

GAZA OF VESTEREDDEN (22)

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The Occupied Territories Report on Human Rights Practices for 1997

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THE OCCUPIED TERRITORIES

(INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN

AUTHORITY)

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. The West Bank and Gaza Strip are now administered to varying extents by Israel and the Palestinian Authority (PA). Pursuant to the May 1994 Gaza-Jericho agreement and the September 1995 Interim Agreement, Israel transferred most responsibilities for civil government in the Gaza Strip and parts of the West Bank to the PA, including responsibility for education, culture, health, tourism, taxation, social welfare, statistics, local government, insurance, commerce, industry, fuel, gas, agriculture, and labor. Israel continues to retain responsibility in the West Bank and Gaza Strip for external security, foreign relations, the overall security of Israelis, including public order in the Israeli settlements, and certain other matters. Negotiations on the final status of the occupied territories as well as of Jerusalem, borders, Israeli settlements, refugees, and other matters began in May 1996 but were immediately adjourned and have not been resumed. According to the timetable set out in the 1993 Israel-PLO Declaration of Principles, the interim period is to conclude in May 1999.

In addition to most of the Gaza Strip and the Jericho area, which was turned over to the PA in May 1994, Israel began redeploying its forces in the West Bank and turning over major towns and villages to the PA in late 1995. Pursuant to the Interim Agreement and the "Protocol Concerning Redeployment in Hebron," concluded on January 15, Israel also redeployed its forces in Hebron. Israel continues to control some civil functions and is responsible for all security in portions of the occupied territories categorized as Zone C, which includes the Israeli settlements. The PA has jurisdiction over civil affairs and shares security responsibilities with Israel in areas known as Zone B, and the PA has control over civil affairs and security in Zone A. The PA also has jurisdiction over some civil affairs in Zone C. Accordingly, this report discusses the policies and practices of both the Israeli Government and the PA in the areas where they exercise jurisdiction and control.

Israel continues to exercise civil authority in some areas of the West Bank through the Israeli Ministry of Defense's Office of Coordination and Liaison, known by the Hebrew acronym MATAK, which replaced the now defunct Civil Administration (CIVAD). The approximately 150,000 Israeli settlers living in the West Bank and Gaza Strip are subject to Israeli law and are better treated by Israeli authorities than are Palestinians. The body of law governing Palestinians in the Israeli-controlled portions of the territories derives from Ottoman, British Mandate, Jordanian, and Egyptian law, and Israeli military orders. In Palestinian-controlled areas, laws and regulations promulgated by the PA are also in force. The United States and the international community considers Israel's authority in the occupied territories to be subject to the Hague Regulations of 1907 and the 1949 Geneva Convention Relating to the Protection of Civilians in Time of War. The

Israeli Government considers the Hague Regulations applicable and states that it observes the Geneva Convention's humanitarian provisions.

In January 1996, Palestinians chose their first popularly elected government in democratic elections, which were generally well-conducted. The 88-member Council and the Chairman of the Executive Authority were elected. The PA also has a cabinet of 20 appointed ministers who oversee 23 ministries. PA Chairman Yasser Arafat continues to dominate the affairs of government and to make major decisions. Most senior government positions in the PA are held by individuals who are members of, or loyal to, Arafat's Fatah faction of the Palestine Liberation Organization (PLO). The Council meets regularly and discusses a range of issues significant to the Palestinian people and the development of an open, democratic society in the Gaza Strip and West Bank. Pursuant to the agreements signed between the PLO and Israel, the PA has full or partial control over most major Palestinians population centers in the Gaza Strip and West Bank.

Israeli security forces in Israeli-controlled parts of the West Bank and Gaza Strip consist of the Israeli Defense Forces (IDF); the General Security Service (GSS or Shin Bet); the Israeli National Police (INP); and the paramilitary border police. Israeli military courts try Palestinians accused of committing security crimes in Israeli-controlled areas. Members of the Israeli security forces committed human rights abuses.

The Palestinian Police Force (PPF) was established in May 1994 and includes the Palestinian Public Security Force; the Palestinian civil police; the Preventive Security Force (PSF); General Intelligence Service, or Mukhabarat; the Palestinian Presidential Security Force; emergency services and rescue; and the Palestinian Coastal Police. Other quasi-military security organizations, such as military intelligence, also exercise law enforcement powers. Palestinian police are responsible for security and law enforcement for Palestinians and other non-Israelis in PA-controlled areas of the West Bank and Gaza Strip. Israeli settlers in the occupied territories are not subject to PA security force jurisdiction. Members of the PA security forces committed human rights abuses.

The economy of the West Bank and Gaza Strip is small, poorly developed, and highly dependent on Israel. According to U.N. estimates, Palestinian per capita gross national product (GNP) fell by 36 percent between 1992 and 1996 due principally, but not entirely, to Israeli restrictions on the free movement of people and products into Israel. These restrictions imposed for lengthy periods following terrorist attacks are collectively referred to as "closure." The economy relies on agriculture, services, and to a lesser extent, light manufacturing. Many West Bank and Gaza workers are employed at day jobs in Israel and Jerusalem, making their employment vulnerable to disruption due to tightened closures. In the wake of terrorist bombings in March, July, and September, Israel tightened the existing closure, virtually sealing off the West Bank and Gaza Strip from Israel, prohibiting most travel between towns and villages within the West Bank (an "internal" closure), denying Palestinian workers access to jobs in Israel, and hampering the flow of goods and people between Israel and the Occupied Territories. The "internal closure" was lifted in each case after about 2 weeks. The "tightened closures" of Gaza and the West Bank followed a pattern of being eased after a period, but lasted longer, and were enforced more strictly than in previous years.

There were some improvements in the human rights situation in the Occupied Territories. However, both Israel and the PA were responsible for serious human rights abuses.

Two militant groups, the Islamic Resistance Movement (HAMAS) and the Palestine Islamic Jihad (PIJ), continued to try to undermine the authority of the PA and halt progress in the Israeli-Palestinian peace process by killing Israeli civilians in a number of deadly suicide bombing attacks in Tel Aviv and Jerusalem. The most serious incident occurred on July 30 when two suicide bombers attacked an open air produce market in Jerusalem. Sixteen persons were killed, including 1 U.S. citizen; 178 were injured. On September 4, three suicide bombers attacked a crowded Jerusalem pedestrian mall, killing 5 people, including a 14-year-old American girl; 181 were injured. On March 21, a suicide bomber attacked an outdoor cafe in Tel Aviv. The blast killed 3 Israelis and injured 48, including a 6-month-old child.

In the aftermath of the terrorist bombings, Israeli authorities arrested hundreds of Palestinians suspected of affiliation with extremist Islamic opposition groups, to obtain information on further terrorist attacks. Israeli security forces abused, and in some cases tortured, Palestinians suspected of security offenses. In May an alleged HAMAS activist from the West Bank village of Surif, Omar Ghanimat, was allowed to testify in open court about such torture, and to show his cuts and bruises to the Israeli and Arabic press.

Israel also tightened its existing closure of the West Bank and Gaza Strip, sealing off the occupied territories from Israel and imposing an "internal closure." When it was discovered that a terrorist cell based in Surif was responsible for the March 21 cafe bombing in Tel Aviv, Israel imposed a targeted closure on the village (13,000 residents were unable to leave the town). During the 7 weeks of the closure residents were also under a curfew (i.e., they were unable to leave their homes except during designated hours to purchase household necessities). Israeli authorities demolished six homes of suicide bombers; four in the village of Surif and two in the village of Assira Shamaliyya. In the latter village, two other homes were permanently sealed by filling them with concrete from floor to ceiling. Israel also imposed a targeted closure on the northern West Bank village of Assira Shamaliyyah in September, when it determined that four of the five suicide bombers in the Jerusalem attacks were from that town.

There was one credible report that on February 25, an Israeli undercover unit, operating in the village of Hizma, shot and killed a Palestinian. Israeli officials acknowledged that the unit acted in a negligent manner without prior planning; however, the members of the unit received only administrative reprimands. In a second incident, an Israeli undercover unit shot and killed a youth on April 30 in Ras Al Amud. The unit was investigating alleged terrorist attacks when a skirmish broke out and the youth was killed. There has been a marked decrease in this kind of activity by Israel in the past 2 years. There were also credible reports from human rights groups that Israeli authorities continue to abuse and torture Palestinian detainees and prisoners. In May a Palestinian prisoner undergoing treatment at a Jerusalem hospital was beaten to death by Israeli police and private hospital security guards. The Israeli Government investigated the incident, but has not revealed the results. Prison conditions are poor, and Israeli authorities arbitrarily arrest and detain persons. Prolonged detention, limits on due process, and infringements on privacy rights remained problems.

PA security forces committed a number of serious human rights abuses during the year. Seven detainees died in prison; the PA acknowledged that two died after being tortured. One was tortured by Military Intelligence personnel in February, and the other by members of the Presidential Security Force in June. The other detainees died after suffering medical emergencies, and it remains unclear whether the PA provided prompt medical attention.

In the wake of the three terrorist bombings in 1997, PA security forces made fewer mass arrests than in the past, and there were fewer complaints of human rights abuses. PA authorities arrested approximately 200 people on suspicion of involvement in terrorist activity. PA security forces subjected some of the detainees to torture and repeated beatings. Although the PA claims to respect its citizens' right to express themselves freely, the PA limited freedom of speech and the press. The PA continued to harass, detain, and abuse journalists. PA harassment has led many Palestinian commentators, reporters, and critics to practice self-censorship. Fathi Sobh, a prominent university professor, and Daoud Kuttub, a well-known journalist who criticized the PA, were both imprisoned without charge during the year and Sobh was tortured. PA prison conditions are very poor. PA security forces arbitrarily arrest and detain persons. Prolonged detention and lack of due process are problems. The courts are inefficient, lack staff and resources, and do not ensure fair and expeditious trials. PA security forces infringed on the right to privacy, and there were reports that the PA placed some limits on the freedom of association. Discrimination against women and the disabled is a problem.

In March Israel began constructing a controversial housing project at Har Homa/Jebel Abu Ghanaim on the southeastern outskirts of Jerusalem. The move sparked demonstrations by angry Palestinians throughout the spring. However, unlike the demonstrations that followed the 1996 opening of the controversial tunnel in

Jerusalem's old city, these demonstrations did not result in violence between Israeli and PA security forces. The demonstrations did result in charges that Israeli security forces, in several instances, used excessive force against Palestinian protesters. During the year, 10 Palestinian demonstrators, including a deaf and mentally-impaired 14-year-old boy in Gaza and an 8-year-old boy in Bethlehem, were killed in incidents involving the IDF's use of both live ammunition and rubber-coated metal bullets. No Israeli civilians or security personnel were killed or seriously wounded by demonstrators.

Israeli settlers continued to harass and threaten Palestinians in the West Bank and Gaza Strip. For example, on January 1, a settler in the IDF reserve opened fire on a crowded Hebron market place, injuring nine Palestinians. In 1996 settlers killed three Palestinians. After two separate stonethrowing incidents in April, three Palestinians were shot by settlers near Ramallah and Hebron. In general settlers are not prosecuted for these crimes and rarely serve prison sentences even when convicted of a crime.

In November an unidentified gunman shot two Jewish religious students in Jerusalem, killing one and seriously wounding the other.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

In February members of a 3-man Israeli undercover unit, disguised as Arabs, entered the Palestinian village of Hizma north of Jerusalem. Villagers detected the unit, and during the subsequent altercation 57-year-old Mohammed Abdel Aziz al Hilu was shot and beaten. His death was attributed to the beating and delayed medical treatment for the gunshot wound to his leg. Three other Palestinians were wounded, one seriously, during the incident. A senior IDF officer attributed the incident to a miscalculation by the commander who sent the unit to the village without sufficient backup. The spokesman said that the unit acted in a negligent manner, without prior organized planning. According to the IDF, three officers received a reprimand for the way in which the training exercise was prepared and "internal measures" were taken against the force commander, including prohibiting him from holding future command positions. The Israeli investigation did not include interviews with any Palestinian eyewitnesses.

In another incident, an Israeli undercover unit shot and killed 17-year-old Samer Jawdat Shweiki in Ras Al Amud on April 30 during a skirmish that broke out when unit was investigating alleged terrorist attacks.

Although there are credible reports of other Israeli undercover activity in PA areas, there were no other reports of death. The number of Palestinian deaths attributed to Israeli undercover units in 1996 (one) and 1997 (two) is a marked decrease from the trend in earlier years.

Israeli authorities acknowledge that undercover units conduct operations among Palestinians wanted for investigation, but claim that such units observe the same rules of engagement as other IDF units. They also claim that all killings and allegations of misbehavior by undercover units are investigated fully. However, the investigations rarely lead to serious punishment. The IDF does not readily announce the findings of its investigations.

One Palestinian was beaten to death while in Israeli government custody.

On May 21, Khalil Abu Daiya, a Palestinian prisoner who was being treated for medical problems, died in Israeli custody. An Israeli pathologist conducted an autopsy and concluded that Abu Daiya had been beaten to death. Israeli officials contend that Abu Daiya, who was being guarded while in an Israeli hospital for medical treatment, attacked those guarding him, and that the force needed to restrain him caused his death. Abu Daiya's hands and feet were cuffed to a bed at the time of the beating, according to accounts given by

hospital personnel. The autopsy revealed deep cuts on Abu Daiya's wrists and ankles. Abu Daiya's family requested an inquiry be carried out by an Israeli magistrate's court. That inquiry was not concluded by year's end.

Members of the Israeli security forces killed four Palestinians at military checkpoints and roadblocks inside the occupied territories. In these cases, Israel stated that the individuals were shot after failing to obey orders to halt or after trying to attack the soldiers manning the checkpoints. For example, on April 1, a Kamel Sidqi Al-Zaru was shot by the IDF after getting out of his car and trying to run away from a checkpoint near Kiryat Arba. On July 13, Israeli border police shot 17-year-old Ashraf Al Jaber at a checkpoint in Beit Sahour. On July 29, Israeli security forces shot 19-year-old Mua'di Alaune, when in fled a checkpoint near Nablus, claiming that he had tried to stab a border police officer. Palestinian Jimmy Kanawati, was shot and killed by border police on November 22 after failing to stop at the Bethlehem checkpoint.

During the year, violent clashes between Palestinian demonstrators and Israeli security forces resulted in 10 Palestinian deaths. IDF regulations permit the use of both rubber-coated metal bullets and live ammunition only when a soldier's life is in immediate danger, to halt fleeing suspects, to disperse a violent demonstration, or to fire on an "individual unlawfully carrying firearms." According to policy, soldiers should direct fire at the legs only and may fire at a fleeing suspect only if they believe that a serious felony has occurred and they have exhausted other means to apprehend the suspect. It is forbidden to open fire in the direction of children or women, even in cases of severe public disorder, unless there is an immediate and obvious danger to a soldier's life. However, Israeli soldiers and police sometimes used live ammunition or rubber-coated metal bullets, which can be lethal, in situations other than when their lives were in danger and sometimes shot suspects in the upper body and head. On March 29, a Palestinian was shot and killed by the IDF during demonstrations in Ramallah protesting the Israeli construction on Har Homa. On April 1, an off-duty PA police officer was killed at a demonstration outside of Nablus. Two Palestinians were shot and killed when IDF forces fired rubber-coated metal bullets in Hebron during April 8 demonstrations sparked by news of Israeli settlement expansion.

On April 27, a 20-year-old Palestinian was shot and killed near Hebron after an IDF patrol fired live ammunition at youths throwing stones. A 14-year-old Palestinian boy was severely wounded during a June protest in Rafah over Israeli settlement expansion, when a rubber-coated metal bullet fired by an IDF member struck him in the head.

In July a deaf and mentally-impaired Palestinian youth died after being struck in the heart by IDF fire, as Israeli security forces attempted to quell a violent demonstration near Morag settlement in the Gaza Strip. A Palestinian human rights organization charged that the IDF used live ammunition; an IDF spokesman stated that the boy was hit by a rubber-coated metal bullet meant to be fired at the leg.

On July 21, a 13-year-old Hebron youth died of a gunshot wound to the head during clashes with IDF troops on July 11

On August 14, a 16-year-old Hebron youth died of wounds inflicted during clashes with IDF troops on July 4.

On November 11, IDF soldiers killed an 8-year-old Palestinian boy with a rubber-coated metal bullet during demonstrations at Rachel's Tomb in Bethlehem. The IDF says that soldiers were trying to disperse adult demonstrators and that the child was accidentally hit in the head. Credible eyewitnesses at the scene said that they saw only 9- to 12-year old boys demonstrating at the site, that no IDF lives were threatened by the rock- and bottle-throwing youths, and that the children were fleeing when the IDF fired upon them.

Another victim of the September 1996 rioting at the Ramallah checkpoint, Yasser Abdul Ghani Abdul Rahim, died from injuries on February 6.

During 1997 two Palestinians died in PA custody, after being tortured. In 1996 two Palestinians who died in PA custody also were tortured. In the most egregious case, Yusif Baba, who was being held without charge in Nablus, died on January 31 after being tortured by PA Military Intelligence officials. Baba's autopsy showed contusions from repeated blows to the head, rope burns around his head and feet, cigarette burns on the right shoulder, and burns caused by an electrical instrument on many parts of his body. The PA admitted that Baba had been tortured to death, but never charged any of the security officials involved with a crime.

On June 30, 28-year-old Nasser Abed Radwan from the Gaza Strip was killed in detention while being held without charge by PA Presidential Security (Force 17). Force 17 authorities told Radwan's family that he banged his head on the wall, but a PA autopsy concluded that Radwan had been tortured to death. A PA military court sentenced three of the Force 17 bodyguards involved to death and three others to prison terms ranging from 6 months to 5 years. The wife of Hakim Qamhawi, who died in PA custody in June, told the press that his body showed signs of torture (see Section 1.c.).

In April five undercover members of the Palestinian Intelligence Service shot and killed a Palestinian woman outside of Ramallah when the vehicle she was riding in failed to heed the agents' signal to stop. In a subsequent trial, a PA court convicted the five security officials involved of causing a death through negligence. The intelligence official who fired the shot that killed the woman was sentenced to 5 years in prison, the commander of the unit was sentenced to a 1-year prison term for failing to maintain discipline among his unit, the three other men in the unit were sentenced to 2 months each for failing to prevent a crime.

On May 5, PA Justice Minister Freih Abu Middein announced that the death penalty would be imposed on anyone convicted of ceding "one inch" to Israel. Later that month, two Arab land dealers were killed. Farih Bashiti, a real estate dealer from Jerusalem who was accused of selling land to Jews, was found dead in Ramallah. Two persons were arrested in the case. In another incident, Harbi Abu Sara was shot and killed in Ramallah 8 days after Bashiti's body was found. PA officials deny any involvement in the killings. The PA has arrested and continues to hold several suspected land dealers for violating the Jordanian law (in force in the West Bank), which prohibits the sale of land to foreigners.

In early January, Israel released Nahum Koorman, an Israeli settler charged with kicking a Palestinian boy to death in 1996 for throwing stones at his car, after 8 months in detention. Koorman is awaiting trial. In 1996 settlers killed three Palestinians.

On November 20, an unidentified gunman shot two Jewish religious students in Jerusalem, killing one and seriously wounding the other. The Israeli investigation into the case is ongoing, but no suspects have been arrested at year's end.

A security court sentenced the principal killers of two Israeli settlers, Etta Tsur and her 12-year-old son Ephraim, (killed on December 11, 1996) to 25 years' imprisonment and an accomplice to 15 years' imprisonment.

b. Disappearance

There were no reports of politically motivated disappearances attributed to the Israeli security services. In November an Israeli court convicted Palestinian Preventive Security officer Moussa Mustafa of abducting a suspected Arab informer for Israel from Jerusalem, torturing him, and holding him for 5 months (see Section 1.c.).

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

Israeli security forces abuse, and in some cases torture, Palestinians suspected of security offenses. There continue to be a high number of complaints of mistreatment and torture during interrogation, especially from Palestinians suspected of belonging to Islamic groups. Interrogation sessions are long and severe, and solitary confinement is used frequently for long periods. The GSS systematically uses interrogation methods that do not result in detectable traces of mistreatment of the victims, or which leave marks that disappear after a short period of time. Common interrogation practices include hooding; forced standing or squatting for long periods of time; prolonged exposure to extreme temperatures; tying or chaining the detainee in contorted and painful positions; blows and beatings with fists, sticks, and other instruments; confinement in small and often filthy spaces; sleep and food deprivation; and threats against the detainee's life or family. Israeli interrogators continued to subject prisoners to violent "shaking," which in at least one past case resulted in death.

In May an alleged HAMAS activist Omar Ghanimat was allowed to show his cuts and bruises to the Israeli High Court. In June the Court rejected Ghanimat's plea to halt the use of physical pressure.

In 1987 the Israeli government-appointed Landau Judicial Commission condemned torture but allowed for the use of "moderate physical and psychological pressure" to secure confessions and obtain information. In addition, although the Israeli Penal Code prohibits the use of force or violence by a public official to obtain information, the GSS chief is permitted by law to allow interrogators to employ "special measures" that exceed the use of "moderate physical and psychological pressure" when it is deemed necessary to obtain information that could potentially save Israeli lives in certain "ticking bomb" cases. The GSS first permitted interrogators "greater flexibility" in applying the guidelines shortly after a bus bombing in Tel Aviv in October 1994 that killed 22 Israelis. The Government has not defined the meaning of "greater flexibility" or what might constitute a "ticking bomb" case. At roughly quarterly intervals, the Government has approved the continued use of "special measures." On August 22, Israel's ministerial committee on GSS interrogations authorized the continued use of "special measures," including shaking.

The International Committee of the Red Cross (ICRC) declared in 1992 that such practices violate the Geneva Convention. Human rights groups and attorneys challenged the use of "special measures," especially shaking, before the Israeli High Court a number of times during the year. In each case the court either rejected the petition or ruled in favor of the GSS.

Israeli authorities maintain that torture is not condoned but acknowledge that abuses sometimes occur and are investigated. However, the Government does not generally make public the results of such investigations. Israel has conducted two official investigations into the 35 complaints received in 1997.

In 28 of the cases, Israeli authorities determined that findings did not justify any steps to be taken. Seven complaints are still being investigated.

Most convictions in security cases before Israeli courts are based on confessions. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Government does not allow ICRC representatives access to detainees until the 14th day of detention. This prolonged incommunicado detention contributes to the likelihood of abuse. Detainees sometimes claim in court that their confessions are coerced, but judges rarely exclude such confessions. It is likely that some Palestinian detainees fail to make complaints either from fear of retribution or because they assume that such complaints would be ignored. Of the 35 complaints filed during the year, there were no known cases in which a confession was disqualified because of improper means of investigation or interrogation.

Israeli authorities also frequently treat Palestinians in an abusive manner at checkpoints. Two Palestinians were shot and killed at checkpoints (see Section 1.a.). The human rights group B'tselem reported that severe beatings often occur when Israeli border police deal with Palestinians. Dozens of incidents have been reported of excessive beatings and unjustified abuse. In some cases, victims were denied medical attention after being beaten. Israeli authorities investigated and punished the perpetrators. B'tselem believes that the steps taken were insufficient to deter further incidents. In March a border police officer was demoted and sentenced to a 3-week military prison term, and another was confined for 3 weeks for beating two Palestini-

an children in Hebron who had cursed them. In April two border police officers were dismissed for abusing a 17-year-old Palestinian after he refused to obey the officers demand to remove rocks from the road near Surif. Four other border police officers are being investigated for dragging a Palestinian behind their jeep near Bethlehem. Israeli security forces assigned to checkpoints often act capriciously in honoring permits and travel passes held by Palestinians.

Prison conditions in Israeli facilities are poor, according to credible human rights lawyers. Facilities are overcrowded, sanitation is poor, and medical care is inadequate. Palestinian inmates held strikes and protests in support of a number of causes and to protest prison conditions throughout the year. Palestinians in Israeli prisons also held several strikes to protest being held in administrative detention (detention without trial), lack of visits by family members or lawyers, and to protest abuse by prison officials.

Israel permits independent monitoring of prison conditions, although human rights groups and diplomats sometimes encounter difficulties gaining access to specific detainees.

Israeli settlers have continued to harass and threaten Palestinians in the West Bank and Gaza Strip. On January 1, a settler in the IDF reserve opened fire on a crowded Hebron market place, injuring nine Palestinians. On April 7, two Palestinians were shot by settlers after a stonethrowing incident near Ramallah. The settlers were questioned but never charged over the incident. On April 8, a yeshiva student in Hebron shot a Palestinian after a stone throwing incident; the student was never charged with a crime. In general settlers are not prosecuted for these crimes and rarely serve prison sentences even when convicted of a crime.

In November an Israeli court convicted a Palestinian security official of abducting and torturing a suspected Arab informer for Israel. The court sentenced Moussa Mustafa, a member of the Palestinian Preventive Security Service, to 5 years' imprisonment. Mustafa took the suspected informer by force from Jerusalem to a PA compound in Jericho, where he was held for 5 months and tortured.

PA security forces reportedly abused, and sometimes tortured, Palestinian detainees. Such abuse generally took place after arrest and during interrogation. The PA does not prohibit by law the use of force or torture against detainees. In 1995 the Gaza Civil Police commander issued to police officers in the West Bank and Gaza a directive forbidding torture during interrogation and directing the security forces to observe the rights of all detainees. However, the directive does not have the force of law; Palestinian security officers have not been issued formal guidelines on the proper conduct of interrogations.

PA security officials abuse prisoners by hooding, beating, tying in painful positions, sleep and food deprivation, threats, and burning detainees with cigarettes and hot instruments. International human rights monitoring groups have documented widespread arbitrary and abusive conduct by the PA. Gaza University professor Fathi Sobh reported that he was subjected to torture by sleep deprivation, being forced to stand for long periods, and being shackled.

During the year, seven Palestinians died in PA custody, two after being tortured (see Section 1.a.). In 1996 two of the four Palestinians who died in PA custody also were tortured. In December the Palestinian Human Rights Monitoring Group (PHRMG) reported that the PA has not sufficiently investigated deaths in custody. The PHRMG added that the PA has tried to cover up incidents by claiming that several deaths were the result of heart attacks or suicides. In mid-June Hakam Qamhawi died while in PA General Intelligence custody in Jericho. PA officials said that Qamhawi committed suicide and died on the way to the hospital, but his wife told the press that his body showed signs of torture. A PA forensic expert stated that Qamhawi died of a heart attack. No official autopsy was conducted.

Prison conditions in PA facilities are very poor. Facilities are overcrowded and dilapidated. Food and clothing for prisoners is inadequate and must be supplemented by donations from families and humanitarian groups. Palestinian inmates held periodic strikes and protests throughout the year in support of a number of causes and to protest prison conditions.

In January Fayez Qamsieh died while in the custody of PA Military Intelligence in Bethlehem. The PA claimed that Qamsieh, who had a history of heart trouble, died of a heart attack. Doctors observing the autopsy on behalf of Qamsieh's relatives agreed that he died of a heart attack, but bruises on his body suggest that mistreatment may have triggered his death. There were complaints that Qamsieh had not received prompt medical attention. The PA said that it would investigate this charge, but has never published the results of its investigation.

Sami Abed Rabbo, held in Saraya prison in Gaza without charge, died on July 4, also under the custody of PA General Intelligence. Family members were told he died of a heart attack. Despite demands from human rights groups for an official autopsy, there has been no official response. The PHRMG stated that his death does not appear to be the result of torture or denial of medical treatment, his lengthy illegal detention may have contributed to his illness (liver disease and mental illness).

On October 14, Ibrahim Al-Sheikh died of a heart attack while serving a prison sentence in Nablus for involvement in a murder. On November 9, Nafea Mardawi died in a Nablus prison also of an apparent heart attack. He was serving a sentence for selling land illegally to Israelis. Human rights groups concur that both men had preexisting medical conditions that support the PA's assertion that they died of heart attacks. However, concerns linger that the prisoners were not provided the most prompt or thorough preventive medical care.

The PA permits independent monitoring of its prisons, although human rights groups and lawyers encountered difficulties arranging visits or gaining access to specific detainees. Pursuant to an agreement signed in September 1996, the ICRC conducts prison visits but can be denied access to a detainee for 14 days. If abuses occur, they frequently happen during this 2-week period.

In December West Bank Intelligence (Mukhabarat) Chief Tawfiq Tirawi lifted a 6-month ban on visits to Mukhabarat prisons by representatives of the Palestinian Society for the Protection of Human Rights and the Environment (LAWE). Tirawi promised to appoint a special liaison officer to coordinate relations with human rights groups.

There were a number of attacks on Israelis during the year. For example, in November an unidentified gunman shot two Jewish religious students in Jerusalem, killing one and seriously wounding the other.

d.

Arbitrary Arrest, Detention, or Exile

Any Israeli policeman or border guard may arrest without warrant a person who has committed, or is suspected of having committed, a criminal or security offense in the occupied territories, except for areas under exclusive PA control.

Israeli soldiers also may arrest without warrant Palestinians and hold them for questioning for the same reasons. Most of these arbitrary arrests and detentions are for alleged security offenses. Persons arrested for common crimes are usually provided with a statement of charges and access to an attorney and may apply for bail. However, these procedures are sometimes delayed.

Israeli authorities issue special summonses for security offenses. Israeli Military Order 1369 stipulates a 7-year prison term for anyone who does not respond to a special summons delivered to a family member or posted in the MATAK office nearest the suspect's home address. Bail is rarely available to those arrested for security offenses. Although Israeli law does not allow Israelis between the ages of 13 and 16 to be tried as adults, Israeli courts treat Palestinians over the age of 12 as adults.

Israeli authorities may hold persons in custody without a warrant for 96 hours; they must be released unless a warrant is issued. Prearrest detention can last up to 11 days for Palestinians arrested in the occupied territories and up to 8 days for minors and those accused of less serious offenses. Authorities must obtain a

court order for longer administrative detentions—up to 6 months from the date of arrest. At hearings to extend detention for interrogation purposes, detainees are entitled to be represented by counsel, although the defense attorney is often not allowed to see or hear the evidence against his client. Detainees are either released at the end of the court-ordered detention or sent to administrative detention if they are not indicted. If there is an indictment, a judge may order indefinite detention until the end of the trial. Israeli regulations permit detainees to be held in isolation during interrogation. Detainees have the right to appeal continued detention.

Although a detainee generally has the right to consult with a lawyer as soon as possible, in security cases authorities may delay access to counsel for up to 15 days. Higher-ranking officials or judges may extend this period. Access to counsel is routinely denied while a suspect is being interrogated, which sometimes can last several weeks. Authorities must inform detainees of their right to an attorney and whether there are any orders prohibiting such contact.

A number of factors hamper contacts between lawyers and their clients in Israeli prison and detention facilities. Israel's policy of transferring detainees from the occupied territories to prisons in Israel, makes visits of lawyers and family members difficult, and in some cases, impossible. Israeli authorities have been known to schedule appointments between attorneys and their detained clients, only to move the clients to another prison prior to the meetings. Authorities reportedly use such tactics to delay lawyer-client meetings for as long as 90 days. Palestinian lawyers also have trouble traveling to see their clients during Israeli-imposed closures. Israel does not allow Palestinian attorneys who do not have East Jerusalem identity cards and licenses issued by the Israeli Bar Association or by an official Israeli governmental body such as MATAK to visit detainees in Israeli prisons.

Israeli authorities claim that they attempt to post notification of arrest within 48 hours. Nevertheless, Palestinian suspects are often kept incommunicado for longer than 48 hours. Even if an arrest becomes known, it is often difficult to get information on where a detainee is being held or whether he has access to an attorney. Palestinians generally locate detained family members through their own efforts. Palestinians can check with a local ICRC office to determine whether it has information on the whereabouts of a family member. A senior officer may delay for up to 12 days notification of arrest to immediate family members, attorneys, and diplomatic officials. A military commander may appeal to a judge to extend this period in security cases for an unlimited time. Israeli district military commanders may order administrative detention for up to 6 months without formal charges, but the original detention order may be extended indefinitely.

At the end of the year, there were 382 Palestinians in administrative detention in Israel, compared with 270 at the end of 1996. A total of 138 Palestinian administrative detainees have been imprisoned for over a year, without being officially charged of any wrongdoing; 45 of them have been held for more than 2 years. There are 40 children below the age of 16 being held in administrative detention.

Many Palestinians under administration detention during the past 2 years have had their detention orders renewed repeatedly without meaningful chance of appeal.

Evidence used at hearings for administrative detentions is secret and unavailable to the detainee or his attorney. During hearings to appeal detention orders, the detainee and defense lawyer are required to leave the courtroom when secret evidence is presented. Israeli authorities maintain that they are unable to present evidence in open court because doing so would compromise the method of acquiring the evidence. Detainees may appeal detention orders, or the renewal of a detention order, before a military judge, but their chances for success are very limited. During the year, there were no successful appeals requesting the cancellation of administrative detention orders.

At year's end, 3,565 Palestinian prisoners and detainees were incarcerated in Israeli prisons, military detention centers, and holding centers, a decrease from 3,800 in 1996. The Israeli Government routinely transfers Palestinians arrested in Israeli-controlled areas of the occupied territories to facilities in Israel, especially Megiddo military detention center near Afula.

Families, human rights organizations, and lawyers have encountered barriers trying to gain access to Palestinian detainees and prisoners held in facilities in Israel as a result of closures of the West Bank and Gaza Strip. Family access to Palestinian prisoners held in Israeli jails has improved slightly improved in 1997 compared with the sharp decline in 1996. Only parents and female family members are allowed to visit relatives in facilities in Israel. Male family members between 16 and 40 years of age and family members with security records are barred from visiting. The transfer of prisoners between facilities also makes it difficult for families, lawyers, and human rights organizations to locate and visit detainees. Due to travel restrictions, the ICRC suspended its family visits program to detainees in Israeli prisons several times during the year.

Israeli security forces conducted several mass arrests of Palestinians in response to acts or threats of violence against Israelis. Israel arrested 87 Palestinians suspected of affiliation with terrorist groups after suicide bombings in March, July, and September. Of these, more than 66 were still being held in administrative detention at year's end.

Israel did not forcibly deport any Palestinians from the occupied territories in 1997.

The PA does not have a uniform law on administrative detention, and security officials do not always adhere to the existing laws in the West Bank and Gaza Strip. Laws applicable in Gaza, which are not observed in the West Bank, stipulate that detainees held without charge be released within 48 hours. These laws allow the Attorney General to extend the detention period to a maximum of 90 days during investigations. Human rights organizations and the PA Ministry of Justice assert that PA security officials do not always adhere to this regulation. Prevailing law in the West Bank allows a suspect to be detained for 24 hours before being charged. The Attorney General can extend the detention period.

PA authorities generally permit prisoners to receive visits from family members, attorneys, and human rights monitors, except for prisoners held for alleged security offenses. PA security officials are not always aware that lawyers have a right to see their clients. In principle detainees may notify their families of their arrest, but this is not always permitted.

PA security services have overlapping or unclear mandates that often complicate the protection of human rights. Under existing law in the West Bank, only the PA's civil police force is authorized to make arrests. In practice all security forces are known to detain people at various times. The operating procedures and regulations for conduct of PA security personnel in the various services are not well developed and have not yet been made fully available to the public.

There are many detention facilities in the West Bank and Gaza Strip administered by the overlapping PA security services, a situation that complicates the ability of families, lawyers, and even the Ministry of Justice to track detainees' whereabouts. Security services including Preventive Security, General Intelligence, military intelligence, and the coast guard have their own interrogation and detention facilities. In general these services do not, or only sporadically, inform families of a relative's arrest. Most PA security officers remain ignorant of proper arrest, detention, and interrogation procedures, as well as basic human rights standards. Human rights groups continue to provide basic human rights training to PA security services. During 1997 human rights groups provided training to representatives of all the PA security services, including the PA military intelligence service. In 1997 more than 60 PA security officials participated in human rights courses, bringing the total number of security officials who have graduated from human rights courses to almost 700, according to human rights groups.

PA security forces continued to arrest arbitrarily and detain journalists, professors, political activists, and human rights advocates, who criticized the PA, including journalist Daoud Kuttab and university professor Fahti Sobh (see Sections 1.c. and 2.a.).

PA security services in Gaza and the West Bank arrested dozens of Palestinians in the wake of the three 1997 suicide bombing attacks, a more targeted campaign than in past years. The majority of arrests were

conducted without warrants; most of those arrested in these campaigns remain in detention without being charged.

Human rights organizations estimate that the PA has held approximately 120 people for more than a year without charge, and the total number of Palestinians in PA jails reached 725 by November.

e.

Denial of Fair Public Trial

Palestinians accused by Israel of security offenses in Israeli-controlled areas of the occupied territories are tried in Israeli military courts. Security offenses are broadly defined and may include charges of political activity, such as membership in outlawed organizations. Charges are brought by military prosecutors. Serious charges are tried before three-judge panels; lesser offenses are tried before one judge. Defendants have the right to counsel and to appeal verdicts to the Court of Military Appeals, which may accept appeals based on the law applied in the case, the sentence, or both. The right of appeal does not apply in all cases and sometimes requires court permission. The Israeli military courts rarely acquit Palestinians of security offenses, but sentences are sometimes reduced on appeal.

Trials are sometimes delayed for several reasons: Witnesses, including Israeli military or police officers, do not appear; the defendant is not brought to court; files are lost; or attorneys fail to appear, sometimes because they have not been informed of the trial date or because of travel restrictions on Palestinian lawyers. These delays add pressure on defendants to plead guilty to minor offenses; if they do, an "expedited" trial may be held, in which a charge sheet is drawn up within 48 hours and a court hearing scheduled within days.

By law most Israeli military trials are public, although access is limited. Diplomats are allowed to attend military court proceedings involving foreign citizens, but there have been delays in gaining admission. Most convictions in military courts are based on confessions.

Evidence that is not available to the defendant or his attorney may be used in court to convict persons of security offenses. There is frequently no testimony provided by Palestinian witnesses either for or against Palestinians on trial. Israeli authorities maintain that this is due to the refusal of Palestinians to cooperate with the authorities. Physical and psychological pressures and reduced sentences for those who confess can induce security detainees to sign confessions. Confessions are usually spoken in Arabic but translated into Hebrew for the record because, authorities maintain, many Israeli court personnel speak Arabic but few read it. Palestinian detainees seldom read Hebrew and therefore often sign confessions that they cannot read.

Crowded facilities and poor arrangements for attorney-client consultations in prisons hinder legal defense efforts. Appointments to see clients are difficult to arrange, and prison authorities often fail to produce clients for scheduled appointments.

Israeli settlers in the West Bank and Gaza Strip accused of security and ordinary criminal offenses are tried under Israeli law in the nearest Israeli district court. Civilian judges preside, and the standards of due process and admissibility of evidence are governed by the laws of Israel, not military occupation decrees. Settlers convicted in Israeli courts of crimes against Palestinians regularly receive lighter punishment than Palestinians convicted in Israeli courts of similar crimes against either Israelis or other Palestinians.

The PA inherited a court system based on structures and legal codes predating the 1967 Israeli occupation. The Gaza legal code derives from British Mandate law, Egyptian law, and PA directives and laws. Pre-1967 Jordanian law applies in PA-controlled areas of the West Bank. Bodies of law in the Gaza Strip and West Bank have been substantially modified by Israeli military orders. According to the DOP and the Interim Agreement, Israeli military decrees issued during the occupation theoretically remain valid in both areas and are subject to review pursuant to specific procedure. The PA states that it is undertaking efforts to unify the Gaza and West Bank legal codes, but in 3 years little progress has been made.

The court system in general is recovering from years of neglect; many of the problems predate PA jurisdiction. Judges and staff are underpaid and overworked and suffer from lack of skills and training; court procedures and record-keeping are archaic and chaotic; and the delivery of justice is often slow and uneven. The ability of the courts to enforce decisions is extremely weak, and there is administrative confusion in the appeals process.

The PA Ministry of Justice appoints all civil judges for 10-year terms. The Attorney General, an appointed official, reports to the Minister of Justice and supervises judicial operations in both the Gaza Strip and West Bank.

In 1995 the PA established state security courts in Gaza and the West Bank to try cases involving security issues. Three military judges preside over each court. A senior police official heads the state security court in Jericho, and three judges preside over it. There is no right of appeal, but verdicts may be either ratified or repealed by the PA Chairman, Yasir Arafat. The PA Ministry of Justice has no jurisdiction over the state security courts, which appear to be subordinate only to the Chairman of the PA. In 1997 PA security courts sentenced 14 defendants: 3 received death sentences, bringing the total number of Palestinians sentenced to death to 13. To date none of these death sentences has been carried out; Chairman Arafat has not commuted any death sentences.

The PA usually ignores the legal limits on the length of prearrest detention of detainees suspected of security offenses. Defendants are often brought to court without knowledge of the charges against them or sufficient time to prepare a defense. Defendants are typically represented by court-appointed lawyers. Court sessions often take place on short notice in the middle of the night and without lawyers present, all violations of defendants' right to due process. In some instances, security courts try cases, issue verdicts, and impose sentences in a single session lasting several hours.

Palestinian Attorney General Fayez Abu Rahme acknowledged that at least 100 political prisoners are being held by the PA.

f. *Arbitrary Interference With Privacy, Family,*

Home, or Correspondence

Israeli military authorities in areas of the West Bank under their control may enter private Palestinian homes and institutions without a warrant on security grounds when authorized by an officer of the rank of lieutenant colonel. In conducting searches, the IDF has forced entry and has sometimes beaten occupants and destroyed property. Israeli authorities say that forced entry may lawfully occur only when incident to an arrest and when entry is resisted. Authorities say that beatings and arbitrary destruction of property during searches are punishable violations of military regulations, and that compensation is due to victims in such case. The Israeli Government states that it does not keep consolidated information on the claims against the Ministry of Defense for damages resulting from IDF actions.

Israeli security forces may demolish or seal the home (owned or rented) of a Palestinian suspected of terrorism without trial. The decision to seal or demolish a Palestinian's house is made by several high-level Israeli officials, including the Coordinator of the MATAK (formerly CIVAD) and the Defense Minister. Residents of houses ordered demolished have 48 hours to appeal to the area commander; a final appeal may be made to the Israeli High Court. A successful appeal generally results in the conversion of a demolition order to sealing. After a house is demolished, military authorities prohibit the owner from rebuilding or removing the rubble. Israelis suspected of terrorism are subject to Israeli law and do not face the threat of home demolition.

Israeli authorities destroyed eight Palestinian homes in 1997, compared with eight in 1996, and one in 1995. In Surif four homes were demolished. In Assira Shamaliyya, two homes were demolished and two filled with concrete.

Since 1994 the Israeli Government has allowed owners to apply to regional military commanders for permits to rebuild or unseal homes closed or demolished due to security offenses committed by themselves or a family member after their release—or the release of their family member—from prison. In 1997 the Israeli Government did not allow any homes to be rebuilt or unsealed. In 1996 the Israeli Government allowed one home to be unsealed.

In the Gaza Strip and PA-controlled areas of the West Bank, the PA requires the Attorney General to issue warrants for entry and searches of private property. These requirements are frequently ignored by Palestinian security services. PA police have searched homes without consent of their owners. In some cases, police have forcibly entered premises and destroyed property.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Israeli Government generally respects freedom of speech in the occupied territories but prohibits public expressions of support for Islamic extremist groups, such as HAMAS and other groups dedicated to the destruction of Israel. Continuing a policy it began in 1994, the Israeli Government generally did not enforce its prohibition on the display of Palestinian political symbols, such as flags, national colors, and graffiti, acts that are punishable by fines or imprisonment.

Overall, Israeli censorship of specific press pieces continued to be low. Israeli authorities continue to monitor the Arabic press based in Jerusalem for security-related issues. Military censors review Arabic publications for material related to the public order and security of Israel. Reports by foreign journalists are also subject to review by Israeli military censors for security issues, and the satellite feed used by many foreign journalists is monitored.

Israel often closes areas to journalists when it has imposed a curfew or closure. Israeli authorities have denied entry permits to Palestinian journalists traveling to their place of work in Jerusalem during closures of the territories.

The IDF requires a permit for publications sold in the occupied territories still under its control. Publications may be censored or banned for anti-Semitic or anti-Israeli content. Possession of banned materials is punishable by a fine and imprisonment. In 1997 Israel refused to allow publications, including newspapers, into the Gaza Strip during closures.

Israeli-imposed closures also severely disrupted the operations of West Bank and Gaza universities, colleges, and schools during the year. Educational institutions in the West Bank and Jerusalem closed for periods of time as a result of internal closures in the West Bank. Significant numbers of students and staff could not travel to the schools from neighboring towns and villages. Gaza students experience difficulty obtaining permits to attend West Bank universities.

The PA has a generally poor record on freedom of expression and freedom of the press, although it professes to tolerate varying political views and criticism. In general PA authorities do not permit criticism of Yasir Arafat or his policies or style of government. Press freedom in PA-controlled areas is subject to a 1995 Press Law that does not adequately protect the press. PA security services further stifle the independence of the press by periodically harassing or detaining media members. PA officials imposed restrictions on the press in several instances, including closing some opposition newspapers. In May PA security officials detained Palestinian-American journalist Daoud Kuttab for over a week. He was never charged but came to the attention of the PA when he broadcast a Palestinian Council session that discussed PA corruption.

The PA has authority over all levels of education in the West Bank and Gaza Strip. PA security services in the Gaza Strip arrested prominent university professor Fahti Sobh in July after he allegedly asked students, as a final exam question, what they would do about PA corruption. Sobh reported that he was subjected to torture. He did not pay a fine. He faces a fine up to approximately \$7,000 (5000 Jordanian dinars) if he is apprehended again. This detention was the only instance of PA interference in academic freedom during the year.

b. **Freedom of Peaceful Assembly and Association**

Israeli military orders ban public gatherings of 10 or more persons without a permit. Since the 1993 signing of the Declaration of Principles, Israel has relaxed enforcement of this rule except in cases of Palestinian demonstrations against land seizures or settlement expansions.

Private Palestinian organizations are required to register with the Israeli authorities in areas under Israeli control, though some operate without licenses. The authorities permit Palestinian charitable, community, professional, and self-help organizations to operate unless their activities are viewed by Israeli authorities as a security problem. Israeli authorities have forced some Palestinian organizations in East Jerusalem to close because of alleged links to the PA.

The PA does not impose restrictions on freedom of assembly, although it does require permits for rallies, demonstrations, and large cultural events. These permits are rarely denied. In Gaza police approval is required for "political" meetings at several specific large meeting halls. Written permission is also required for buses to transport passengers to attend political meetings. In West Bank cities, the PA requires permits for outdoor rallies and demonstrations and prohibits calls for violence, a display of arms, and racist slogans, although this is not always enforced.

There were periodic complaints during the year from Palestinian political parties, social and professional groups, and other NGO's that the PA tried to limit their ability to act autonomously.

c. **Freedom of Religion**

The Israeli Government respects freedom of religion and does not ban any group or sect on religious grounds. It permits all faiths to operate schools and institutions. Religious publications are subject to the publications laws (see Section 2.a.). In 1997 the IDF temporarily closed at least five mosques in the course of investigating communities in which terrorist suspects were believed to be operating.

The PA does not restrict freedom of religion. There are periodic credible allegations that a small number of Muslim converts to Christianity are subject to societal discrimination and sometimes harassment by PA officials. The PA investigates such complaints. There was no pattern of PA discrimination and harassment against Christians.

d. **Freedom of Movement within the Occupied**

Territories, Foreign Travel, Emigration, and Repatriation

Israel requires that all West Bank and Gaza residents obtain identification cards to qualify for permits to enter Israel and Jerusalem. However, Israel often denies applicants permits with no explanation, and does not allow effective means of appeal. Palestinian officials with VIP passes, including PA cabinet officials and members of the Palestinian Council, were subjected to long delays and searches at Israeli checkpoints in the West Bank, even though they were traveling on special passes issued by Israel. In general Palestinians in

the West Bank and Gaza Strip find it difficult to obtain permits to work, visit, study, obtain medical care, or attend religious services outside of the West Bank or Gaza. Palestinian residents of Jerusalem are sometimes prohibited from entering PA-controlled areas of the West Bank, and they require written permits from Israel to travel to the Gaza Strip. Residents of the Gaza Strip are rarely able to obtain permission to travel to the West Bank, or residents of the West Bank to enter the Gaza Strip; this is even true of residents of the West Bank and Gaza Strip who regularly receive permission to enter Israel. Israeli authorities do not permit Gazans to bring vehicles into Israel and rarely permit West Bank vehicles to enter Jerusalem or Israel. Except for senior PA officials, Palestinians of all ages entering (or exiting) the Gaza Strip from (or into) Israel are not permitted to travel by car across the main checkpoint. Instead, they must travel along a narrow walkway almost a mile long. Israelis moving into and out of the Gaza Strip are permitted to use their cars. Israel and the PA have yet to establish "safe passage" to facilitate travel between the West Bank and Gaza Strip as set out in the 1995 Interim Agreement.

Israel continues to apply its policy, begun in 1993, of closure of the West Bank and the Gaza Strip, following terrorist attacks. On occasion Israel also imposes a tightened version of closure in the wake of terrorist incidents. During these times Israel tends to cancel all travel permits and prevents Palestinians, even those with valid work permits, from entering Israel or Jerusalem. Israel often imposes an "internal closure" during the "an initial limited period." An "internal closure" prohibits Palestinians from traveling between West Bank towns and villages. Tightened closures, especially those that include an internal closure, severely hamper the flow of food, medicine, students, doctors, and patients into and out of the occupied territories, and they seriously disrupt commercial activity. A tightened closure was imposed after the March 21, July 30, and September 4 terrorist bombings. Tightened closures imposed during the year lasted longer and were more strictly enforced than those from past years. After both the July 30 and September 4 bombings, an "internal" closure was imposed for almost 2 weeks, while the tightened closure lasted for about a month.

As a security precaution, Israel also routinely tightens the closure of the West Bank and the Gaza Strip during major Jewish or Muslim holy days, as well as during times of political sensitivity for Israel.

Israel continued to impose periodic curfews in areas of the West Bank under its jurisdiction in response to its security concerns, in anticipation of incidents, or as part of ongoing security operations. Israelis are generally free to move about during curfews, while Palestinians are confined to their homes. A curfew was imposed on the southern West Bank village of Surif in March and on the northern West Bank village of Assira Shamaliyyah in September. During periods of tightened closure, Israeli settlers were prevented from entering Palestinian-controlled zones.

The Israeli Government restricted travel for some Israeli settlers, prohibiting them from entering sensitive locations in the West Bank. The Yesha Council, an umbrella group of settler organizations, reported that six Israelis were placed under administrative detention during the year.

The Israeli Government requires all Palestinian residents in areas under its control to obtain permits for foreign travel and has restricted the travel of some political activists. Bridge-crossing permits to Jordan may be obtained at post offices without a screening process. However, in the case of East Jerusalem Palestinians, the fear of losing one's residency is an obstacle to travel. Palestinian males between the ages of 16 and 25 who cross into Jordan must remain outside the occupied territories for 9 months. Restriction on residence, tourist visas, reentry, and family reunification apply only to Palestinian residents of the occupied territories. Israeli authorities sometimes refuse to renew the laissez-passers of Palestinians from the occupied territories who live or work abroad, on the grounds that they have abandoned their residences.

Palestinians who live in the part of Jerusalem that was occupied during the 1967 War generally do not accept Israeli citizenship. They are, therefore, issued a residence permit, or Jerusalem ID card, by the Israeli Government. Israel applies the 1952 Law of Permanent Residency and its 1974 amendments to Jerusalem identification card holders. This law stipulates that a Jerusalem resident loses the right of residence if the

resident leaves Israeli territory for more than 7 years, acquires nationality of another country, or acquires permanent residence in another country. Such persons are permitted to return only as tourists and are sometimes denied entry. The Israeli Government does not apply these same restrictions to Israeli citizens. Israeli government officials deny that more stringent enforcement of the Jerusalem residency requirements in 1997 reflects a concerted policy to decrease the Palestinian population in the city. Human rights groups estimate that approximately 5,000 Palestinian residents had their residency permits revoked in 1996 and 1997.

Invoking the 1952 law, Israeli officials routinely tell Palestinian residents of Jerusalem who possess other nationalities that they have to renounce their other nationalities in order to retain the right to live in Jerusalem. Over 175 Palestinian-Americans have been told that they must renounce their U.S. citizenship in order to retain their Jerusalem residency.

Israeli authorities also place restrictions on family reunification. Most Palestinians who were abroad before or during the 1967 War, or who have lost their residence permits for other reasons, are not permitted to reside permanently with their families in Jerusalem or the occupied territories. Foreign-born spouses and children of Palestinian residents also experience difficulty in obtaining permission to reside with their family members. Only 1,500 family reunification permits have been issued since the Interim Agreement was signed in 1995.

Israeli security singles out young (often unmarried) Palestinian males for more stringent restrictions than other Palestinians, citing them as more likely to be security risks. They are generally prohibited from working in Israel.

The PA issues passports and identification cards for Palestinians residing in the West Bank and Gaza. Bearers of Palestinian passports do not need special exit permits from the PA, but do require reentry permits. They can travel both over the Allenby Bridge to Jordan and via Ben Gurion Airport in Israel. Palestinians who are Jerusalem residents may not obtain Palestinian passports and must obtain travel documents from the Government of Israel to travel abroad. Those wishing to travel to Jordan must leave their ID documents with Israeli authorities at the Allenby Bridge. There is also a requirement that Jerusalem Palestinians have a special permit to cross the Allenby Bridge, available for \$40 (125 New Israeli Shekel—NIS) from the Ministry of Interior. Palestinians, including Palestinian-Americans who are residents of the West Bank, the Gaza Strip, or Jerusalem, are not allowed to cross at the Sheikh Hussein or Arava crossings with Jordan.

Palestinians with passports from other countries are required by Israel to exit and enter (either via Ben Gurion or via land crossings) with a Palestinian passport. Israel asserts that the requirement results from the Interim Agreement. Palestinian officials dispute this interpretation and characterize this requirement as "harassment." On several occasions in 1997 following terrorist incidents, Israel has restricted foreign travel of all those who hold Palestinian passports. This has sometimes resulted in Palestinians being unable to leave or to enter Israel. At all times, West Bank and Gazan Palestinians require a special permit, issued by Israel, to enter Jerusalem.

The PA does not control its borders. All persons entering PA-controlled areas must be granted permission by Israel. The issue of Palestinian refugees is a matter to be discussed between Israel and the PA in final status negotiations.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Palestinian residents of the West Bank, Gaza Strip, and Jerusalem chose their first popularly-elected government in 1996. They elected an 88-member Council and the Ra'ees (President or Chairman) of the Executive Authority of the Council. Yasir Arafat won almost 89 percent of the vote in a two-person race for Chairman. Some 700 candidates ran for council seats. Council members were elected in multimember electoral districts. As many as 35 of the elected members were independent candidates or critics of Arafat and his Fatah faction. International observers concluded that the election could be reasonably regarded as an

accurate expression of the will of the voters, despite some irregularities. During the year, the Council debated numerous draft laws and some 168 resolutions. Some members of the Council complained of its relative lack of power in relation to the executive branch of government; the Council and the Executive Authority work within the boundaries set out in the 1995 Interim Agreement. The Council's mandate runs to mid-1999, the end of the interim period set out in the accords.

Most Palestinians in Jerusalem do not recognize the jurisdiction of the Municipality of Jerusalem. Less than 7 percent of Jerusalem's Palestinian population voted in the 1993 municipal elections. No Palestinian resident of Jerusalem sits on the city council.

Women are underrepresented in government and politics. There are 5 women in the 88-member Council, and 2 women serve in ministerial-level positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Many local groups—Israeli, Palestinian, and international—monitored the Israeli Government's human rights practices. The Israeli Government normally cooperates with human rights organizations; officials normally agree to meet with human rights monitors. The Israeli Government permits human rights groups to publish and hold press conferences.

However, some individual human rights workers have been subjected to interference. A fieldwork coordinator for the Palestinian human rights organization Al-Haq was arrested by Israel and has been detained without charge since February 1996.

The Israeli Government withheld its cooperation from the U.N. Special Committee to Investigate Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. The Special Committee was unable to visit the occupied territories and reported that the Government of Israel did not respond to communications addressed to it on the matter.

Many local human rights groups—mostly Palestinian—as well as several international human rights organizations, monitored the PA's human rights practices. The PA generally cooperates with these organizations and PA officials normally meet with their representatives. Several Palestinian human rights organizations work behind the scenes with the PA to overcome abusive practices in certain areas. They also publish criticism if they believe that the PA is not responding adequately to private entreaties. In December the West Bank intelligence service lifted a 6-month ban on visits to its prisons by lawyers of one human rights group.

The ICRC operates in the PA areas under the terms of a memorandum of understanding signed in September 1996 between the ICRC and the PLO. The memorandum accords the ICRC access to all detainees held by the PA and allows regular inspections of prison conditions. In accordance with the agreement, the ICRC conducted routine visits of PA-run prison facilities and to PA-held prisoners throughout the year.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Under the complex mixture of laws and regulations that apply to the occupied territories, Palestinians are disadvantaged under Israeli law and practices compared with the treatment received by Israeli settlers. This includes discrimination in residency, land use, and access to health and social services.

Women

The problems of rape, domestic violence, and violence related to "family honor" have gained greater prominence in the Palestinian community, but public discussion is generally muted. Victims are often encouraged by relatives to remain quiet and are themselves punished or blamed for the "shame" that has been brought upon them and their families. Women's groups seek to educate women on these problems, but women's

rights advocates claim that few resources are available to shelter the victims of violence. They also maintain that society has not been receptive to providing counseling or outreach services to victims of problems that they see as more widespread than is acknowledged. According to women's groups, there are no reliable data on the incidence of violence against women. Spousal abuse, sexual abuse, and "honor killings" occur, but societal pressures prevent most incidents from being reported, and most cases are dealt with informally by family members.

Palestinian women in both the Israeli- and PA-controlled areas of the occupied territories endure various forms of social prejudice and repression within their own society. Because of early marriage, girls frequently do not finish the mandatory level of schooling. Cultural restrictions sometimes prevent them from attending colleges and universities. While there is an active women's movement in the West Bank, attention has only recently shifted from nationalist aspirations to issues that greatly affect women such as domestic violence, equal access to education and employment, and laws concerning marriage and inheritance.

A growing number of Palestinian women work outside the home, where they tend to encounter discrimination. There are no special laws providing for women's rights in the workplace. Women are underrepresented in most aspects of professional life. Despite the fact that there is a small group of women who are prominent in politics, medicine, law, teaching, and in nongovernmental organizations, women for the most part are seriously underrepresented in the decisionmaking positions in these fields.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a (Islamic law). In the West Bank and Gaza, Shari'a law pertaining to women is part of the Jordanian Status Law of 1976, which includes inheritance and marriage laws. Under the law, women inherit less than male members of the family. The marriage law allows men to take more than one wife, although few do so. Women are permitted to make "stipulations" to protect them against divorce and questions of child custody. However, only an estimated 1 percent of women take advantage of this section of the law, leaving most women at a disadvantage when it comes to divorce or child custody. Following legal protests, the PA Ministry of Civil Affairs in 1996 rescinded a law requiring women to obtain the written consent of a male family member before it would issue them a travel document.

Children

The PA requires compulsory education up to 12 years of age. Current British Mandate, Jordanian, and military laws, from which West Bank and Gaza law is derived, offer protection to children under the Labor and Penal Codes. While there is no juvenile court system, judges specializing in children's cases generally sit for juvenile offenders. In cases where the child is the victim, judges have the discretion to remove the child from a situation deemed harmful. However, the system is not advanced in the protection afforded children.

There is no societal pattern of abuse of children among Palestinians.

People With Disabilities

There is no mandated accessibility to public facilities in the occupied territories under either Israeli or Palestinian authority. Approximately 130,000 Palestinians in the West Bank and Gaza are disabled. Some Palestinian institutions care for and train disabled persons; their efforts, however, are chronically underfunded. Many Palestinians with disabilities are segregated and isolated from Palestinian society; they are discriminated against in most spheres, including education, employment, transportation, and access to public buildings and facilities.

Section 6 Worker Rights

a. The Right of Association

Labor affairs in the West Bank came under Palestinian responsibility with the signing of the Interim Agreement in September 1995. Until a new law being drafted by PA authorities comes into effect, labor affairs in the West Bank are governed by Jordanian Law 21 of 1965, as amended by Israeli military orders, and in Gaza by PA decisions. The law permits workers to establish and join unions without government authorization. The earlier Israeli stipulation that all proposed West Bank unions apply for a permit is no longer enforced. No new unions were established in 1997. Israeli authorities previously have licensed about 35 of the estimated 185 union branches now in existence. There are almost 30 licensed trade unions in the West Bank and 6 in Gaza.

Palestinian workers in Jerusalem are governed by Israeli labor law. They are free to establish their own unions. Although the Government restricts Jerusalem unions from joining West Bank trade union federations, this restriction has not been enforced. Palestinian workers in Jerusalem may belong simultaneously to unions affiliated with West Bank federations and the Israeli Histadrut Labor Federation.

West Bank unions are not affiliated with the Israeli Histadrut federation. Palestinians who work in Israel or Jerusalem are not full members of Histadrut, but they are required to contribute 1 percent of their wages to Histadrut. Negotiations between Histadrut and West Bank union officials to return half of this fee to the Palestinian Union Federation were completed in 1995, but funds have yet to be transferred.

Palestinians who work in Israel are required to contribute to the National Insurance Institute (NII), which provides unemployment insurance and other benefits. Palestinian workers are eligible for some, but not all, NII benefits. According to the Interim Agreement, Palestinians working in Israel continue to be insured for injuries occurring in Israel, the bankruptcy of a worker's employer, and allowances for maternity leave. The Israeli Government agreed to transfer the NII fees collected from Palestinian workers to the PA, which is to assume responsibility for the pensions and social benefits of Palestinians working in Israel. Implementation of this change is still underway.

The great majority of West Bank unions belong to the Palestinian General Federation of Trade Unions (PGFTU). The PGFTU acted as the informal coalition in the completion of the negotiations with Histadrut regarding workers' fees. The reorganization of unions under the PGFTU is intended to enable the West Bank unions and Gaza unions to better represent the union members' interests; the reorganization had not yet been finalized at year's end.

An estimated 86,000 workers are members of the PGFTU, the largest union bloc. The PGFTU estimates actual organized membership, i.e., dues-paying members, at about 30 percent of all Palestinian workers.

No unions were dissolved by administrative or legislative action during the year. Palestinian unions seeking to strike must submit to arbitration by the PA Ministry of Labor. If the union disagrees with the final arbitration and strikes, a tribunal of senior judges appointed by the PA decides what, if any, disciplinary action is to be taken. There are no laws in the territories that specifically protect the rights of striking workers, and in practice, such workers have little or no protection from an employer's retribution.

In March 25 members of the teachers union, who went on strike over low wages, were imprisoned for 40 days in Nablus and Ramallah.

The PGFTU has applied for membership in the International Confederation of Free Trade Unions (ICFTU).

b.

The Right to Organize and Bargain Collectively

A majority of workers in the occupied territories are self-employed or unpaid family helpers in agriculture or commerce. Only 35 percent of employment in the territories consists of wage jobs, most with the United Nations Relief and Works Agency (UNRWA), the PA, or in municipalities. Collective bargaining is pro-

tected. Labor disputes are adjudicated by committees of 3 to 5 members in businesses employing more than 20 workers.

Existing laws and regulations do not offer real protection against antiunion discrimination. One industrial zone is being developed in the Gaza Strip.

c. Prohibition of Forced or Compulsory Labor

PA law does not specifically prohibit forced or compulsory labor, including by children.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum working age in the West Bank and Gaza is 14 years, but most observers agree that a significant number of Palestinian children under the age of 16 years, and many under the age of 12 years, are engaged in some work activities. Most of this employment is believed to involve work on family farms, in family shops, or as urban street hawkers. Some employment of children is also reported to occur in small manufacturing enterprises, such as shoe and textile factories. The law does not specifically prohibit forced or compulsory labor by children (see Section 6.c.).

The PA's capacity to enforce existing laws is limited, with only 40 labor inspectors to inspect an estimated 65,000 enterprises. The International Labor Organization and UNICEF are working with the PA to study the nature and extent of the problem and to develop the capacity to enforce and update child labor laws.

e. Acceptable Conditions of Work

There is currently no minimum wage in the West Bank or Gaza areas. In the West Bank, the normal work week is 48 hours in most areas; in Gaza the work week is 45 hours for day laborers and 40 hours for salaried employees. There is no effective enforcement of maximum work week laws.

The PA Ministry of Labor is responsible for inspecting work places and enforcing safety standards in the West Bank and Gaza. The Ministry of Labor says that newer factories and work places meet international health and safety standards but that older ones fail to meet minimum standards. There is no specific legal protection afforded workers that allows them to remove themselves from an unhealthy or unsafe work setting without risking loss of employment.

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