in conferences or lectures, trade purposes etc… – all of which constitute basic requirements of a normal life. Amongst others, in 2000, HaMoked handled cases involving a groom who was denied permission to enter Gaza in order to attend his own marriage ceremony (even though all his family members were allowed permission to

enter) and a 17-year old high school boy whose family requested to celebrate the Al Adchah festival together with the mother's family in Gaza. In the latter case, all the family members except the boy were given permission .In order to allow for his entry, HaMoked was required to submit a request to the Prosecutor of the IDF commander in Gaza.

Jerusalem Residents "Trapped" in the Gaza Strip After the Outbreak of the Al-Aqsa Intifada

HaMoked has for many years been active in providing assistance to Jerusalem women who are married to Gazan residents and who live together with their spouses and children in the Gaza Strip. Their right to stay in the Gaza Strip is made possible by means of special permits that are issued for periods of three months. Following the outbreak of the Al Aqsa Intifada, the offices at the Erez Crossing (Gaza Strip – Israel), responsible for the issuing of these permits and extensions on existing permits, were closed. Furthermore, due to incidences of shooting in the area, passing through the Erez Crossing had become dangerous, especially along the major roads. As a result many of these women were unable to extend their permits and were forced to remain in their homes in the Gaza Strip with permits that had expired. When many of these women, during days of relative calm, finally managed to reach the offices in order to extend their permits, they found themselves being placed under police investigation for "illegal stay in the Gaza Strip". Following HaMoked's intervention, including turning to the State Attorney's Office, an agreement was reached whereby the permits would be extended retroactively. It was also agreed that in extreme cases it would be possible to extend the permits' validity without the woman having to appear in person with her children at the offices at the Erez Crossing.

Entry into the Gaza Strip for the Eid al-Fitr Festival

Every year prior to the Eid al-Fitr Festival, it was customary for the IDF to allow Palestinian families from the West Bank and Jerusalem to enter the Gaza Strip. This year HaMoked was informed that due to the disturbances and the closure, entry into Gaza would not be permitted. HaMoked turned to the State Attorney's Office and the Military Advocate General's Unit (Gaza Strip Division) with a request to reconsider the order and to allow the religious and community leaders and their families to enter for the period of the festival. The respective letters highlighted the fact that religious leaders are to be respected and treated in accordance with the related principles mentioned in Article 46 of the Hague Treaty and Article 27 of the Fourth Geneva Convention. HaMoked went on to state that it believes there are no existing security considerations justifying the prevention of family visits during the festival "…other than as a measure of collective punishment." The letter noted that, "…people throughout the world this week are celebrating Christmas, Chanukah or Eid al-Fitr in the company of their families. For residents of the Gaza Strip however, this celebration is prohibited by denying their families and relatives the right to enter."

The initial response from the IDF arrived two days after HaMoked's appeal was sent, falling already on the first day of the festival. The reply stated that it had been "decided not to allow Israelis to enter into the Gaza Strip during these days" (referring to Palestinians with Israeli citizenship). The request in HaMoked's letter regarding the entry of Palestinians from the West Bank into the Gaza Strip remained unanswered.

Later that same day HaMoked received an additional letter from an IDF representative, declaring that the authorities had decided to allow Israelis to enter the area based on individual security checks. HaMoked, in response, requested to know from what time entry into the Gaza Strip would be possible and received an answer that a response would be sent later. The following afternoon (the second-day of the three-day festival) HaMoked was notified that all entry into the Gaza Strip was prohibited.

Detainee Rights

The Tracing of Detainees

Locating detainees during the year 2000 continued to be one of the most valuable services provided by HaMoked to the Palestinian population living in the Occupied Territories. Despite the fact that legislation and a Supreme Court ruling explicitly requires it to do so, Israel persists in refusing to inform the families of detainees about the detention and in withholding information regarding the whereabouts of the detainee. In such circumstances, the families of Palestinian detainees remain dependent on organizations such as HaMoked in order to obtain any relevant details. The locating of several detainees and prisoners everyday has become a regular activity for HaMoked's human rights workers. In response to most of its requests HaMoked receives relatively accurate and timely replies from the IDF. However, in others, HaMoked has encountered cases of inaccurate information, bureaucratic red tape and severe cases of disregard. Examples include incidents where those responsible for locating detainees are suddenly unobtainable. Of even greater concern is the recent phenomenon of disappearing detainees at the Megido prison. The GSS operate an interrogation facility in Megido, where the interrogation of detainees is administered with the use of collaborators. In certain cases where the IDF 'failed' to locate detainees for a number of days, it later became apparent that they had been held in these GSS interrogation areas. Furthermore, the IDF in response to HaMoked's requests conveyed false information with regards to the detainee's presence in the prison. A complaint was submitted to the Chief Prosecutor of the IDF, in response to which HaMoked was informed that an investigation had been carried out and certain lessons had been learnt. The Prosecutor also reported that no evidence had been found to substantiate the claim that information had been withheld intentionally from HaMoked.

After the outbreak of the new Intifada the number of requests HaMoked received to trace missing detainees multiplied. On a number of occasions where the IDF was unable to locate the detainees, HaMoked was required to submit preliminary petitions to the High Court Division of the Justice Department. One particularly severe case was that of the case of A.H., a resident of Hebron, who was seriously injured when explosive material that he was allegedly carrying exploded. The IDF informed HaMoked that A.H. was not in the custody of any of the branches of the Security Services including the GSS. Following various rumors that he was being held at the Socolov Hospital in the city of Ber Sheva, HaMoked contacted the hospital with a detailed request regarding the possible whereabouts of A.H. The authorities however responded that there was no one hospitalized there fitting this description. After turning to the State Prosecutor it was announced that A.H. was at the time being treated at the Socolov Hospital. It later

became clear that the GSS had not only lied to the IDF authorities regarding his whereabouts, but had also issued an order prohibiting him from meeting with a lawyer.

Administrative Detainees

Although the number of administrative detainees fell during the first half of the year 2000, during the second half the number rose once again following the failure of the Camp David talks and the outbreak of the Al-Aqsa Initifada. Prior to the 28th September detainees held consisted of individuals with connections to the Hammas and Islamic Jihad organizations only, this would now change with people affiliated to the Fatah movement and the National Liberation Front also being held under administrative detention orders. The atmosphere of preparation for the "war effort" in Israel was also viewed in the attitude of the military judges, whose attitude towards administrative detainees became more severe. Detention orders are now approved without review and appeals submitted against these orders are rejected. While the presence of an attorney remains a significant means of support for the detainee, it has no influence on the outcome of the judicial proceedings.

Administrative detainees held at the end of 2000 were:

- Chaled Jaradat, 40 years old from Silat al Hartia, administrative detainee since 13.2.1997 (close to four years). An agreement was reached for his release with certain restraints, following the outbreak of confrontations the detention order was extended and approved by a judicial review hearing.
- Khadar Qados, 26 years old from Zawia, detained August 1999. A similar agreement for his release was also deferred due to the confrontations.
- Mahmod Shabeneh.
- Mohamad Abu Tbeh, 20 years old from Jenin, detained since August 2000.
- Mohamad Abu Sef, 36 years old from Ramallah, detained since October 2000.
- Achmad Afane, 30 years old from Abu Dis, detained since October 2000.
- Mohamad Halasi, 28 years old from Sawahra Al Sharkiye, detained since October 2000.
- Atta Abu Halabie, 30 years old from Abu Dis, detained since October 2000.
- Amin Ahmaro, from Hebron, detained since November 2000.
- Saged Mlettat , 30 years old from Beit Fourik, detained since December 2000.
- Achmad Sharabati, 48 years old from Hebron, detained since December 2000.
- Mahmod Al Abnabeh, 25 years old from Yatir, detained since December 2000.
- Omer Barguti, from Kuban, detained since December 2000.

Just prior to the end of the year HaMoked was informed of an additional three individuals who had been placed under administrative detention.

HaMoked, with the aid of Attorney Tamar Pelleg Sryck, continues to represent the vast majority of these detainees in the mandatory judicial reviews following the issuing of a detention order, in the periodical reevaluations and in submitting appeals against judicial decisions during the various proceedings.

During the first half of the year, and after a prolonged struggle, administrative detainees Eiman Daragmeh and Abdallah Al Hativ were finally released after four years and two years respectively under administrative detention. Their release was issued together with

a restraining order confining them to their villages for a period of one year. Daragmeh was released after a military judge had recommended his discharge based on legal reasoning. Abdallah Al Hativ was released after the submission of a petition to the Supreme Court requesting that the military judge's ruling in the appeal hearing be reversed. Abdallah, who is a sickly man, had been examined three times by doctors who confirmed the severity of his health condition, but to no avail. Currently, HaMoked is working to have the restraint order which prevents him from leaving the village to receive medical treatment lifted. Administrative detainee, Tzalach Shachadie, was released within the framework of negotiations between Israel and representatives of the Palestinian Authority although the military judges had rejected HaMoked's earlier appeals for his release. During the year 2000, Attorney Tamar Pelleg administered a campaign to remove a judge from the appeals hearings who delayed his rulings for periods ranging from a month up until two and a half months. This judge no longer sits in appeal hearings and the decisions of the remaining judges are given within reasonable time periods.

In addition to court hearings, Attorney Tamar Pelleg submitted to the State Attorney a pre-Supreme Court petition against the cancellation of the rights of three families to visit relatives who are under administrative detention. As a result of the procedure the right to visit was returned to the families. Following HaMoked's prolonged handling in another case, a guarantee (bail) paid by a detainee after his release from interrogation was finally returned to him. Before undergoing interrogation the detainee had been held in administrative detention.

Committee for Prison Releases (Parole Board) at the Megido Prison Installation

Until recently, the parole board at the Megido prison failed to convene in order to discuss prisoner cases (the board is authorized to reduce sentences by one-third for good behavior). Prisoners were not awarded shortened sentences even though it was admitted they had the right to appear before the board. Following a number of years of advocacy work, starting in 1995, a petition was submitted to the Supreme Court demanding the convention of the parole board in Megido. As a result, procedures were set for the establishment of a board, which met six times between the months October and December 2000, with twenty hearings allotted to each sitting. Attorney Tamar Pelleg represented all but three of the prisoners.

The first sitting **– 3.10.2000** – took place just after the start of the Intifada. As a result of the confrontations, the GSS and the prosecution had gone back on their earlier agreement to release a number or prisoners. Attorney Pelleg succeeded in persuading the judge that the "change in circumstances" should not influence the board's evaluations. Amongst the twenty prisoners three were released – all against the objections of the opposing side. Furthermore, the three prisoners were all very close to their scheduled release dates, with only one receiving a reduction of more than 30 days. A number of cases were postponed to the next sitting. For the second sitting on the **26.10.2000**, 35 cases were scheduled of which 29 were discussed – all having left only three or less weeks of their sentence to serve. 17 prisoners were released, again against the objections of the GSS and the prosecution. Similar achievements were not repeated in later sittings. On the **6.11.2000,** four prisoners of the total 28 cases discussed were released and on the **16.11.2000,** three prisoners out of a total 14 were released.

During the sitting on the **23.11.2000,** the cases of 16 prisoners were scheduled, of which three decided not to appear. The board issued early releases to four prisoners, which the prosecution had not objected to. In all four cases only a few days or up to two weeks remained of the sentences. Attorney Tamar Pelleg advocated on behalf of an additional four prisoners who were eligible for early releases. For example, the case of a young prisoner, born in 1980, who was convicted on two indictments. An Intelligence officer in the prison had clearly and unambiguously stated in a recommendation that the boy had become a member of the Hammas movement in 1990 at the age of ten. Part of his activities included listening to religious lessons by Amar Amatte the 'suicide bomber' who died in a 1993 attack in Hadera, and his association (the practical implications of which are unknown) with the movement continued until his arrest. On the **18.12.2000** a further 20 cases were discussed by the board and three prisoners were released with the agreement of both sides. An additional criminal prisoner, who had traded in arms and drugs, was released despite the objection of the prosecution and a representative from the Investigating Branch of the Military Police.

Complaint of a gas attack on inmates at the Megido prison.

On the 14.5.2000, inmates in the Megido prison carried out a peaceful demonstration in support of Palestinian prisoners detained in institutions under the control of the Prison Authority who had initiated a hunger strike. Subsequently the prison administration announced an additional inspection as a form of punishment against the inmates' earlier actions. After the prisoners refused, soldiers began detonating hundreds of tear gas canisters and stun grenades in their living quarters. The grenades ignited a fire resulting in a number of injuries and the burning of five of the prison tents. A number of the injured prisoners failed to receive prompt or adequate medical treatment. Attorney Tamar Pelleg took testimonies from prisoners who witnessed the event and submitted a detailed complaint to the Chief Prosecutor of the IDF. In response, the IDF prosecutor who handled the complaint, sufficed with a clarification with the prison authorities and refused to order the opening of an investigation by the Investigating Branch of the Military Police.

Family Prison Visits

Since the redeployment of the IDF in the Occupied Territories, all Palestinian security prisoners are transferred to prisons within Israel. As a result all family prison visits are dependent on the IDF's granting of permission to enter Israel. Even after permission is granted the family members are not allowed to move around Israel freely, rather they arrive and leave the prison via organized transportation provided by the Red Cross and escorted by IDF soldiers. There are two types of permits: periodic permits, which allow visits on all organized transportation for a period of three months, and single one-day permits. The issuing of these permits is restricted to first-degree family members only, while no more than five family members can be in the possession of a travel permit at any one time. Furthermore, many family members themselves are prevented from entering Israel due to their own 'security profiles'. HaMoked continues to advocate on behalf of many parents, wives, brothers, sisters and children who are prevented from seeing their loved ones for prolonged periods of time, sometimes even for years.

During the year 2000, HaMoked achieved a breakthrough in this area. A collective pre-Supreme Court petition was submitted by HaMoked to the State Attorney's Office on

behalf of 12 parents and wives who were prevented from visiting their family members in jail. As a result of the petition a new directive was issued stipulating that every parent, wife or sister of a detainee who was prevented from visiting family members would now receive standard single visit permits without having to go through IDF security investigations prior to each visit.

N.R. is an example of someone who benefited from the new agreement. Her husband, a resident of one of the villages in the Ramallah district, has been held in Israeli prisons since 1982 serving a 99-year sentence. Since November 1997 a prevention order had been issued against N.R. making it impossible for her to visit her husband. At the end of March this year she was due to undergo surgery involving the removal of her ovaries under general anesthetic. Besides the dangers of unforeseen complications, the surgery would also mark the end of her fertility. At the time she had not seen her husband for two years and desperately wanted to visit him. HaMoked issued an urgent request, based on humanitarian grounds, to the State Attorney, requesting permission for her to visit her husband before the operation. The request was made on the agreement that an Arabic-speaking representative of the prison services would be present to insure that no objects would be passed between the couple.

The new arrangement, following the collective petition filed by HaMoked, allowed N.R. to visit her husband on a regular basis by means of the single-day permits – visits that were made possible without the justification of an imminent operation or other form of emergency.

Following the outbreak of the Al Aqsa Intifada however both the new agreement and all regulations pertaining to family prison visits were cancelled. At the time of writing, for over two months, residents of the Occupied Territories had been prevented from visiting their loved ones held in Israeli prisons. Contacts between the Red Cross and the Israeli authorities and requests submitted by HaMoked had all failed to bring any results.

Gazan Residents Under GSS Investigations in the Ashkelon Prison

One of the consequences of the current Intifada has been the large wave of arrests by the authorities. Attorney Tamar Pelleg represented a number of detainees from Gaza who had been placed under GSS interrogations in the Shikma prison in Ashkelon. Examples of these cases include the following:

Na'hed Fugo is a taxi driver who found himself caught up the middle of an IDF planned operation initiated in order to kill two Fatah members in the Gaza Strip on the 22.11.2000. The two Fatah members, plus two other people who were incidentally traveling in the vehicle, were killed. Na'hed who was miraculously saved, was arrested and brought to the Ashkelon prison. At the time nobody was aware of his fate. He was interrogated by the GSS and was placed in a cell together with collaborators. On the 26.11.2000 a human rights organization in Gaza requested assistance from Attorney Pelleg in locating him. Attorney Pelleg located him at the Ashkelon prison, where she visited him the following day, took an affidavit and prepared a request for a judicial reevaluation in connection to his arrest. This was submitted to the court the following morning. Na'hed was released from prison on the day of the meeting before the request even reached the secretary of the court.

Asam Nirv, a fire fighter, traveling between the northern and southern section of the Gaza Strip was randomly arrested by soldiers who were sitting on a sand bank. On the 28.11.2000, he was transferred to the Shikma prison and was interrogated by the GSS. Attorney Pelleg, who during this period adopted a tactic of frequently visiting the prison, represented him in his extension of detention hearing and submitted a request for judicial reevaluation in connection with his arrest. The request was rejected after which an appeal was submitted. On the 2.01.2001 Asam was released from prison.

Mahmod Ai'sa was arrested on 28.11.2000, and an order was issued by the authorities preventing him from meeting with an attorney. Attorney Pelleg was required to represent him before the judge while he was absent from the courtroom where he later appeared separately. The judge agreed to attorney Pelleg's request to take note of the detainee's testimony with regards to the nature of his interrogation, concerning beatings at the hands of GSS interrogators and collaborators, being held for days on end in shabeh (tying-up in painful positions) and without adequate sleep.

Sharif Arafat, was working in Nazareth Illit without a permit when he was arrested and brought to trial in February 1999. He received a suspended sentence and was transferred to the Shalem roadblock near Jenin, despite all his claims that he was a resident of the Gaza Strip. He began working and earning a living in a restaurant in Ramallah until the start of the Intifada when business slowed down dramatically. Sharif decided to return home but was arrested at the Erez Crossing under the suspicion of hostile activities. News of the incident was passed on to attorney Pelleg after the extension of his detention had been ordered. She submitted a request for a judicial reevaluation. During the hearing, the judge accepted, in principle, attorney Pelleg's arguments and decided that if a request to extend his detention following his illegal stay in Israel is not submitted, the detainee should be released on bail within two days. During those two days Sharif received notification that his detention had been extended and that his file had been transferred to the prosecution so that an indictment can be issued.

Amad Saftawi is a detainee who was also prevented from meeting with a lawyer. Attorney Pelleg received his details after his detention had been extended. During the hearing she was not allowed to see the person she was representing and when he appeared she was required to leave the premises that were serving as the courtroom. The request for a reevaluation of his detention was rejected.

The Case of Mahmod Aldarabi

Mahmod Aldarabi, a veterinarian from Arabi in the district of Jenin, is an administrative detainee who at the time of this report was receiving medical treatment at the Bellinson Hospital in Petah Tikva. He was forced to lie with his hands and legs tied to the hospital bed while undergoing interrogations, exposed to the threats from the police and soldiers who were guarding him. Aldaribi was injured in what now appears to have been an operation planned by the IDF to trap Sa'ad Alharuf who was killed in the incident. Alharuf, on the night he was killed, received a telephone call from a person named Majdi who told him that his car was stuck just south of Nablus, and requested his assistance. Alharuf phoned Usama Barham (who was released over a year ago after many years in administrative detention) who asked his brother-in-law Mahmod Aldarabi to accompany Alharuf on the journey. When the two reached the Burkin Junction their vehicle was met with a massive burst of gunfire. As a result of the attack, Alharuf was killed and Aldarabi

injured. The soldiers did not rush to evacuate him. One of them suggested to him that he run away, but he remained lying on the ground fearing another trap that would give the soldiers the justification to shoot and kill him. Finally, he was evacuated to the Bellinson Hospital, where he underwent an operation, during the course of which one of his kidneys was removed. He remains in hospital until today.

During the initial period of his hospitalization a prevention order was issued by the IDF preventing him from meeting with an attorney. The hearing for the extension of his detention took place partly in the military court and partly in Aldarabi's hospital room in the presence of the judge and a GSS agent, but without the attendance of attorney Pelleg. The GSS initially instructed the hospital staff not to convey any information regarding the state of his medical condition (except to the patient himself). Only after attorney Pelleg's intervention was the order rescinded.

Torture

HaMoked's work in the area of torture (in addition to its handling of specific cases such as the detainees in the Ashkelon prison) continues. The organization's petition to indict the GSS interrogators responsible for the death of Abdal Samad Charizat by means of violent shaking during his interrogation in the Russian Compound Prison in Jerusalem in 1993 remains pending before the Supreme Court. In December, a hearing in the case was held. The court requested additional explanations from the state for the reasons not to criminally indict any of the interrogators, particularly after the Supreme Court decision in 1999, which banned the use of torture.

Al-Khiam Prison

During the first period of this report HaMoked, in cooperation with other Israeli lawyers and a group of French attorneys who had received legal authorization from the detainee's families, continued in their campaign to free the detainees held in the Al Khiam prison in Southern Lebanon by representing them before the authorities in Israel. An additional petition was submitted to the Supreme Court with a further three hearings being convened by the High Court. Attorney Tamar Pelleg traveled to Paris where she met state officials and representatives from human rights organizations. In return, the group of French attorneys later visited Israel holding a press conference in Jerusalem.

As is known , on the 22.5.2000, following the withdrawal of the Israeli Defense Forces from Southern Lebanon, Lebanese citizens took control of a prison that stands as an infamous symbol of oppressive occupation, and released all the prisoners.

Jerusalem Residency

The Al Aqsa Intifada has once again illustrated the centrality of the issue of East Jerusalem in the Israeli-Palestinian conflict. In the political battle, as well as in the negotiations, both sides constantly view East Jerusalem as a primary religious and national symbol. However, away from the negotiating tables there is another East Jerusalem: the East Jerusalem where Palestinian families are forced to live in conditions of severe overcrowding and poverty. Such conditions constitute a heavy price that these families are forced to pay due to Israel's attempts to strengthen its hold on these annexed

territories. The reality of their day-to-day lives continues to be overshadowed by the ongoing Israeli occupation. Israel continues to view East Jerusalem as an integral part of its sovereign territory and not, as it is defined in international law, as occupied territory. As a result Israel, persists with a policy designed at strengthening its control over the annexed areas, while pushing aside the need of its Palestinian residents. To serve these political-demographic goals, the authorities exploit various laws, including zoning and building, social security, residency and citizenship laws and the various budget allotments for infrastructure development, education, culture and public services. The price of these transgressions are paid for by the individual Palestinian families who find themselves in a daily struggle against an obtuse and alienating system, whose original purpose was to serve and assist the population. However, rather than assisting, the authorities act to make these people's lives insufferable. During the last few months of the year 2000, the services provided by the National Insurance Institute (NII) were made inaccessible after its branches in East Jerusalem were closed for prolonged periods of time due to strike actions and work disruptions initiated by the office workers. This action was taken following the killing of security guards in a NII branch in East Jerusalem.

An important development during the year was the cancellation by the Ministry of Interior of its policy of revoking identity documents, a policy that since 1995 had constituted a primary component of the Quiet Deportation. Credit for the achievement can be attributed to the international community that undertook an active profile in protesting against the policy, the dedicated work of human rights organizations, the principled petition submitted by HaMoked to the High Court, the steadfast commitment by the Palestinians and the willingness to listen expressed by the previous Minister of Interior, Mr. Nathan Sharansky. In March 2000, in response to the petition submitted by HaMoked (in partnership with other organizations) against the Quiet Deportation policy, the Minister of Interior at the time, Mr. Sharansky, announced the introduction of a new policy: the Ministry of Interior will no longer revoke the residency rights of East Jerusalem residents who had transferred their "center of life" to the Occupied Territories or abroad, on condition that the validity of their exit card had not expired while they were abroad. With regards to minors, Sharansky stated that a minor's status would be evaluated upon reaching maturity (18), not taking into consideration the period prior to this. A person whose residency status was revoked following the policy change in 1995 would not have this status automatically reinstated; residency status is to be restored after proving to the Ministry at least two years of continuous residency in Israel. Any individual who had acquired permanent residency status or citizenship of a foreign country is excluded from the new policy, and is liable, as before, to revocation of residency status.

In effect the change signaled a return to the pre-1995 policy regarding the revocation of Jerusalem residency rights. The cruel and unfair policy of revoking the residency rights of individuals who were forced to fulfill the numerous and tedious requirements of the Ministry – was annulled. However, the status of these people remains both fragile and vague, far from what is deserving of residents living in their own city. They are constantly exposed to the possibility of further ill treatment at the hands of the Ministry of Interior, a vulnerability that is emphasized with possible political changes that are very likely to influence policies towards the inhabitants of East Jerusalem.

During the year 2000, a slight improvement in the Ministry's handling of the cases of East Jerusalem was noted. The number of clerks receiving cases from the public increased, while certain requests received responses more promptly than in the past. These changes are largely the result of the active and visible profile, both in Israel and abroad, acting against the discriminatory actions of the Ministry of Interior. Any improvements introduced during the course of the year must be viewed within the context of years of humiliation, degradation and mistreatment. Even today, any East Jerusalem resident who wishes to submit a request to the Ministry is required to stand for hours on the street next to the entrance to the office under the full exposure of the sun (or in rain). Furthermore, in order to assure ones place in the line, individuals are forced to arrive hours before the office opens, even well before dawn. The Ministry's clerks also continue with their draconic demands for documentation verifying a person's "center of life" in Jerusalem, often introducing additional requirements based on new procedures. For example, today it is no longer sufficient to present ones health insurance membership card or documentation verifying treatment from a doctor in Jerusalem. Rather, the clerks now demand an updated print out from the medical insurance company certifying the right to receive medical treatment. An individual who is not working (or who is working without a pay-slip and cannot present proof of employment) is forced to submit an affidavit certified by an attorney or by the court. Photostat copies of documents posted by HaMoked need to be notarized as "certified originals", otherwise they will not be accepted. As a result of these and many other requirements, the residents of East Jerusalem are unable to benefit from many of their rights without the costly help of a private attorney or the intervention of an already heavily burdened human rights organization.

At the same time the residents of East Jerusalem continue to suffer from violations of their social rights by the National Insurance Institute (NII). As with the Ministry of Interior, in order for any court decision to be enforced, the intensive intervention of a human rights organization or private attorney is still required. For example, within the framework of a petition submitted to the High Court, it was established that in accordance with the National Health Insurance Law residents may not be removed from the list of recipients without having received prior written notice and before being awarded a hearing in connection with their case. In a number of cases the intervention of HaMoked was required in order to restore individual's medical rights after their coverage was rescinded without the necessary procedures.

In December 2000 there were further developments in the area of children's health. In 1999, HaMoked submitted a principled petition in partnership with Physicians for Human Rights and the Association for Human Rights, to the High Court. The petition focused on the health insurance rights of children who were born to families in which one parent is a resident of Jerusalem and receives medical coverage and the second a non-Jerusalem resident without medical insurance. Previously, a NII investigation would be carried out in these cases during which time the children's health coverage was suspended. As a result, these young infants at a critical stage in their development were left without any basic medical treatment (besides expensive private medical care) for extended periods of time (until the age of one or even more). The NII accepted the position of the human rights organizations that these children, in terms of the National Health Law, are eligible for medical coverage. However, at the same time they established a restrictive and arduous procedure whereby the mother was required to appear in person at a NII branch immediately after the birth in order to fill out relevant forms. The lengthy lines, long

waiting periods, standard of service and level of consideration from the office clerks at the NII does not differ much from that of the Ministry of Interior. Following a hearing in December 2000 the judges of the High Court stated that, in their opinion, there is no reason why the completion of the necessary papers should not be performed at the hospital together with the "Notification of Birth" form.

The nature of the bureaucratic challenges placed before the Palestinian residents by the Israeli authorities are, as always, best illustrated by a number of concrete examples.

N.A. – Return of Residency?

N.A. was married in 1982 to a Palestinian man with Jordanian citizenship. Owing to the policy of the Ministry of Interior at the time of refusing to grant family reunification to East Jerusalem women who married non-Jerusalem residents, N.A. was forced to leave the city and live with her husband in Amman. Throughout the years, N.A. took vigilant care to protect her Jerusalem residency, visiting the city almost every year and always extending the validity of her exit card. In 1997, N.A. divorced her husband and returned to Jerusalem with her children. In order to receive support from the NII as a divorcee, N.A. was required to approach the Ministry of Interior in order to change her personal details in her identity document. The Ministry of Interior however exploited this opportunity in order to confiscate her identity document and inform her that her residency had been revoked since she had moved her center of life to Jordan.

N.A. and her seven children – all without any official status – were forced to live in severely cramped conditions together with other family members in their house in the old city. In total there were 16 individuals living in a 35 square-meter house in conditions of severe poverty. Furthermore, since N.A. had no official status she was unable to receive any social entitlements or medical insurance for herself or her children.

It took the Ministry of Interior no less than six months before it decided to reinstate N.A. with her residency rights, months during which HaMoked was constantly required to supply an assortment of documents and papers. For example the Ministry demanded to be shown school documents for the two-year old baby and explanations as to why two of her children had been held back a year. Later, the Ministry requested confirmation for when the children began receiving medical attention in Jerusalem. A further request was for all copies of documents to be signed by a lawyer as certified copies. Even towards the end the Ministry insisted on receiving all accounts relating to the family's household expenses since 1996 in order to evaluate if water and electricity consumption had risen after N.A. and her children returned to Jerusalem. All these and other demands were made, even though it was clear to the Ministry based on N.A.'s entrance/exit records exactly when she had returned to the country, and also after she had sent confirmation of her children's schooling, medical treatments in Jerusalem, declarations regarding their place of residency, a rental contract and household accounts in the family's name. About two more months were still required after the Ministry's final demands had been met (the 1996 accounts), before HaMoked finally received confirmation that N.A.'s residency rights had been reinstated in line with the Ministry's new policy.

With the return of her residency rights it was assumed that her children who did not appear in the Population Registry would now be hastily included. Nevertheless, this was not to be. Even though the registration of the children was approved (except for one

daughter for reasons that remain unclear) the Ministry of Interior now demanded from N.A. a high registration fee. The Ministry insisted that a charge is required to register children who are born outside of Israel. As a result N.A., who suffers from severe poverty was unable to pay the required amount. A request submitted by HaMoked for exemption from the fee is being treated with the customary slow-pace typical of the Ministry of Interior. In the meantime the children remain unregistered, unable to receive any social and medical benefits.

Yassar Abu-Khalaf : Revoking of residency rights and medical insurance

Yassar Abu-Khalaf is a young Jerusalem resident who recently turned 18 years old. More than two-years ago Yassar was diagnosed as suffering from a malignant growth and started receiving medical treatment at Hadassah Ein Keren Hospital. Seven months later the health services suddenly ceased to finance his treatment after the NII decided that Yasser is not an Israeli resident due to his family having moved to Kalandia, just north of the city's jurisdiction, years earlier. As a result, Yassar was left without the vital medical treatment his condition required. HaMoked succeeded in providing some initial relief for him with the assistance of the media; In January 1999, Gidon Levy, a leading journalist for the daily Ha'aretz newspaper, wrote a highly publicized article highlighting Yassar's dilemma. The story gained widespread media attention, encouraging private donors to contribute towards Yasser's medical fees. In reaction, Haddasah Hospital also renewed Yassar's treatment – with part of the costs being covered by the hospital and the remainder by the family. At the same time the Abu-Khalaf family left their home in Kalandia, moving to a house in Issawieh, within the jurisdictional boundaries of Jerusalem. However, all this was to no avail: at the end of January 1999, the Ministry of Interior now intervened mailing a letter in Hebrew to the family stating that as a result of their prolonged stay in Kalandia, their right to permanent residency status in Israel had "expired". The NII refused to even investigate the family's place of residency, in order to reconsider the status of the family's medical coverage.

The decision to revoke the family's residency rights was in contravention to the Ministry's standing policy at the time regarding the Jerusalem periphery area. The policy clearly stated that if a resident continued to preserve an appropriate connection with the city, steps would not be taken to erase them from the Registry. In response, HaMoked submitted an urgent appeal to the Ministry of Interior. After it failed to respond HaMoked then turned to the State Attorney's Office. In conjunction, HaMoked also entered into a series of intensive communications with the NII in the hope that Yasser's medical treatment would be continued. However, the extreme urgency of the case had little impact in accelerating the bureaucratic procedures of the Ministry of Interior, the State Attorney's Office or the NII. Apparently, even a life-threatening situation did not warrant any special treatment. Finally, in July 2000, HaMoked submitted a petition to the Supreme Court on behalf of Abu-Khalaf. It immediately became clear that when the authorities needed to act promptly they were indeed able to do so. Within four days the NII carried out an investigation at the Abu-Khalaf family house in Issawieh, while the family was present. The NII recognized them as residents of Jerusalem and reinstated their medical insurance rights. In the interim, the Ministry of Interior also reissued Yassar with a new identity card.

The Abu Khalaf Supreme Court petition had an additional consequence: the NII formally announced in writing that it would no longer cease the medical treatment of patients suffering from life threatening illnesses for reasons related to residency investigations.

The Afgani Family: Family Reunification, Health Insurance and the NII

The Afgani couple first submitted a request for family reunification in 1994, more than six years ago. Initially the Ministry of Interior, based on various "security" and "criminal" considerations, rejected the reunification request. Following a petition to the Supreme Court both the General Security Services and the police withdrew their objections to granting the request. Nevertheless the application still failed to receive approval as the State Attorney intervened claiming that the couple's center of life in Jerusalem had not been proven. For the purpose of its investigation, the Ministry requested no less than 79 documents including rental contracts, household accounts and medical and school certificates. Such demands are not unique to this case but rather typify the burden placed on many East Jerusalem residents by the Ministry of Interior. On March 16th 2000 the State Attorney finally approved their family reunification request and agreed to include their children in the Israeli population registry. The real implication of the approval however is that Mr. Afgani is now integrated into a formal graded framework examining family reunification rights, and only in the year 2005, eleven years after the initial request was submitted, will he possibly be awarded with an East Jerusalem identity card.

This did not mark the end of their troubles. Notwithstanding the fact that the State Attorney recognized the family's "center of life" in Jerusalem or the extensive evidence presented to substantiate the fact, the NII still remained unconvinced. The result of a NII investigation now concluded that the family does not live within the boundaries of the city. Following a review of the inspection material it remained unclear whether the NII investigator had actually arrived at the specific house or had just reached the general Beit Haninah neighborhood. Despite this, the NII refused to organize an additional inspection and in April 2000, no more than a month after they had received their family reunification approval, the couple was now informed that their names had been removed from the health insurance computer files. As a result neither the wife nor her children were entitled to receive state financed medical care. According to a Supreme Court decision however, an individual's health insurance cannot be cancelled without a hearing or prior warning. Again, no less than an appeal to the State Prosecutor was required before their medical insurance was reinstated.

Residency in the West Bank

The question of residency in the West Bank continues to fall between the cracks of the ongoing diplomatic process. As in the past the granting of family reunifications are limited to annual quotas, or to individuals belonging to what is termed "the first Supreme Court Population" (Supreme Court decision in 1992 following a petition by HaMoked granting the right to receive Palestinian identity documents to all individuals who either resided in, or received permission to enter into, the Occupied Territories during the period from 1989 until the end of 1992). Individuals submitting family reunification requests are required to wait months, sometimes even more than a year, for approval, and this is just for people who are eligible in terms of previous Supreme Court decisions.

For individuals holding foreign residencies there remains no mechanism to reinstate their residency status. Take for example the case of Dr. Chazam Nasasra a resident from Beit Fourik in the Nablus district, who in 1980 left to study in the Soviet Union**.** After the completion of his studies he returned to the West Bank in 1993. In the interim the "Exit Card" with which he had left the Occupied Territories had expired. In the same year HaMoked petitioned the Supreme Court on behalf of Mr. Nasasra with a request that his case appear before the "Committee for Expired Exit Cards" while he was still in the Occupied Territories. The petition included a request that the Committee adopt fair procedures and allow representation on his behalf before the Committee. The Committee for Expired Exit Cards operates an advisory body in the Occupied Territories which examines whether an individual whose exit cards expired while they were away had not transferred their "Center of Life" abroad, allowing them to return and live as legal residents. At the time when the Oslo Accords were signed the petition was pending before the Court and a formal request had been submitted to the Committee. Now, the state claims that the authority regarding registration in the Population Registry rests with the Palestinian Authority (P.A.), and accordingly Israel cannot solve Nasasra's dilemma. However, in reality the P.A. has no real authority, according to the agreements, to authorize the residency of an individual without permission from Israel. A joint committee that is designed to handle cases such as Nasasra's convenes very rarely, and deals only with cases where the person departed from the territories in 1986 at the earliest.

During December the case of Nasasra reached the High Court. The High Court judges rejected the petition declaring that the resolution of the problem lies with the P.A. The problem of Nasasra remains unresolved. The key to authorizing his residency remains in the hands of Israel, which is unwilling to grant him citizenship in the country of his birth.

Violence Committed by the Security Forces Against Palestinians

The images of violence from the past few months are reminiscent of the first Intifada, when HaMoked was initially established as an emergency hotline for victims of violence. The rise in the number of injuries in the territories has, however, not been reflected in an increase in the amount of complaints received by HaMoked. This stems from a strong prevailing feeling which views victims who suffer at the hands of the IDF, not as individual cases, but as part of the collective struggle and general mobilization. Currently, there is no expectation amongst the Palestinian population that the law-contravening authorities in Israel will investigate the actions of soldiers or settlers in order to achieve justice. Indeed, an IDF spokesperson recently announced that since the outbreak of the Intifada in September 2000, the authorities had only opened one single investigation into a case involving violence. This does not mean however that HaMoked remains without work in this field. Cases that were received over the past few months include incidences of severe police violence in East Jerusalem; excessive force used during night time arrests; confiscation by police of identity documents; heavy shooting on an eye clinic in Hebron and a complaint from a family living in Beit Omer where the IDF has maintained a look-out point on the roof of their house for a number of years. In this case, the family complained of continuous abusive treatment by the soldiers. HaMoked

unremittingly approached various authorities including the Advocate General's Unit to the IDF for a period of over two weeks until the harassment against the family was finally brought to an end.

Together with these new complaints HaMoked continued handling its previous cases. Even before September the lives and property of Palestinians living in the Occupied Territories were vulnerable to attacks committed by Israeli soldiers, police and settlers. This inherent violence, characteristic of the occupation, is encouraged in Israel by social legitimization of discrimination against Arabs (at least in some circles), through the negligence shown by the authorities and in the 'forgiving' nature adopted by the courts towards perpetrators of crimes committed against Palestinians. HaMoked continues to assist victims of such violent attacks by bringing their complaints to the attention of the authorities and by following up on the resulting investigations. The aims of compensation suits filed by HaMoked are to provide the victims with a sense of justice, hold the authorities accountable and to create potential deterrents against similar acts of violence in the future.

Conviction and Deterrence

In April last year, a severe incident of abuse committed by a Border policeman against three Palestinian boys living in the Occupied Territories came to light. The attack by the policeman was committed while the boys were being transferred by truck from one prison to another. The policeman hit and kicked the boys, forced them to lower their heads throughout the journey and to sing degrading songs praising the Border Police units and insulting the Prophet Mohammed. He also demanded that one of the boys perform oral sex on him, opening his pants and exposing his genitalia. After the boy refused, the policeman hit him once more.

The boys, characteristically, did not lodge a complaint until their lawyer, Mr. Chalad Kozmar, heard the details of the abusive treatment they had received whilst in detention. Kozmar subsequently lodged a complaint before the military court, which then ordered an investigation. No meaningful investigation was conducted however until HaMoked and Attorney Mr. Kozmar released the story to the press. From this point, handling of the complaint was suddenly accelerated and the policeman, Eran Nakash, was arrested and brought to trial. It became apparent that Nakash was also under suspicion for involvement in two additional incidences of abuse against Palestinians. During the course of the trial HaMoked also assisted in locating and bringing witnesses to court so they could provide testimony.

In January this year a Jerusalem District Court judge convicted Nakash of attacking the minors under his authority, committing indecent acts and abuse of police powers. The judge sufficed, however, with a 14-month prison sentence with a further 15 months suspended.

The State Attorney's office submitted an appeal against the verdict to the Supreme Court, which subsequently also convicted Nakash of abuse committed against minors, and criticized the District Court for its leniency, increasing the sentence to an effective three years in jail. The Court, in its ruling, drew attention to the actions of two additional policemen who witnessed the incident and not only failed to restrain Nakash, but also refrained from reporting the incident and later tried to cover up his actions. The judge

also cited a number of witness' testimonies regarding accepted norms of violence against suspects and the widespread protecting of comrades within IDF and Border Police units.

The Supreme Court went on to observe, "…it is alarming that the moral values of the young individuals who were present were so distorted and deformed that they did not even have the courage to urge the perpetrator to cease his actions, and this purely because they regarded him as their senior. Furthermore, the two policemen were unwilling from the start to report the actions of Nakash who was a member of their unit. Based on their testimonies, the two failed to report the incident, as they were fearful of reprisals. It is unacceptable that Nakash's comrades viewed his actions as normal behavior. The command sector is called upon to unequivocally elucidate to its rank and file the requirements and obligations involved when individuals are placed under their authority, and the penalty incurred for violating their duties."

As in the past, however, the judge's words fell on deaf ears. The number of complaints of violence received and handled by HaMoked remains constant. For example, only two months after the Nakash ruling, on June 9th 2000, a group of soldiers took S.A., a 21-year old Palestinian from the Beit-Omer village, to a grove next to the Beit-Omer refugee camp, where he was severely beaten by one of the soldiers. Following the abuse he was taken and thrown at the side of the road near the Gush Etzion intersection. When HaMoked submitted the complaint two weeks after the incident, S.A. was still suffering from acute pains and was receiving drugs to assist him with his injuries. The complaint submitted by HaMoked is currently pending with the Investigating Branch of the Military Police.

Civil Suits
The case of Amin Judah

On May 25th 2000, the Jerusalem Magistrate Court ruled in favor of the suit filed by HaMoked on behalf of Amin Judah against two Border policemen and the State of Israel. The case related to an incident that occurred in 1992 at the Jerusalem central bus station. A group of (army) policewomen stopped Judah and his friend while on their way to work and demanded to inspect their identity documents. Border policemen that passed by intervened and also demanded to see their papers. In the opinion of the judge, they intervened in order to impress the female soldiers. Since Judah's work companion did not speak Hebrew, Judah tried to assist him in answering the policemen's questions. This intervention merely succeeded in inciting the policemen who took him to a stairway near the police station and proceeded to beat him. Afterwards, the police charged Judah with assault and attempting to grab a policeman's weapon and placed him in detention. The charges were later dropped and the policemen brought to a disciplinary hearing where a single arbitrator acquitted them of all charges.

However, after hearing all the testimonies in the case, the Magistrate Court judge ruled in favor of Judah. In his decision the judge stated that there had been a severe case of misconduct and abuse of power and he reprimanded the defendants for their unacceptable and unrestrained actions throughout the course of the incident. He went on to state that the defendants only added 'sin' to their crime when they later tried to cover up their own actions by lodging a complaint against the petitioner. These actions resulted in the arrest and imprisonment of the petitioner for a period of 48 hours and the issuing of an invalid indictment against him, which was subsequently cancelled.

The Court ordered the defendants to pay Judah compensation to the value of 13,000 NIS (approximately $3,250) for pain and suffering caused plus all court costs and attorney fees. HaMoked submitted an appeal against the amount of compensation awarded, claiming that it did not reflect the severity of the incident and the violation of basic human dignity and bodily integrity that Judah suffered.

Suits submitted by HaMoked which ended in negotiated out-of-court settlements

In December 1989, IDF soldiers burst into the house of R.G., a resident of Hebron, while the occupants were absent. The soldiers vandalized the entire house, stole jewelry and deposited excrement in the bedroom. Relatives who arrived at the house complained to an officer, who sufficed with a brief 'on the spot' investigation and told the relatives to submit a formal complaint. The family submitted a complaint, however, following various clarifications it became apparent that one of the authorities involved had lost all the investigative material. Following a suit filed by HaMoked, R.G. received 25,000 NIS as part of a negotiated settlement in June this year as compensation for damages caused.

In September 1994, in Beedoh village, A.G. was shot in the leg after he witnessed what he thought to be a woman trying to kidnap a group of children. What he actually witnessed was a military operation involving undercover IDF soldiers. The results of an official investigation found that the soldiers had been waiting for stone throwers. Since everything was calm, one of the undercover soldiers began throwing stones hoping to incite some of the local inhabitants. The plan worked and after others began throwing stones in retaliation the soldiers moved in to arrest them. One of the soldiers then shot A.G. and, after approaching him, further hit him on the head, knocking him to the ground. The soldier's vehicle then approached, ran into A.G. and injured him in the chest. A.G. and the children were then boarded onto the vehicle where he was forced to endure further beatings from which he was fortunate not to receive any permanent disabilities. HaMoked filed a suit on behalf of A.G. and in May this year a negotiated settlement with the State was concluded from which he received 20,000 NIS in compensation.

K.M. was also shot in the leg in September 1993 in Ramallah when he tried to walk from his shop back to his house after a curfew had been declared in the city. As a result of the attack K.M. sustained a 10% permanent disability and requires special soles for his shoes. In May this year the State agreed to a negotiated settlement awarding K.M. 35,000 NIS in compensation.

In May 1994, Y.C. was attacked and beaten by IDF soldiers next to the Erez border crossing between the Gaza Strip and Israel. The soldiers stopped Y.C., a truck driver, and demanded to see his vehicle licenses. The soldiers were apparently angered by the fact that he handed them all the licenses together instead of individually and remarked that usually it was the police and not the army who carried out such inspections. The soldiers then started cursing him and began hitting and slapping him all over his body. One of the soldiers also used his rifle to hit him in the eye. Following the incident Y.C. immediately lodged a complaint at the Erez police station. The soldiers were never identified. In May this year, as a result of the suit filed by HaMoked, the State agreed to a negotiated settlement in which Y.C. received 20,000 NIS in compensation.

A further example of one of HaMoked's out-of-court settlements from the first half of the year 2000, and one that particularly stands out, involves a resident from Ein Yabrud, Hatam Abdelrasak. IDF soldiers arrested Mr. Abdelrasak in March 1996. After his arrest he was bound and forced to lie on a road where the soldiers began kicking and beating him until he lost consciousness. The army investigated the incident. The Prosecutor for the Central Command concluded that the degree of force used against the detainee was for the most part reasonable, however certain irregularities were found, as a result of which the Prosecutor had ordered the officer in command to be brought to a disciplinary hearing. The irregularity referred to was the order given by the officer to nine soldiers to beat the detainee at the time of his arrest, while he was handcuffed, blindfolded and lying on the ground. The disciplinary hearing ordered the officer to pay a fine of 100 NIS (approximately $25.00). HaMoked filed a suit on behalf of Mr. Abdelrasak. In June this year, the State agreed to pay Mr. Abdelrasak 50,000 NIS in compensation, despite lack of evidence that he had suffered any permanent disabilities.

Prisoners in Isolation

Confining a prisoner in isolation for prolonged periods of time endangers his mental health and constitutes a form of cruel treatment or even torture. In the past the Prison Service held dozens of prisoners in complete solitary confinement, many of whom had been held for periods in excess of a year (in 1996 – around 30 prisoners had been held in isolation for over a year, with seven for over seven years). Almost no procedures had been stipulated for the holding of prisoners in isolation, while the detainee had no opportunity to voice his objections or to appeal the decision. Many of the victims of this method were Palestinian prisoners convicted of security related offences.

In 1995, HaMoked and Physicians for Human Rights (PHR) submitted a petition to the Supreme Court against the isolation technique. The petition demanded the formalization of new procedures that would assure an automatic judicial review of the decision to hold a prisoner in isolation, a right to a hearing, periodical medical and psychological evaluations and minimum living standards for conditions in the isolation cells.

The petition resulted in a number of far reaching changes to the Prison Services' policies. Actual changes included the preference to hold two or more prisoners together in a cell isolated from the rest of the inmates, essentially removing many of the dangers of isolation. The number of prisoners held alone in cells – genuine solitary confinement – was reduced to only a few cases, while the total number of prisoners held in isolation (alone or together with others) declined along with the period of time spent in isolation.

A joint committee, consisting of representatives from the Ministry of Interior Security, the Prison Services and the Ministry of Justice formulated a package of legislative amendments to be incorporated into the law, the Administrative Regulations and the guidelines of the Prison Services. The impact of HaMoked's and PHR's proposals on the final package of new amendments was significant. HaMoked and PHR, nevertheless, retained a number of important objections to the final proposals, i*nter alia* the fact that the amendments to the law proposed by the joint committee called for a judicial review only a year after a prisoner has been kept in isolation. The period proposed by the committee during which a prisoner may be held in isolation without any hearing was also

in excess of an acceptable time frame, while the grounds stated for permitting a prisoner being held in isolation were insufficiently specific.

Based on the promise that steps to adopt the proposals into law would be accelerated and that the objections of HaMoked and PHR be brought before the Ministerial Committee for Legislative Affairs, the two organizations agreed to cancel the petition in 1998. However, there remains no doubt that the proposed legislative amendment was the result of the petition, a fact acknowledged by government officials during parliamentary hearings.

Attorney Eliahu Abram (Director of HaMoked's legal department) represented the two organizations before the Interior Committee of the Knesset in its hearings on the proposed law. The Chairman of the Committee, MK David Azovlay (Shas party) accepted part of our objections, including a reduction in the time period required for automatic judicial reviews in cases where the prisoner is held alone to half a year. In addition the committee decided that before a prisoner is kept in isolation for a period of more than two weeks, consultation with "professional bodies" is required. It was concluded in the committee's discussions that the exact definition of the medical and psychological examinations, in terms of the required consultation with "professional bodies", be spelled out in administrative regulations, subject to approval by the Interior Committee.

The Interior Committee approved the amendments to the law in June 2000. In August the amendments were adopted by the Knesset in what was the last legislation to be passed before the summer recess. The law ensures the right to a hearing, requires reasoning for decisions taken and judicial reviews and limits both the period of time and authority to hold prisoners in isolation.

Currently, HaMoked will still be required to oversee the final revisions to the Administrative Regulations and the Prison Service's guidelines – revisions relating to the preference for holding two or more prisoners together in isolation as opposed to single prisoners alone, and defining the minimum physical conditions for holding prisoners in isolation cells. The revisions also require an arrangement for medical and psychological supervision – a problematic issue owing to the opposition by psychologists to any role that may be described as granting medical approval to holding individuals in isolation.

Respect for the Dead

During the year 2000 two cases involving the return of the bodies of Palestinians killed in attacks or clashes with Israeli forces to their respective families came to a conclusion. During the month of May the remains of Basem Soubach were returned to his family, residents of a village in the District of Ramallah and a month later the remains of Sofiyan Tsabih were returned to his family, residents of Dahariyeh in the Hebron District.

HaMoked has handled the case of Basem Soubach since 1993. We know today that Soubach was killed in 1984 when he tried to infiltrate into the West Bank from Jordan. During the years numerous rumors reached his family, including those that stated he was still alive and being held in Israeli prisons. Following appeals by HaMoked, the IDF agreed to return the body to the family, but refused to present proof verifying that the

corpse was indeed the correct one. Only following a petition to the Supreme Court did the IDF agree to a DNA test. The results showed that the proposed corpse was not that of the missing Soubach.

In light of the army's failure to correctly identify corpses of enemy dead following requests issued by HaMoked, a special Military Committee was convened in order to investigate, amongst others, the case of Basem Soubach. During the month of March another two corpses were exhumed from the cemetery for enemy dead next to Adams Bridge. Following examinations one of them was found to be the body of Basem Soubach. 16 years after he was killed, the family finally received the remains of their loved one.

The case of Sofiyan Tsabih is somewhat different. In this instance a DNA test was performed immediately after Tsabih was killed in a suicide attack in Jerusalem in 1995. The purpose of the test was to prove his relationship with various family members as a basis for demolishing their house. Israel however did not suffice with this collective punishment of the family, but also, in line with accepted policy, refused to return the corpse to the family. As a result, the family and elderly parents were unable to arrange a proper funeral ceremony and were left without a grave where they could mourn their loved one. It is difficult to know if the decision is another part of Israel's collective punishment policy, an act based on unproven security concerns of avoiding high-profile funerals that may encourage future suicide bombers, or just a primitive attempt to take revenge against the family and the corpse itself. Regardless of the reason, in any developed society the treatment of the bodies of the dead is considered to be outside the issues of conflict or war. From the moment a person is killed, the body cannot be used as an object of revenge or punishment. Rather there prevails a humanitarian obligation on the part of the authorities to provide for a respectful burial, with proper identification so as to allow for its future transfer to the family of the deceased.

In 1999, HaMoked petitioned the Supreme Court on behalf of the Tsabih family with a request that the body be identified and returned to the family. In June this year, the State decided to return the corpse to the family before litigation began in court. The body was transferred to the Palestinian Authority on 28.6.2000, during the night so as to "reduce the risk of disturbances". The next day, following afternoon prayers, a mass funeral for Sofiyan Tsabih was held. Despite concerns, the funeral proceeded without any disturbances.

The Military Committee that investigated the IDF's handling of enemy dead also examined the case of Eisah Zawahrie, who was apparently killed in Lebanon in February 1990. Within the framework of this investigation a number of corpses have been exhumed from the Sisters of Jacob cemetery for enemy dead and examined. Genetic tests performed at a medical center for legal examinations in Abu Kabir showed that one of the corpses matched the genetic profile of Zawahrie's mother. This brought to an end a search of more than eight years for his remains, a period during which the question of the burial place had stood before the Supreme Court (a more detailed description of the search appears in HaMoked's report "Captive Corpses" published in 1999). The State however refused to present a copy of the Military Committee's report to HaMoked, which included a section pertaining to the handling of Zawahrie's body. The Supreme Court abstained from getting involved in the State's refusal to present the report to

HaMoked. Currently, HaMoked is handling the family's request to have the body buried in the village of Ta'amrah, in the district of Bethlehem, where the family originated.

HaMoked transferred to the Military Investigating Committee materials relating to the mishandling of enemy corpses, such as burial without adequate identification or records and insufficient safekeeping of personal items that could assist in their identification. As a result of the refusal to disclose the report's findings, HaMoked is unable to learn of any assessments made in terms both of changes in procedural functioning or in the identification of individuals responsible for negligent handling of cases.

The conclusions of the Committee thus remain a mystery. In the meantime HaMoked has received additional cases of missing Palestinians (assumed dead) whose bodies are most likely buried in IDF cemeteries for enemy dead. In addition, Israel continues to hold the bodies of Palestinians who were involved in attacks over the past few years, and refuses to transfer them to the families for burial in their hometowns or villages.

Organizational Report

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- Mr. Dan Bitan, Karav Foundation
- Mr. Arturo Aiper, Treasurer, economist
- Ms. Rachel Waglash, nurse
- Mr. Ala Hatib, former director of HaMoked, currently director of Tira Medical Center
- Ms. Tagrid Jashan, attorney, legal advisor to Israeli Women's Network and Women for Female Palestinian Prisoners
- Dr. Aziz Haider, researcher and lecturer, Truman Institute, Hebrew University of Jerusalem
- Ms. Rachel Struzma, student at the Hebrew University of Jerusalem

Staff of HaMoked

- Ms. Dalia Kerstein, director
- Mr. Eliahu Abram, attorney, director of legal department
- Mr. Hisham Shabaita, attorney
- Ms. Michal Pinchuk, attorney
- Mr. Yossi Wolfson, attorney
- Ms. Maisa Hourani, senior client intake coordinator
- Ms. Maha Hatib, client intake coordinator
- Ms. May Massalha, client intake coordinator
- Mr. Ofer Cassif, researcher and report compiler
- Ms. Tifferet Kedni, complaint coordinator
- Ms. Atalia Avshalom, complaint coordinator
- Ms. Hedva Eyal, complaint coordinator
- Mr. Steven Freedman, communications coordinator
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