



1996 ANNUAL REPORT OF ACTIVITIES

**HAMOKED: CENTER FOR THE DEFENCE OF THE INDIVIDUAL
FOUNDED BY DR. LOTTE SALZBERGER**

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General Information Concerning the Activities of HaMoked in 1996

The activities of HaMoked: Center for the Defence of the Individual, Founded by Dr. Lotte Salzberger (hereinafter: HaMoked), were conducted in the shadow of the difficult events of early 1996, events which followed one after the other. These began with the closure of the territories in January 1996 to the mass attacks in Israeli urban centers by suicide bombers, the complete closure of the territories imposed due to the attacks-an internal closure between villages and an external closure, which prevented all movement from the territories to Israel-a massive wave of detentions implemented by the Israeli Defence Forces (IDF) in the areas under its control and especially in the Hebron region, torture, extended administrative detentions, destructions of homes of family members of those involved in the attacks and a deterioration in all areas of freedom of movement, which was already limited prior to these events.

During the period from 1 January 1996 to 31 December 1996, HaMoked received 1,752 requests for assistance. During the first half of 1996, 976 requests were received. During 1995 - 1,978 requests.

Table of Complaints Received by HaMoked During 1996

<u>Subject</u>	<u>Number of Cases</u>	<u>% of Total Cases</u>
<u>Location of Detainees *</u>	1332	74.9
<u>Residency</u>	26	1.9
<u>Exit Permits</u>	121	7.0
<u>Entrance from Jordan to West Bank</u>	5	0.3
<u>Entrance from Israel to Gaza</u>	19	2.0
<u>Entrance from Territories to Israel</u>	26	1.5
<u>Violence, Property Damage</u>	51	3.0
<u>Missing Persons</u>	2	0.1
<u>Detention Conditions, Torture **</u>	131	7.4
<u>Family Visits in Prison</u>	11	0.6
<u>ID Card Confiscations</u>	7	0.3
<u>Guarantees</u>	3	0.1
<u>Home Destructions</u>	3	0.1
<u>Other</u>	15	0.8
Total	1752	100%

* Location of Detainees - HaMoked received 3,297 requests to locate detained persons - of them, 1,332 persons whose personal data was not located in HaMoked's database, and another 1,965 persons whose data was already listed and HaMoked was requested to locate them an additional time, due to a further detention. In comparison: In 1995 1,376 location files were opened for new locations of detainees while 2,111 persons were located during the entire year.

** Detention Conditions and Torture - Files opened in the framework of the Detainee Rights Project, which dealt primarily with defence against torture through petitions to the Israeli High Court and other judicial levels.

Table of Requests According to Region During 1996

<u>Region</u>	<u>Number of Requests</u>	<u>% of Total</u>
Nablus	136	7.7
Tulkarem	135	7.7
Ramallah	161	9.3
Jerusalem	120	6.8
Bethlehem	187	10.7
Hebron	834	47.6
Jenin	53	3.1
Jericho	8	0.4
Other	25	1.4
Gaza Strip*	93	5.3
Total	1752	100%

* The complaints from the Gaza Strip break down as follows:

Return of deposits	1
Entry from Israel to Gaza	1
Exit permit for abroad	4
Entry permit from Jordan to Gaza	3
Entry permit from Israel to Gaza	1
Location of detainees	64
Torture	16
Other	3

Table of Requests According to Month and Subject in 1996

<u>Month</u>	<u>Property</u>	<u>Violence</u>	<u>Adm.</u>	<u>Location of Detainees</u>	<u>Other</u>	<u>Total</u>
1/96		1	18	91	1	111
2/96		1	17	56	5	79
3/96	6	5	2	280	24	317
4/96	1		7	102	31	141
5/96	2	4	20	107	17	150
6/96	3	5	16	129	24	177
7/96		4	23	121	14	162
8/96		3	31	90	26	150
9/96	1		26	64	5	96
10/96	1	4	12	134	2	153
11/96		7	22	86	4	119
12/96	1	6	9	72	8	96
Total	15	40	203	1332	161	1752

1996 Administrative Complaints by Month/Subject

<u>Month</u>	<u>Confiscation of I.D.</u>	<u>Exit Permit</u>	<u>Entry to West Bank</u>	<u>Family Reun.W/B</u>	<u>Admin. Fines</u>	<u>Entry to Israel</u>	<u>Other</u>	<u>Total</u>
1/96		11	1			6		18
2/96		10		1		5	1	17
3/96	1	1						2
4/96		6		1				7
5/96		14	1	2			3	20
6/96	2	8		3		1	2	16
7/96		12	1	3		4	3	23
8/96	1	19		3		6	2	31
9/96		17		3		2	4	26
10/96	1	7		1		1	2	12
11/96	1	11	2	6		1	1	22
12/96	1	5		2			1	9
Total	7	121	5	25		26	19	203

1. **Detainee Rights**

a. **Location of Detainees**

In the wake of a High Court petition submitted in September 1995 by HaMoked and the Association for Civil Rights in Israel (ACRI), in the matter of the unwillingness of the IDF to provide information to the families of detainees concerning the detention and the location of the detainee, the sides (HaMoked and ACRI on one side and the IDF on the other) reached an agreement according to which:

1. With the detention of a resident of the territories, the detaining body will provide, with no delay, a telephone message concerning the detention and place of detention to a telephone number which the detainee will provide to the detaining body.
2. The detaining body will provide a telephone message and will list on a special form the details of the message and to whom it was given.
3. If the detainee so requests - a telephone message will also be provided to an attorney named by the detainee. The detaining body will notify the detainee of this right.
4. If the detainee requested not to provide a telephone or other message, this will be noted on the form.
5. If the detainee did not provide details for a telephone message, a postcard concerning the detention will be sent to family members according to an address given by the detainee.
6. The IDF Control Center will receive from all the relevant bodies (IDF, police and prison services) updated information concerning the detention and whereabouts of the detainee once a day, in a manner in which it will be possible to locate the detainee by a written request of outside agencies.
7. The IDF Control Center will provide these details in response to written requests by public associations which act in this area, or to a written request by an appointed attorney representing the detainee or his family.

This agreement includes sections from agreements reached in the past (such as the sending of postcards) and even improvements, especially the matter of a telephone message to the family by the detaining agency.

This new agreement is not completely upheld by Israel. The detainees held by the police and prison services do not enjoy the right of notification of their family members and/or attorneys.

When the detaining agency is the IDF, only when the detainee is moved to the Megido Military Prison is a message sent.

Table of Requests for Location of Detentions According to Regions and Years (to 31 December 1996)

	1988	1989	1990	1991	1992	1993	1994	1995	1996	Total
Nablus	2	10	5	6	5	32	45	107	76	288
Tulkarem		4	9	4	1	21	42	88	87	256
Ramallah	32	132	101	54	36	76	102	109	130	772
Jerusalem	24	61	37	37	36	56	98	67	55	471
Bethlehem	32	110	56	29	25	59	218	396	158	1083
Hebron	10	34	7	8	1	63	295	556	698	1672
Jenin		4	2	5	1	9	9	18	44	92
Jericho	3	5	3	1			1	4	6	23
Other		6	2	2	1	1	1	6	14	33
Gaza		1	2	4	3	123	181	25	64	403
Total	103	367	224	150	109	440	992	1376	1332	5093

* This number is not absolute as a detainee who was located in the past and for whom there was a new tracing request, is traced as a continuation of the previous location.

b. Massive Detentions 1996

On 25 February 1996, in the wake of the first attack in the chain of attacks perpetuated by suicide bombers in Israeli urban centers, the IDF commenced with a massive wave of arrests on the West Bank. The agreement in the matter of locating detainees, which was determined by the Israeli High Court, stood the test of reality and again the IDF failed to fulfill its duty. Once again the families do not know the whereabouts of their detained loved ones, and HaMoked continues to be the sole answer to their distress.

From 25 February to 29 March (inclusive), 349 families who did not know where their detained relatives were located turned to HaMoked.

Of a sample of 181 persons arrested from 3 March - 18 March 1996 (inclusive), and whom HaMoked located during this period, a message to the family about the place of detention was sent (as required by the High Court ruling) in only 19 cases. In 148 cases a message was not sent for at least the first three days following the detention. Concerning 14 cases HaMoked does not have any information.

It must be emphasized that although the court decision determines that the "detaining agency" is the one to notify the families about the place of detention, and although the detention of 165 of the 181 detainees in the sample were detained by an initiated action of the IDF - the messages were few in the first days following the arrests and not one message came from the temporary detention facilities, in which detainees are held for varying periods of time.

Places of Detention

In the wake of the redeployment of the IDF in accordance with the Oslo agreement, the primary detention facilities of the IDF were evacuated in the West Bank, and detainees and prisoners from the territories were held in detention facilities within the borders of Israel. Generally, detainees are transferred upon their detention to temporary detention facilities ("hashabiot") in the territories, and after a period of time they are transferred to facilities in Israel. The detention of residents of the territories within the boundaries of Israel in the days after the attacks, days of a hermetic closure of the territories, prevented any possibility that attorneys from the territories could visit them and deal with their cases, in addition to preventing the possibility of family visits.

The jailing of residents of the territories within the boundaries of Israel is in contravention to the Fourth Geneva Convention from 1949.

c. Torture - Detainee Rights Project

Since its establishment, HaMoked has defended the fundamental rights of detainees and prisoners. Among others, these include the prevention of meeting with legal counsel, torture during interrogation, harsh detention conditions, solitary confinement and the prevention of family visits. The last wave of detentions emphasized these problems in full force.

Detainee Visit with the Detainee

The holding of detainees from the territories within the boundaries of Israel, when the territories were hermetically closed off for several months following the attacks, prevented attorneys from the territories from visiting and properly representing them. Numerous families in the territories could not (either technically or economically) appoint an Israeli lawyer to meet with the jailed family member and represent him in judicial proceedings. The lack of a meeting with legal counsel leaves the detainee helpless in the face of difficult detention conditions or illegal interrogation methods. With the wave of detentions, HaMoked acted to connect interested families with volunteer lawyers within Israel.

Prevention of Meeting with an Attorney

The security legislation in the territories allows General Security Service (GSS) interrogators, with no legal proceedings, to issue an order preventing a meeting between the detainee and his attorney for a cumulative period of up to 30 days. (It is possible to lengthen this period through legal proceedings). The prevention of a meeting between a detainee and his attorney represents a most serious blow to the rights of the detainee: all contact with a person not connected to the interrogation team is prevented, as is the possibility of legal counsel and all external supervision of the detention conditions and interrogation methods employed. The attorney is not permitted to represent the detainee in a proper manner. In the past wave of detentions very extensive use was made of this difficult authority, so much so that the impression was that the prevention of meeting with attorney was used as an interrogation method.

During the year, attorneys working for HaMoked visited 151 detainees. These visits took place in the Kishon Detention facility in Haifa, the Shikma Prison in Ashkelon, the police station in the Russian Compound in Jerusalem and the Sharon Detention facility in the city of Petah Tikvah. 28 times lawyers working with HaMoked issued an urgent request to the State Attorney's office to rescind the order preventing meetings between detainees and their attorneys. These requests concerned the matters of 45 detainees. HaMoked attorneys also filed 19 petitions with the Israeli High Court against orders preventing meeting with detainees; these petitions concerned 38 detainees. In one case, HaMoked appealed the order preventing a meeting with an attorney which was issued by the Regional Court in Jerusalem concerning two detainees, residents of the city.

note: a detainee for whom several actions were taken at different stages will appear in the statistics in accordance with the various actions.

In light of the requests to the State Attorney and the High Court, the State shortened the orders preventing meeting for several of the petitioners. The court itself did not intervene in the considerations of the GSS in any of the cases.

Harsh Detention Conditions

In several instances lawyers who visited detainees encountered severe detention conditions. These conditions included holding detainees for several weeks in small, crowded and unventilated cells with no exercise periods, withholding showers, prevention of a change of clothing and appropriate medical treatment. Particularly difficult conditions existed in the GSS interrogation wings, and attorneys of HaMoked acted to both improve the conditions and to induce the transfer of detainees from interrogation wings to the general prison wings as soon as possible after the conclusion of the interrogations.

On 25 March 1996, for example, in cell 1 of the interrogation wing of the Ashkelon Prison, 12(!) detainees were held in this cell sized 4 x 2.5 m. During the weekend preceeding this date, 17 detainees were crammed into this cell. The detainees spent days and nights on 7 mattresses. Four minor detainees (aged 16-17) testified before Attorney Andre Rosenthal on the conditions in the cell. Attorney Tamar Pelleg-Sryck submitted a pre-High Court petition on the minors' behalf, and the four were transferred to another cell.

On 17 December 1996, Attorney Rosenthal petitioned the regional court in Beer Sheva on behalf of a detainee held in the interrogation wing of the Shikma Prison. The detainee was held in a cell sized 2 x 2 m with three additional detainees. There were 2.5 mattresses in the cell, and the detainees slept such that the legs of three of them were on the body of the fourth detainee. The cell was not ventilated, and the detainees were not permitted daily exercise periods. The detainees also took their meals in this cell. The detainee had last been allowed to change clothes two weeks earlier, while he had not been given clean underclothes since his arrest, one month before. Showers were permitted in the wing once every two weeks. Due to this petition, the detention conditions were improved.

In total, HaMoked acted to assist 17 detainees to improve their detention conditions. HaMoked's assistance was done through petitions to the State Attorney's Office, the courts and one petition was filed with the High Court.

Torture

The detainees in the interrogation facilities in Israel undergo torture. During the year, HaMoked petitioned the High Court on behalf of 47 detainees who were tortured in the interrogation facilities of the GSS and petitioned the State Attorney's Office in the matter of 8 additional prisoners who were tortured. For long periods of time the detainees were not permitted sleep, were handcuffed in painful positions with a sack on their head and loud music playing constantly, were exposed to intense cold or heat and were forced to kneel in a "frog" position and jump like this for several long hours. The detainees were "shaken" - a torture method which results in brain damage and runs the risk of death (as occurred in the case of Abd a-Samed Harizat). The interrogators also implemented various additional torture methods, such as hanging a detainee from a door frame such that his legs barely touch the floor, stretching the hands behind, tightening handcuffs until swelling at the joints occurs and more. The lawyers of HaMoked, who were permitted to meet with the detainees often only after weeks of torture, often found them both physically and mentally broken. The long-range results of torture are still not known.

Israel attempts to justify its use of methodical torture with the claim of a "ticking bomb," but to this day has not pointed to a single case in which its facts fit this argument. Many of those tortured and whom HaMoked assisted were released or placed in administrative detention at the end of their interrogation, and no charges were filed against them. There was almost always a break in the torture on weekends and holidays, when the interrogators were out on vacation. In several cases, the State published in the newspapers information provided by the detainees and requested the courts to cancel the interim orders which had prohibited torture. Even these cases did not support the State argument concerning a ticking bomb.

In addition, the argument of a ticking bomb is both legally and morally without basis. No goal justifies all means, especially not the use of physical and mental torture against persons. Israeli law specifically forbids the use of physical force during interrogations. The Convention against Torture and Other Forms of Inhuman or Degrading Treatment or Punishment forbids the use of torture, providing no exceptions for exceptional circumstances or emergency situations.

Until today, Israeli courts have declined to intervene in the subject of torture or to rule on this issue. HaMoked's petitions in the matter of torture generally led to the awarding of a temporary injunction forbidding the use of physical force against the Petitioners, or to an announcement by the State that the petition was no longer relevant as the interrogation had ended. In several cases, the court dealt with requests to cancel temporary injunctions which had been awarded, and its rulings in these

matters (both when the injunction was cancelled and permitted to stand) gave a green light to the State to interrogate according to its discretion. Several petitions are still pending in the court, toward a principled hearing that may be held in the future concerning this subject.

In addition to petitions to halt the torture of individual prisoners, HaMoked petitioned through Attorney Rosenthal to also try the interrogators of Abd a-Samed Harizat, who died in April 1995 due to being shaken in the interrogation facility of the GSS.

* At the end of March 1996, HaMoked published an interim report on the detainees of the wave of arrests following the attacks.

* In May 1996, HaMoked published an interim report concerning interrogations and torture of these detainees.

* HaMoked is currently compiling a comprehensive report on torture which gathers and analyzes the findings and means of action of the Detainee Rights Project in the difficult period following the wave of arrests of 1996.

***The Project to Halt Torture was renewed in March 1997.**

In addition, HaMoked participates in a coalition of human rights organizations concerning the subject of legislation proposed by the Knesset: the law against torture and the GSS law.

2. Destruction of Homes

The wave of attacks which began at the end of February 1996 brought with it also the decision to demolish homes of families of the perpetrators of the attacks.

- a. Mrs. Marim Sarhana and her sons, from the Fawar Refugee Camp in the Hebron region: According to the State, her son Ibrahim blew himself up at a bus stop in the city of Ashkelon on 25 February 1996, and caused the death of a soldier and the injury of 29 additional persons.
- b. Dodin family from Hirbat al Bira in the Hebron region: Their family member Abad alMajid, according to the State, located another person and introduced him to someone who convinced him to blow himself up on 21 August 1995 on bus 26 in Jerusalem.
- c. Abu Varda family from the Fawar Refugee Camp in the Hebron region: Their son Majid, according to the State, committed the suicide attack on 25 February 1996 on bus 18 in Jerusalem. The petition was presented by Attorney Leah Tsemel with HaMoked.

Seven of the eight families against whom the military government issued injunctions to demolish their homes petitioned the High Court. The High Court combined the discussion on these petitions and ruled to reject all of them. The decision was awarded on 19 March 1996.

The eight homes were completely demolished.

3. Residency Problems

a. Problems of Residency and Family Reunification in the West Bank and Gaza Strip

The issue of family reunification of Palestinian families in the West Bank and Gaza Strip with their family members who are not residents has been dealt with by HaMoked for several years. The problem of residency is a painful one for the population of the territories and numerous families find themselves divided in their legal status. The causes of this are many: wars and refugee movements, migration for economic reasons (usually to the Gulf States), the military law, which makes receiving residency difficult and losing it easy and traditional marriage patterns which encourage marriage within the extended family even when the family members live in different countries. For the couples and their children, the meaning of this division is a life without stability: long periods of separation, trips for unknown lengths of time or an illegal stay in the territories with the constant threat of deportation.

In the framework of HaMoked's efforts on this issue, and in the wake of tens of High Court petitions submitted in 1991-1993, several arrangements were made with the IDF which were intended to solve the problems of these families. The arrangements offered the possibility of permitting the spouses of the residents of the territories and their minor children to remain uninterrupted in the territories with no threat of deportation, and over time obtain the status of permanent residents. Even after the conclusion of these agreements, HaMoked continued to aid in the numerous cases in which these agreements were violated by Israel and those in which the families fell outside of the agreed criteria.

The Oslo Accords transferred the subjects of residency in the territories and visitor arrangements from Israel to the Palestinian Authority (PA) (interim agreement, attachment 3, article 28(1)). Even according to this agreement the transfer of authorities is not complete, and numerous actions of the PA in this field are conditioned upon one type or another of Israeli agreement. The transfer of authorities in the field of population registry (which includes this area) occurred in mid-November 1995. The meaning of the transfer of authorities in many cases was the freezing of the treatment of various requests, as numerous matters were not finalized between Israel and the PA. Thus, for example, decisions are given by Israel concerning old requests for family reunification which were submitted by couples belonging to the "protected population" (those falling within the aforementioned agreements), but the remaining requests will not even be discussed until regulations and criteria for dealing with them will be set. The setting of regulations must be done in the bilateral Israeli and Palestinian committee, which has not met for quite some time and has therefore not discussed this subject.

The division of authorities and establishment of the Palestinian offices resulted in a worsening of bureaucracy for the residents: The new officials had not yet gained experience and expertise, the regulations and division of authorities are not well defined and numerous requests are passed back and forth between the Palestinian and Israeli

authorities. An example of the absurdity of this situation is the "border examination" regulation, which is part of the examination of eligibility for family reunification. The goal of this regulation is to guarantee the family is interested in living in the West Bank and that the family members did not reside abroad for a test period of three months following the principled approval of the request. Today the resident requesting family reunification is required to submit a request for border examinations at the Palestinian offices in his place of residence, and the request is then transferred by the Palestinian Coordination Committee (PCC) to the Israeli CC. From there it is transferred to the Israeli headquarters in the city of Beit El, back to the local Israeli CC and from there the Palestinian CC passes the answer on to the resident, who only now can submit a request to obtain an identity card, which will be dealt with in a similar way.

The changes resulting in the transfer of authorities required an alternation of actions by HaMoked. In those areas in which treatment was not frozen (especially the permit for family reunification and the issuance of identity cards for family members of the protected population), HaMoked renewed its channels of communication with the Israeli authority, and acts to receive answers and facilitate the entire process. In other areas, HaMoked's activities are concentrated in instructing residents and officials of the PA. HaMoked's staff, through intensive contacts with the Palestinian and Israeli authorities and from information coming in from "below," learn the new procedures and the manner in which they are implemented. HaMoked guides the residents through the confusing labyrinth of division of authorities and updates them as to their new rights in the wake of the agreements. Intensive contacts (informal) with the relevant offices of the PA allow for the emphasis of general problems which need to be addressed, and to advance the treatment of specific pending problems. HaMoked also continues its activities in the coalition of human rights organizations in the matter of family reunification.

The Treatment of Requests for Family Reunification

In 1993 the State announced to the High Court, in response to pending petitions filed by HaMoked, that Israel is willing to approve policy in the matter of family reunification in the territories. The policy dealt with three types of population:

a. High Court 1 Population: Residents of the territories who married non-residents before 31 August 1992 and prior to this date the couple has visited or resided in the territories for a period.

b. High Court 2 Population: Every person married after 31 August 1992

In regard to the first population, they are not limited by quotas and are eligible to reside here on a temporary permit and even receive the status of permanent residents (family reunification procedure).

In regard to the second population, the State of Israel permits a quota of 2,000 permits for family reunification per year (for all of the territories) while those of the second population are eligible, by acceptance of their requests, to remain here on temporary permits.

In regard to the remaining population, these persons are not eligible to remain here, and their cases will be decided upon in the framework of the yearly quotas.

Since the announcement of the positive change in Israeli policy concerning family reunification, human rights organizations claim that the yearly quotas are limited and not enough to solve the difficulties of the family members. It should also be noted that one who is not included in the first or second populations and presents a request for family reunification for a spouse residing abroad, the spouse is not eligible to visit the territories until the final answer for the request is given.

If the resident requesting family reunification for his or her spouse joins the spouse on the "outside" in order not to wait apart for years until the response to the request, the request will not be approved as the resident is not here.

In addition, due to the difficulties in the connections between the Palestinian Authority and Israel, the rights of the first population are the only ones honored, and HaMoked acts so that these persons finally receive permanent status in the territories.

Registration of Children of Those Born in the Territories and Never Registered in the Population Registry

There exists a group of people who were born in the territories, never left this area but whom were never registered in the population registry. The vast majority of these are women.

For example, N.M. was born in 1961 to parents, both of whom were residents of the West Bank. For unknown reasons, her parents did not register her in the population registry upon her birth.

The treatment of her request to receive the status of a resident began in 1991. The Civil Administration announced that her husband must request family reunification for her. Although it recommended this course of action, the Civil Administration knew quite well that she was born and lived in the West Bank her entire life. N.M. was instructed by HaMoked to ask for a late request to register with the population registry. This request must now be placed, following the transfer of authorities, with the Palestinian Coordination Committee (PCC). The PCC informed her that regulations have not been established to treat persons like her, and there were also no procedures for transferring requests such as this to the Israeli Coordination Committee (ICC).

Registration of Children Aged 16-18 in the Territories

In Israel, an eighteen year old is considered an adult. In the territories it was determined that a sixteen year old is an adult. In an order issued by the IDF on 17 January 1995, a new and progressive policy was determined which equalized the age of children in Israel and the territories and permitted the registration of children in the territories.

This permit has not been cancelled or altered, and in the paper from 28 September 1995 on the implementation of the Interim Agreement between Israel and the PA, it was even determined that "the laws and security regulations existing...on the date of the entrance of this paper into force, will remain valid as long as they have not been cancelled..."

The Interim Agreement also determines that the PA has the authority to register children of residents of the territories in the population registry if they have yet to reach the age of 16. However, when a resident of the territories requests to register his 16-18 year old child, he is refused.

The actual position of Israel in this matter is that a request for family reunification must be made for children of this age. Not only is Israel violating the law with this approach, but it has already been explained how limited this entire process is and that apart from those falling within the High Court 1 population, it has been frozen.

The aforementioned details describe only part of the extreme difficulties characterizing the subject of family reunification. HaMoked continues to treat the various aspects of this issue.

During 1996, HaMoked dealt with 277 different cases, of them 25 requests for assistances which were first received in 1996. Of these 277 cases, 17 of them dealt with families living in the Gaza Strip. During 1996, HaMoked succeeded in solving the problems of 125 of these families. In seven instances, Israel refused to grant the requests for family reunification.

B. Problems of Residency and Family Reunification for Families in Jerusalem - the Quiet Deportation

The issue of residency in Jerusalem is distinguished from that of the West Bank and the Gaza Strip.

Already in 1967, Israeli law was extended to great sections of the metropolitan of Jerusalem which had previously been under Jordanian rule. One who was present during the census that was conducted in Jerusalem in the new areas under Israeli law, received Israeli identity cards and the status of permanent residents (but not citizens) in Israel. Residents of Jerusalem enjoy a number of advantages compared to the other residents of the territories: they are eligible to live and work in the city (and in Israel), even when a closure prevents residents of the West Bank and Gaza from entering Jerusalem and Israel; they are also eligible for social security and health insurance.

During the previous year, we were witness to the quiet deportation of Jerusalem residents from their city. Since 1967, the Israeli authorities have implemented policies intended to alter the "demographic balance" in Jerusalem by decreasing the number of Palestinian residents of the city. Among other actions, the building of new structures in East Jerusalem was prevented, not enough classrooms were built and there was a refusal to permit requests for family reunification for women from East Jerusalem for their spouses from the West Bank, Gaza, Jordan or other countries. In addition, whoever travelled abroad and did not renew his or her travel documents on time, lost the right to return to the city. Currently, the tool for lessening the number of Palestinian residents in East Jerusalem is the criteria of "center of life."

In the office of the Ministry of the Interior in East Jerusalem, there has been an increase in the number of identity cards which have been taken away since March 1996. Entire families receive a message (sometimes in the mail) that they are no longer residents. The announcement is accompanied by the demand to leave Jerusalem within 15 days. The legal background for negating the status of permanent residents is the interpretation of the Ministry of the Interior (which received the backing of the courts) according to which whoever moved his center of life from Jerusalem, his license for permanent residency (physically demonstrated by the identity card) automatically expires. According to the Ministry of the Interior, these are people who moved to the West Bank (including the suburbs of Jerusalem over which the Israeli law is not applicable), Jordan or to other countries. Even if these persons returned to live in Jerusalem for a number of years, they receive these announcements of deportation. During all of these years, these people continued receiving all of the services of the Israeli Ministry of the Interior (including entry and exit from Israel as residents), without being warned in any way that they are liable to lose their residency.

A special case concerns residents of Jerusalem who married non-residents of the city. For many years the policy of the Ministry of the Interior was to refuse requests submitted by women residents of Jerusalem for family reunification with their non-resident husbands. In 1994 the Ministry of the Interior announced a new policy, by which these requests would be approved, if the center of the woman's life is Jerusalem and there are no security or criminal files against her. These women were invited to submit requests for family reunification, and thousands did. Many of the submitted requests were approved, but the treatment of the Ministry of the Interior was characterized by lethargy and corruption (in the fall of 1995 the Hebrew-language newspaper "Yediot Ahronot" exposed the corruption which had swept the office in East Jerusalem.)

As of the beginning of 1996, the treatment of all requests for family reunification was frozen and the Ministry of the Interior began to require from all of the applicants a strict, almost impossible list of documents which will attest that the center of the family's life is and always was in Jerusalem. One who is unable to meet these requirements in full is liable to have his request for family reunification denied, and his residency may be cancelled. One who is successful in proving center of life in Jerusalem, under conditions of closure of the territories when the non-resident spouse is prevented for at least a year from entering Israel, does not receive an answer. If the spouse is a resident of the territories, there are no arrangements which will permit a normal family life together in Jerusalem until the request for family reunification is determined.

Even the registration of children in the mother's identity card - an automatic procedure for citizens - is blocked for female residents of East Jerusalem who are married to non-residents. Requests such as this are accepted by the Ministry of the Interior only when they are submitted by lawyers, and permitted only in rare cases on the basis of strict criteria.

This year, HaMoked also dealt with an additional racist procedure of the Ministry of the Interior's office in East Jerusalem. This procedure obligated one who lost his identity card to bring an authorized certificate of loss from court, a permit from the Minorities' Department of the Police and a permit of the muchtar (local religious authority), as a condition to receive a new card. This procedure was applied with no distinction to all residents of East Jerusalem. For any other person in Israel, a statement of the loss is the sole item required to obtain a new card.

The discrimination against residents of East Jerusalem is expressed also in the area of social rights. Female residents of East Jerusalem receive child allowances from National Security only after a long procedure of investigations, during which the office of National Security attempts to prove that they do not live within the boundaries of the city (or do not live in Jerusalem long enough), and are therefore ineligible for these allowances. Often the allowances are received only after a petition to the Labor Courts. Lately, this same policy has been applied for hospitalization allowances for women giving birth, and women such as this from East Jerusalem who are married to a non-resident must pay these expenses out of their own pocket. Children of residents of the city, against whom the Ministry of the Interior places numerous obstacles in the way of their registration, do not receive health services to which they are entitled according to the Law of National Health Insurance.

HaMoked treats tens of complaints of residents of East Jerusalem in the matter of requests for family reunification, the registration of children, negation of residency, refusal to award health services and more. In all of these areas, HaMoked cooperates with additional organizations and private lawyers who specialize in this subject. The treatment of these complaints is done through correspondence with the relevant authorities and individual and principled petitions to the courts, especially to the High Court.

During 1996, HaMoked dealt with 122 requests for assistance in this area. In 23 of these cases, the registration of children was permitted, as were special permits such that the spouses could physically remain together. Not one of the requests for family reunification has yet to be answered.

c. The Return of Deportees

Paradoxically, the chances of a man to return to the territories as a resident are better if he was deported due to enemy activities, than if he left the area out his own free will for whatever reason - no matter how justified - and did not succeed in returning (or renewing his exit card) on time. The reason for this may be found in the Oslo peace process.

On one hand, the matters of the "latecomers" (or those who lost their identity cards) is taken up by a joint committee that has yet to be formed. In addition, all areas concerning those uprooted after 1967 have been deferred to future negotiations. In any event, a "latecomer" is considered by the Israeli authorities as one who has permanently lost the right of residency, and presently there is no procedure for requesting his return.

In contrast, the right to deport - and with it the authority to cancel a deportation - remained in the hands of Israel as one of its security authorities. The Oslo accords rendered the reason for the majority of the deportations as no longer relevant (PLO activities and the like). Therefore, the cancellation of deportations is often required due to the political change. One deported is not considered a person who has lost his residency but as a resident who was involuntarily moved abroad and forbidden from returning. Accordingly, the cancellation of the deportation brings with it a renewal of residency.

a. One deported "according to law"

A "legal deportation" is done by through a decision of the military commander of the area to deport a man. The decision for deportation is expressed by a deportation order, which orders the deportation of a person and explains the reason for this. The IDF forces must present the person with the order and permit him to file an appeal against the deportation before an advisory committee prior to his deportation. The right to turn to the advisory committee against a deportation order was determined even prior to the establishment of the State of Israel, in 1947.

"Against one whom a deportation order has been given must remain outside of the administered territory as long as the order is valid" (regulation 112(1) of defense regulations (time of emergency), 1945). This directive recognizes that the regional military commander may cancel the deportation order, shorten it or determine the length of its validity.

b. One deported when a deportation order was not given and/or without a proceeding for appeal

The fact that the deportee was not given an order and had no opportunity to present an appeal against his deportation, does not necessarily mean that a deportation order did not exist. It is possible that in numerous cases (at least in the beginning of the 1970's) the military commander of the region issued a deportation order, and in the wake of this the IDF forces removed the deportee across the border without giving him the order. It could be that in these cases there is documentation concerning the deportation order with the government (or a notice on the computer). Without documentation, it is unclear how it is possible to prevent the return of the deportee to the region, as a visitor.

c. Deportation that is exile or voluntary migration in exchange for early release from jail sentence or detention (including deals to exchange prisoners)

A person who voluntarily obligates himself to leave the region and not return is not generally a deportee. However, even assuming that agreement such as this was given, for example in exchange for early release from prison, it is still possible that the means of enforcing this matter is (or was) the issuance of a deportation order.

d. A deportee resident of Jerusalem

The authority to deport in Israel is in the hands of the Minister of Defence. The advisory committee was supposed to submit its recommendations to the government. A deportee resident of Jerusalem is in a special situation today. It is possible to argue that

the cancellation of the authority to deport in Israeli law in 1979, including the negation of the authority to require that the deportee remain outside of Israel. (the cancellation is according to article 12 of the Law for Emergency Regulations (arrests), 1979).

Up until the signing of the Oslo agreement, HaMoked received numerous requests for assistance from "latecomers," those people who left for abroad on an "exit card" and did not return during the three year validity period of the card or whose families were not able to extend the validity of the card.

The Oslo agreement cut off the possibility to assist these persons by the criteria which had been valid until then as the subject was delayed to a future negotiation.

However, since the signing of the Oslo agreement, HaMoked has received 65 requests for assistance from deportees, the majority of whom were deported in the end of the 1960's or beginning of the 1970's. All of them testified that they did not receive any type of deportation order. The majority of them noted that they were deported as part of a group; generally they were taken from prison in the city of Beer Sheva and deported to Jordan via Wadi Araba. All of them testified that prior to their deportation, they were provided with one Jordanian dinar per person - the travel fare on the other side of the border. 39 of these persons were permitted to return, owing to the advocacy of HaMoked. Israel refused to allow eight of these persons to return, generally with the argument that they were not deported but lost their residency or were never residents prior to their deportation.

There are significant difficulties in obtaining the proof in the case of a refusal by Israel to treat a deportee as a deportee, as the deportee has no deportation order and occasionally possesses no other document which can document his residency and deportation. As for the Israeli authorities, many of the files of persons were burned over the years, or there is no appropriate documentation of the registration of the deportee in the census conducted in the territories after their occupation in 1967.

It must be noted that in 1996, HaMoked received 16 requests for assistance to return deportees. As of early April 1997, four of these requests have received positive responses.

According to the data of B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories ("The Deportation of Palestinians from the Territories, 1993), 785 orders for deportation were issued from 1970-1973. It is possible that from 1967-1970 there was at least the same number of deportees, but against whom no deportation orders were issued (this is implied in the book of Shlomo Gazit, sections of which were noted in the aforementioned B'Tselem report and treat deportation as a common occurrence in the first years of the occupation of the territories).

The following is the story of Geris Kuas:

Mr. Kuas, born in 1925 and a resident of Jafna in the Ramallah district, was arrested in the beginning of February 1973, jailed and on 10 February 1973 deported to Jordan, and no deportation order was given to him. At the time of the deportation he was married and the father of four.

During a period of time he lived in Jordan and afterwards moved to Beirut, and from there to Damascus. During all of his years abroad he was politically active within the framework of the Palestinian Communist Party. His son turned to HaMoked at the beginning of 1995 and requested assistance in returning his elderly father to his homeland. In September 1995, HaMoked received a letter from the legal advisor of the West Bank according to which the request to return the deportee was rejected.

In 1996, HaMoked advocated with the authorities an additional time in the matter of returning the deportee to his homeland. This time a positive response was received. The family members of Mr. Kuas published a letter of gratitude to HaMoked in the Palestinian newspaper "el-Quds."

4. Violence

In 1996, HaMoked received 4 complaints concerning deaths, 12 complaints in the matter of property damage and 35 complaints of violence (not including torture during interrogations).

The authorities involved in the complaints of violence are as follows:

IDF	14 complaints
Border Patrol Police	11 complaints
Police	4 complaints
General Security Service	1 complaint
Arab residents	1 complaint
Jewish residents	5 complaints
Other	2 complaints (Jerusalem city official and the guard at the Ministry of the Interior)

The authorities involved in the complaints of property damage are as follows:

IDF	6 complaints
Civil Administration	1 complaint
Jewish residents	4 complaints
General Security Service	2 complaints

Death

File number 10638

On 28 September 1996, the baby Muhamed Sarahin died in the Hadassah Hospital in Jerusalem. Muhamed was 1.5 years old and from the Ola family of Hebron. The baby had leukemia and was treated in the Hadassah Hospital in Jerusalem. His mother was at his side in the hospital each time he was admitted. His father received permits to enter Jerusalem in order to see him.

On 26 September 1996, in the wake of the opening of the tunnel in the Old City of Jerusalem and the difficult events which resulted, a new closure was imposed on the West Bank. In the two days following the closure, the baby was admitted to the hospital and released. On 28 September, the baby's temperature rose and his worried parents began early in the morning to prepare to take him to the hospital in Jerusalem. They turned to the Aalia Hospital in Hebron in order to transport him in an ambulance. There was no available ambulance, as all of them were hurried to the checkpoints to treat the injured. The parents requested the assistance of an Israeli driver who had in his possession a car with Israeli license plates. They arrived at the checkpoint at 9:45 in the morning. At first the soldiers at the checkpoint

adamantly refused to permit their entrance into Israel, despite the explanations concerning the health of the baby, medical documents attesting to his situation and the entry permit into Israel of the father, which was rendered invalid by the new closure. The soldiers conducted a thorough search of the vehicle.

The father requested water for the baby, which was not provided.

An officer was called to the scene and he announced that there is a closure and therefore no entrance was allowed into Israel. The father asked the officer to look at the baby, who was very pale and breathing rapidly. The officer went off to the nearby camp, returned and announced that the vehicle and the mother could enter Jerusalem with the baby. The officer further announced that that a search must be conducted in the car. The soldiers told the officers that a search had already been done, but the officer insisted and an additional search was done. Only at 11:30 was the vehicle permitted to leave for Jerusalem.

The baby died before they even reached the hospital.

Two days later, the story of the death of the baby was published in the Palestinian newspapers and on Radio Palestine. On the same day an officer from the Civil Administration called the muchtar of the village and requested him to call the father. In a telephone conversation, the officer apologized in the name of the IDF about the death of the baby and noted that the father would be called to provide testimony. The testimony was taken several days later.

As of the end of 1996, the conclusions of the investigation have yet to be received.

File number 10079

In the evening of 14 March 1996, Mrs. Alchadud, in her ninth month of pregnancy, felt labor pains. The clinic of the gynocologist in the village was closed. The husband began to search for a vehicle which would transport his wife to the hospital in nearby Hebron. A neighbor offered his assistance and the three set out in a car in the direction of Hebron. A military vehicle, which acted as a roadblock, stopped them and the soldiers announced that there was a curfew and that they must return home. The soldier threatened them with his weapon. They returned to the village and went to another clinic, at which there was no doctor but a registered nurse. When Mrs. Alchadud entered the clinic, she was already in advanced labor. The baby was born in critical condition and died immediately.

In November 1996, the Attorney of the Central Command wrote to HaMoked that "the soldiers at the supposed checkpoint were not found...in addition, it is impossible to find a defect in the behavior of the soldiers, as it is not possible to show that they knew the purpose of the trip in the car..."

File number 10228

Four friends returned home after a visit to a cemetery. When they passed through the center of Nablus, a military jeep suddenly halted beside them and in it were six soldiers. The soldiers immediately fired. The four began to run from the area. Talal Abu Issa was shot and fell. His friends transferred him to a hospital, where a doctor notified them that he had died.

This occurred on 8 December 1995, when Talal was 23 years old.

On 28 October 1996 the military prosecutor wrote in the name of the Central Command Attorney's Officer to HaMoked:

"On 8 December 1995 an IDF force guided a military supply vehicle to the command of the unit. The date of the redeployment of the IDF out of the city was close and there were numerous riots. Close to the cemetery, the soldiers encountered a barrage of stones and bottles. An escort jeep was left at the spot and the soldiers got out and shot in the air. When they continued driving, the rock throwing continued and several gas grenades were also thrown at them. The force responded with fire. The commander of the force noticed three residents and assumed that one of them intended to throw a grenade at them. He ordered the commander of the vehicle to stop and while stopping the vehicle he shot three bullets toward the alley in which the suspect was seen.

As a pathological examination was not conducted, it is not possible to know whether the injury to the deceased was caused by the bullet or a ricochet from the nearby wall.

The firing in the previous stages was permissible in view of the massive throwing of rocks, gas grenades and the subjective feeling of the officer concerning danger to the force and in light of suspicion of throwing a grenade, the second firing was also found to be permissible.

With this, the attorney has ordered the trial of the commander of the force for not giving medical treatment to the injured..."

File number 9966

On 15 February 1996 the Shahatit Madura family, of the Hebron region, received a notice concerning the killing of their son in the Megiddo Prison. The body of the deceased was sent for a pathological examination. The State accused three other detainees in the prison of the murder, claiming they had brutally interrogated the deceased for several days in light of their suspicion that he was collaborating with the Israeli authorities. In the charges filed against them it was written that the deceased yelled for help, and that the suspects in his killing beat him "until the steel beds in the cell shook."

In addition, it was listed in the charges that during those days of interrogation, when he was taken out of the cell several times to the bathroom, "the deceased was unable to stand up on his legs and required the support of the suspects in order to reach the bathroom, which was located only a few meters from his cell."

Megiddo is a military prison, under the responsibility of the IDF.

Border Patrol Police Violence

During the second half of 1996, the Israeli television network aired a home video which documented the degradation by border patrol officers of Palestinians near the A-Ram checkpoint in North Jerusalem.

The viewing of the video sent the Israeli public into shock. Even prior to this, in the middle of 1996, HaMoked sent letters to the Commander of the Border Patrol Police, Israel Sadan, and to the Minister of Internal Security, Avigdor Kahalani, calling for an improvement in the behavior of the border police in the area of Jerusalem. From the complaints which flowed into HaMoked, there rose a the suspicion of severe violence and uncontrolled sadism toward Palestinians, with no appropriate and public reaction of those responsible for the border police.

Even Attorney Aran Shender, Director of the Unit for Investigation of Police (UIP), which investigates police officers suspected of violence toward citizens, justified this suspicion in an interview published in the Hebrew-language newspaper "Haaretz" on 10 December 1996: "In 1996 the UIP opened 264 files against border police officers for the use of force in the course of their duty, and of them it was decided to try 35 officers (against 21 were initiated court proceedings and against 14 were submitted charges in a disciplinary court), 58 files were closed as the UIP did not succeed in documenting the details of the complaint, 43 were closed due to lack of evidence and 25 were closed due to the innocence of those involved. The additional files are still under investigation." Attorney Shender further noted in this interview: "...this behavior (of the border police) is a testimony that the blood of Arabs is cheap..."

The following are the details in several of the complaints received by HaMoked in 1996 concerning violence of border police officers:

File number 10032

In June of 1996 at approximately 7:00 a.m., border police officers arrived at a home in Jerusalem, where some family members were still sleeping while others had just awoken. The officers called for two of the sons (aged 17 and 19) to come outside with their identity cards, and they were then placed on the jeep. The beatings began in the jeep, during the trip.

As they drove another border police jeep approached them. The soldiers in the two jeeps began talking, and a soldier in the jeep containing the two brothers announced that they had caught boys with West Bank identity cards and were going to beat them. The soldiers invited those in the other jeep to participate in the beating, but the others refused.

The jeep turned down a dirt path, empty of people. One of the soldiers announced that "Bibi (Netanyahu) is now in power," and began to beat the elder brother, using blows and kicks to all parts of the body while the Palestinian was helplessly lying on the ground. The younger brother was beaten with chains held by one of the soldiers; a later hospital examination proved that his right ear drum was punctured.

The two were ordered to leave the area, as the soldiers only had "half an hour" for them.

A complaint was immediately sent to the UIP. The soldiers involved have yet to be located.

File number 10721

In December 1996 the complainant (aged 24), his brother (aged 14) and cousin were in Jerusalem on their way to medical treatment for the complainant at the Mukadad Hospital (the treatment was required due to a work-related accident during which he fell out of the third floor of a building in which he was working). A border patrol officer and municipal officials arrived at the place of their whereabouts, close to the Damascus Gate of the Old City in Jerusalem, in order to confiscate vegetables and fruit. When the three saw them, they ran from the area.

The 14 year old was caught by the officer, who immediately began to beat him on the hands and feet with the butt of his weapon.

The boy lost consciousness. The violent officers hurriedly got into their vehicle in order to get away from the area. The brother and cousin blocked the vehicle and luckily an additional officer arrived and ordered the two border police officers to report to the nearest police station, to which the UIP investigators quickly arrived and took statements from the officers and the victims. The boy was hospitalized, where his numerous cuts were stitched. The conclusions of this investigation have yet to be received by HaMoked.

File number 10056

In June of 1996, in the early morning hours, a 19 year old complaintant was caught by the border police officers in the building sites on the outskirts of Jerusalem. The complaintant did not have an entry permit into Israel and was there in order to earn his livelihood. Immediately while his identification card was being inspected, he was beaten and then put on a jeep. The trip began and with it the harsh blows. After approximately 20 minutes of travelling through a forest empty of people, the officers took him out of the jeep and began to beat him with sticks while he was laying-at their command-on a rock, with his hands and legs spread. At first the commanding officer stayed in the jeep and watched, but he later joined them in beating the complaintant on all parts of his body with a stick. One of the sticks broke on the body of the complaintant. The complaintant lost consciousness. He was found by a Bedouin, who took him to his tent and gave him water. He later arrived at the hospital for treatment and discovered that his money was gone. The four officers were caught, and on 20 November 1996 charges were brought against them in court in Jerusalem.

5. Compensation

During 1996, HaMoked submitted 41 compensation suits, of them 24 petitions to court and 17 petitions through administrative means.

Compensation and Returned Money which was Paid in 1996

File number 8385

In the early morning hours of 29 June 1995, IDF forces surrounded the neighborhood of the complaintant, announced a curfew and ordered all the residents of the neighborhood to immediately leave their homes. The young males were arrested. The women and children were removed to an area far from the neighborhood. The soldiers uprooted all the trees in the neighborhood and exposed the body of a wanted person. Then began the demolition off two of the homes in the neighborhoods, one of which was that of the complaintant. The house was completely destroyed with all of its contents while the complaintant, still in her pajamas, was in a remote area and not aware of what was occurring. The owners of the houses were not given any advance warning and they were not permitted to remove any objects from the homes prior to their destruction. Afterwards, the complaintant lived with her family members in a tent supplied by the Red Cross.

The Military Attorney's Office announced that the entire action was intended to capture several wanted persons and as it was an urgent military action, needed to protect human lives, it was not possible to give advance warning of the planned demolitions: "...the destruction of homes was not intended to kill Tahar Kapisha (the wanted person), but to prevent damage and danger to the fighters who were hiding in homes in the area."

Compensation for the destruction of the home was received in August 1996.

The IDF refused to pass on to HaMoked the security investigation which was conducted concerning this incident.

File number 632.3

In April 1989 three residents of the Dohaisha Refugee Camp were shot to death. Amad Karaka was shot on 15 April 1989, Naser Alkasas on 16 April 1989 and Rupida abu Laban on 17 April 1989.

HaMoked dealt with and is currently dealing with two of these cases of death: The matter of Rupida is currently in court.

The matter of Naser Alkasas:

In a letter from the Military Attorney from 13 April 1990, it was noted that "...the deceased and additional youths were throwing stones at IDF soldiers. During the attempts to calm the situation, several of the youth and soldiers met face to face. The deceased threw a stone toward the soldiers and began to run away. In light of the fact that one of the soldiers, an officer at the rank of captain, felt threatened, he fired a plastic bullet at the legs of the deceased, who was injured and ran from the place. In light of the circumstances of the event...the attorney has decided to close the investigation file without taking any legal actions against the soldier who fired" (our emphasis). The problems with this decision may be seen in the two different versions of when Naser Alkasas ran away.

A witness to the event argued that Naser Alkasas was shot in his back on the left side, and not in his legs. It should be noted that this event occurred as Naser and his friends were returning from a consolation visit to the Karaka family, whose son was killed the previous day.

On 30 October 1995, the Complaints Officer at the Ministry of Defence wrote to HaMoked that "from a reading of the investigative evidence gathered in this matter, it is apparent that the deceased was killed while he was in a group of youth which threw rocks at IDF soldiers. However, and without admitting our responsibility in the event, we are prepared...and solely out of humanitarian considerations, to pay compensation in the amount of NIS 15,000.

In the wake of additional correspondence and contacts, a check in the amount of NIS 25,000 was sent.

Naser Alkasas was 16 years old at the time his death.

File number 2646 + 2785

On 22 December 1991, a group of soldiers conducted a search in various homes in the Kalandia Refugee Camp. In two of the homes, the soldiers stole money during the search. On the same day, the two families complained about the theft at the nearby army camp.

In addition, they filed complaints with the police and the Civil Administration.

One soldier was convicted of the theft.

"Two additional soldiers were not made to pay compensation as in reality they did not steal but received part of the amount which the first suspect admitted to stealing," wrote the Central Command Attorney to HaMoked on 7 February 1993. Only part of the money stolen was returned to the families. In 1996 the entire amount was returned to the families.

File number 4063

In 1991, the complainant was detained and sentenced due to his membership in an illegal organization. Three days after his arrest soldiers arrived at his family's home, conducted a search and confiscated his Jordanian passport. The Assistant to the Legal Advisor of the Civil Administration wrote to HaMoked on 8 August 1993 that "...the passport was not found in the Hebron region and was apparently not transferred by the soldiers to the Civil Administration. It is not possible today, given the length of time that has passed, to examine the validity of these contentions...and it is not possible to check with the security forces, given the high turnover rate on the ground."

On 21 November 1993 the same assistant to the legal advisor wrote: "...possibly the fact that it is not possible to locate the passport of your client demonstrates the defective manner in which the residents of the region act, in which they complain about acts perpetuated against them after a long period of time following the event? Or they find a way to finance their own negligence by unfounded complaints?"

In a letter from 28 July 1994 from the Office of the Legal Advisor it was noted "...his passport was not located...and there is no evidence that it was transferred to the Civil Administration...we do not find cause to compensate your client." The request for compensation was denied an additional time on 10 January 1995.

In November 1995 a petition was filed with the court in Jerusalem. In June 1996 compensation was received.

File number 6777 + 1324

On 25 February 1990, soldiers in Hebron broke the windshield of the car of the complainants. A complaint was submitted by one of the complainants with the Hebron police on that same day. The police transferred the complaint to the UIP. A UIP officer interrogated the complainant close to the time of the event, but in September 1991 the Central Command Attorney notified HaMoked that the event was not investigated by the UIP and despite this, the first request for compensation was rejected with the argument that the damage to the cars was due to "the throwing of rocks of local people."

On 1 December 1996, compensation was received from the Ministry of the Defence.

File number 1246

On 20 January 1990, soldiers arrived at a home to arrest one of the family members. The soldiers conducted a thorough search of the home and then left.

After they left, the family discovered that two gold bracelets had disappeared.

The police refused to accept the complaint. With the intervention of HaMoked, the complaint was filed with an investigator of the UIP, but the Military Attorney decided to close the file as "the operational material was not saved

after the search and accordingly...it is not possible to discover the suspects of the theft..."
In August 1996, a check was received from the Ministry of Defence, "without admitting responsibility."

File number 6984

In November 1994 the family members of the complainant worked in picking olives in their grove and in the end the olives were loaded on a vehicle, on their way to a warehouse. This vehicle also contained the olives of neighboring groves. Officials of the Agricultural Authority halted the vehicle and confiscated both it and the olives, as the driver did not have a sending certificate.
In March 1996, a check arrived for the complainant from the Olive Authority, which covers only the cost of the confiscated olives. HaMoked insists that the Olive Authority also cover the other costs and the losses caused to the complainant due to the confiscation.

File number 1257

On 19 January 1990, soldiers arrived at the yard of the complainant and beat his twelve year old son. The father, who tried to stop them, was also beaten and later required medical treatment in a hospital. The mother of the child and his sisters were also beaten.
The State Attorney's Office appointed an investigating officer. In May 1991 HaMoked was notified that the file was closed as the soldiers involved were not located.
In a letter from 12 February 1996 from the Unit of Complaints in the Ministry of Defence, it was noted that "the complaint...was thoroughly examined...and we did not find anything which points to the responsibility of the IDF in the incident."
The check for the complainant was received in June 1996.

File number 3375

The complainant, a resident of the West Bank, is married to a resident of Jordan. In the early 1990's there was no family reunification policy concerning persons in this situation. In 1992 HaMoked petitioned on his behalf to the High Court, a petition which would assist hundreds like him on the West Bank. A primary arrangement was reached at the end of 1992, by which the non-resident spouses would be permitted to remain on the West Bank through a visitation permit which would be renewed every six months.
However, the Civil Administration did not honor this agreement in the case of the complainant and when she left the West Bank for Jordan to visit her parents, she was not permitted to return.
A primary inquiry with the Israeli Civil Administration in this matter was sent on 23 August 1993. In a telephone response, it was noted that she would be permitted to enter but on 25 October, when she attempted to do so, she was not allowed to cross the bridge into Israel. The woman entered the West Bank only in December 1993.
In June of 1996 a check from the Ministry of Defence was received by the woman.

File number 6254

In April of 1994, soldiers set themselves up on the roof of the home of the complainant in Hebron. The soldiers were on the roof both during the day and at night and only in February 1995 were the owners presented with a legal order for use of the roof. The soldiers created a difficult

situation, making noise, littering, urinating from the roof, breaking water containers and more. In addition, they used electricity taken from the home of the complainant.

On 5 November 1995, the Military Prosecutor wrote in the name of the Central Command Attorney that "...in light of the discomfort created...due to the presence of the soldiers on the roof, the army has taken various steps to lessen the damage as much as possible...the soldiers stationed on the lookout point receive instructions concerning the behavior expected of them..."

In 1996 a check was received to cover the damage to the water containers and the army's part of the use of electricity. The family is not willing to receive money from the army for the use of their roof.

File number 6151

On 26 April 1994, four soldiers and an officer arrived at the land of the complainant and cut down eight olive trees. The complainant is a farmer whose livelihood depends on the produce of the land. The complainant was not told of the intention to harm the trees and he was also not told the reason for doing so. In March 1995 a letter from the Complaints Officer of the Civil Administration was received which explained that the trees were chopped down for "military purposes."

According to an estimation made by an army evaluator, the Civil Administration was willing to compensate the complainant in the amount of NIS 1,500. HaMoked sent an estimation of its own.

In September the complainant received a check for NIS 10,500.

File number 811

On 23 July 1989 a Jewish settler and soldiers entered a family home in search of a woman who, according to them, had thrown a stone at the settler. The entrance into the home was accompanied by the beating of all family members, including women and elderly. The soldiers fired at the father of the family and injured him in the leg. The man required extensive medical treatment due to this injury. One of the women of the family, also beaten, was pregnant and on the next day she was hospitalized due to a miscarriage. An investigation was begun and in October of 1991, an attorney with the Central Command announced that despite their efforts, it was not possible to locate the soldiers who were supposedly involved in the incident.

In May of 1996 HaMoked received a check for the complainants with a letter noting that compensation was made "without admitting the responsibility of the IDF in the incident."

File number 2044

The complainant was arrested on 14 April 1991 by soldiers from a unit stationed near his home, and was tried for possessing an illegal placard. He was released from prison on 24 April.

On the night he was released, three soldiers from the unit which had arrested him arrived at his home and conducted a violent search during which they broke various objects and confiscated papers. The complainant was not at home at the time, so the soldiers told the family to pass on to him their threats. It must be noted that at this time HaMoked received numerous complaints concerning soldiers from this unit.

On 17 July 1994, an attorney of the Central Command wrote that despite various examinations, it was not possible to locate the soldiers involved, "and recently we have been informed that the file...has been lost..."

In 1996 a check was received from the Ministry of Defence.

File number 2731

A resident of the West Bank was legally in Israel for work purposes and held an entry permit into Israel. Despite this, the police arrested him for illegal entry. After two days he was transferred to the Civil Administration in the city of Ramallah and obligated to sign a form promising payment of a fine or the conduct of a trial. Only then was he released. HaMoked immediately turned to the authorities in this matter, but received no reply. In the meantime, the man was not able to work - the Civil Administration explained to him that a new work permit and permit to remain in Israel would be given to him, if at all, only after he pays the fine. With no other alternative the man paid the fine and received a new permit.

In September 1993 a letter from the Legal Advisor of the Civil Administration was received by HaMoked which explained that while the man did possess a valid permit to work and be in Israel, he "was arrested in the center theater, where he was not permitted to be" (the intention is to a movie theater in Tel Aviv).

The amount of the fine was returned to the complainant already in 1993. However, HaMoked demanded that the man receive compensation for false arrest.

The Ministry of Defence wrote to HaMoked in April 1995 that the demand to compensate the complainant was rejected as he "was arrested in the central movie theater, where he was not allowed to be."

In October 1996 a check arrived from the Ministry of Defence.

File number 1242

The complainant, a resident of Hebron, and his family suffered from a series of harrassments and brutal behavior by IDF soldiers for a month, from 19 December 1989 and onwards. During this time, one of the family members was beaten so hard by the soldiers that he required hospitalization. HaMoked turned in the beginning of 1990 to the Attorney of the Central Command with a demand to investigate these events.

In the beginning of 1991, the Attorney of the Central Command replied that he is "attempting to locate the proper direction in this investigation."

In July 1991, HaMoked turned to the State Attorney in order to finally receive the findings of the investigation.

The attorney for the Central Command wrote that "Examinations have been made...in order to see whether the subject has been investigated, but we have not succeeded in locating findings attesting to the conduct of an investigation in this subject...today I have decided to attempt and examine this matter...Upon receipt of the findings of this examination I will notify you."

On 20 November 1991 the attorney wrote "...it is not possible today to locate the soldiers involved in the searches which were conducted in the home of the complainant."

In July 1996, a check for the complainant was received.

File 550

For an entire year, from 1988-1989, the family members of the complainant suffered from brutal behavior of soldiers who often arrived at their home, conducted violent searches for a wanted family member and broke everything in their path.

The father of the family was arrested three times in order to induce him to turn in his son.

At the demand of HaMoked, a military investigation committee was formed. As the findings of this investigation were not received by May of 1991, HaMoked petitioned the High Court on behalf of the complainant in order to receive these findings.

In June 1991, HaMoked was notified that the file on this case was finally located.

In July 1991 the Attorney of the Central Command wrote to HaMoked that there was no support for the claims of the complainant against IDF soldiers, and at the same time there were suspicions against other arms of the security forces.

In 1996 a check for the complainant was received from the Ministry of Defence.

File 205

On 14 November 1988, soldiers burst into the home of the complainant in Hebron and beat family members, including six year old Tahani and eight year old Bilal. The complainant's wife was also beaten, although she explained to the soldiers that she was pregnant. She had a miscarriage before the soldiers' eyes. On 3 May 1989 the Attorney for the Central Command wrote that "the complaints have been transferred to the Central Commander so that he may appoint an investigative committee in the matter."

On 3 September 1991, the Attorney for the Central Command wrote: "The examination which I conducted...did not succeed in locating the actions taken in this matter."

In the beginning of 1992, the complainant requested that HaMoked discontinue its treatment of his complaint as his attempt to leave for Jordan had been refused by the authorities, and he feared the reaction of the army.

In 1994, when HaMoked began dealing with the issue of compensation, the complainant expressed his desire to continue treatment.

In December 1996, compensation was received by the complainant.

File number 4254

The complainant is a herder. On 4 April 1993, a military vehicle approached the area in which he was located, and he and the two children with him ran away in fear. The military vehicle ran over three sheep and injured others. The vehicle was marked with a large "B19."

The complainant filed a complaint with the Civil Administration and the police.

On 18 October 1993, an officer from the traffic police wrote to HaMoked that a file has been opened and a copy was sent to the army on 25 June 1993.

On 24 November 1993, the Central Command Attorney wrote that "It was not possible to know if a military vehicle was involved in the incident..."

In an additional letter from 29 March 1994, the Central Command Attorney wrote "...no documentation of an accident involving a military vehicle in the relevant time and place was located...Accordingly, it is not possible to find even

the beginning of a lead for the conduct of an effective investigation...It is obvious that in this situation, it is unreasonable to conduct an investigation of all vehicles in the State of Israel or the army which answer to the description provided by your client...the marking B19 is not unique to specific vehicles..."

On 11 April 1994 the attorney wrote "I am of the opinion that the investigation in the relevant case has been completed."

On 26 June 1995, a letter from the Complaints Unit of the Ministry of Defence was received which read: "...the file which was opened in the wake of the complaint of your client was closed as the offender was not located, and the Command Attorney also closed the file under similar circumstances...we reject your demands."

The check was received from the Ministry of Defence in June 1996.

File number 4217

On 17 June 1993, residents of a Jerusalem neighborhood were burning weeds and garbage. Border police officers arrived at the place to discover the source of the smoke. At this time the officers beat the head of an eleven year old boy on a rock fence. The front teeth of the boy were broken.

The UIP commenced an investigation and in the end they decided not to try the officer due to his lack of guilt.

In 1996 the police decided to compensate the child.

File number 2942

On 17 April 1988, a military force arrived at the home of the complainant in order to arrest his son. The elderly father attempted to prevent the arrest, and an officer shot him with a rubber bullet which injured his right eye. The man lost his sight in the injured eye. The man's left eye was also injured and he suffered from facial trauma. The elderly man was hospitalized in the wake of this injury.

The complaint was received by HaMoked in 1992, which immediately began to deal with it.

In July of 1993, when no relevant answer had been received by the military authorities, HaMoked turned to the State Attorney with a request to order the military attorneys to send HaMoked the findings of the investigation.

On 10 May 1994, the Military Attorney wrote that "The available details are not enough to warrant the opening of an investigation, especially given the amount of time which has passed since the event."

The check was received in 1996.

File number 2476

In 1989 the IDF established an observation point on the roof of the home of the complainant. The soldiers were located at the observation point during various times. The soldiers went up to the roof through the home of the complainant, at all times of the day and night. During the treatment of this case, a debate was conducted concerning the legality of the observation point, as it was first established without an order; the army notified that the observation point was legal as the soldiers did not use it all the time. HaMoked demanded the opening of an investigation concerning the crass behavior of the soldiers, but the appointed investigator did not locate the soldiers involved.

Compensation was paid for the use of the roof, damages caused by the soldiers and the breaking of the finger of the complainant by the soldiers during an argument.

File number 3106

The complainant held a valid work permit when he was arrested by soldiers who argued that his permit was forged. He was held for two days and in the end was told to pay a fine for illegal staying in Israel or to stand trial for this offence.

HaMoked turned to the authorities and announced that the complainant will stand trial.

A trial date was never given. The complainant - who in the meantime did not receive an additional permit - paid the fine and returned to work in Israel.

The police sent a check in 1996.

File number 737

In 1989 a team of border police officers detained Palestinians in a Jerusalem neighborhood. The officers demanded that two of the Palestinians undress in the street so that they could be searched. The complainants refused and were subsequently beaten, stripped and forced to sit, get up and walk around. HaMoked demanded that an investigation be conducted, and officers were convicted.

In 1995 HaMoked filed a compensation suit and in 1996 compensation was awarded.

File number 113

In 1988 soldiers entered the home of the complainant, rudely woke the family members, beat the young and locked the adults in a room. The complainant, a former police officer, called the police, who refused to come as "soldiers were involved."

In 1991 the IDF concluded its investigation and ordered that the case be closed as the incident occurred "during the implementation of a search for wanted persons and no evidence was found to support the claim that family members were beaten."

HaMoked demanded to examine the investigation material (which was received in 1994!) which included only a summary report-superficial, general and incompetent.

In 1996 compensation was received by the complainant.

File number 8010

The complainant, handicapped and in a wheelchair, left in a car with his permanent assistant for medical examinations in Israel. This occurred in 1995. Both the complainant and the driver had entry permits for Israel, but did not have one for the car. At the IDF checkpoint soldiers confiscated the identity cards of the two, who were forced to pay a fine.

For six months the handicapped complainant was not able to receive his identity card and was also not able to obtain a new one. Without an identity card, the Civil Administration did not agree to give him entry permits into Israel for medical examinations and treatment. With the intervention of HaMoked, he was given a new identity card and awarded compensation.

File number 2630

In 1991, the complainant was injured by rubber bullets fired by border police officers in the Old City of Jerusalem and was transferred to a hospital for treatment.

In 1993 the investigation file was closed with the argument that there was no evidence for a criminal act by the officer.

HaMoked appealed the decision to close the file. The appeal was denied, with the argument that the shooting was justified.

In 1995 a petition was filed with the court.

In 1996 compensation was awarded.

File number 7803

In 1995 the complainant went to the canteen of the detention center in Jerusalem in order to purchase goods for his daughter living in an area under curfew, and was requested to push his identity card under the door so that he could be listed in line; this was the standard procedure of the canteen at this time. The identity card was never found.

In 1996 the police noted that this procedure has been cancelled and compensation was awarded to the complainant.

File number 1131.2

In 1989 the complainant was shot in a street of Hebron with rubber bullets by soldiers. HaMoked immediately demanded that an investigation be conducted.

In 1991(!) the investigation had yet to be commenced.

In 1996 compensation was given to the complainant.

File number 4513

The complainant, a resident of the West Bank, went abroad in 1991 but when he attempted to return, his entry was prevented by the authorities.

The family turned to HaMoked at the end of 1993.

HaMoked examined the situation with the authorities and found that the reason for the prevention his entry was an "administrative error."

The complainant returned to his home in the West Bank at the beginning of 1994.

In 1996 he received compensation.

File number 4677

In 1993 soldiers established (without a legal order) an observation point on the roof of a family home in the Kalandia refugee camp. The behavior of the soldiers was hurtful and degrading. A complaint was filed with the police two days after the establishment of the observation point.

Ten days later, HaMoked sent a complaint to the Central Command Attorney concerning numerous additional events examples of the behavior of the soldiers. The attorney justified the observation point as an operational need.

In April 1995 a compensation suit was filed in court and in 1996 the court awarded damages to the complainant for the holding of the roof until 1993.

The roof is still being held by the army. HaMoked continues to treat this case.

The amounts of money paid in the aforementioned cases ranges from NIS 300 to NIS 180,000.

It must be noted that the filing of a compensation suit is the last stage in the treatment of HaMoked of a complaint.

6. Freedom of Movement

The first half of 1996 was characterized by a drastic reduction in the little freedom of movement which had previously been permitted in the territories. At the end of February, at the beginning of the wave of attacks, the existing closure of the territories was strengthened and all existing entry permits into Israel were cancelled. Even the

easings of the closure, which came at later stages, did not improve the situation as the majority of them dealt with the economy-the entrance of workers, traders and goods. The non-resident spouses of Israelis or residents of East Jerusalem are still not permitted to leave the territories and live with their spouses and children. Students are not permitted to enter Jerusalem for studies, and students from the Gaza Strip are not allowed to travel to the West Bank for studies. There were also several cases of death resulting from the blocking of the passage of women in labor to hospitals. In light of the overall policy of a total closure, HaMoked was generally not able to assist Palestinians, except in "emergency cases," and "regular" requests which had been dealt with by HaMoked as of February 1996 were frozen by Israel.

In addition to the "external" closure, which has been in effect in the territories since 1991, an "internal" closure was imposed in March 1996 which prevented movement between and among villages of the territories. The internal closure lasted for ten days (several areas were closed for much longer periods) and completely upset the normal course of life, including the transport of goods, the sick and the connection between family members. The use of curfews was also widespread, occasionally for long periods of time.

The arrangements for "safe passage" which were determined in the Oslo agreements between the West Bank and the Gaza Strip were not implemented again in 1996. The closure of the Gaza Strip includes the forbidding of entry to the area, including for persons who are residents of Israel and East Jerusalem who want to enter Gaza to be with their spouses. During the first part of the closure, in March 1996, it was not at all possible to obtain permits to enter Gaza.

Leaving for Abroad

The Oslo agreements did not alter the status of the West Bank and Gaza Strip as closed military territories, the entry to and exit from which are determined by the consideration of the Israeli military commander of the area.

121 persons turned to HaMoked for assistance in leaving for abroad in 1996, after their request was denied or they were not permitted to cross the various border points. As of the end of 1996, the position of the authorities concerning these 121 cases is as follows: 77 of the requests were refused; 2 of the requests were permitted with the agreement that the Palestinians would agree in writing not to return to the territories for several years, 33 requests were permitted and 9 requests have yet to be answered. In addition, HaMoked continues to advocate on behalf of 35 additional persons who requested assistance prior to 1996, but as of now have yet to receive a response from the Israeli authorities.

It should be noted that the vast majority of requests for assistance were to leave for Jordan. The authorities are even stricter concerning persons who wish to leave Israel from the airport. In general, the exit through the Ben Gurion airport in Tel Aviv is not permitted for residents of the territories.

Entry Permits into Israel

26 requests for help were received by HaMoked in this area in 1996, the majority toward the end of 1996, when the closure was eased a bit. The following is a breakdown of the reasons for wanting the entry permits:

- 3 Entry to Israel for studies
- 11 Entry in order to visit family members in prison
- 2 Entry to receive a visa from a foreign consulate or to go to the airport
- 8 Entry to visit family members living in Israel
- 2 Work

As of the beginning of 1997, HaMoked succeeded in solving the problems of 12 of these cases.

Organization Report

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- * Mr. Yossi Schwartz, Chairperson of Board, former HaMoked director
- * Mr. Victor Lederfarb, Treasurer, economic advisor, MA in business administration
- * MK Professor Naomi Chazan, member of Knesset, Professor of Political Science at the Hebrew University in Jerusalem
- * Ms. Rachel Waglash, nurse
- * Mr. Ala Hatib, Director of medical center in the city of Tira, former director of HaMoked
- * Ms. Tagrid Jahshan, former attorney for HaMoked, current legal advisor to the Israeli Women's Network and "Women on behalf of Female Political Prisoners"
- * Professor Frank Stewart, Hebrew University of Jerusalem, Islam and Middle East Studies

Staff of HaMoked

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- Ms. Rimonda Mansour, Administrative Assistant
- Ms. Zahava Cohen, Administrative Coordinator
- Ms. Maisa Hurani, Client Intake Coordinator
- Ms. Maha Hatib, Client Intake Coordinator
- Ms. Ilana Noah, Authority Follow-up Coordinator
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