

**HaMoked: Center for the Defense of the Individual**  
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**1995 ANNUAL REPORT**

From January through December of 1995, HaMoked advocated on behalf of 1978 cases. Throughout 1994, HaMoked advocated on behalf of 1913 cases.

**CASES BY SUBJECT**  
January 1 - December 31, 1995

Subject	Number of Cases	Percentage of Total Cases
Location of Detainees	1376	69.6%
Residency/West Bank	115	5.9%
Residency/Jerusalem	54	2.8%
Exit Permits	102	5.2%
Entry from Jordan to the West Bank	22	1.2%
Entry Permits to Gaza	24	1.3%
Entry to Israel	156	8.0%
Violence	32	1.7%
Missing Persons	0	0.0%
Property Damage	6	0.3%
Other*	61	4.0%
Total	1978	100 %

\* Other subjects include prison visits, 29 cases of identity card confiscation, the return of corps, Civil Administration workers' benefits, administrative fines, change of address, health insurance benefits for East Jerusalem residents, etc.

**Prisoner and Detainee Rights**

**A. Location of Detainees**

In 1994 there were 996 tracing requests, over 200 of these from Gaza. In comparison, for the whole of 1993, 440 new tracing requests were registered.

In 1995, 1376 new tracing files were opened, although the actual number of detainee tracing requests amounted to 2111 (a new tracing request for a person who was traced in the past is registered through his old file).

These numbers illustrate that the IDF has still not evolved satisfactory procedures for the notification of detainees' relatives -

the sole existing solution remains HaMoked, and this despite the clear letter of military regulations. As a consequence of this disregard of military regulations, HaMoked has had to expend great efforts in order to trace each detainee, whether in transit detention centers, permanent ones, military, civilian or police detention centers. In view of this, HaMoked turned to the State Prosecutor's office in March of 1995, lodging a detailed, extensive complaint against the tracing policy.

In September 1995, HaMoked, together with the Israeli Association for Civil Rights, petitioned the High Court on this issue (see High Court petitions section below).

**Table of detainee tracing requests by regions/years up to 31.12.95:**

	1988	1989	1990	1991	1992	1993	1994	1995	Total
Nablus	2	10	5	6	5	32	45	107	
Tul Karem	0	4	9	4	1	21	42	88	
Ramallah	31	132	101	55	35	75	102	109	
Jerusalem	24	61	37	35	36	56	98	66	
Bethlehem	32	110	56	29	26	59	218	396	
Hebron	10	34	7	9	1	63	295	553	
Jenin	0	4	2	6	1	9	9	19	
Jericho	3	5	3	1	0	0	1	4	
Other	0	6	2	2	3	2	1	4	
Gaza	0	1	2	4	3	123	182	27	

3779\*

\*Does not include new tracing requests of persons sought in the past.

There have been drastic changes in the tracing of detainees category in the context of IDF redeployment - all of the permanent IDF detention facilities in the territories have been evacuated, with only temporary facilities, holding detainees for up to a few days only, remaining. Detainees are being transferred to Israel - in contravention of international law, which forbids the transfer of residents of occupied territory into that of the occupier.

Consequently, most of the tracing today is done through the police and the prison services, which are better equipped at giving out information than the IDF. Neither today, however, does the Palestinian detainee receive the elementary right to a phonecall, the right to inform his family of his arrest and whereabouts. In spite of the fact that detainees are being held in Israel, the IDF is still responsible for their safety and welfare, as the main force responsible for security in the territories.

There is no doubt that the number of IDF arrests shall decline significantly, since area A of the redeployment, that of the large urban populations, will no longer be under IDF jurisdiction. In area B, under joint PNA - IDF jurisdiction, the number of arrests should decline as well. In area C, under IDF control, the number of arrests will most probably remain the same.

As stated above, HaMoked is today the main address for the tracing of detainees. In response to the developing situation, however, HaMoked has decided to expand its advocacy on behalf of detainees beyond the initial step of tracing, whether in cases of denial to meet with an attorney, or in cases of torture. Since most detainees are being held in Israel, the majority of West Bank lawyers are effectively barred from representing them, during the first critical days of arrest. Very few West Bank lawyers have entry permits into Israel, while all entry

permits lose their validity during times of closure. Furthermore, only attorneys registered in Israel may petition the High Court, while Israeli attorneys' fees are much higher than in the West Bank.

In view of the above, HaMoked has decided to attempt and provide fast-response legal services to detainees under GSS interrogation in Israel. For HaMoked's advocacy in these cases to date see High Court Petitions section below.

## B. Torture

Three proposed legislations, which are soon to be brought before the government, deal with the rights of suspects and detainees. Human rights organizations have coordinated joint action in opposing certain clauses of the proposed legislations and pressuring for compliance with human rights standards, as well as international law.

1. The GSS law - the official draft of this proposed legislation has not yet been published. According to press reports, the legislation deals with patent regulations, governing investigative authority, which are to remain classified. The debate on the proposed bill is to be classified as well. These proposed regulations are to provide a legal basis for the use of violence and intimidation during investigations, violating the body and the dignity of the interogatee. The classified nature of these regulations will preclude any judicial review.

The coalition of human rights organizations opposes patent clauses in GSS legislation, which authorize the GSS to violate the body and dignity of the interogatee, affording it immunity from criminal prosecution.

2. Bill against torture - the international covenant against torture, of which Israel is a signatory, states explicitly that no extenuating circumstances, such as a state of war, the threat of war, internal political instability, or any other emergency situation permits the use of torture. The carrying out of orders of either a superior or of any public authority does not constitute a justification of torture.

The proposed bill is to reflect Israel's signing and ratification of the International Covenant Against Torture in its legislation. We demand that the proposed bill include a definition of torture compatible with that of the covenant and its rigorous application. We consider the proposed legislation on torture to provide an historical opportunity not to be missed, yet we oppose the draft's definition of torture as severe physical or mental pain or suffering, except for the pain or suffering inherent in the nature of the investigation process or lawfull punishment itself.

The above clause, in our estimate, allows potential amendments, which will legalize torture. We prefer no legislation at all, to a bill, which contravenes the Covenant Against Torture.

3. Admissibility of evidence - convictions based entirely on the suspect's statement, the right to a new trial - these are the central issues of the third proposed legislation. Although the Knesset committee, drafting this bill, has made a number of valuable suggestions, regulating the interogatee's rights during an interrogation, here too, we fear suggestions conducive to legalized torture. We support a proposal by a number of Knesset members, which would constitute any statement, derived by violent means, inadmissible as evidence.

**Table of complaints by subject/month:**

Month	Property	Administrative	Violence	Tracing	Other	Total
1/95	2	68	3	118	5	196
2/95	0	42	4	114	1	161
3/95	1	62	4	119	1	187
4/95	0	40	1	104	2	147
5/95	0	21	1	93	3	118
6/95	0	54	0	88	1	143
7/95	0	33	2	137	2	174
8/95	1	38	4	111	3	157
9/95	0	41	5	74	2	122
10/95	0	37	4	127	5	173
11/95	2	43	2	140	11	198
12/95	2	30	2	129	9	172
<b>Total</b>	<b>8</b>	<b>514</b>	<b>32</b>	<b>1376</b>	<b>48</b>	<b>1978</b>

**1995 Administrative Complaints by month/subject:**

Month	Confiscation of I.D.	Exit Permit	Entry to West Bank	Family Reun.W/B	Admin. Fines	Entry to Israel	Other
1/95	4	3	2	36	0	22	1
2/95	0	3	0	30	0	9	0
3/95	0	9	2	23	1	24	1
4/95	0	9	1	12	0	15	4
5/95	1	4	1	7	0	7	1
6/95	4	11	5	10	0	15	15
7/95	2	9	1	14	0	6	1
8/95	2	14	2	10	0	9	1
9/95	6	11	2	9	0	9	4
10/95	3	9	3	12	0	8	2
11/95	5	11	1	5	0	20	1
12/95	2	9	2	1	0	12	4
<b>Total</b>	<b>29</b>	<b>102</b>	<b>22</b>	<b>169</b>	<b>1</b>	<b>156</b>	<b>35</b>

**GEOGRAPHICAL DISTRIBUTION OF CASES BY DISTRICT**

Nablus	175	8.9 %
Tul Kareem	149	7.6 %
Ramallah	193	9.8 %
East Jerusalem	220	11.1 %
Bethlehem	462	23.3 %
Hebron	671	34.0 %
Jenin	41	2.0 %
Jericho	9	0.5 %
Gaza*	48	2.3 %
Other	10	0.5 %
<b>Total</b>	<b>1978</b>	<b>100 %</b>

\* Gaza complaints: Entry to Gaza from abroad 3  
 Entry to Israel from Gaza 9  
 Tracing 26\*  
 Exit abroad 6  
 Other 4

\* For one of these see High Court Petitions-Torture and the right to meet with attorney

## SUCCESS RATE OF CASES BY SUBJECT

Subject	Resolved Successfully	Still Being Processed	Other Status*
Location of Detainees	1376 (100%)	-	-
Residency/WB/Jerusalem	37 ( 22%)	116 (68.5%)	16 (9.5%)
Exit Permits	30 ( 29%)	66 (64.5%)	6 (6.0%)
Entry from Jordan to West Bank	5 ( 23%)	15 (68.0%)	2 (9.0%)
Entry Permits to Israel	52 ( 33.5%)	98 (63.0%)	6 (3.5%)
Violence	2 ( 6.0%)	29 (91.0%)	1 (3.0%)
Property Damage	1 ( 16.0%)	5 (84.0%)	-
Fines	-	1 (100 %)	-
I.D. Confiscations	7 ( 24.0%)	22 ( 76 %)	-
Entry to PNA Jurisd.	12 ( 50.0%)	12 ( 50 %)	-

\* Other status indicates one of the following: a) that the case was ~~was successfully resolved without a hearing, or that the case was shelved~~ either by the applicant or by the authorities.

#### Entry permits to Israel

Since the Persian Gulf War, residents of the territories are required to obtain personal entry permits for Jerusalem and/or Israel. Each new closure of the territories brings in its wake new criteria for the issuing of permits.

Most of the requests in this category come from "divided families" (one spouse is a resident of Jerusalem, while the other spouse is a resident of the West Bank/Gaza), medical cases, students, teachers and students in East Jerusalem and others.

Breakdown of 156 entry permit requests, into the following categories:

Work	95
Study	13
Teaching	9
Medical	4
Medical Staff	2
Press	4
Vehicle Permits	3
NGO Staff	2
Other	9

#### Divided families - Civil Administration/Ministry of Interior

Until recently, residents of the West Bank married to residents of Jerusalem had to produce documents, proving that their domicile is in Jerusalem. Thereupon they would receive 3-months entry permits, allowing for overnight stay, unless the request was denied on security

grounds, "captian's" personal whim, denial of entry to Civil Administration building etc. In the wake of a meeting between the Coordination of Operations office and the ministry of interior, a new requirement was added: documents, proving that the applicant has applied for family reunification with the ministry of interior in Jerusalem. Since the declared waiting period for such applications is 6 months, those who have not received family reunification within this period are now being denied entry. HaMoked's experience shows that the ministry of interior office has still not processed applications dating from 1992 and 1993, a fact which makes the new regulation more than unreasonable.

On the 18.4.95, HaMoked sent a letter to Mr. Yosef Tov, director of the Population Administration Office of the ministry of interior, protesting categorically against the above-described situation. As a result, the two offices have met again, in order to address this issue. Yet recently, HaMoked has received Mr. Yosef Tov's reply, stating that the ministry is able to process all family reunification requests within the required 6-months period, except for Jerusalem, where the situation is "difficult". HaMoked had protested to Mr. Yosef Tov again, agreeing about the indeed "difficult" situation in Jerusalem, which is the source of the majority of requests, among them tens of HaMoked files opened in 1992-1993. The following are some of the difficulties, which divided families face, prior to approval of family reunification:

- \* In many cases, the Civil Administration does not issue the 3-months entry permits, in other cases, it issues permits without overnight stay, thus denying directly the right of families to live together.
- \* Men, residents of either the West Bank or Jordan, do not receive work permits (indirect denial of the right to live together).
- \* In 1994, the Municipal Board of Education had refused to register children of divided families in municipal schools. HaMoked had petitioned the High Court and the practice was changed. However, in the first half of 1995, HaMoked had still registered some complaints on this issue.
- \* Such children are not registered under the State Health Insurance Benefits Act, eventhough the law does not provide for any exceptions.

HaMoked has registered cases of families, where some children or mothers registered as Jerusalem residents are also registered as Jerusalem residents and do receive benefits as such, while other children of the same mothers are not registered and do not receive benefits.

The backlog of family reunification requests at the ministry of interior means that families are divided for prolonged periods (each closure of the territories invalidates entry permits), that families, whose parent is a foreign resident (Jordan) are forced to keep two family centers. Spouses not registered in Jerusalem are not able to work in Jerusalem and thus have to commute daily.

All of these difficulties are compounded for families, where the husband married to a Jerusalem woman is a resident of Gaza. Although regulations provide for 3 months entry permits for spouses of Jerusalem residents, this is denied to Gazans. HaMoked is at the present time exerting pressure on the authorities to extend this regulation to Gazan spouses as well. In the meantime, the authorities have replied that safe passages will soon be opened, which should provide some relief for divided families as well. Since the matter of safe passages, however, is not a new one, HaMoked demands an immediate solution.

## Entry permits for students intending to study in Jerusalem

In May 1995, HaMoked had obtained the new regulations, concerning student entry requests to Jerusalem: those who had study entry permits in the past shall be allowed to finish their studies. Those who studied without permits shall be denied. New students intending to register shall be denied entry permits.

HaMoked views this new regulation as one of the concrete steps, intended to carry out the government's proposed plan of separation, spearheaded by the minister for internal security. Although the plan has not yet been formally adopted by the government, the student regulation is one of its parameters, which is being applied in the effort of isolating Jerusalem and reducing its Palestinian population. For cases of student entry permit denials, see High Court Petitions section below.

## Residency/Jerusalem

In March 1994, the ministry of the interior changed its gender-discriminatory policy of approving family reunification requests, submitted by male residents of Jerusalem only, in favour of the domicile criterion and security considerations. In addition, the ministry declared that it shall review all past applications since the beginning of 1992, whether still in process or denied in the past. This apparent improvement, however, stands in direct contrast to the actual ability of the office to deal with the long list of family reunification applications already filed and will actually only exacerbate the suffering of divided families.

The Jerusalem office of the ministry of interior began to revoke residency status of people, who came in for various routine services, such as renewal of I.D. cards, exit permits etc. Paragraph 11 of the Law of Entry into Israel empowers the minister to revoke all permits, issued under this law. Although this ministerial authority is limited to individual cases only, it has been applied on a general basis. Paragraph 11c), which states that permanent residency of residents, residing in a foreign country shall be revoked, is the most relevant for Palestinians of East Jerusalem. Residency in a foreign country is defined by a) a sojourn of over 7 years, or b) status of permanent resident in that country, or c) citizenship of that country.

Historically, East Jerusalem has been connected integrally to the West Bank and thus East Jerusalem residents have naturally moved back and forth between the West Bank and Jerusalem. Today, this tendency is reinforced by the high cost of living in East Jerusalem, housing shortage, inadequate municipal services to Palestinian population and ~~permits then it's permits to work permits of refusals of family reunification~~

Although the confiscation of I.D. cards, with the ensuing loss of residency status, is lawful, the policy was carried out furtively, almost conspiratorially. The ministry had for years continued to treat East Jerusalem residents, residing outside of Jerusalem, as proper Jerusalem residents, entitled to all of the rights of this status. This policy was changed suddenly, without any warning or public declaration, without giving Palestinian residents any reasonable chance (a declared period of a year or two, for example), in which to re-establish domicile in Jerusalem, should they wish to do so.

The HaMoked initiated coalition of human rights organizations, active on issues of East Jerusalem residency, had brought its concerns to the attention of the new minister of interior. The ministry has denied the

existence of a deliberate new policy of Jerusalem residency revocations. Mr. Yosef Tov, of the Population Administration Office, maintains that there is no change of policy and that only several tens of Palestinians had their I.D. cards confiscated. He further maintains that altogether, there are about 20,000 Jerusalem residents living in the West Bank. The Quaker Service and Legal Aid Center puts the number at 40,000. The Quaker Service has petitioned the High Court, maintaining that the West Bank constitutes an administered territory, rather than a foreign country and that thus the policy is legally baseless; the petition is pending. The already severe backlog of family reunification requests at the ministry of interior has been added onto dramatically by the recent revelations of corruption at the ministry's East Jerusalem office. The office's routine processing has been suspended, along with its senior clerks, and its workings are currently under review. The coalition of human rights organizations, among them HaMoked, calls upon the ministry to formulate a clear policy on family reunification, based reasonable and fair criteria and open to public scrutiny.

### **Family reunification/West Bank**

In November 1992 HaMoked succeeded in extending and expanding a previous High Court agreement which has allowed thousands of Palestinian families to remain together without fear of expulsion by granting "long-term visitation" to non-resident spouses and minor children of residents who entered the territories by August 31, 1992. The success was the result of HaMoked's aggressive legal advocacy with 56 High Court petitions on behalf of over 350 Palestinian families - as well as the ground breaking Coalition with a broad spectrum of Palestinian and Israeli human rights organizations.

On 22.8.93, a State's Attorney announcement in response to 20 pending High Court petitions by HaMoked offered permanent residency to all those nuclear families covered by the 1992 agreement, with a promise of 2,000 applications annually in the future. Marriage for the first time became a sufficient criterion for granting family reunification. In December 1993, HaMoked initiated a legal document of the Coalition on the definition of the family in Palestinian society: the document demanded the reality of the "extended" family in Palestinian society, rather than the Western concept of "nuclear" family, determine the criteria for family reunification. The document was submitted to the Israeli and Palestinian delegations to the multilateral peace talks.

In February of 1994, HaMoked and other coalition partners met with the International Law Department of the Army regarding issues of family reunification yet unresolved. As a result of this meeting and several others following, it was decided to extend the High Court agreements to cover those spouses and minor children who entered the territories up to August 31, 1993, thus relieving them of having to leave before requesting family reunification.

Other main subjects agreed upon were:

- \* those visitors entering the territories by way of Israel would be treated the same as those who entered directly: regular six-month visitor permit extensions until permanent status arranged.
- \* the authorities recognized the Islamic law whereby marriage is valid from the signing of the marriage contract for purposes of being covered under the High Court agreement.
- \* retroactive fees from visitors covered by the High Court agreement for past periods would no longer be collected.
- \* the right of a six-month visitor to leave and return to the territories without having to pay fees in double.



- \* an answer would be given within three months time to all family reunification requests.
- \* if a family reunification request is rejected, a reason must be given and if it is due to the filling of the annual quota, this will be noted and request passed on to be considered the following year.
- \* the Civil Administration agreed to publish procedures on the process for family reunification requests which have been unpublished till now.
- \* the authorities agreed to review legislation restricting registration of children in the Population Registry in the territories.

In spite of the above-mentioned agreements, since March 1994 (date of the implementation of the new regulations), HaMoked has registered hundreds of complaints of violation of the High Court agreements.

Those presently covered by the agreements (those who entered, or married before 31.8.92), will have their family reunification requests processed according to annual quotas. In our estimate, there are thousands of such applications. Applications filed in 1994, some even in 1993 shall begin to be processed in 1996. Consequently, those applying now can expect a waiting period of several years. Those families not covered by present agreements shall have to spend this waiting period in enforced separation.

The following table presents annual family reunification request quotas according to regions:

Region	Spouse Quota	Humanitarian Quota	Total
Jenin	140	50	190
Nablu	150	50	200
Tul Karem	170	50	220
Ramallah	145	45	190
Bethlehem	110	40	150
Hebron	170	60	230
The Jordan Valley	3	2	5
Jericho	12	3	15
Total	900	300	1200

In all of the regions except for Jericho, the quotas for 1995 have been filled. The total 1995 annual quota is 2,000, 1200 for the residents of the West Bank (including Jericho), the rest for Gaza.

The Oslo II agreements reflect past agreements, achieved by HaMoked and the coalition of human rights organizations, with no fundamental changes. The procedure for family reunification application has only been complicated by the addition another administration apparatus, that of the PNA, to whom application are now directed, while Israel still decides in each case of visitor permit and family reunification.

Appeals are to be referred to a joint Israeli-Palestinian committee, whose composition is not known, neither have its procedures or criteria for its deliberations been publicized. HaMoked maintains contact with representatives of both administrations, in order to obtain clear family reunification criteria, on behalf of the thousands of applicants who have turned to HaMoked for assistance.

HaMoked and B'Tselem are preparing a comprehensive report on family reunification, its history and recent developments.

## Gaza and the freedom of movement

Freedom of movement in Gaza in its entirety - all entries and exits - are controlled by Israel. Although applications for permits are submitted to the PNA, all decisions are made by Israeli authorities, which forward their answers to the PNA, who contact the applicant. In this instance also, there is a joint appeals committee in existence.

In HaMoked's experience, this committee usually confirms all rejections on security grounds. It is to be stressed that these severe freedom of movement restrictions, on both persons and goods, are grounded in the Oslo II agreement. The human dimension of this situation is reflected by cases described in the High Court Petitions.

## Compensation Suits

HaMoked has filed 47 compensation suits during 1995, of these 26 through the court system and 21 through administrative instances. In cases of administrative refusals, HaMoked intends to pursue the cases further, through the court system.

Throughout the years, HaMoked has filed 135 compensation suits. In 88 of these cases to date, damages were awarded. Most of the damages awarded by administrative instances were rejected by HaMoked as too low. A case in point is that of a 15 year-old youth, killed by the IDF in 1989. The administration has offered NIS 15,000 in way of compensation. HaMoked is preparing to sue through the court system for an amount, more reflective of the loss to the family.

The following authorities were sued in 47 cases in 1995:

IDF	20
Police	2
Border Patrol	2
GSS	1
Civil Administration	16
Ministry of Interior	1
Ministry of Education	1
Detention facility	2
Airport Authority	1
Jerusalem municipality	1

The subject of compensation to Palestinian victims of violations by Israeli security forces has recently come to the forefront of public debate in Israel, in view of the government's declared intent of blocking future Palestinian claims.

The government's latest offered compromise calls for the establishment of an administrative committee, which would consider some cases, on a humanitarian basis only, by-passing the Israeli court system.

HaMoked, together with 5 other human rights organizations - The Civil Rights Association in Israel, B'Tselem, Physician for Human Rights, the Public Committee Against Torture in Israel and DCI - is active on this issue: a joint press conference was held in Jerusalem on 4.1.96, while ministers and Knesset members were informed of the human rights community's objections to the government's efforts on this issue.

We object to the government's intention to absolve the state of its responsibility for compensating Palestinian victims of IDF's actions. The right of every victim of an illegal action by the IDF in the territories, to sue for damages, is a basic human right, part and parcel of the right to personal safety and private property.

It is also an important guarantee of the IDF's observation of law, as well as of the rights of the population under its jurisdiction, in the past and in the future.

The denial of the right to compensation through due legal process, as practiced by the court system, without presenting a fair and reasonable alternative, is a gross violation of human rights.

According to press reports, the proposed legislation will be enforced retroactively. Compensation suits will not be filed through the courts; they will be considered by an administrative committee. This proposal does not guarantee due process.

The victims, those who have filed for damages, as well as those who have not yet done so, are liable to lose their right to compensation solely on the basis of their national identity. The government reasons that such legislation is necessary for the implementation of the Taba agreement. The agreement, however, does not cover the issue at all. The government reasons further that IDF actions in the territories too place in the context of a war situation, so that the state does not bear responsibility for damages. IDF operations in the territories were police actions, however, with rules of accountability very different from those of war. Invoking the rules of war retroactively constitutes a denial of existing rights under international law. HaMoked continues its active opposition to the proposed legislation and at the same time continues to file compensation suits.

### 1995 High Court Petitions and Pre-petitions

As a rule, HaMoked petitions the High Court in cases where a detainee was not traced within 48 hours of HaMoked's initial enquiry, cases of exit permit refusals, entry permits to Jerusalem spouses of divided families etc.

#### A. Torture, Detainees' and Prisoners' Rights

##### 1. a) File #8801, Pre-petition

An urgent pre-petition to the State Attorney's Office, concerning a Tul Karem resident, detained in the interrogation ward, of a prison in Israel. Relatives of the detainee were summoned to the Civil Administration in order to submit the detainee's medical documents. This has aroused the reasoned suspicion that the GSS intends to use violence during its interrogation, including shaking. The pre-petition requests the reason for the demand of medical documents after a month of detention and asks whether the interrogators intend to apply physical pressure during interrogation. The State Attorney's Office did not reply and HaMoked turned to the High Court.

##### b) High Court Petition 7246/95

This petition continues the advocacy in the case of the Tul Karem detainee above. The detainee, tortured during interrogation, is held in an Israeli prison contrary to international conventions. The interrogation process in his case also contravenes international conventions. The detainee underwent an operation on his skull in 1990, suffers from kidney stones, muscle spasms in his back and chest and blood in his bowel movements. The prison doctor has made only a routine, superficial examination. During his interrogation, the detainee was held for most hours of the day with feet shackled to a low chair, hands shackled behind his back, with a sack over his head. He was allowed a few minutes for food and drink between beatings. He is not able to identify those who had beaten him, because of the sack over his head. The High Court had set an urgent

session for the hearing. During the hearing, the GSS had announced that the detainee's interrogation has ended.

2. a) File #31302, Petition 7752/95  
A petition on behalf of two detainees, prevented from meeting with an attorney vs. the GSS. The two brothers, residents of Hebron, are detained in an interrogations ward in an Israeli prison. Denial of the right to meet with an attorney contravenes basic laws, as well as detainee's rights. The High Court had set an urgent session for the hearing. On the day of the scheduled hearing, the GSS announced that there is no more need for the prevention of a meeting with an attorney.
- b) High Court Petition 7964/95  
Two of the petitioners are prevented from meeting with an attorney, ~~which is the subject of the petition, one of the detainees whose torture~~ during current interrogations of the three detainees and shaking in particular. The High Court has issued an interim injunction and ordered the GSS to abstain from shaking, or any other means of physical pressure during interrogation of the three petitioners, till a scheduled hearing. Close to the scheduled hearing, the GSS had announced that interrogation of two of the detainees has ended, while the third is being interrogated without physical pressure.
3. a) File #6894.2, Petition 6757/95  
The petitioners are The Civil Rights Association in Israel and HaMoked vs. IDF in a matter of habeas corpus. The petition concerns a minor, born 1978, who was arrested on 26.10.95, at 1:30 A.M. at his home, after being severely beaten over all parts of his body. The soldiers did not present a warrant to the family, nor did they tell them, where they are taking the son. The family searched for the son for three days without success. On 29.10.95, the family turned to HaMoked. HaMoked had initiated a thorough search, but could not trace the minor.
- b) The petition also dealt with the principle matter of inadequate procedures and disregard of written orders, concerning notification of arrest and whereabouts of detainees. Three hours following the filing of the petition, the authorities had divulged the minor's place of detention. Hearing on the principle matter of the petition has not yet been set.
4. File #8242, Petition 4585/95  
This is a habeas corpus petition vs. commander of IDF forces, West Bank. A West Bank resident, on the IDF wanted list, exited the territories for Jordan in 1991, as part of a deal with the IDF, promising not to return for a period of five years. Brother of the resident has received information, which maintains that the resident had returned to the territories illegally and was arrested by the IDF. HaMoked had searched for him through Red Cross lists, as well as in temporary and permanent detention centers, police stations, border crossings etc., all to no avail. HaMoked had made telephone enquiries with the village mukhtar, who told HaMoked that his village had been under curfew for 3 days, while soldiers made house to house searches, calling the resident's name by megaphone. Approximately 15 days following the filing of the petition, the State had announced that the family may pick up the body of the resident if it wishes to do so. HaMoked still insists on receiving an official version of the circumstances of the resident's death. To this day, only unofficial and conflicting reports are available. HaMoked is proceeding with the case.

5. File #31301, Petition 2089/95

The petitioners are HaMoked, Israeli and Palestinian Physicians for Human Rights and a West Bank resident, vs. Minister of Police and Commissioner of Prison Services. The resident was jailed in isolation for almost three years, against his will, under the official pretext of "fear for his safety". The petition also deals with the principal matter of isolation regulations, which do not provide for judicial review, the right to be heard by the prisoner or medical review and do not guarantee minimal living conditions. Although the petition has not yet been heard in court, a joint commission of the ministry of police and prison services has been established to discuss changes to the regulations and to establish new criteria for isolation of prisoners. Attorney Dan Assan has been invited to appear before the commission and has also appeared before the Knesset committee on Law, Constitution and Jurisprudence. The petition is pending, however, should the commission adopt its recommended changes, it shall be withdrawn. The prisoner has in the meantime been transferred to a general ward.

6. File #6062, Pre-petition

A pre-petition, filed with the State Attorney's Office, in the case of a prisoner, sentenced to three life-terms. The prisoner is serving his sentence in a jail in Israel, in breach of international conventions, which forbid the transfer of a resident of occupied territories to the occupying country. His family - mother, uncle, two sisters and three brothers - are residents of the territories. In order to visit the prisoner, the family needs entry permits into Israel. The IDF is refusing to issue such permits to the uncle and the three brothers. If they shall not be issued with entry permits, they may not see their relative for the remainder of their lives. The State Attorney's Office has not yet given its answer.

7. File #2690, Appeals Court Petition 441/95, High Court Petition 701/95

Contempt of court petition of a prisoner vs. the Prison Services Commissioner, the Minister of Justice, the police and the Beersheva prison warden. A resident of Jordan, born in Nablus, had lived in Iraq since the age of three. In 1990, he was apprehended by IDF at the border of West Bank and Jordan. In a closed court session, he was sentenced to 6 years. He has served his sentence in Ashkelon and Beersheva prisons and on 23.10.94, a Beersheva court ordered his release, under the condition that he be deported to Jordan. Although he is a free man under court order, he remains in detention. The authorities maintain that Jordan had refused to accept him. HaMoked's appeal that he be released into the custody of the PNA jurisdiction in Jericho was rejected for security reasons. The hearing of the appeals petition was postponed till 27.12.95, as asked for by the State, in order to conclude contacts with Jordan in the matter of the deportation and to present its answer. Following the hearing, the prisoner was returned to Beersheva prison; the court's verdict was not executed. HaMoked had then turned to the High Court. At the hearing, it was announced that the prisoner will be deported to Jordan on 15.1.96., together with other prisoners. This date has not been adhered to either and HaMoked is proceeding with the case.

8. File #7267, Pre-petition

A West Bank resident requested an entry permit into Israel in order to visit his brother, sentenced to death and jailed in Israel. He was denied entry even on the day of the hearing of his brother's appeal, which had returned the case to a military court. As a result of HaMoked's intervention, the jailed brother was transferred to a prison in the West Bank and allowed family visits.

B. Gaza and the Freedom of Movement

9. File #31706, Pre-petition  
This is a principle pre-petition, demanding clear guidelines and regulations for entry of Israeli residents into PNA's jurisdiction in Gaza, following a military order of 1994, which stipulated that entry of Israeli residents is conditional on personal permits. Since the signing of the order on 17.5.94, total confusion surrounding entry procedures ensued. Hundreds of people had waited for hours at the Erez checkpoint only to be refused entry. These included women married to Gaza residents, returning from family visits, teachers, students, residents employed in Gaza, the business community, NGO employees, the press, etc. Throughout months of intensive advocacy, HaMoked had not been able to achieve any breakthrough in the arbitrary administrative procedures surrounding entry into Gaza, to obtain any relevant information concerning eligibility criteria or to learn which office or instance is responsible. HaMoked had turned to the State Attorney's office in May 1995. As a result, the IDF was charged with responsibility for the issuing of permits and organizational and technical procedures for the application process were set. HaMoked still comes up against unreasonable practices surrounding the whole process, yet since there is now at least a specific address responsible, it can demand redress in individual cases.
  
10. File #7735, Pre-petition  
A Gaza resident is a student of civil engineering in Germany since 1994. During the winter semester break in early 1995, he visited his family in Gaza, intending to return to Germany for the next semester. At the Erez checkpoint, however, on his way to the Ben Gurion airport, he was denied transit entry into Israel by Israeli authorities, eventhough he was in possession of all valid documents, including a ticket to Germany. Following HaMoked's ~~date dependent by the student by a Egyptian authority in Gaza~~ Herwas Israeli transit permit. HaMoked then turned to the State Attorney's Office, whereupon the student was allowed to exit and continue on to Germany, eventhough considerably later than he had originally intended.
  
11. File #8021, Pre-petition  
A Jerusalem resident, lecturer at the Islamic University of Gaza was refused entry into Gaza, in spite of the fact that he was issued with such permits untill April 1995. He was returned from the Erez checkpoint 3 times, where he was finally told that he is ineligible. He had turned to the Liaison committee, where he was refused without a reasoned answer. The PNA had recommended his entry into Gaza, the university had also appealed on his behalf, since he is the only lecturer available in several compulsory courses. HaMoked had advocated as well, and was not able to receive a reasoned answer from the Liaison Committee either. HaMoked had then turned to the State Attorney's office. The lecturer is refused on "security grounds".
  
12. File 9020, Pre-petition  
A Pre-petition to the State Attorney's Office in the case of a music lecturer from the A-Najah university in Nablus. The petitioner is a resident of Gaza, employed for 13 years at the Arts department of the university with a tenure. The Israeli authorities refuse to issue him with an entry permit into the West Bank, denying his freedom of movement and thus effectively preventing him from dispensing his responsibilities at the university, the source of his employment. The State Attorney's Office is still deliberating.

13. File #9069, Pre-petition

A Jerusalem resident, a noted actor, the recipient of numerous awards and the president of the Palestinian Actors' Guild, applied for entry into Gaza for December 17, 95, in order to participate in a festival, sponsored by the Friedrich Ebert Stiftung, taking place at the UNRWA Center in Khan Younis. After all of the necessary documentation was gathered, HaMoked had obtained the entry permit. At the checkpoint, however, there was no permit waiting for him (the Liaison Unit did not forward the permit to the checkpoint, which happens often), and he was refused entry. Luckily, there was a cellular phone available and he was able to contact HaMoked. Following HaMoked's intense efforts, he was allowed to enter. When he then re-applied for the 23rd of December, in order to participate in the same festival, he was refused. HaMoked's appeal to the Legal Advisor's Gaza Office produced a written refusal and he was not allowed to enter for the duration of the festival. HaMoked then petitioned on a principle basis the State Attorney's office. This pre-petition is still pending.

14. File #9049, Pre-petition

HaMoked has turned to the State Attorney's Office in the case of a resident of Qatar, wishing to visit his family in Gaza. His mother, aged 79, is a resident of Gaza, as well as his brother and sister, together with their families. The mother has three times requested an exit permit, allowing her to visit her son. All of her requests were refused. The Oslo II agreement states in this context: "Persons from countries not having diplomatic relations with Israel who visit the Gaza Strip and the West Bank shall be required to obtain special visitor's permit to be issued by the Palestinian side and cleared by Israel." (Annex III, Art. 28, 13 A.). The State Attorney's Office has not yet given its decision.

C. Freedom of Movement (other than Gaza)

15. File #8631, Pre-petition

A student from Hebron, who is registered at the Hebrew University of Jerusalem, in the History M.A. Program, was denied entry into Jerusalem, in spite of the fact that he holds a valid Jerusalem work permit. The case was instrumental in the establishment of a joint committee of the IDF and its Military Attorney's Office, which is to review the Jerusalem student entry regulation. The student has received an entry permit to Jerusalem for study purposes.

16. File #8282, Petition 6796/95

A petition filed on behalf of a West Bank resident vs. commander of IDF forces, West Bank. The commander has refused to renew the resident's entry permit to Israel for purposes of employment, even though the resident was issued with such entry permits until November 1994. His repeated appeals, the appeals of his employer and the appeals of HaMoked were all to no avail. The petition has not yet been heard in court.

17. File #7541, Pre-petition

A resident of the West Bank was injured in the explosion of an object, resulting in the amputation of both of his hands. He has turned to HaMoked, following the refusal of the Civil Administration to issue him with an entry permit to Jerusalem, to take driving lessons on a specially equipped vehicle, unavailable in the West Bank. He has also requested an exit permit to Jordan, for the fitting of artificial hands, which was also refused by the Civil Administration. HaMoked's appeal, concerning the exit permit was granted, however, the person falls in the 16-25 years category, which is required to stay abroad for 9 months before being allowed

to return. HaMoked has turned to the State Attorney's Office on both issues: the exit permit, without time specifications for the stay abroad, and the entry permit to Jerusalem. Both issues were granted.

18. File #8443, Pre-petition

A West Bank resident was invited by the University of Maastricht to participate in a three-months course, on a scholarship provided by the university. The resident had requested a transit permit from the Civil Administration and was refused. HaMoked intervened and was also refused. An alternative request to exit through Jordan was also rejected. HaMoked then turned to the State Attorney's Office, which had also rejected the request. The resident is simply not allowed to move anywhere outside of the West Bank. HaMoked intends to proceed with a petition to the High Court in this case.

19. File #31256, Petition 5633/95

HaMoked on behalf of 12 residents of the West Bank vs. Minister of Defense and Commander of IDF Forces, West Bank. This petition deals with the military commander's refusal to allow the residents' exit to either Jordan, through the bridges, or other destinations, through Ben Gurion airport. The petition also challenges the 9 months stay abroad clause for men aged 16-25. The petition has not yet been heard in court.

20. File 31257, Petition 7034/95

This is a joint petition by HaMoked and Israeli and Palestinian Physicians for Human Rights, together with 15 other petitioners, vs. commander of IDF forces, West Bank. This petition deals with exit requests through either Jordan, or the Ben Gurion airport by residents refused on "security grounds", some with medical needs. The petition has not yet been heard in court.

21. File #7781, Pre-petition

A Jerusalem resident, on his way to a family visit in Jordan, was returned from the bridge crossing by Israeli police in 1994. In answer to HaMoked's advocacy, the Ministry of Interior has reasoned that its refusal to grant an exit permit is based on "security grounds". HaMoked has turned to the State Attorney's Office. The Ministry of Interior still refuses to grant an exit permit.

22. File 7786, Prepetition

A 26 years old West Bank resident was in need of kidney transplant in Jordan, after a transplant in Israel had failed. The Civil Administration had refused to allow his exit into Jordan. In April 1994, he came to the bridge with his mother and younger brother (prospective kidney donor), and was returned by the police. Intensive and urgent advocacy by HaMoked produced no results, except for the "security risk" answer. HaMoked turned to the State Attorney's Office, whereupon the resident was able to exit to Jordan and undergo the transplant operation.

23. A file #895, Prepetition from Beit Lehem requested an entry permit into Jerusalem, since her curriculum requires an internship at the Mokassed hospital in Jerusalem. In June 1995, the Civil Administration refused to issue her a permit, basing itself on the new order which denies entry into Jerusalem to new students. HaMoked turned to the State Attorney's Office and the student was allowed to commence her internship.



D. Residency, Family Reunification and Family Visits

24. File #2798, Petition 5005/95  
This petition was filed on behalf of two minors, represented by their mother, vs. Minister of the Interior. The two minors are residents of Jerusalem; the ministry of interior has refused to register their mother as a resident of Jerusalem. The mother is a resident of Nablus, the father is a resident of Jerusalem, serving a term for an Intifada-related offence. The family has lived in Jerusalem since the couple's marriage in the early 1980'. The father's request for family reunification on behalf of his wife was rejected. The mother was ordered by the ministry of interior to leave Jerusalem immediately. The case was settled out of court; the mother received temporary residency status (A5), the best possible settlement in her circumstances.
25. File #5502, Petition 5837/95  
This petition was filed on behalf of the son of a Jerusalem resident vs. Minister of the Interior. The ministry of interior has refused to register the son in the residency registry. The mother is a Jerusalem resident, the father is a resident of the West Bank. The couple is divorced. The mother and son live in Jerusalem at the grandmother's house. The ministry of interior has rejected a family reunification request and refused to issue the son with an Israeli I.D. card. The petition has not yet been heard in court.
26. File #7058, Petition 7869/95  
Petition on behalf of resident of West Bank vs. Commander of IDF Forces West Bank. The command refuses to issue the resident with an entry permit to Jerusalem, where his wife resides. The wife does not want to lose her Jerusalem residency, which would be endangered were she to move to the West Bank, based on ministry of interior practice in such cases. HaMoked has received the answer that the resident is banned from entering "since he belongs to the rejectionist front". The petition has not yet been heard in court.
27. File #6211, Pre-petition  
HaMoked had turned to the State Attorney's Office on behalf of a resident of Jerusalem, aged 80 and in deteriorating health, who had asked for a visitor permit for her son, a physician residing in Dubai. The request was refused on security grounds, with no reason given. The physician's wife and son were issued with permits, conditional on deposit of NIS 10,000 returnable upon exit. The request was granted.
28. File #6001, Petition 7247/95  
A petition filed on behalf of a Jerusalem resident, requesting family reunification on a humanitarian basis for her disabled sister, residing at a center for the disabled in Hebron. The request has been rejected by the ministry of interior. The two sisters' parents are dead and there is no one else, able to care for the disabled sister. The petition has not yet been heard in court.
29. File #6538, Pre-petition  
A West Bank resident, born 1978, was arrested in 1994. HaMoked had initiated a tracing enquiry, during which it became apparent that his I.D. number, as entered in his father's I.D. card, is not compatible with the entry in the population registry: a different person is entered there under this number. HaMoked had immediately contacted the authorities in an effort to change the number and issue the resident with an I.D. card, since he has reached, in the meantime, the age of 16. Since 30.8.94 till July 1995, the Civil Administration did not issue him with a card. Consequently, HaMoked

turned to the State Attorney's Office and the resident received a new I.D. card.

30. File #5187, Pre-petition

A woman born in the West Bank was never registered, through the omission of her parents. Today, she is married, the mother of children in the West Bank, yet the Civil Administration still refused to register her and issue her with an I.D. card. The case took two years to resolve; following the pre-petition, the woman was registered and has received an I.D. card.

E. Respect for the Deceased

31. File #7309, Petition 2644/95

Abdullah Harizat vs. commander of IDF forces, West Bank. The petitioner is the brother of Abdel Samed Harizat, who died in GSS custody as a result of "shaking" during interrogation. HaMoked first traced Abdel Samed Harizat in GSS custody in Hadassah hospital. Following an autopsy, performed by Dr. Pounder (logistical support provided by HaMoked), HaMoked turned to the authorities to permit a daytime, public burial for Abdel Samed Harizat. Commander of IDF forces had refused, without any written document being given. In such circumstances, burials were usually performed during the dead of night with approximately only 10 members of the closest family being allowed to attend. Following the filing of the petition, a compromise deal was struck, allowing the burial to take place during evening hours, with attendance of 150 people, in spite of the closure imposed on Hebron that day.

F. Access to Investigation Reports

32. File 6231, Pre-petition

HaMoked had turned to the State Attorney's Office in a case concerning IDF violence. The petitioner was gravely injured by IDF soldiers on 3.6.94. HaMoked has since turned to the IDF repeatedly, demanding an investigation and access to its conclusions. The only answer received from the IDF till August 1995, was "the matter is under investigation". The investigation report was received immediately following the filing of the pre-petition.

As of 31.12.95, HaMoked advocates in 1918 active files:

Residency/Jerusalem/West Bank	998
Exit permits	68
Entry permits from Jordan	58
Entry permits into Israel	191
Violence	275
Property damage	118
Other	210
<hr/>	
Total	1918

The processing of these complaints is individual, according to the needs of each file. In cases of IDF violence and property damage, for example, the military takes up to two years or more to finish its processing, after which HaMoked files for damages.

Although most cases of family reunification/West Bank were successfully closed after November 1992 (High Court agreements), many files were re-opened after September 1993, following the state's announcement of new policies regarding family reunification. In these cases, HaMoked follows developments, in order to secure residency rights for visitors.

## Board of Directors

- \* Mr. Yossi Schwartz, Acting Chairperson, former director
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- \* Ms. Tagrid Gihashan, former HaMoked attorney, legal advisor to the Worker's Hotline and Women for Women Political Prisoners
- \* Professor Frank Stuart, Islamic and Middle Eastern Studies, The Hebrew University of Jerusalem

## Staff

Attorney Tagrid Gihashan left HaMoked's legal office in June 1995 and joined the board of directors of HaMoked.

In June 1995, attorney Hala Huri began working at HaMoked.

Itai Yemini began working at HaMoked as complaints coordinator in the middle of July, replacing Ofer Castro Cassif, who began PhD studies at the LSE in London.

Jamil Hashem, intake coordinator, left HaMoked in December 1995.

Maha Hatib joined HaMoked as intake coordinator in January 1996.