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2009 Country Reports on Human Rights Practices - Israel and the occupied territories

Bureau of Democracy, Human Rights, and Labor
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Israel is a multiparty parliamentary democracy with a population of approximately 7.5 million, including Israelis living in the occupied territories. Israel has no constitution, although a series of "Basic Laws" enumerate fundamental rights. Certain fundamental laws, orders, and regulations legally depend on the existence of a "State of Emergency," which has been in effect since 1948. The 120-member, unicameral Knesset has the power to dissolve the government and mandate elections. The February 10 elections for the Knesset were considered free and fair. They resulted in a coalition government led by Prime Minister Benjamin Netanyahu. Civilian authorities generally maintained effective control of the security forces within Israel. (An annex to this report covers human rights in the occupied territories. This report deals with human rights in Israel and the Israeli-occupied Golan Heights.)

The government generally respected the human rights of its citizens, although there were problems in some areas. There were several high-profile cases involving corruption by political leaders. Institutional, legal, and societal discrimination against Arab citizens, Palestinian Arabs, non-Orthodox Jews, and other religious groups continued, as did societal discrimination against persons with disabilities. Women suffered societal discrimination and domestic violence. The government maintained unequal educational systems for Arab and Jewish students. While trafficking in persons for the purpose of prostitution greatly decreased in recent years, trafficking for the purpose of labor remained a problem, as did abuse of foreign workers.

Palestinian rocket and terrorist attacks killed four and injured 34 civilians in Israel during the year; such attacks killed three at the start of hostilities on December 27 and 29, 2008. There were 125 rockets and 70 mortar shells fired into Israel from Gaza since the end of Operation Cast Lead on January 21, and 850 rockets and mortar shells during the hostilities, compared with 1,750 rockets and 1,528 mortar shells in 2008.

In response to a sharp increase in the number and frequency of rocket attacks into Israel prior to and following the expiration of Hamas' agreed period of "calm" on December 19, 2008, the Israeli Air Force launched Operation Cast Lead, consisting initially of airstrikes on December 27 against Hamas security installations, personnel, and other facilities in the Gaza Strip, followed on January 3 by ground operations. Hostilities between Israeli forces and Hamas fighters continued through January 18, and the Israeli withdrawal of troops was completed on January 21. Human rights organizations estimated the number of dead at close to 1,400 Palestinians, including more than 1,000 civilians, and the wounded at more than 5,000. According to government figures, Palestinian deaths

totaled 1,166, including 295 noncombatant deaths. The discrepancy over civilian deaths largely centered on whether the 248 Hamas police officers killed were considered civilians. There were 13 Israelis killed, including three civilians. Further information on the human rights situation in Gaza and the West Bank is in the Annex.

The President of the UN Human Rights Council (HRC) established the United Nations Fact Finding Mission on the Gaza Conflict to investigate Israeli violations of international human rights and humanitarian law in the context of military operations in Gaza, whether before, during, or after Operation Cast Lead. On September 29, Justice Richard Goldstone, who headed the mission, presented the report (commonly known as the "Goldstone report") to the HRC in Geneva. The Goldstone report investigated 36 incidents of alleged violations by the IDF in Gaza, as well as alleged violations by Palestinians. This reflected an effort by Goldstone to broaden the scope of his report beyond the original mandate, which was limited only to violations by Israel. Among its many conclusions, the report claimed that members of the IDF were responsible for deliberate targeting of civilians, for the destruction of critical infrastructure in Gaza, and for using weapons such as white phosphorous in highly populated areas, all of which it deemed to be violations of international humanitarian law. The Goldstone report was widely criticized for methodological failings, legal and factual errors, falsehoods, and for devoting insufficient attention to the asymmetrical nature of the conflict and the fact that Hamas and other Palestinian militants were deliberately operating in heavily populated urban areas of Gaza. The government of Israel also sharply rejected the charge that it had a policy of deliberately targeting civilians. IDF military advocate general Mandelblit was responsible for reviewing all allegations relating to Operation Cast Lead, including those contained in the Goldstone Report. At the end of the year, Mandelblit's investigations were ongoing.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit politically motivated killings.

On September 3, the Central District Court found Shahar Mizrahi, a police officer, guilty of manslaughter in the 2006 shooting of Mahmoud Ghanayem in the town of Baka El Gharbia. The court sentenced Mizrahi to 15 months in jail and a 15-month suspended sentence. Authorities did not suspend him from duty during the trial or after the conviction. Mizrahi claimed that he suspected Ghanayem of car theft; the car belonged to the victim's father. Mizrahi appealed, claiming that it was a life-threatening situation; the appeal was pending before the Supreme Court at year's end.

An appeal was pending at year's end regarding the Department for Investigations against Police Officers' (DIPO) closure for lack of evidence of its inquiry into the March 2008 beating and subsequent coma and death of Sabri al-Jarjawi, a 25-year-old Bedouin from the Negev. A friend of al-Jarjawi, who was present during the incident, stated that two police officers attacked al-Jarjawi without provocation. According to a police statement, the two officers resorted to force after one of the two Bedouin men assaulted one of the officers.

At year's end, an internal Israel Prison Service (IPS) investigation was ongoing into the 2007 killing of a Palestinian prisoner, Mohammed al-Askar, during a riot at Ketziot Prison. Prisoners alleged that security forces improperly used crowd-dispersal weapons, including rubber bullets and beanbag projectiles. The IPS investigation was on hold pending the outcome of legal proceedings in the Be'er Sheva Magistrate Court regarding the cause of death.

On June 15, the Haifa District Court acquitted the border policeman involved in the 2006 killing of Nadim Milham, an Israeli Arab who was killed in his home during a weapons search.

An investigation was ongoing at year's end into the charge filed November 12 against Yaakov (Jack) Teitel, a resident of the West Bank settlement Shvut Rachel, in an allegedly politically motivated 1997 killing of Samir Akram Balbisi, an Arab taxi driver in Jerusalem (see sections 1.c. and 6 and the Annex for other charges against him). Documents released in December showed the investigation had stalled in 2000 following an Israel Security Agency (ISA or Shin Bet) interrogation when Teitel passed a polygraph test, although the investigation had identified Teitel as the sole suspect since the day after the murder.

Palestinian terrorists routinely fired rockets and mortars from the Gaza Strip into Israel. According to the government, Palestinians fired 125 rockets and 70 mortar shells into Israel from Gaza since the end of Operation Cast Lead in January and 850 rockets and mortar shells during the operation in Gaza, down from 1,750 rockets and 1,528 mortar shells in 2008. Rocket, mortar, and sniper fire from the Gaza Strip killed four civilians during the year.

According to the nongovernmental organization (NGO) B'Tselem, Israeli military operations killed an estimated 1,003 Palestinians in Gaza throughout the year, including in January as a result of Operation Cast Lead. The campaign targeted Hamas security installations, personnel, tunnels, and other facilities in the Gaza Strip. IDF military advocate general Mandelblit was responsible for reviewing all allegations relating to Operation Cast Lead, including those contained in the Goldstone report. At year's end, field and military police investigations continued and the military advocate general had referred approximately 140 cases for criminal investigations (see Annex). The IDF killed 21 Palestinians in the West Bank during the year.

During 2008 the Military Investigative Police launched 323 investigations with regard to cases of death, violence, and property damage against Palestinians. In these cases, the military advocate general filed 26 indictments against 31 soldiers suspected of committing criminal offenses against Palestinians. There were 18 convictions, two acquittals, the closure of three cases by the military advocate general, and three cases pending as of year's end (see Annex).

b. Disappearance

There were no reports of politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

A 1999 High Court of Justice ruling held that, although torture and the application of physical or psychological pain are illegal, ISA interrogators may be exempt from criminal prosecution if they use such methods in extraordinary "ticking bomb" cases.

On July 6, the High Court of Justice rejected a motion brought by three Israeli NGOs seeking to charge the ISA with contempt of court. The NGOs had argued that ISA interrogators applied more often than the court intended the exemption for use of such methods in extraordinary "ticking bomb" cases.

During the year NGOs filed numerous complaints alleging that security forces tortured or abused Palestinians from the occupied territories, including after arrests during the Gaza operation (see Annex).

On December 28, the NGO Public Committee Against Torture in Israel (PCATI) reported on the lack of investigations of torture allegations, noting that, since 2001, not one investigation had resulted from more than 600 complaints of torture by ISA agents. On July 5, PCATI filed a suit with the Supreme Court against the use of painful shackling, based on a report it released in June. The case was pending at year's end.

On December 22, police arrested two border guards following a DIPO investigation into suspicions that they beat and stole 700 NIS (approximately \$184) from a Sudanese man

in Eilat. The case was pending at year's end at the Rishon Lezion Magistrates Court.

On September 9, the Supreme Court dismissed the April 2008 petition of five human rights NGOs against the ISA's alleged psychological use of family members during interrogations. The court stated that it was forbidden to use threats, false promises, and charades relating to a detainee's family members as a form of pressure; additionally, the court noted that the attorney general clarified the ISA guidelines for interrogators as a result of the petition, explicitly forbidding such practices. The court dismissed the case because it found no evidence of such practices actually in use.

Unlike the previous year, when it received four complaints, the NGO Hotline for Migrant Workers (Hotline) reported no complaints regarding immigration police violence.

On October 7, Yaakov (Jack) Teitel, a radical member of the settlement movement, was arrested and remained in custody while other charges were under investigation. In September 2008 Teitel allegedly planted a pipe bomb at the doorstep of prominent Hebrew University professor and critic of the settlements Ze'ev Sternhell, who was wounded by the bomb. After the attack, police found flyers near Sternhell's home calling for the establishment of a new state in the West Bank based on Jewish religious law. The flyers, signed in the name of an unknown Jewish extremist group called the Army of the State Liberators, also offered 1.1 million NIS (\$289,000) to anyone who killed a member of the NGO Peace Now.

In November evidentiary hearings began following a DIPO investigation and a criminal indictment against three police officers. In June 2008 they reportedly detained and severely beat east Jerusalem resident Tareq Abu Laban.

In November a military court acquitted the two soldiers involved in the July 2008 fight with two Druze families on a beach near Haifa. The court found that the soldiers' actions were taken in self-defense in response to being hit first and that hospital records did not substantiate the claimed injuries of the complainant.

As of year's end, an evidentiary hearing had not been held on the case of two policemen, Iyad Huzeyl and Dani Havery, who were indicted in October 2008 for assault involving grievous injury against Fadi Darab'i, an undocumented Palestinian laborer, in April 2008 at a construction site in the town of Gan Yavneh. An evidentiary hearing was scheduled for October 2010 at the Beer Sheva Magistrate Court.

As of year's end, there had not been an evidentiary hearing in the 2006 case of three border police officers – Eliran Levy, Moshe Yekutieli, and Almit Asarsa – indicted on charges of aggravated assault for abusing Abd Tareq Ahrub, a West Bank resident detained for being in Jerusalem without a permit.

As of year's end, the Supreme Court had not ruled on a 2007 government appeal of a district court decision not to dismiss a lawsuit filed against the state by Lebanese citizen Mustafa Dirani, who charged that Israeli security forces tortured and raped him during interrogations between 1994 and 2004.

Prison and Detention Center Conditions

The law provides prisoners and detainees the right to conditions that do not harm their health or dignity. While various organizations found deficiencies, conditions in IPS facilities for common criminals and security prisoners generally met international standards according to international and domestic NGOs. (Conditions in four facilities for detainees are covered in the Annex.) The International Committee of the Red Cross (ICRC) regularly monitored IPS facilities, interrogation facilities, and the two IDF provisional detention centers. The Israel Bar Association (IBA) and public defenders were permitted to inspect IPS facilities. Overcrowding remained a problem in some sections of 11 out of 15 prisons, according to the June annual report of the Public Defender's Office that covered conditions in prisons and detention centers in 2008. Regulations

require at least 48 square feet of living space per person, but spaces were as low as 19 square feet per person in one holding cell in one prison.

The Public Defender's June report covering conditions in prisons and detention centers in 2008 noted some improvements but found grave deficiencies in the infrastructure of most prison facilities and the living conditions in many of them. In response to the 2008 report that convicts in one-third of the prisons visited complained of violent and humiliating treatment, the Warden's Investigation Unit within the National Police (which is independent of the IPS) found complaints to be unfounded. In 2008 the IPS created a permanent team to examine violence within the penal system, recommend treatment, and conduct training. The recommendations resulted in the renovation of 15 prison wings during the year.

The government acknowledged the need to improve conditions for Palestinian security prisoners in response to an August 2008 IBA report on Sharon and Hadarim prisons that noted, among other points, poor health conditions for security prisoners.

According to the government, the IPS renovated family waiting areas outside 15 prisons and upgraded rooms to meet lawyers in all IPS facilities during the year. Reports by the Public Defender's Office, official comptrollers, and other government authorities noted a significant improvement in prisoners' living conditions.

In July the NGO Physicians for Human Rights-Israel (PHR-I) report noted that the Ministry of Health rejected NGO calls to publish procedural guidelines for medical staff to report observations of suspected physical abuse of prisoners. PHR-I also noted that the ministry refused to extend "whistleblower" protection to IPS doctors reporting possible instances of torture.

According to the NGO Adalah, as of July, there were 7,731 Arab security prisoners and detainees out of a total of 12,990 Arab prisoners; there were 16 Jewish Israeli security prisoners out of a total of 6,552 Jewish prisoners.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions for all citizens. Non-Israeli residents of the Israeli-annexed Golan Heights were subject to the same laws as Israeli citizens. Noncitizens of Palestinian origin detained on security grounds fell under military jurisdiction even if detained in Israel (see Annex).

Role of the Police and Security Apparatus

The ISA under the authority of the prime minister combats terrorism and espionage in the country and the occupied territories (see Annex). The National Police, including the Border Police and the Immigration Police, are under the authority of the Ministry of Internal Security. Police corruption generally was not a problem.

The DIPO reviews complaints against police officers and may impose disciplinary measures or recommend indictments. The DIPO hired and trained 15 civilian investigators in 2008, replacing the police investigators who staffed the former Police Investigations Department, which human rights groups had criticized for lacking the independence necessary for adequate investigation of allegations against police officers. The DIPO was staffed by 19 civil investigators and 25 police investigators.

The police carried out training programs in coordination with academic institutions and human rights NGOs to promote human rights awareness and cultural sensitivity. During the year the National Police provided mandatory Arabic language and culture classes for all new cadets.

Arrest Procedures and Treatment While in Detention

Suspects in nonsecurity cases are apprehended openly with warrants based on sufficient evidence and issued by an authorized official and generally were informed promptly of charges against them. The law provides that an arrested citizen is considered innocent until proven guilty and has the right to habeas corpus, to remain silent, to be represented by an attorney, to contact family members, and to receive a fair trial. The government may withhold evidence from defense lawyers on security grounds; however, the evidence must be made available to the court. A bail system exists, and a decision denying bail can be appealed.

As a general practice, noncitizens of Palestinian origin detained for security violations were not granted bail. An individual suspected of a criminal offense may be held without charge for 24 hours before being brought before a judge, with limited exceptions allowing for up to 48 hours.

Persons detained on security grounds may fall under one or more of the legal regimes described below.

Under a 2006 "temporary law" on criminal procedures that has twice been renewed, the IPS may hold individuals suspected of a security offense for 48 hours without judicial oversight, with limited exceptions allowing up to 96 hours before being brought before a district court presiding judge. Administrative detention was used as an exception when intelligence sources could not be presented as evidence in regular criminal proceedings. The law, which was set to expire again in December 2010, allows the court to authorize holding a detainee for up to 20 days without an indictment and, by barring access to a lawyer, to hold a detainee incommunicado for up to 21 days with the approval of the attorney general. The court may decide to impose further extensions without the detainee being present or informed of the hearing. An administrative detainee has the right to appeal any decision to lengthen detention.

In another legal regime for administrative detention, the 1979 Emergency Powers Law allows the Defense Ministry (MOD) to detain persons administratively without charge for up to six months, renewable indefinitely. Such detainees, almost all of whom were Palestinians in the West Bank, were permitted legal representation within seven days, with limited exceptions for up to 21 days with the attorney general's approval. If necessary, the government provided free legal representation. The military court may rely on classified evidence denied to detainees and their lawyers. Detainees can appeal their cases to a military court of appeals and ultimately to the Supreme Court.

The third legal option for pretrial detention relies on the 2002 Illegal Combatant Law, which permits holding a detainee incommunicado for 14 days without review by a district court judge, denying access to counsel for up to 21 days with the attorney general's approval, and indefinite detention subject to twice-yearly district court reviews and appeals to the Supreme Court. In June 2008 the government extended for an additional four years a "temporary provision" that exempts law enforcement personnel from the law requiring them to film and audio record all interrogations of detainees suspected of security offenses. Amendments to the law in 2008 expanded its internment powers, which may be exercised in the event of "widespread hostilities," an occurrence which has not happened to date.

In October the Israeli NGOs HaMoked and B'Tselem jointly published a study called *Withholding Trial, Administrative Detention of Palestinians by Israel and the Internment of Unlawful Combatants Law*, released in October, on the situation of security detainees. The study, which included comments by the Ministry of Justice (MOJ), found that the authorities held in detention nine residents of the Gaza Strip under this law as of September.

Human rights groups alleged military commanders in the occupied territories used administrative security detention orders based on "security reasons" even when the accused posed no clear danger. The NGO PCATI complained these laws removed the standard procedural safeguards from security suspects, who were the most vulnerable to torture and mistreatment.

At year's end, according to the NGO B'Tselem, there were 278 administrative detainees in IPS detention centers. The government reported 286 such detainees on December 20; none was a minor. Most administrative detainees were held for less than one year, with 26 administrative detainees held consecutively for more than two years. Mahmoud Azan, whom the government considered an al-Qa'ida member, had been imprisoned according to a deportation order, not administrative detention, for more than 10 years. He was released during the year to the Gaza Strip because the government found no country to accept him.

On March 24, PCATI, the Israeli NGO the Association for Civil Rights in Israel (ACRI), and Adalah withdrew their 2008 petition to the Supreme Court that called for the cancellation of the 2006 temporary law on detaining security suspects. The organizations withdrew the petition to protest the court's January 14 decision to hear secret evidence provided by the state on the constitutionality of a law in the absence of the petitioners and the public. The petitioners argued that the court's unprecedented decision to hear secret evidence had no legal basis, contradicted previous Supreme Court judgments, and set a precedent that could harm future judicial review of laws that violate human rights. At year's end, a separate 2008 challenge to the law by the Public Defenders' Office remained pending.

According to MOJ figures at the end of the year, administrative detainees constituted 3.8 percent (286) of the 7,522 security related detainees. In 2008 the Military Court of Appeals reviewed 1,880 detainee appeals and accepted 273, for which the length of detentions were either reduced or eliminated. There were 443 appeals by the military prosecution of which 354 were accepted.

The law provides that a foreign national suspected of immigration violations be afforded a hearing within four days of detention. They have the right to, but no guarantee of, legal representation. According to Hotline, interpreters in Ketsiot, where most asylum seekers were detained, were rarely present during hearings despite a 2002 written commitment by the government to the Supreme Court to provide interpreters. According to Hotline, persons held in immigration detention rarely were released pending judicial determination of their status. Moreover, if the detainee's country of origin had no diplomatic or consular representation, the individual could remain in detention for months. According to Hotline, at the end of 2008, more than 1,000 detainees (more than 100 of them children) were waiting for determination of their asylum claims.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government respected this provision in practice. The judiciary has ruled against the executive, including in security cases. For example, on November 19, the Supreme Court voided amendment 29 to the Prisons Ordinance that allowed privately operated prisons. On December 29, the Supreme Court ruled against an IDF prohibition on all non-Israeli vehicles on highway 443, a major West Bank highway on which approximately 40,000 Israeli vehicles commute between Tel Aviv and Jerusalem. The court gave the IDF five months to reply with an alternative security solution for the road that was closed to non-Israeli vehicles in 2002 following multiple Palestinian terrorist attacks that killed five Israelis in 2001.

The judicial branch comprises magistrate courts, six district courts, and the Supreme Court, which also sits as the High Court of Justice.

Magistrate courts adjudicate misdemeanors and lesser civil disputes. District courts adjudicate felonies, serious civil cases, appeals from the magistrate courts, and several other largely administrative matters. There are also military, religious, labor relations, and administrative courts. The High Court of Justice exercises judicial review over the other branches of government and can exercise power on matters that are not within the jurisdiction of any other court or tribunal. The High Court of Justice is a court of first instance for claims against the government. Its members also sit as the Supreme Court and hear appeals of lower court rulings, Knesset elections, administrative detentions, prisoners' petitions, and rulings of the Civil Service Commission and bar

association. Religious courts have jurisdiction over matters of personal status for their adherents; there are no civil courts for marriage or divorce for the hundreds of thousands of citizens for whom religious courts are not a legal option.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. However, administrative detainee hearings are not trials and do not follow trial procedures.

By law, an arrested citizen is considered innocent until proven guilty. There are no trials by jury. Trials are public except when the court determines that a closed trial is required to protect state security, foreign relations, a party's or witness's right to privacy, or a sexual offense victim. Security or military trials may be open to independent observers at the discretion of the court but not to the general public. All indigent defendants facing trial and imprisonment receive mandatory representation. According to the government, counsel represented all defendants in district and Supreme Court trials and in approximately 80 percent of cases in the magistrate courts.

Defendants have the right to question witnesses against them, to present witnesses on their behalf, to access evidence (except when the court determines such access would compromise state security), and to appeal.

Military courts provide some, but not all, of the procedural rights granted in civil criminal courts. The 1970 evidentiary rules governing trials under military law of Palestinians and others applicable in the occupied territories are the same as evidentiary rules in criminal cases. According to the MOJ, the law does not permit convictions to be based solely on confessions, and in order to convict the prosecution must present additional, often secret evidence to the court. Secret evidence is often used in military trials and is not available to the defendant or counsel. Counsel may assist the accused in such trials, and a judge may assign counsel to defendants. Indigent detainees do not automatically receive free legal counsel for military trials, but in practice almost all detainees had counsel even in minor cases. The defendant and the public are read the indictment in Hebrew and, unless the defendant waives this right, in Arabic. In past years, many indictments were translated into Arabic, but since, according to the government, no requests for translations were made, the practice during the year was to provide written translations of indictments into Arabic only upon request. At least one interpreter is present for simultaneous interpretation in every military court hearing, unless the defendant waives that right. Defendants can appeal through the Military Court of Appeals and petition the High Court of Justice.

In the past military courts treated Palestinian minors who were 16 and 17 years old as adults, but a juvenile court began operating in the West Bank on September 29, following a July 29 security directive to separate minors from adult detainees. According to the government, legal counsel is provided in all cases, and pretrial detention is minimized. The chief of military prosecution in the West Bank must approve in advance each arrest of a minor. Sentencing of minors is similar to that implemented in courts in Israel. As of December 20, the IPS held 7,144 security prisoners, of whom 43 were under the age of 16, and 254 were between 16 and 18 years old. No administrative detainees were minors.

There are also custodial courts and four deportation courts to address the removal of illegal immigrants.

Political Prisoners and Detainees

There were no reports of citizen political prisoners or detainees (see Annex).

Civil Judicial Procedures and Remedies

An independent and impartial judiciary adjudicates lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies exist, and court orders were usually enforced.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides for protection of privacy of the individual and the home. In criminal cases the law permits wiretapping under court order; in security cases, the MOD must issue the order. Under emergency regulations authorities may open and destroy mail on the basis of security considerations.

The law provides for police officers and other public investigators to request court orders to obtain personal information from private communications companies, including landline and cellular telephones and Internet service providers. To access private communications records, investigators must demonstrate that their goal is to save or preserve life, investigate or prevent crime, or seize property in accordance with the law.

Separate religious court systems adjudicate personal status, such as marriage and divorce, for the Jewish, Muslim, Christian, and Druze communities. Jews can marry only in Orthodox Jewish services, although the great majority of Jewish Israelis are not Orthodox. Civil marriages, marriages of some non-Orthodox Jews, marriages in non-Orthodox ceremonies, or marriage to a non-Jew must take place outside the country to be legal. According to the NGO New Family Organization, more than 5,000 couples married in civil ceremonies abroad each year, most in Cyprus, and then registered in Israel's population register. Procedures for divorce from such marriages and changing one's personal status in the population register were unclear; a divorce must take place abroad, as the Supreme Court has ruled that the Rabbinical Court cannot dissolve such marriages, since they were not performed according to Halachic law. The government allows consular marriages as long as both parties have no religion or belong to a religious community that the state does not recognize.

Many Jewish citizens objected to exclusive Orthodox rabbinic control over aspects of their personal lives. Approximately 310,000 citizens who immigrated, either as Jews or as family members of Jews, are not considered Jewish by the Orthodox Rabbinate. They cannot be married, divorced, or buried in Jewish cemeteries within the country. The estimated 20,000 Messianic Jews, who considered themselves to be Jews, also often experienced this infringement in their personal lives due to the Orthodox Rabbinate not considering them as Jewish. A 1996 law requiring the government to establish civil cemeteries has not been fully implemented, although eight civil cemeteries exist.

The authority to grant status (citizenship and residency) to a non-Israeli spouse, including Palestinian and other non-Jewish foreign spouses, resides with the Ministry of Interior (MOI). On July 27, the Knesset extended for another year the temporary 2003 Citizenship and Entry Law, which prohibits a citizen's Palestinian spouse from the occupied territories not only from acquiring citizenship by marriage, but also from residing in the country. Palestinian male spouses who are 35 or older and female spouses who are 25 or older may apply for temporary visit permits. The Mossawa Advocacy Center for Arab Citizens in Israel (Mossawa) claimed the law affected more than 21,000 families, including couples with long-standing marriages. The government originally enacted the law following 23 terrorist attacks involving suicide bombers from the occupied territories who had gained access to Israeli identification through family unification.

After the Supreme Court upheld the law, the Knesset expanded it to bar family reunification in cases where one spouse is a non-Jewish citizen of Iran, Iraq, Syria, or Lebanon. During the year Israeli human rights NGOs and international organizations continued to criticize this ban, which primarily affects Palestinian spouses of Arab citizens of Israel, who constitute the majority of Israelis married to residents of the occupied territories. On June 24, in response to a petition by Kayan (an Arab Israeli NGO), PHR-I, and ACRI, the Supreme Court demanded an explanation within six months from the government for its refusal to grant social and health insurance to an estimated

5,000 Palestinian spouses of citizens who were granted "staying permits" to reside legally in Israel. In December the court ordered the government to provide a temporary solution within a month that would be in place until an official policy could be formulated.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; while the government generally respected these rights, in practice there were some restrictions. Individuals may criticize the government publicly and privately without reprisal, but the law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations. The government imposed a blanket ban on foreign journalists entering Gaza during the offensive, which ended on January 23.

The country has 13 daily newspapers, at least 90 weekly newspapers, more than 250 periodicals, and a number of Internet news sites. All newspapers were privately owned and managed. Laws dating from the British mandate require MOI licenses for newspapers and allow the minister, under certain conditions, to close a newspaper.

The state-owned Israel Broadcast Authority controls the Hebrew-language Israel Television and an Arabic-language channel, as well as Kol Israel (Voice of Israel) radio, which airs news and other programming in Hebrew, Arabic, and other languages. The Second Television and Radio Authority, a public body, supervises the two privately owned commercial television channels and 14 privately owned radio stations.

In 2007 a cable company, HOT, dropped the Christian network Daystar TV following complaints about proselytizing. After legal challenges, HOT restored Daystar TV in early 2008 to subscribers.

All media organizations must submit to military censors materials that deal with specific military issues as well as strategic infrastructure issues, such as oil and water supplies. The censor's decisions may be appealed to the High Court of Justice, and the censor cannot appeal a court judgment. The MOI has no authority over the military censor.

All foreign journalists operating in the country need Government Press Office accreditation.

News printed or broadcast abroad is subject to security censorship. The government did not fine newspapers or other mass media for violating censorship regulations during the year. However, on June 14, a Jerusalem court sentenced journalist Khader Shaheen and Muhammad Sarhan under a plea bargain to two months in prison and a six-month suspended sentence for breaching the military censorship law during the Gaza offensive and "neglectfully delivering information" to the enemy. Police arrested the two men, a correspondent and a producer, for the Arabic-language Iranian satellite news channel Al-Alam, on January 5 and held them for 10 days on charges of divulging secret information and transmitting information to the enemy in wartime. The charges were filming and broadcasting live to Iran the IDF movements toward Gaza a half hour before the January 3 start of the ground offensive in spite of censorship restrictions. According to the international NGO Committee to Protect Journalists, dozens of other news outlets reported similarly on troops and equipment at the time, but authorities prosecuted only Shaheen and Sarhan. Their appeal to the Supreme Court was pending at the end of the year.

The government prohibited all citizens, including journalists, from entering Gaza; those who entered were subject to legal penalties such as fines and restraining orders. The Supreme Court reviewed and upheld this policy, based on the ongoing, armed conflict between Israel and the terrorist organizations. On May 12, authorities detained *Haaretz* reporter Amira Hass as she returned to Israel after repeatedly entering and spending

four months in the Gaza Strip. She was not arrested but was released on condition that she would not reenter Gaza. Several other journalists were warned, but none were arrested or indicted.

Beginning in November 2008, the government prevented foreign journalists from entering the Gaza Strip. In November 2008 the Foreign Press Association in Israel filed a petition to the High Court of Justice requesting that it overturn the ban. On six occasions in December 2008, 54 journalists were allowed to cross. In December 2008, the court requested the state to put in place a procedure for entry, but with the start of the land operation on January 4, the government decided it could not implement the procedure due to the change in security circumstances. All restrictions on movement were removed on January 23, immediately following the conclusion of Operation Cast Lead.

On February 2, Syrian journalist Atta Farhat, editor of the Arabic Web site Golan Times and the Golan Heights correspondent for Syrian television and for the Syrian daily *Al-Watan*, was sentenced after 18 months in detention to a three-year jail term for "contact with a foreign agent." The Nazareth District Court convicted him along with Yosef Shams, who was additionally convicted of delivering information to the enemy with intent of harming state security, according to a plea bargain and admission following a hearing of the prosecution's evidence. The court found that Shams and Farhat had, for more than a year prior to their 2007 arrest, communicated knowingly with a Syrian army officer, delivering messages to each other and working to fulfill his requests. Shams was also fined 25,000 NIS (approximately \$6,600) and given a three-year suspended sentence. He was reportedly arrested at his home in the Golan Heights village of Buq'ata after covering a peaceful demonstration in the Golan Heights by Israeli peace activists. His articles in the Syrian press and on the Web site described living conditions in the Golan Heights.

Internet Freedom

There were generally no restrictions on Internet access. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail, although the government monitored cellular and landline telephones and Internet service providers for security purposes. The International Telecommunication Union reported that approximately 50 percent of the country's inhabitants were Internet users in 2008.

Academic Freedom and Cultural Events

There were generally no government restrictions on academic freedom or cultural events.

Universities are required to justify to the IDF acceptance of Palestinian students from the occupied territories. According to revised government criteria submitted in response to a 2007 High Court of Justice order, as many as 70 students from the West Bank may pursue graduate studies in Israeli universities at any given time, provided there is no practical alternative and the chosen program is not in a field that could provide knowledge or skills that could be employed to harm the country. Students from Gaza are not eligible to apply (see Annex).

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice.

According to data collected by Mossawa, police arrested or invited for questioning approximately 700 Arab citizens of Israel during and directly after the Gaza war.

Although most were invited by the police, the ISA allegedly often conducted the questioning. Although the arrests ranged from disturbing the traffic to being a security risk, no charges were filed, and they were all released, usually the same day, although some were held as long as four days.

Israeli Arab NGOs claimed that the police made selective arrests that limited freedom of peaceful assembly and expression for Arab citizens of Israel and human rights activists. For example, on January 6, according to Mossawa, police units arrested peaceful protesters in Wadi Nisnas and students at the University of Haifa, allegedly for making statements against the war in Gaza. Police sent the arrested Israeli Arab students immediately to the Haifa district regional jail. Some students complained, according to Mossawa, that special counterterror police units called "Yassam" treated them violently, humiliated them, made racist statements, and threatened to damage their academic and future careers. The Haifa District Court released all the students and reportedly criticized the commander of the police district for limiting the freedom of expression of the students. In at least one case, the court released the suspect on bail on condition of not attending unauthorized or unlicensed demonstrations.

Haifa Police arrested Mossawa Center Director Jafar Farah and others at a February 8 protest organized against political party Yisrael Beitenu chairman Avigdor Lieberman. They were protesting his attendance at a conference in Haifa due to his derogatory remarks against Arab Israelis during the election campaign. A judge rejected the police request to detain Farah in custody for 24 hours and put him under house arrest instead.

At year's end, a DIPO investigation continued into a September 2008 complaint by the NGOs Adalah and the Arab Association of Human Rights concerning police behavior during clashes with 15,000 Arab Israeli demonstrators in May 2008 in the former Arab village of Safouriya, now a Jewish community. There were conflicting claims about responsibility for violence during the "Nakba" (catastrophe in Arabic) demonstration that marked the anniversary of the establishment of the State of Israel. The NGO Adalah released video footage that, according to press reports showed police beating or kicking some demonstrators in the head and face as they sat handcuffed on the ground. According to press and NGO reports, police attacked several local and international journalists, including a CNN correspondent, and in some cases confiscated cameras and erased footage.

Freedom of Association

The law provides for the right of association, and the government generally respected this right in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The Basic Law and Declaration of Independence identify the country as a "Jewish and democratic state," while also providing for full social and political equality, regardless of religious affiliation. In practice the government recognized only Orthodox Jewish religious authorities in personal and some civil status matters concerning Jewish persons.

The government implemented policies including marriage, divorce, education, burial, and observance of the Sabbath based on Orthodox Jewish interpretation of religious law, and allocations of state resources favored Orthodox Jewish institutions. According to government figures, during the year the budget for religious services and religious institutions for the Jewish population was 96 percent of total funding. Religious education amounted to more than 1.1 billion NIS (\$263 million) of the approximately 1.5 billion NIS (\$405 million) of the overall budget. Religious minorities, comprising slightly more than 20 percent of the population, received approximately 55 million NIS (\$14.5 million).

On May 19, the High Court of Justice ruled that the government, which supports private conversion schools, must fund private conversion classes operated by the Reform and Conservative movements. The court acted on a petition by the Israel Religious Action Center of the Movement for Progressive Judaism (Reform) in Israel.

On November 18, police detained Nofrat Frankel, a 25-year-old female medical student, for two hours but banned her from the Western Wall for 15 days for praying while wrapped in a prayer shawl, an act reserved for men alone in Orthodox tradition. In 2003 the Supreme Court upheld the 1981 Protection of Holy Places law, effectively legalizing the prohibition on women's prayer at the Western Wall and ordering the government to construct an additional separate prayer area along the Western Wall where women may pray wearing prayer shawls. Construction began in 2004.

The law confers recognition on some religious communities, granting them some authority over their members in personal status matters. Recognized communities are: Eastern Orthodox, Latin (Roman Catholic), Gregorian-Armenian, Armenian-Catholic, Syrian (Catholic), Chaldean (Uniate), Greek Catholic Melkite, Maronite, Syrian Orthodox, the Evangelical Episcopal Church, Orthodox Jewish (both Ashkenazic and Sephardic rites), Muslim, Druze, and the Baha'i. The status of several Christian denominations is defined by arrangements with government agencies. Legislation enacted in 1961 afforded Muslim courts exclusive jurisdiction in matters of personal status concerning Muslims, although the state regulates judicial appointments to these courts. Secular courts have primacy over questions of inheritance, but parties may bring cases to religious courts by mutual agreement. Muslims also may bring alimony and property division matters associated with divorce to civil courts.

Many religious communities were not recognized. Unrecognized communities generally practiced their religion freely and maintained communal institutions but were ineligible to receive government funding for religious services. Since 1970 no additional religions or Christian denominations have been recognized. Major Protestant denominations that have been in the country for many years, such as the Anglicans, Assemblies of God, Baptists, and Lutherans, among others, were not recognized. Four religious communities have applied for state recognition, but their applications have been pending for years: the Ethiopian Orthodox, the Coptic Orthodox, the Evangelical Lutheran Church, and the United Christian Council in Israel, an umbrella organization for many Protestant churches in the country.

Both recognized and unrecognized religious communities complained of difficulties receiving clergy visas for their representatives. Until 2007 clergy were granted five-year resident visas; since then, many were either denied visas altogether or granted only one-year visas. While there was no official regulation limiting religious visa holders to 10 years of residency within the country, the MOI has refused the renewal of visas before 10 years; after 10 years of residency, one may apply for permanent residency. While recognized religious communities only needed visa approvals through the Ministry of Foreign Affairs (MFA), unrecognized religious communities' visas had to be approved additionally through the MOI to justify stays longer than five years. During the year the MOI refused to renew religious visas for a Protestant denomination's primary representative and for the director of the Garden Tomb, a major Protestant pilgrimage site, despite MFA approvals in both cases, simply due to the length of time they had lived in the country, although no such regulation regarding period of residence existed.

Under the Law of Return, the government grants immigration and residence rights to individuals who meet established criteria defining Jewish identity. Included in this definition is a child or grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew, and the spouse of a grandchild of a Jew. The government uses a separate, more rigorous standard based on Orthodox Jewish criteria to determine the right to full citizenship, entitlement to government financial support for immigrants, the legitimacy of conversions to Judaism performed within the country, and Jewish status for purposes of personal and some civil status issues.

The 1967 Protection of Holy Sites Law protects all holy sites, but the government

implemented regulations only for 137 Jewish sites, leaving Muslim and Christian sites neglected, inaccessible, or threatened by property development. The Church of the Holy Sepulchre and other well-known sites have de facto protection as a result of their international importance; however, community mosques, churches, and shrines faced threats from developers and municipalities that Jewish sites did not face. Christian pilgrimage sites around the Sea of Galilee faced regular threats of encroachment from government planners who wanted to use parts of the properties for recreational areas. The law provides for a hearing of objections to any plan or construction, including submissions by representative bodies such as the NGO Arab Center for Alternative Planning.

On March 16, the Supreme Court rejected Adalah's 2004 petition requesting that the government promulgate regulations for the protection of Islamic holy sites. The government maintained that the promulgation of specific regulations, including determining how to expand the list of holy sites, was not necessary to preserve and protect the holy sites of any religion since the law provided for the protection of all holy sites of all religions.

Offering or receiving material inducements for conversion, as well as converting persons under 18 years of age, remained illegal unless one parent was of the religion to which the minor wished to convert. The Church of Jesus Christ of Latter-day Saints refrained from proselytizing under an agreement with the government. While officially legal, missionaries faced harassment and discrimination by some Haredi (ultra-Orthodox Jewish) activists and organizations and certain local government officials.

The legal defense NGO Jerusalem Institute of Justice (JIJ) alleged that MOI officials denied services to certain citizens based on their religious beliefs. The JIJ had 70 such cases during the year, including many dealing with MOI attempts to revoke citizenship or failure to process immigration applications from persons entitled to citizenship under the Law of Return, if it was determined such persons held Messianic or Christian beliefs. The JIJ's petitions to the Supreme Court in two such cases for a finding of contempt of court against the MOI continued at year's end.

The MOI refused to implement the April 2008 Supreme Court decision according to which 12 Messianic Jewish immigration applicants, born to Jewish fathers and non-Jewish mothers, are entitled to receive citizenship.

The MOI has also revoked citizenship due to religious belief. On July 30, the Supreme Court overturned the MOI's 2008 decision to revoke the citizenship of a family who immigrated in 1997 under the Law of Return. The court found no evidence of falsified information regarding Jewish identity although the wife was Christian and the husband a Messianic Jew. The MOI's 2008 interrogation centered on the couple's religious convictions.

Foreign tourists suspected of being Messianic Jews, belonging to religious minorities, or of being "missionaries" were detained and sometimes refused entry into the country at the airport. The JIJ and some religious leaders claimed that many cases involved direct questions of religious affiliation and beliefs. There were a number of press reports that the MOI inserted notations into its border control computers to identify alleged "missionaries," influenced by Yad L'Achim's antimissionary work. According to JIJ, the MOI has forced some visitors to sign a pledge to abstain from missionary activity as a precondition of release, and on March 13, required in addition a 189,199 NIS (\$50,000) bail from a Christian family visiting from Hong Kong.

The petition of Barbara Ludwig, a German graduate student whom the MOI denied a visa renewal based on its determination that she was a Messianic Jew, was still pending at the end of the year. She was arrested in April 2008 for two days for failing to maintain a valid student visa and was criticized by the MOI for alleged "missionary" activity.

Societal Abuses and Discrimination

There were reports of societal abuses or discrimination based on religious belief or practice. Relations among religious groups were often strained.

Non-Orthodox Jews complained of discrimination and intolerance by members of ultra-Orthodox Jewish groups as did persons who consider themselves Jewish but who are not considered Jewish under Orthodox law. As in past years, ultra-Orthodox Jews in some neighborhoods of Jerusalem and other ultra-Orthodox enclaves periodically harassed or assaulted women whose appearance they considered immodest.

The public bus service operated sex-segregated transportation for some Haredi Jews. Some Haredi passengers also tried to impose sex segregation on some mixed buses. According to press reports, women who refused to sit in the rear of such buses were regularly harassed. Following a petition against the legality of sex-segregated public buses and a High Court of Justice recommendation, the government established a committee that recommended on October 27 the end of compulsory gender segregation on the bus lines, emphasizing that the segregation entailed discrimination and coercion. The Supreme Court ordered the transportation minister to respond to the report within two and half months.

During the year Haredi Jews threw rocks at passing motorists to protest driving on the Sabbath and soccer fans from some teams chanted "death to Arabs" and anti-Muslim slogans during games between Israeli Jewish and Arab teams.

On January 26, 10 young Jewish men in Tiberius beat Mohammad Mansour with sticks and sharp objects because he was Arab. The attack was videotaped, and the young men confessed. There was no further information available on the incident.

On June 24, the Israel Football Association disciplined football club Beitar Jerusalem player Amit Ben-Shushan for making racist remarks during State Cup celebrations in May. Ben-Shushan was filmed singing lyrics including, "I hate all the Arabs" with Betar fans.

Dozens of ultra-Orthodox demonstrators threw stones at Jerusalem mayor Nir Barkat on August 9, following large ultra-Orthodox protests in June and July against his opening of a parking garage on Saturdays near the Old City. Following police investigations, several indictments were served.

On November 14, approximately 1,500 ultra-Orthodox demonstrators protested against the Jerusalem office of the firm Intel for conducting business on the Sabbath, which it had been doing for 20 years. By year's end, a police investigation resulted in several indictments for violence and vandalism. On November 28, several thousand religious and secular Israelis protested against Haredi violence and protests. On December 27, Haredi protesters threw stones and firecrackers, injuring two police officers in front of the Intel office.

On December 31, the *Jerusalem Post* reported on Haredi insulting and spitting at priests and nuns, and defacing with graffiti and throwing garbage and dead cats at monasteries. Haredi representatives agreed in a meeting with Christian representatives and the Jerusalem municipality to curb the attacks and started putting up notices discouraging such behavior.

Small groups of Haredi youth damaged police cars in attacks on December 23, while the police were responding to a break-in, and on December 24, while responding to a complaint regarding a Haredi "modesty" patrol of a Haredi woman.

The ultra-Orthodox antimissionary organization Yad L'Achim, led by Rabbi Shalom Dov Lifschitz, continued to harass individuals whom it identified, often incorrectly, as "missionaries." The JIJ received more than 30 complaints during the year from Messianic Jewish and Christian leaders regarding posters displayed in their neighborhoods containing their photographs, names, and addresses, warning the public to "avoid the dangerous missionaries."

Yad L'Achim posted such antimissionary notices regarding David Ortiz, a Messianic Jewish leader in Ariel. In March 2008 explosives left on his doorstep seriously injured his son, 15-year-old Ami Ortiz. Following the attack, Rabbi Lifschitz defended the practice of actively publicizing the identities of alleged missionaries, and the organization's Web site continued to state, "we fight the missionaries in a variety of ways, some of which, due to their sensitive nature, can't be described in detail." On October 7, 18 months after receiving security video evidence of the person who delivered the package, police arrested Yaakov Teitel, an Orthodox settler who confessed that he targeted the Ortiz family due to their religious beliefs.

On December 2, Beit She'an police arrested two Haredi suspects for burning the car of Eliav Levine, a Messianic Jewish leader, on December 1; Levine had moved houses to avoid repeated harassment by ultra-Orthodox men. The JIJ reported that in April 2008 Levine's 11-year-old daughter was summoned to her school principal's office, where the principal allowed a rabbi and two Yad L'Achim antimissionary activists to elicit information about her family and congregation. Two weeks later, the girl's father's car was firebombed for the first time. Fearing the interrogation at school was linked to the bombing, the girl revealed the details of her interrogation, contrary to her principal's instructions. The police were notified, but no investigation took place. Following a public complaint filed with the Ministry of Education, the school dismissed the principal.

On April 2, the State Attorney's Office indicted Shmuel Wispish, a member of the "modesty patrols," for rioting, blackmail, and assault causing serious injury. Between June and August 2008, Wispish frequently went to a computer shop in Jerusalem that was open during the Sabbath and demonstrated against the shop, threatening employees and customers, damaging property, and beating the shop owner.

While it is illegal to destroy books or icons deemed holy by a religious community or to incite religious prejudice, there were no indictments as of year's end in the May 2008 public burning of hundreds of Christian Bibles by residents of the Tel Aviv suburb of Or Yehuda. Deputy mayor Uzi Aharon organized the event, reportedly after he received complaints about the Messianic Jewish presence from residents. Aharon told the newspaper *Maariv* that the municipality operated a team of activists devoted entirely to uprooting missionary activity, including the burning of New Testaments, and that their activities were a fulfillment of the commandment to "burn the evil from your midst."

On October 20, the Nazareth District Court sentenced Ashad Shibli to nine years in prison for running over a nine-year-old girl in the northern town of Kfar Tavor in 2007 during the Jewish holy day of Yom Kippur, when driving is prohibited. Witnesses said that he had previously tried to run over two other residents on the same day. The court also sentenced Muhammad Shibli to two years imprisonment for assisting in abandoning a person after causing injury.

On June 29, the Supreme Court ordered the Ashdod Rabbinate and the Chief Rabbinate Council to restore the kosher license that rabbinical authorities had torn down from the Pnina Pie Bakery in Ashdod in June 2006 after seeing a sign warning that the owner of the bakery was a Messianic Jew. The court noted that the removal of the license, which significantly affected the bakery's business, was solely due to the owner being a Messianic Jew and had nothing to do with Kashrut Law. By the end of the year, the Chief Rabbinate Council had not restored the kosher license and a contempt of court lawsuit was pending.

In November 2008 two defendants were given suspended sentences of two months imprisonment and 150 hours of community service for their part in a 2006 riot during which approximately 100 ultra-Orthodox Jews assaulted approximately 50 Christian tourists and a policeman in Jerusalem. No one else was ever charged and no one served any time in prison.

For a more detailed discussion, see the [2009 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and

Stateless Persons

The law provides for these rights, and the government generally respected them in practice for citizens (see Annex).

Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and no administrative restrictions. The government may bar citizens from leaving the country based on security considerations. In addition, no citizen is permitted to travel to any state officially at war with the country without government permission. All Israeli citizens required a special permit to enter area A (the area, according to the Interim Agreement, in which the Palestinian Authority exercises security responsibility), although the government allowed Arab citizens of Israel some access without the permits. Arab citizens of Israel regularly complained of discrimination and degrading treatment by airport security officials. A Supreme Court decision in a 2007 petition by ACRI and Adalah regarding alleged ethnic profiling was still pending at year's end. In February the court ordered the government to present a comparative legal analysis of its security screening methods.

The law prohibits forced exile of citizens, and the government respected this prohibition in practice.

Protection of Refugees

The country is party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The country has not enacted any legislation implementing the 1951 convention or 1967 protocol, but in practice it has established a system for the reception and consideration of asylum claims. A number of formal and informal arrangements provide for the protection of asylum seekers. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern, although at year's end there was no memorandum of understanding governing procedures and cooperation between the UNHCR and the government.

The MOI's Authority for Immigration and Border Crossings implements government policy and has authority over foreign nationals and population issues. The authority consolidates all relevant bodies dealing with immigration issues, including asylum seekers. During the year the MOI opened an office in Lod for asylum seekers to register to receive documents allowing legal residence; without such documents, asylum seekers were subject to arrest. On July 1, the government took over from the UNHCR the process of registering and conducting refugee status determinations for all asylum seekers. Hotline reported that many refugees and asylum seekers complained of harsh and racist treatment at the office, inefficiency, refusals to renew papers, and lost documents. For example, on July 28, an MOI Asylum Seekers Division official attacked an Eritrean national, according to a complaint by Hotline. There was no further information available on the incident.

At the office in Lod, 25 officers registered newly arrived asylum seekers, conducted a nationality determination, and provided temporary visas. Those with disputed nationalities are not given temporary status. Eritreans and Sudanese are given temporary protection and are not required to undergo refugee status determinations; all others are expected to report to the MOI's Refugee Status Unit (RSD) for determination of their refugee claim. According to the UNHCR, approximately 300 asylum seekers who claimed to be Eritrean were determined by the government to be Ethiopian. The UNHCR reported that approximately 10 of these disputed cases were deported to Ethiopia in December. The UNHCR noted that there is no appeals process for cases of disputed nationality and has advocated that these persons go through the RSD asylum procedure. Until July 1, when the MOI took responsibility, the UNHCR conducted refugee status determination interviews and made recommendations to the National Status Granting Board (NSGB). The NSGB is the agency responsible for deciding refugee status. Some NGOs, including the Tel Aviv University Refugee Rights Clinic, did not consider the NSGB

procedures transparent and complained that the board met infrequently and approved very few cases.

The asylum seekers had access to the UNHCR and NGOs, and the government reported that they were also able to approach police and the courts regarding any claims.

Health services were provided for minors who stayed continuously in the country for a period of six months and were not insured by the National Health Insurance Law; there is a monthly fee of 185 NIS (\$48.60). Those services do not apply to previous health conditions or to children of parents who are residents of the Palestinian Authority.

By law the government should provide education to all children living in the country, regardless of their status in the MOI's population registry. NGO and media reports cited instances in which children of asylum seekers allegedly were not provided access to the country's educational system due to decisions by local school and government officials.

According to the state comptroller's annual report to the Knesset in May, between 2000 and 2007, 8,377 Africans requested refugee status and political asylum, and 109 were granted refugee status.

At year's end, the government estimated there were approximately 18,000 asylum seekers in the country, of whom approximately 4,000 were Sudanese, and between 5,000 and 7,000 were Eritrean. As of October, 2,525 asylum seekers had registered as Eritreans or Sudanese and received temporary status; 948 had completed the RSD interview but had not yet been referred to the NSGB; 520 had been considered by the NSGB, with five under appeal procedures; and 284 had turned to the courts after the NSGB rejected their appeals.

On June 30, the number of refugees and asylum seekers registered with the UNHCR was 14,117. The largest groups were Eritrean (4,726), Sudanese (4,588), Ivorian (1,000), Nigerian (867), Ethiopians (808), and others (2,128).

The UNHCR reported that in 2008 new arrivals were estimated at 500 per month, but through May such arrivals had decreased to approximately 200 per month. Most asylum seekers entered through Egypt.

As of year's end, the Supreme Court had not decided the question, raised in 2007, of whether it was safe to return asylum seekers to Egypt.

Domestic and international NGOs and the UNHCR protested "coordinated returns" or "hot returns" of some asylum seekers to Egypt because of allegations that those individuals were later sent back to their countries of origin in violation of international agreements against refoulement. On July 2, several NGOs petitioned the High Court of Justice requesting an interim injunction to halt the "Coordinated Immediate Return Policy," claiming it violated the principle of nonrefoulement. Among other complaints, the NGOs charged that, according to international law, soldiers conducting the assessments at the border were not qualified to identify asylum seekers or to conduct asylum procedures without external supervision.

Hotline reported that, between January and September, there were 23 incidents of "coordinated return" during which 217 asylum seekers were deported, with 1,626 persons detained and sent to the Ketsiot facility. In its petition on July 2, Hotline submitted the testimony of an IDF soldier to the Supreme Court describing alleged incidents of "hot returns" he had witnessed at the Egyptian border in June. According to the testimony, officially Egypt refused to accept asylum seekers back into its territory but there was a field-level understanding between the border forces that the Egyptians would receive persons captured at the border or soon after crossing. NGOs asserted that these arrangements were ad hoc agreements between Egyptian and Israeli border commands and not a uniform policy.

Hotline charged that the government failed to answer 250 requests that the UNHCR had reviewed, leaving the asylum seekers either in jail or residing in the country. These individuals were subject to possible deportation as long as their status in the country remained undetermined.

In some instances the government took swift action to reject asylum claims. For example, on August 4, the MOI's Infiltrator Identification Unit rejected claims by 600 persons claiming to be Sudanese or Eritrean. Of those persons, 150 reached UNHCR offices shortly thereafter with letters from the MOI stating their procedures were complete and they had to leave the country within seven days.

Refugees recommended by the UNHCR or the MOI and recognized by the NSGB received six-month, renewable visas. A refugee's status is evaluated after one year. No legal option exists for a refugee to become a naturalized citizen.

Those denied asylum and unwilling to leave may remain in immigration detention indefinitely. Some newly arrived illegal migrants were placed in hotels, kibbutzim (cooperative communities), and other work situations. The UNHCR reported that the MOI released an unknown number of asylum seekers from detention in 2008 without reference to the Immigration Tribunal and the UNHCR. Hotline reported that most asylum seekers who entered during the year were taken to the Ketziot facility and released after several months under geographically restricted conditions.

In July the MOI rescinded its 2008 "Hadera-Gadera" decision that restricted asylum seekers' movement through the country. Asylum seekers now receive a visa without movement restrictions that does not explicitly permit or prohibit employment.

The government did not grant asylum to persons from states with which it was officially at war, such as Sudan, but stated that it attempted to find a third country to accept them. With the assistance of a Christian faith-based NGO, approximately 30 Sudanese were voluntarily returned to their homes in Southern Sudan. The UNHCR verified the voluntariness of the process.

The UNHCR estimated that the majority of asylum seekers do not enjoy the right to work or access to some health services, although employment is often tolerated. Refugees without the formal right to work were not protected by law. Children of asylum seekers were permitted to attend school.

Refugees and asylum seekers were not, as a group, the target of xenophobic violence. On June 18, Yaakov Ganot, head of the Immigration Administration, said in an interview regarding refugees and asylum seekers that "99.9 percent of them are here for work," are "not asylum seekers," and "not at any risk."

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

The country is a parliamentary democracy with an active multiparty system. Relatively small parties, including those primarily supported by Arab Israelis, regularly win Knesset seats. The law requires that a party obtain 2 percent of the vote to win Knesset seats. Prime Minister Ehud Olmert resigned after declining to run in a Kadima Party primary election in September 2008. When Kadima Party head Tzipi Livni was unable to form a government, Olmert remained as caretaker prime minister until a new government was formed after free and fair February 10 elections. On March 31, following protracted negotiations, Benjamin Netanyahu became prime minister of a Likud-led coalition

government.

The Basic Law prohibits the candidacy of any party or individual denying the existence of the State of Israel as the state of the Jewish people or the democratic character of the state, or that incites racism. Otherwise, political parties operated without restriction or outside interference.

At year's end, the 120-member Knesset had 22 female members. The Knesset included 10 Arabs, including one woman, and three Druze. The 22-member cabinet included two women, but no Arabs; four women were deputy ministers, including one Druze. Five members of the 15-member Supreme Court, including its president, were women. An Arab Christian was on the Supreme Court, but no Muslim or Druze citizens have served.

On January 21, the Supreme Court overturned a January 12 Central Elections Committee (CEC) decision to ban the Knesset's two Israeli Arab political parties, the United Arab List-Ta'al and Balad, from participating in the February elections on the grounds that they do not recognize the state and call for armed conflict against it. The CEC is comprised of 30 members of all party factions, chaired by a Supreme Court judge. Israeli Arab and other human rights NGOs argued before the Supreme Court that the ban was part of a trend to undermine the political legitimacy of Arab citizens of Israel.

Throughout 2008 and during the climax of the national election campaign in February, there was continuing political incitement reflected in the media against the Arab community in the country. Incitement came from members of the Knesset and high profile party leaders. Some Arab members of the Knesset also incited the Arab public against the Jewish majority.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally sought to implement the law. Impunity was not a problem. Media routinely reported on corruption. The national police, the state comptroller, the attorney general, and the finance ministry accountant general were responsible for combating official corruption. Senior officials were subject to comprehensive financial disclosure laws. There were no reports of judicial corruption during the year.

During the year the government investigated and prosecuted several senior political figures for alleged misconduct.

On June 24, the Tel Aviv District Court sentenced former finance minister Abraham Hirschson to five years and five months in prison for stealing 1.8 million NIS (approximately \$460,000) from the National Labor Federation. Hirschson was convicted by the Tel Aviv District Court of larceny, executive theft, fraud, breach of trust, illicitly obtaining funds, money laundering, and falsifying corporate documents. On September 24, while serving the sentence, Hirschson began an appeal process.

On August 2, police recommended to the attorney general that he indict Foreign Minister Avigdor Lieberman on bribery, money laundering, obstruction of justice, and other charges. There was no decision at year's end.

On August 30, Attorney General Menachem Mazuz indicted former prime minister Ehud Olmert along with his former chief of staff, Shula Zaken, on three charges involving breach of trust, falsifying corporate documents, and fraudulent conduct. Olmert was also charged with tax evasion, and Zaken was charged with illegal eavesdropping. At year's end, two other charges were dropped, while one investigation regarding Olmert's political appointments remained pending. Olmert and Zaken both pled not guilty to all charges. At year's end, the trial continued. An additional six persons were indicted on related charges, including former tax authority chief Jacky Matza, three tax authority officials and two businessmen.

On September 1, former minister Shlomo Benizri began serving a four-year prison term after his conviction in 2008 on charges of bribery, fraud, and breach of trust for crimes committed between 1996 and 2001, when he was minister of health and minister of social affairs. The court initially fined Benizri 80,000 NIS (\$20,000) and sentenced him to 18 months in prison, but the government appealed and the High Court of Justice increased the fine to 250,000 NIS (approximately \$66,000) and increased his sentence to four years.

At year's end, former president Moshe Katsav's trial continued for obstruction of justice, rape, and sexual assault (see section 6, women).

At year's end, the trial of Knesset member Tzachi Hanegbi continued. Hanegbi was on trial for fraud, breach of trust, election bribery, and politically motivated civil service appointments of members of the Likud party headquarters and their relatives while he was environmental protection minister. Hanegbi was indicted, together with his former director general, Shmuel HersHKovitz. Courts concluded the trials of members of the Knesset (MKs) Yaakov Edri and former MK Yitzhak Ziv due to lack of evidence. Investigations of MKs Ruhama Avraham, Roni Bar On, and Haim Katz ended in 2008 without criminal charges or civil penalties.

The government did not effectively implement its 1998 Freedom of Information Law. Many government bodies did not disclose their internal regulations as required, and others failed to publish annual reports. The 2008 state comptroller's report found that approximately half of government authorities investigated did not make available to the public their administrative directives or procedures for requesting information or services.

At year's end, consideration of a 2005 freedom of information ACRI petition remained ongoing. In 2007 the High Court of Justice began deliberations on the ACRI petition, demanding that the IDF and the MOD make their unclassified archives available to a journalist for research purposes. In May 2008 the IDF and MOD responded by annulling part of the procedures in dispute and shortening the limitation periods on archival materials.

On February 25, the Jerusalem District Court ordered the MOJ to provide PCATI with details on how it handled torture allegations against the ISA; on April 30, the MOJ provided PCATI with the information relating to complaints filed from 2005-07. The Ministries of Interior and Housing began publishing at mid-year their administrative directives and procedures for requesting information and services.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Numerous domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative to varying degrees, and routinely invited domestic NGOs, including those critical of the government, such as ACRI, Mossawa, Adalah, PHR-I, and Gisha, among others, to participate in Knesset hearings on proposed legislation. An MFA unit maintained relations with certain international and domestic NGOs. The government responded publicly to criticisms that it believed to be unfounded.

Under the 1980 Law of Associations, NGOs must register and pay annual fees. Some registered NGOs were eligible to receive funding from government ministries. According to government figures, such funding amounted to approximately 2.5 billion NIS (\$715 million) per year. Government funding for NGOs disproportionately favored Jewish NGOs, especially those that promote "traditional and religious Jewish activities."

During the year the MOI, operating under a 2002 order, barred entry to all foreign nationals affiliated with certain Palestinian human rights NGOs and solidarity organizations (see Annex). The government claimed this was done on an individual basis, not according to the activities or platform of the NGOs with which they were affiliated.

The government did not permit the NGOs B'Tselem, Human Rights Watch (HRW), or Amnesty International to enter the Gaza Strip through any of the border crossings Israel controlled during Operation Cast Lead.

Following the July 15 release of the NGO Breaking the Silence's report of 26 soldiers' testimonies alleging human rights violations during Operation Cast Lead in Gaza, the government publicly announced its intention to wage an "aggressive battle against NGOs" which it deemed "biased against" the country. The government asked the United Kingdom, Spain, and the Netherlands to stop providing funding to Breaking the Silence. No country ceased funding. Ten human rights groups protested the government's raising the issue of foreign financing of some NGOs, releasing a joint statement on August 2 demanding that the government "cease all activity meant to instill fear and silence or harm vital organizations that operate legitimately, and allow them to engage freely in public discourse and various activities."

In September the Israeli Gaza District Coordination Office informed three Israeli human rights organizations that inquiries regarding petitions for Palestinians to leave the Gaza Strip would only be accepted from the Palestinian Civil Affairs Committee, which originated the petitions. The human rights organizations characterized this action as an attempt to impede the activities of human rights organizations and registered their protest with state and military authorities, particularly as they related to appeals for urgent medical treatment. In November, the decision was effectively reversed when the Coordinator of Government Activities in the Territories issued its new guidelines.

The government cooperated fully with a UN Board of Inquiry investigation into incidents that affected UN personnel, premises, and operations during the conflict in the Gaza Strip. It did not cooperate with UN Fact Finding Mission on the Gaza Conflict led by Richard Goldstone.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, marital status, political beliefs, disability, or age.

Women

Rape, including spousal rape, is illegal, and the law doubles the penalty if the perpetrator assaults or rapes a relative. The government reported 770 rape cases and 122 indictments during the year.

At year's end former president Moshe Katsav's trial for rape, sexual assault, and obstruction of justice was ongoing (see section 4).

Although the Equality of Women Law provides equal rights for women and protection from violence, harassment, exploitation, and trafficking, domestic violence against women was a problem. As of September, women had filed 10,871 domestic violence complaints with the police, of which 2,403 were still being investigated, 4,368 were transferred to the State Attorney's Office, 353 were heard by courts, and 3,747 were closed.

The Social Affairs Ministry provided a battered women's shelter and operated a hotline. The police operated a call center to inform victims about their cases. Women's organizations provided counseling, crisis intervention, legal assistance, and shelters.

Women's rights NGO Kayan and PHR-I petitioned the Supreme Court to require the Ministry of Health to provide health care to battered women living in shelters and to those who were without legal status in the country. According to Kayan, the two organizations' aim was to provide an alternative for women who opted to return to abusive partners to obtain the health care refused by the state.

At year's end, the government reported that the charges against Mahmoud Abu-Ghanem concerning the December 2008 killing of his sister Dalia were likely to be dismissed due to insufficient evidence. According to *Kull al-Arab* newspaper, human rights activist Ayidah Tuma-Sulayman, head of the Association of Women Against Violence, charged that at least three women were the victims of honor killings

Kayan staged a wide public protest against the publication of a user's question on Panet, the fourth most popular Arabic-language Web site in the country. The user asked whether it was acceptable to murder his cousin, who had compromised the "family honor." Kayan and eight other women's organizations demanded that the question be removed from the site and that police become involved in the case. Police took no action.

Prostitution is not illegal and was widespread but not highly visible. The law prohibits operation of brothels and organized sex enterprises, but there were numerous media reports of Russian-connected prostitution operations.

Sexual harassment is illegal. The Prevention of Stalking Law and the Prevention of Family Violence Law require that suspected victims be informed of their right to assistance.

As of September, authorities opened 209 sexual harassment files, of which 81 were still under investigation, 42 cases had been transferred to the State Attorney's Office, two had been heard by courts and 84 were closed. Of the closed cases, 27 were closed for lack of evidence, 23 for lack of public interest, four for lack of guilt, and 30 because the offender was unknown.

"Modesty patrols" harassed Haredi women in Haredi communities. On March 15, the Jerusalem District Court sentenced Elhanan Buzaglo to four years' imprisonment and required him to pay 10,000 NIS (\$2,600) in compensation to the victim. The "modesty patrols" had paid Buzaglo 8,000 NIS (\$2,100) to assault and threaten a woman who had divorced her husband and abandoned her religious way of life. Buzaglo and four other persons beat the woman at her home and threatened to kill her if she did not move out of the house. The court condemned the "modesty patrols" organization and urged the organization to prevent its members from committing such crimes. The suspected senior member of the "modesty patrols" was also arrested in August 2008 but was not indicted due to a lack of evidence.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care was widely available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

In the secular judicial system, women and men enjoyed the same rights, but religious courts restricted the rights of Jewish and Muslim women. A Jewish woman is allowed to initiate divorce proceedings, but her husband must give his consent to make the divorce final. Because some men disappear or refuse to grant the divorce, thousands of so-called "agunot" (chained women) may not remarry or give birth to legitimate children. Rabbinical tribunals may, and sometimes did, sanction a husband who refused divorce but still did not grant a divorce without his consent. Jewish women married to Jewish men do not have redress to civil courts; only religious courts can rule on personal status issues.

A Muslim woman may petition for and receive a divorce through the Shari'a courts without her husband's consent under certain conditions, and a marriage contract may provide for other circumstances in which she may obtain a divorce without her husband's consent. A Muslim man may divorce his wife without her consent and without petitioning the court.

During the year the Organization for Economic Development and Cooperation (OECD)

reported that only 23 percent of Arab women were part of the formal labor force. Arab and Haredi Jewish women were concentrated in low paid employment.

A May 6 *Yediot Aharonot* article described a new regulation at the ultra-Orthodox Shas' Maayan Torah education network that prohibits female workers from working without a head covering that completely covers their hair. Many Haredi women expressed disagreement with the new regulation that also bans the use of wigs as head coverings.

According to its Web site, the Yad L'Achim's antiassimilation department receives approximately 1,000 calls per year identifying Jewish women who become involved with foreign workers or Arab men. Yad L'Achim responded in some cases by what it termed "launching military-like rescues from hostile Arab villages and setting the women up in 'safe' houses around the country, where they can build new lives for themselves." A December "rescue" from Gaza of Oshrit Ohana and her four children, reportedly coordinated with the IDF and Interior Minister Eli Yishai, was widely popular among the public, but critics claimed such "rescues" sometimes disregarded the will of the women involved.

Although the law prohibits discrimination based on gender in employment and wages and provides for class action suits, complaints of significant wage disparities between men and women persisted.

The government enacted a number of programs to improve the status of women in the work place and society. The Authority for the Advancement of the Status of Women in the Prime Minister's Office approved 200 scholarships for higher education for Druze, Bedouin, and Circassian female students in the north. The Authority held professional training courses in Arab, Druze, and Circassian localities. The Ministry of Education established a department dedicated to the promotion of gender equality within the school system. In August women comprised 43.5 percent of officers of government corporations.

During the year Haneen Zoabi became the third female Arab citizen of Israel to serve in the Knesset and the first to serve on behalf of an Israeli Arab political party (Balad).

Children

Citizenship is derived by birth within or outside of the country to at least one Israeli citizen parent. There were 2.4 million children in the country, comprising 33 percent of the population.

The number of children without citizenship was increasing, according to the National Council for the Child (NCC). As of April, there were 145,855 children without citizenship, a 17 percent increase since 2001. Three-fourths of them were Palestinian residents of Jerusalem, who had blue identity cards but not Israeli citizenship. Another 38,000 were children of legal work migrants. Children of illegal immigrants were not included nor were more than 1,000 child asylum seekers.

According to an NCC report published on February 8, social services described 309,141 children as at risk of abuse in 2008; 2,000 children were hospitalized due to physical or sexual abuse within the family.

Education is compulsory through the ninth grade. The government operated separate school systems for Hebrew-speaking children, Arabic-speaking children, and Orthodox Jews. Ultra-Orthodox Haredi political parties continued to oppose government regulation of their government-funded school systems. In the Arabic school system, Arabic, English, Hebrew, and Jewish studies are compulsory courses from elementary school through matriculation. In the Hebrew school system, Arabic, one of the country's official languages, is required from grades seven to nine, but according to the NGO Abraham Fund Initiatives, this requirement was not enforced in most schools.

Trafficking in Persons

Trafficking in persons for the purposes of both prostitution and labor is prohibited under the law. The country was a destination for trafficking for the purposes of labor and prostitution. Neither the government nor NGOs could quantify accurately the extent of the problem.

The NGO Hotline was critical of the lack of enforcement of the trafficking law regarding forced labor in agriculture; the MOI unit responsible for reducing human trafficking did not provide information leading to a single criminal investigation in the June to October period. Some NGOs and media reports expressed concern that internal sex trafficking of citizens for the purposes of prostitution was on the rise. The government focused on illegal alien cases that were often classified as prostitution rather than trafficking.

The government reported that most victims of trafficking for prostitution in the country came from the former Soviet Union, primarily from Ukraine, Moldova, Russia, and Uzbekistan. Antitrafficking and women's advocacy NGO Isha L'Isha also reported trafficking of women from China, the Philippines, Mongolia, Belarus, and Lithuania for prostitution. Organized crime groups trafficked women for prostitution, luring them with promises of service sector jobs. Some reportedly sold women to brothels.

Hotline reported it did not see new women trafficked for prostitution from the countries cited above during the year, but it remained concerned about possible sex trafficking of female migrant workers and refugees. A Knesset Research and Information Center report released on October 20 stated that police had opened more trafficking related cases than in the previous year, which resulted mostly in the closing of brothels, pandering, and some trafficking cases. Although investigations increased, the report did not state that trafficking increased. The report also criticized the Immigration Administration for failing to locate trafficking victims or prosecute exploiting employers.

On March 7, following a two-year investigation that included cooperation with Belarus authorities, Tel Aviv police arrested 12 persons suspected of operating an international human trafficking ring. The newspaper *Haaretz* reported that, among those arrested, was the person suspected of operating the ring that had smuggled hundreds of women from the former Soviet Union into the country in recent years, forcing the women under threat of violence to engage in prostitution in clubs and brothels.

On March 29, eight Israelis were indicted for operating a multimillion dollar international human trafficking ring over the previous decade involving hundreds of women. The chief suspect in the case, Rami Saban, was charged with 23 felony offenses, including conspiracy to commit a crime, operating a brothel, managing a brothel, solicitation, forcing a person to leave the country of residence to work as a prostitute, assault, forgery, money laundering, and harassing witnesses.

The penal code stipulates that coercion to engage in prostitution is a criminal offense, punishable by four to 20 years' imprisonment, depending on the specific crime. Civil law verdicts have begun to favor the victims, and most verdicts involved compensation, although NGOs expressed a need for larger compensation awards.

Hotline charged that the law does not cover some forms of trafficking, including "trafficking to obtain financial advantage" or a "flying visa," whereby a worker pays a commission to an agency in the home country to get a work permit but arrives to find there is no job. In such cases, the worker does not have a valid permit under the law and is subject to arrest and deportation. The government responded that such cases were financial fraud offenses, rather than trafficking, because the freedom of the migrant worker was not restricted.

During the year police conducted nine criminal investigations on trafficking in persons for the purpose of engaging them in prostitution and arrested 13 suspects. Police opened 269 cases of managing a property for the purpose of engaging in prostitution. Police also opened 82 pandering cases, some of which were originally trafficking cases that were

filed as pandering charges due to a lack of evidence. Police opened 10 cases of causing a person to leave the country for the purpose of prostitution, 20 cases of abduction for the purpose of trafficking or a sexual offence and 16 cases of publication of prostitution services. Between January and August, authorities closed 18 Tel Aviv brothels, opened 331 cases for trafficking or related offenses, and arrested 69 suspects.

Victims of labor trafficking varied by sector. The largest groups were Thai agricultural workers, Chinese construction workers, and domestic and nursing care workers from the Philippines, India, Nepal, and Sri Lanka. Hotline noted that workers employed as caregivers were particularly vulnerable to having their visa status revoked when their employers failed to arrange their visas.

The labor law criminalizes trafficking for slavery, forced labor, prostitution, pornography, sexual abuse, and organ selling, and provides a maximum sentence of seven to 20 years' imprisonment depending on the offense. In 2008 the State Attorney's Office and the Immigration Administration jointly filed the first indictment for forced labor under the new amendments to the trafficking law. The case remained pending at year's end. Authorities opened 61 cases for trafficking in persons for labor and forced labor, 28 cases of withholding passports, and eight cases of exploitation of vulnerable populations.

The Tel Aviv shelter Maagan, the only government-operated shelter for victims of trafficking for commercial sexual exploitation, had a capacity for 50 women and housed 26 women and seven children during the year. The Atlas shelter for male victims of slavery and forced labor housed 21 men. At year's end, there were 13 women, five children, and one man in these shelters. The government reported that all trafficking victims in the shelters received temporary visas and work visas if requested. Although there was some improvement in the situation, Isha L'Isha reported it was difficult to admit trafficked women into a shelter if they had children, and that trafficking victims living outside the shelter remained without medical insurance.

The Legal Aid Law provides free legal aid to every victim of trafficking and slavery.

See also the State Department's annual [Trafficking in Persons Report](#).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. Legislation mandates access to buildings and transportation, as well as accommodations for persons with disabilities in services and the work place. The government effectively enforced the laws with limited success but had not formulated specific regulations. Societal discrimination, segregation in many areas, and lack of accessibility persisted in employment and housing.

The Commission for Equal Rights of People with Disabilities (CERPD) within the MOJ is responsible for protecting the rights of persons with disabilities. It receives public inquiries, provides legal advice and represents clients, educates, and promotes best practices. It took legal action in the areas of accessibility and employment and issued regulations to ensure disabled access to services and public sites. However, improvements were slow, according to Bizchut, a domestic NGO that advocates for the rights of persons with disabilities. The CERPD's annual report showed a 53 percent employment rate for persons with moderate disabilities and an employment rate a 31 percent rate for persons with severe disabilities.

Various ministries and agencies maintained responsibility for persons with disabilities. The Division for Integrating Persons with Disabilities in the Labor Market, within the Ministry of Industry, Trade, and Labor, examines and promotes employment for persons with disabilities. On August 1, an amendment to the National Insurance Law came into effect that allows persons who receive a disability pension to earn more by permitting a combination of income and pension, rather than requiring the total forfeiture of the

disability pension.

The Ministry of Social Affairs and Social Services provides out-of-home placement and sheltered employment for persons with cognitive, physical, and communication disabilities. It also handles criminal investigations when persons with certain disabilities, either victims or offenders, are referred by the police. In 2008 police referred 668 persons with disabilities for such special investigations.

The National Insurance Agency provides financial benefits and stipends, the Ministry of Health provides mental health and rehabilitation services, and the Ministry of Education provides special education services. However, Bizchut criticized the lack of services actually provided to mainstreamed pupils, which effectively limited their integration into regular class settings.

Television stations include subtitles or sign language, and the courts accommodate testimony from persons with intellectual disabilities or mental illness. The law mandates accessibility to public transportation, but it was not always available. Most train stations maintained access for persons with disabilities; however, as of September, approximately 40 percent of buses did not have such access.

There were approximately 1.2 million persons with self-reported disabilities in the country, according to Bizchut.

National/Racial/Ethnic Minorities

Arab citizens of Israel continued to suffer various forms of discrimination in public and private life. Tensions between Arabs and Jews also remained high in areas where the two communities overlap, such as Jerusalem, the Galilee, and Negev, and in some mixed cities with historically separate Jewish and Arab neighborhoods.

On November 30, the Jerusalem Magistrates Court indicted two Border Guard officers for assaulting an Arab resident of Jerusalem. Officers Maor Malianker and Yossi Dahan allegedly beat Muhtaseb Muqtada with a baton in a cemetery on November 17. Malianker was also indicted on two other counts for allegedly using a radio device to hit a Jerusalem resident and falsely reporting he was attacked during a search.

In March 2008 a police officer from the town of Kfar Saba reportedly attacked two Arab citizens of Israel while shouting, "death to Arabs." Another police officer who witnessed the attack intervened to prevent injury. No further information was available.

The Tel Aviv District Court had not issued its verdict at year's end in the case against Eliyahu Aharoni, who had been indicted for conspiracy to commit arson out of a racist motive. In October 2008 police arrested six young Jewish men in Tel Aviv for allegedly firebombing three Arab apartments in a Jewish neighborhood in Tel Aviv to incite anti-Arab sentiment and rioting from Acre (Akko) to Jaffa and other mixed neighborhoods around Tel Aviv. The other five men were not indicted due to lack of evidence.

During the year the Israel Land Fund NGO continued its program to purchase Arab land throughout Israel and market it to Jewish buyers, including in the diaspora; the organization claimed that all the land belonged to Jewish people and described as a "danger" the purchase of Jewish-owned lands by non-Jews.

Throughout 2008 and during the climax of the national election campaign in February, media and political incitement against the Israeli Arab community continued from members of the Knesset and high-profile party leaders, including Foreign Minister Avigdor Lieberman, whose election campaign appeared to polarize relations between Arabs and Jews. Lieberman called one Israeli Arab member of Knesset a terrorist.

Public debate continued over the suggestion of some Jewish politicians of "transferring" communities of Arab citizens from Israel to the Palestinian territories (in return for

transferring Jewish settlements in the West Bank to Israel) as part of a negotiated solution to the Israeli-Palestinian conflict. Arab citizens of Israel overwhelmingly condemned the proposal, while Jewish opinion ranged from support to condemnation. Members of Yisrael Beiteynu, a right-wing party headed by Foreign Minister Avigdor Lieberman, advocated the idea in media interviews at public gatherings throughout the year.

The High Court of Justice ruled on January 7 that the National Insurance Institute (NII) should provide forms in Arabic in addition to Hebrew, and accepted the state's notification that applications submitted in Arabic would be processed. The NII provides a wide variety of assistance programs, such as old-age and survivors, maternity, children, work injury, general disability, and more. Prior to the January ruling, documents submitted for claims had to be translated into Hebrew.

In July the transport minister decided to Hebraicize all road signs, applying uniform rules to the appearance of approximately 2,500 destinations in Hebrew, Arabic, and English. Adalah claimed this was contrary to a 2002 Supreme Court judgment that obliged mixed cities to add Arabic to the traffic, warning, and informational signs. The transport minister's decision would entail the replacement of all road signs with new signs that show the Hebrew names of places in Arabic letters, regardless of the common and historical Arabic or English name of the place. For example, "Jerusalem" would become "Yerushalayim" in Hebrew, English, and Arabic, and "Al-Quds" (the Arabic name for Jerusalem) would cease to exist on the road signs. As of year's end, the attorney general had not replied to the July 15 letter Adalah sent demanding the cancellation of the transport minister's decision, but the Ministry of Transportation was inspecting claims regarding the policy.

Approximately 93 percent of land was in the public domain, and the Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews, owned approximately 12.5 percent. In 2005 the attorney general ruled the government cannot discriminate against Arab citizens of Israel in marketing and allocating lands it manages, including those of the JNF. As an interim measure, the government agreed through the Israel Lands Administration (ILA) to compensate the JNF for any land leased to an Arab by transferring an equal amount of land from the ILA to the JNF. Legal petitions against the JNF policy of leasing public land only to Jews were ongoing at year's end.

On August 3, the Knesset passed the Israel Land Administration Law. The new law institutes broad land privatization; permits land exchanges between the state and the JNF, the land of which is exclusively reserved for the Jewish people; allows lands to be allocated in accordance with "admissions committee" mechanisms and only to candidates approved by Zionist institutions working solely on behalf of the Jewish people; and grants decisive weight to JNF representatives in a new Land Authority Council, which would replace the ILA.

Competing claims to ownership of land provoked conflicts during the year, particularly in the East Jerusalem neighborhood of Sheikh Jarrah. A joint 1956 project of the UN Relief and Works Agency and the Jordanian government gave houses in the neighborhood to 28 Palestinian 1948-refugee families. Court decisions have upheld settler organizations' claims to the property dating from the Ottoman era. Demonstrations organized by the advocacy groups Israeli Committee Against House Demolition, Rabbis for Human Rights, and the International Solidarity Movement have occurred on a weekly basis, resulting in arrests and court orders barring some activists from the area for 30 days, according to press reports.

Advocacy organizations defending the rights of Arab citizens of Israel have challenged the demolition of illegal buildings in the Arab sector on grounds that the government unfairly restricted building permits and rezoned open space areas to exclude Arabs from expanding built-up areas. The controversy has been acute in East Jerusalem, particularly in Sheikh Jarrah, where land zoning restricted the development of new residences near Arab neighborhoods and height restrictions limited buildings to six stories. Arab areas near the Old City were restricted to two stories to preserve the historic nature of the

area, whereas authorities permitted six- and eight-story structures in predominantly Jewish areas equally near the Old City.

New construction is illegal in towns that do not have an "authorized detailed plan" for development, which is the legal responsibility of local authorities. In the country's 46 unrecognized Bedouin villages, all buildings were illegal, since there were no recognized local authorities to promote an authorized detailed plan.

In 2004 the Supreme Court ruled, in a case regarding priority areas for education, that omitting Arab towns from specific government social and economic plans was discriminatory. At year's end, according to the government, master plans were completed for 62 of the country's 128 Arab communities, while 58 communities were engaged in the process of developing master plans.

According to the Harvard International Human Rights Clinic, between January and August, authorities demolished 97 Bedouin homes. On December 15, authorities demolished the entire Bedouin "village" of al-Atrash, consisting of at least 12 structures, under a 1996 Beer Sheva Magistrate Court decision that removed Abdulla al-Atrash and his family for trespassing near an IDF firing range. The Al-Atrash family had withdrawn their appeal in 2002.

On December 13, the government adopted a new national priorities area map, complying with a 2006 Supreme Court ruling that government policy was discriminatory because it included only four Arab communities among the 539 communities slated for special funding for development. The new national priority plan provides special funding for approximately two million Israelis and includes communities constituting 40 percent of Israeli Arabs. However, the national priority plan now includes areas in the West Bank, encompassing approximately 110,000 Jewish settlers who would receive the special funding as well, although funding for their housing was specifically excluded.

The law exempts Arab citizens of Israel from mandatory military service. Citizens who do not perform military service enjoy fewer social and economic benefits. Arab citizens of Israel generally were ineligible to work in companies with defense contracts or in security-related fields. Arab citizens were underrepresented in most fields of employment, including government, despite an affirmative action program begun to promote their hiring (including Druze and Bedouin) in the civil service. According to the government, 6.67 percent of government employees in August were Arab citizens.

The law requires that minorities have "appropriate representation" in the civil service and on the boards of government-owned corporations. As of August, Arabs (including Druze and Circassians) filled 8.7 percent of the board seats of state-run companies. Of the 55,000 persons working in government-owned companies, 1 percent were Arab.

On March 29, Israel Railways dismissed 40 Arab crossroads safety inspectors because they had not served in the military. On April 7 and 19, the Tel Aviv Regional Labor Court suspended implementation of the dismissals and, on September 6, issued an injunction, finding discrimination against workers who had not served in the military.

In June 2008 the government started a National Civil Service program for citizens not drafted for military service, giving Arab citizens, Haredi Jews, and Orthodox Jewish women the opportunity to serve in their own communities for more than a year and be eligible for the same benefits accorded military veterans. Of the 12,000 volunteers during the 2008-09 academic year, more than 1,000 were Arab citizens, half of whom served in education, a quarter in welfare, 22 percent in health, and the remainder in road accident prevention and legal and environment work.

Resources devoted to the education of Arab children were inferior to those devoted to Jewish children in the public education system. The OECD estimated that public spending on children in Arab localities was at least one-third lower than for children in Jewish municipalities. There was an average of 25 Jewish schoolchildren per classroom, while Arab children averaged 29 per classroom. There was a growing need for Arabic-

speaking classes, as Arab students comprised 23 percent of high school students, 27 percent of junior high students, and 28 percent of elementary students.

The Israeli Druze community comprised approximately 8.3 percent of the minority population, and the Circassian community numbered some 3,000. Males of both communities were subject to the military draft, and the majority accepted willingly. Some Bedouin and, to a much lesser degree, other Arab citizens not subject to the draft also served voluntarily.

The Bedouin population was the most disadvantaged. Half of the 160,000 Bedouin lived in poverty, but with basic state services, in seven state-planned and eight recognized communities. The seven state-planned townships were among the eight poorest communities in the country, according to a March 2008 HRW report. The other half of the country's Bedouin lived in at least 46 unrecognized villages, which did not have water and electricity and lacked educational, health, and welfare services. The unrecognized villages, made up mostly of tents and shacks, evolved as a result of the government's refusal to recognize Bedouin land claims based on traditional usage prior to the establishment of the state.

Government planners noted there were insufficient funds to relocate Bedouin living in unrecognized villages to new towns and that the average Bedouin family could not afford to purchase a home in existing towns; however, the government maintained a program to encourage such movement by providing low-cost land and compensation for demolition of illegal structures for those willing to move to designated permanent locations. Many Bedouin complained that moving to government-planned towns required giving up claims to land they had lived on for generations, while the government claimed it was difficult to provide services to clusters of buildings throughout the Negev that ignored planning procedures.

On January 18, the government accepted the December 2008 report of the Goldberg Committee for Regulation of Bedouin Settlements in the Negev, which urged the government to regularize the situation where possible and increase services and assistance.

As of year's end, the Supreme Court had not ruled on a 2006 Adalah appeal of the Haifa District Court decision not to overturn a Water Tribunal decision denying water services to unrecognized villages.

The approximately 20,000 non-Israeli residents of the Golan Heights are subject to Israeli authority and Israeli law. Israel accords them permanent resident status, but most of them are Druze and citizens of Syria who largely have refused or have been denied Israeli citizenship. As legal residents, they received Israeli travel documents and held identity cards that entitled them to many of the same social benefits as Israeli citizens. Druze communities in the Golan Heights received support for municipal services and infrastructure maintenance. The four Druze local authorities received a total of 25.7 million NIS (\$6.8 million) in general financial grants for local authorities, as set by the Public Committee for Reform within the Israel Land Administration, and were allocated 1.3 million NIS (\$348,000) from the MOI for development (see Annex for discussion of Palestinian residents of East Jerusalem).

The government prohibits Druze citizens, like all citizens, from visiting Syria. The government allowed noncitizen Druze from the Golan Heights to visit holy sites in Syria through the ICRC-managed pilgrimage program, but it has prevented family visitations since 1982.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation, and the government generally enforced these laws.

Gay Pride rallies occurred peacefully in Tel Aviv on June 12 and in Jerusalem on June 25, with only one incident in which police arrested an egg-throwing protester in Jerusalem. There was police authorization and protection for the marchers. There were demonstrations in an ultra-Orthodox section of Jerusalem against the march.

On August 1, a masked gunman killed Nir Katz, 26, and Liz Trobishi, 16, and wounded 15 others in the offices of the NGO GLBT Israel in Tel Aviv. At year's end, a high priority police investigation continued. High-level politicians, including the president and prime minister, were quick to condemn the attacks. Settler Yaacov Teitel (see sections 1.a., 1.c., 6, and the Annex) was arrested on October 7 after posting signs in Hebrew in an ultra-Orthodox community in Jerusalem praising the attack in Tel Aviv, but police did not charge him with these killings.

A number of lesbian, gay, bisexual, and transgender (LGBT) organizations operated freely. They included Jerusalem Open House, which runs an LGBT Health Awareness Campaign, and Aswat, a lesbian advocacy organization of Arab citizens of Israel that works to promote LGBT rights and to combat homophobia in the Arab community.

Other Societal Violence or Discrimination

Societal violence and discrimination against persons with HIV/AIDS existed in isolated cases.

In August several media reported on three national-religious "private" schools in Petah Tikvah that refused to admit some 30 Ethiopian Jewish students. Despite a court order, 11 recent immigrants from Ethiopia had yet to be admitted to the schools by the end of the year. These unofficial, but state-recognized schools received as much as 75 percent of their funds from the state, which guaranteed in principle, but did not effectively enforce equality. The president and prime minister quickly condemned the refusal to admit the students, and Education Minister Gideon Saar threatened to cut off funding from the schools if they did not accept the students by the first day of school. Mayor Itzik Ohayoun made a deal with the city's religious schools for expanded integration of more than 100 Ethiopian students, but did not exercise his power to force the schools to accept all the students by the end of December, four months into the school year.

Section 7 Worker Rights

a. The Right of Association

Effectively implemented laws concerning the right of association provide that citizens may join and establish independent labor organizations. Most unions belong to Histadrut (the General Federation of Labor) or to a smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). Both are independent. There were no restrictions on collective bargaining agreements, and no prior government approval was required. The law provides for protection for workers from discrimination resulting from their membership in or activity with a labor organization. The government reported that litigation stemming from discrimination of this kind was negligible.

Labor laws also apply to noncitizens, although with modifications, and enforcement was not adequate, according to Hotline. A legally resident migrant worker may join Histadrut, may vote in the elections, and is eligible for all its services, as long as the employee pays membership fees. In an organized workplace, one who does not want to be a member must pay a trade union fee of 0.8 percent of salary.

The government sets annual quotas for foreign workers. Through October 50,000 permits had been issued for nurses, bringing the number of permits issued for foreign workers to approximately 88,500 in the year. This number constituted 38 percent of the foreign work force. Nonresident Palestinians may join Israeli trade unions and organize their own unions in Israel. As of September 30, the government issued 25,661 working permits for nonresident Palestinian employees.

Unions have the right to strike, and workers exercised this right. If essential public services are affected by a strike, the government may appeal to labor courts for back-to-work orders during continued negotiations. Worker dismissals and the terms of severance arrangements traditionally have been the central issues of disputes.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, and these laws are enforced. Collective agreements cover approximately 58 percent of all workers. The law specifically prohibits antiunion discrimination, and none was reported. The Collective Agreements Law was amended in August to include a provision that obligates an employer to negotiate with an employee organization.

Collective bargaining agreements extend to nonunion workplaces in the same sector. To obtain a job, foreign workers usually paid agency fees, collected overseas, that reportedly ranged from 12,000 NIS (\$3,000) to 80,000 NIS (\$20,000) per worker. Chinese construction workers paid the highest fees.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and criminalizes gradations of labor exploitation. According to the OECD review, the laws concerning minimum employment conditions and foreign workers were not effectively enforced.

The law provides that foreign laborers have legal status, decent working conditions, health insurance, and a written employment contract; nonetheless, some employers forced individual laborers who entered the country, legally and illegally, to live under conditions that constituted involuntary servitude. In a major reorganization of the immigration and employment law-enforcement functions during the year, responsibility for noncitizen workers was moved from the Immigration Police in July to the new Population, Immigration, and Border Crossings Authority under MOI oversight. This office has the authority to arrest and detain workers, but not the authority to enforce labor or trafficking laws against employers. As a result, according to Hotline, even in cases when an illegal worker was detained when working, inspectors were not able to charge the employer with labor law violations, or even illegal employment.

There were numerous documented cases, but few resulting employer prosecutions, concerning foreign laborers living in harsh conditions, subject to debt bondage, and restricted in their movements.

On July 14, Kav LaOved provided legal representation at the Jerusalem Magistrate's Court on behalf of an Indian migrant worker, employed as a caregiver, who had been ordered by the court to remain at her job. The caregiver had informed her employer that she wanted to leave her job and gave him due notice. The employer's son argued that the worker had committed to take care of his mother for a year from the date of her arrival, with no option of leaving earlier, and asked the court to order the worker to continue working until at least December 21. The court agreed to the request and issued a temporary court order forcing the worker to continue but annulled the order after Hotline objected.

In August, following a complaint by Kav LaOved, a criminal indictment was filed in the Be'er Sheva Magistrate's Court against the agricultural company Katif Venture and Development Ltd. and some of its employees, charging them with employing Thai and Nepalese agricultural workers in inhumane conditions. The charges included making the employees work for 15-20 hours each day, seven days per week, paid well below the minimum wage with no overtime compensation; constantly threatened to accelerate their work pace lest they be returned to their countries; and prohibition from using a telephone. The workers were also required to live in extremely crowded conditions in

temporary buildings that were completely exposed to the elements. The employers were charged with exploitation, fraud, and causing injury by negligence.

d. Prohibition of Child Labor and Minimum Age for Employment

Laws provide for protection of children from exploitation in the workplace and prohibit forced or compulsory labor; the government generally enforced these laws.

Children at least 15 years of age, who have completed education through grade nine, may be employed as apprentices. Those who are 14 may be employed during official school holidays in light work that will not harm their health. Working hours for those 16 to 18 years old are restricted in all sectors. During the year the Labor Laws Enforcement Division in the Ministry of Industry, Trade, and Labor (MITL) initiated 230 investigations, investigated more than 600 employers for allegedly violating the Youth Employment Law, filed 43 indictments against employers, and imposed 757 administrative fines, totaling approximately 10 million NIS (\$2.6 million).

The Labor Law Enforcement Division also conducted national campaigns regarding employment terms of youth to promote the implementation of youth labor laws, especially during summer vacation.

e. Acceptable Conditions of Work

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace. Resource constraints affected overall enforcement, and according to the OECD, the country had a general problem of failing to enforce its labor laws.

The minimum wage is updated on April 1 of each year and is set at 47.5 percent of the average monthly wage. The minimum wage during the year was 3,850 NIS (approximately \$1,000) per month for a 43-hour week. There are reduced minimum wages for youths and persons with disabilities. The government considered the minimum wage, supplemented by special allowances for citizens, to provide a citizen worker a decent standard of living. Some union officials, NGOs, and social commentators disputed this claim. Noncitizen workers did not receive the special allowances. Histadrut reported that enforcement by the Labor Inspection Service in the MITL improved during the year. Resource constraints limited inspections, particularly of conditions in the settlements where many Thai work.

The law allows a maximum 43-hour workweek at regular pay. Premium pay was 125 percent for the first two hours and 150 percent for any additional hours, with a limit of 15 hours of overtime per week. Histadrut reported that Israeli and foreign workers operated under the same rules.

Documented foreign workers were entitled to many of the same benefits as citizens but not to national health care. Employers were legally required to provide such insurance, and most employers did so. All labor laws also apply to undocumented foreign workers. Enforcement of labor law in the home health care sector, which employs numerous foreign workers, was particularly difficult because caregivers live and work in isolated, individual settings.

An employer must obtain a government permit to hire non-Israeli workers who live in the occupied territories. Most Palestinians from the occupied territories working legally in the country were employed on a daily basis and, unless employed on shift work, were not authorized to spend the night in the country. According to Histadrut, there were approximately 50,000 legal nonresident Palestinian workers during the year.

The government required Palestinians to have permits to travel from the occupied territories to Israel, including for employment. According to the government, there were 23,873 Palestinians who possessed valid work permits at the end of the year, of whom

an estimated 5,000 had permits to stay long-term while the rest were supposed to commute daily. There were unknown numbers of Palestinians who worked in Israel without permits and thousands who had daily permits, who remained overnight without permission.

According to the government, foreign workers can remove themselves from a dangerous work situation and seek alternate employment. Kav LaOved maintained that particularly in the case of agricultural workers, no comprehensive system for such removal existed by year's end. During the year the MOI changed procedures so that employees no longer received work permission through a specifically named employer. All workers could challenge unsafe work practices through government oversight and legal agencies.

Through November the Enforcement Division of the Foreign Workers Department in the MITL imposed 1,662 administrative fines on employers of foreign workers for violating the Foreign Workers Law, totaling 14,605,958 NIS (\$3,844,000). Through September, 849 indictments had been filed regarding violation of the Foreign Workers Law by employers, and 196 fines totaling 1,923,000 NIS (\$506,000) had been imposed on employers of foreign workers for violating the Minimum Wage Law.

Thai agricultural workers, Chinese construction workers, and nursing care workers from India, Nepal, Sri Lanka, and the Philippines – particularly women – were at greatest risk for abuse. On September 1, the government recertified private nursing companies' caregiver licenses, giving special attention to capacity of dealing with the widespread employment of foreign workers in the field. In February the MOI assumed responsibility from MITL for possible cancellation of health care workers' residence permits.

Brokers and employers collect hiring fees from migrant workers. The government limited such fees to 3,135 NIS (approximately \$895) per worker, but NGOs claimed that many foreign workers continued to pay as much as 80,000 NIS (\$23,000). Through September, the government held 124 hearings on canceling or restricting permits to employ foreign workers, resulting in 51 restricted or canceled permits.

The government reported that, during 2008 and up to October 15, 47 permits to recruit foreign workers in the nursing field were completely revoked. Investigations and administrative hearings led to the closure of some recruitment agencies.

Workers may contest deportation orders, but lack of fluency in Hebrew placed them at a considerable disadvantage. Interpreters were provided when available, but no court-appointed attorneys were provided. According to Hotline, the lack of interpreters in various governmental agencies continued to be a "grave problem," and public information in languages other than Hebrew was hard to obtain.

THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Israel occupied the Gaza Strip, Golan Heights, the West Bank, and East Jerusalem during the 1967 War. During the year, the Palestinian population of the West Bank was approximately 2.4 million, and Gaza's population totaled 1.6 million. There were an estimated 260,000 Arabs living in East Jerusalem with residency permits rather than Israeli citizenship. Approximately 190,000 Israeli citizens, including a small number of Arab citizens of Israel, also lived in East Jerusalem; Israelis in the West Bank numbered approximately 300,000.

The Palestinian Authority (PA) has a democratically elected president and legislative council. The president appoints the prime minister who forms a cabinet in consultation with the president; the PA exercised varying degrees of authority over the Palestinian population in the West Bank because of the Israel Defense Force's (IDF) continuing presence, little authority in Gaza, and none over Israeli residents of the West Bank or Arab residents of East Jerusalem.

In 2005 Palestine Liberation Organization (PLO) Chairman Mahmoud Abbas won 62 percent of the vote in a presidential election regarded as generally free and fair. In 2006 Palestinian Legislative Council (PLC) elections, Hamas, a terrorist organization, backed candidates under the "Reform and Change Movement" ticket and won 74 of 132 seats in elections that generally met democratic standards. In March 2007 Hamas formed a national unity government (NUG) with the Fatah party, but after three months Hamas staged a violent takeover of PA government installations in Gaza and killed hundreds in the Fatah movement and PA security forces. President Abbas then dismissed the NUG and appointed a cabinet of independents led by Prime Minister Salam Fayyad that has governed the West Bank, while elements of the former Hamas government formed the ruling authority in Gaza where it selectively applied the laws and legal structures of the PA.

President Abbas and his subordinates controlled PA security forces in the West Bank. Armed militias and terrorist organizations were still active in some areas. In Gaza, Hamas controlled security forces. Other armed factions and terrorist organizations were active in Gaza. The Israeli government maintained effective control of its security forces.

International and Palestinian nongovernmental organizations (NGOs) reported PA torture, arbitrary and prolonged detention, poor prison conditions, impunity, corruption, and lack of transparency. Domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor remained serious problems. In Gaza there were reports that Hamas security forces continued to kill, torture, kidnap, arbitrarily detain, and harass Fatah members and other Palestinians with impunity. Hamas and other Palestinian factions in Gaza shelled civilian targets in Israel. In Gaza there were reports of corruption, abuse of prisoners, and failure to provide fair trials to those accused. Hamas also strictly restricted the freedom of speech, religion, and movement of Gaza residents, and promoted gender discrimination against women. Residents of Gaza continued to be denied the right to political participation and to choose their government. Hamas and other Palestinian factions in Gaza launched rockets and mortars against civilian targets in Israel.

International, Palestinian, and Israeli NGOs severely criticized Israeli military operations in Gaza for conflict abuses in similar terms. Concerning the West Bank, Israeli and Palestinian NGOs reported that Israeli authorities used excessive force, abused civilians and detainees, tortured Palestinian detainees, failed to take proper disciplinary actions, improperly applied security internment procedures, maintained austere and overcrowded detention facilities, imposed severe restrictions on internal and external freedom of movement, and limited cooperation with NGOs. A partially completed Israeli-built separation barrier isolated portions of the West Bank and restricted Palestinian movement and access to West Bank land west of the barrier.

In response to a sharp increase in the number and frequency of rocket attacks into Israel from Gaza shortly prior to and following the formal expiration of the "calm" on December 19, 2008, the IDF launched Operation Cast Lead, consisting initially of airstrikes December 27, targeted against Hamas security installations, personnel, and other facilities in the Gaza Strip, followed on January 3 by ground operations. The operation concluded in mid-January. Human rights organizations estimated the number of dead at 1,400 Palestinians, including more than 1,000 civilians, and the wounded at more than 5,000. According to Israeli government figures, Palestinian deaths totaled 1,166, including 295 noncombatant deaths.

The president of the UN Human Rights Council (HRC) established the United Nations Fact Finding Mission on the Gaza Conflict to investigate Israeli violations of international human rights and humanitarian law in the context of military operations in Gaza, whether before, during, or after Operation Cast Lead. On September 29, Justice Richard Goldstone, who headed the mission, presented the report (commonly known as the "Goldstone Report") to the HRC in Geneva. The Goldstone report investigated 36 incidents of alleged violations by the IDF in Gaza, as well as alleged violations by Palestinians. This reflected an effort by Goldstone to broaden the scope of his report beyond the original mandate that was limited only to violations by Israel. Among its many conclusions, the report claimed that members of the IDF were responsible for

deliberate targeting of civilians, for the destruction of critical infrastructure in Gaza, and for using weapons like white phosphorous in highly populated areas, all of which it deemed to be violations of international humanitarian law. The Goldstone report was widely criticized for methodological failings, legal and factual errors, falsehoods, and for devoting insufficient attention to the asymmetrical nature of the conflict and the fact that Hamas and other Palestinian militants were deliberately operating in heavily populated urban areas of Gaza. The government of Israel also sharply rejected the charge that it had a policy of deliberately targeting civilians. IDF Military Advocate General Mandelblit was responsible for reviewing all allegations relating to Operation Cast Lead, including those contained in the Goldstone Report. At the end of the year, Mandelblit's investigations were ongoing.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Killings by Palestinian security forces occurred infrequently compared to previous years. Palestinian terrorist groups' killings remained a serious problem, particularly in the Gaza Strip, as did killings by Hamas-controlled security forces. Israeli military actions in Gaza in January caused significant civilian casualties.

According to statistics maintained by the Israeli government and by the United Nations Office for the Coordinator of Humanitarian Affairs (UN OCHA), 27 Palestinians in the West Bank and East Jerusalem died in clashes with Israeli security forces during the year. B'Tselem reported that 22 Palestinians in the West Bank (excluding East Jerusalem) were killed by Israeli security. Of them, four were killed while participating in hostilities, 13 were killed while not participating; B'Tselem did not know whether the remaining five were killed while participating in hostilities.

According to Israeli government figures, Palestinian deaths resulting from Israeli military operations in the Gaza Strip in December 2008 and January 2009 totaled 1,166, including 295 noncombatant deaths. Human rights organizations estimated the number of dead at 1,400 Palestinians, including more than 1,000 civilians, and the wounded at more than 5,000.

Palestinian factional violence resulted in 12 Palestinian fatalities and 29 Palestinian injuries in the West Bank over the period from January until September 28. Killings by Palestinian security forces occurred infrequently compared to previous years. Palestinian terrorist groups' killings remained a serious problem, particularly in the Gaza Strip, as did killings by Hamas security forces.

Palestinian factional violence resulted in 12 Palestinian fatalities and 29 Palestinian injuries in the West Bank over the period from January until September 28.

According to Israeli government statistics, Palestinian terrorist acts emanating from the West Bank killed five Israeli civilians, including two policemen. No Israeli civilians died in violence emanating from the Gaza Strip, although the Israeli government attributed the death of 10 IDF soldiers killed during and immediately after IDF military operations in Gaza in January to terrorist action.

In the West Bank, four prisoners held in PA correctional facilities died in custody during the year. Mohammad Jamil al-Haj died on February 8 in Preventive Security Organization (PSO) custody, and Fadi Hamadneh died on August 10 in the custody of the General Intelligence (GI) Service. An internal PA investigation ruled both deaths suicides by hanging. In two other cases, that of Majd al-Barghouti, who died on February 24 of heart failure while in the custody of the GI, and Haitham Amre, who died of injuries sustained during detention on June 15 in GI custody, an internal PA investigation found PA security forces culpable. The deaths of these two prisoners resulted in an internal PA

investigation that led to the jailing, demotion, or disciplining of 43 PA security officials.

According to local media and to the quasi-governmental Independent Commission on Human Rights (ICHR), masked gunmen affiliated with Hamas unlawfully executed at least 32 persons during the year. In most cases, allegations that the victims had collaborated with Israel accompanied the killings.

There were 20 documented cases of masked gunmen shooting and killing escaped prisoners from December 28, 2008 to the end of January, during the unrest accompanying the Israeli military operations in Gaza; at least 12 of the victims were imprisoned for allegedly "collaborating with the enemy."

On April 16, Hassan al-Sayfi, general inspector in Gaza's Interior Ministry, told Human Rights Watch (HRW) that a committee he heads had completed investigations into two deaths in detention and authorities accepted recommendations, suspending from duty and filing charges against the police officers involved. In two other cases, the committee was continuing its investigations, but no further information was available at year's end.

There were no updates on investigations into the 2008 deaths of Taleb Mohammed Abu Sitta in Hamas police custody or Bassam Anani, who died of injuries after Hamas police detention.

Israeli human rights organizations reported a lack of protection for civilians during the Israeli incursion into Gaza. Among the 1,385 estimated casualties in Israel's military operations in Gaza at the beginning of the year, B'Tselem reported that civilians accounted for 773, or more than half, of those killed. According to the Israeli government, Hamas operated within civilian populations. The government of Israel reported that 295 deaths in the operation were civilians. Four Israeli civilians and 10 soldiers were killed in combat or as a result of rocket and mortar fire.

HRW documented allegations in seven cases that Israeli soldiers shot and killed 11 Palestinian civilians, including five women and four children, who were in groups waving white flags to convey their civilian status.

According to HRW, on January 7, Israeli tanks stopped at the house of Khalid 'Abd Rabbo. According to three family members who witnessed the incident, an Israeli soldier fired on two women and three girls who had come out of the house holding makeshift white flags, killing two and wounding two seriously. At year's end, the Israeli military police were conducting an investigation into the incident.

In a January 13 incident reported by both HRW and B'Tselem, IDF soldiers shot and killed several members of the al-Najar family in Khuza'a village, east of Khan Yunis. Reportedly, while waving a white flag Rawiya al-Najjar attempted to lead a group of family members, several of whom also carried white flags, out of their neighborhood, following orders from soldiers in tanks and militarized bulldozers. She was shot first, then other members of the al-Najar family were shot and killed.

On January 20, two days after hostilities ended, IDF Chief of Staff Lt. Gen. Gabi Ashkenazi ordered five special command investigations to focus on five types of alleged violations of the Law of Armed Conflict: incidents harming multiple civilians, damage to UN and international facilities, firing on medical facilities, destruction of private property and infrastructure, and use of weaponry containing phosphorus. At least 60 of these investigations are operational debriefings held by the army under the Military Justice Law. The operational debriefing delays a criminal investigation; the information provided cannot be released or used as evidence in a court of law.

On July 29, the government released preliminary findings from some of the IDF investigations into approximately 100 complaints that it received from all sources, including NGOs, international organizations, and the media. The field investigations

concluded that many allegations were false; all conclusions remained to be reviewed by the military advocate general who could order additional field investigations and whose decisions would be subject to review by the attorney general and the Supreme Court.

At year's end the government had convicted one soldier, sentencing him to seven months in prison for the theft of a credit card. Field and military police investigations continued and the military advocate general had referred approximately 140 cases for criminal investigations.

According to a September 2008 Yesh Din study, the Israeli Military Police Criminal Investigation Division (CID) launched 1,246 criminal investigations between September 2000 and 2007 into cases in which soldiers were suspected of killing, injuring, and committing criminal offenses against Palestinian civilians. Of the 1,246 investigations opened, 6 percent (78) led to indictments against a total of 135 soldiers. Only 13 of those indictments charged soldiers with killing civilians. As of September 2008, five soldiers had been convicted for the deaths of four civilians, 113 had been convicted of at least one offense, four had been acquitted of all charges, eight had their cases dismissed, and 10 cases were still pending.

Of 1,805 criminal investigations opened by the MPCID into suspected offenses of all kinds by soldiers against Palestinian civilians and their property, approximately 6 percent (105 cases) resulted in indictments against 180 defendants. Thirteen of those indictments charged soldiers with killing civilians. From 2000 through year's end, Israeli military courts convicted one soldier of manslaughter and four soldiers of negligence in the deaths of three Palestinians and one British national, according to Yesh Din. At year's end Yesh Din reported that 143 defendants were convicted of various offenses, eight defendants were acquitted of all charges, and 10 had their indictments dropped by the prosecution. Proceedings regarding five defendants were still underway.

Human rights organizations complained the IDF – through the military judge advocate general – initiated investigation often many months (at times more than a year) from the time of the incident, making it difficult to find evidence or identify witnesses and victims, and that the unit responsible for investigations had very few Arabic speakers to take testimonies from witnesses.

In July 2008, in one of several incidents connected to protests against construction of the separation barrier near Na'alin village, 11-year-old Ahmed Moussa was shot with live fire by an IDF soldier responding to demonstrations near the village. On August 4, Yousif Ahmed Amira died after being shot by IDF soldiers in the head with two rubber-coated bullets on July 30. In August 2008 an internal affairs unit at the Ministry of Justice (MOJ) informed B'tselem it had opened an investigation into Amira's death. In 2006 the High Court ruled that targeted killings were not per se illegal, but each case must be meticulously examined through an independent investigation. During the year Israeli forces targeted and killed two Palestinians in the Gaza Strip. A missile fired from a helicopter killed Khaled Harb Khaled Sh'alan, a 23-year-old resident of Gaza City on March 4. In January 2008 Hussein Faiz Hussein Shameyah, a 25-year-old resident of Khan Yunis, was injured while riding a motor scooter and died 12 days later in February 2008.

During the year reports continued of Palestinians being killed in the Gaza perimeter zone, as in previous years. Israel declared this area off-limits to Palestinians in response to attacks against Israelis originating in those areas.

In May 2008 Israeli aircraft dropped leaflets warning Gazans to stay 300 meters from the boundary or risk being shot, doubling the size of the buffer zone. According to OCHA, Israeli soldiers have prevented Gazan farmers from accessing areas as far as 1,000 meters from the border by firing warning shots. Several civilians have been killed when they entered this Gaza Strip perimeter zone. In July 2008 Israeli fire killed a mentally impaired 15-year-old boy, and in August 2008 injured a 60-year-old. No information regarding investigations into either case was available at year's end.

IDF prosecutors informed B'tselem that the 2007 cases of the deaths of 14-year-old

Ahmed Sabri Suliman Ali Abu Zubeida and 13-year-old Zaher Jaber Muhammad al-Majdalawi were pending, and there were no developments in investigations into the deaths of 11-year-old Yahya Ramadan Atiyyah Abu Ghazala, eight-year-old Sarah Suliman Abdallah Abu Ghazala, or Nafia Abu Musaid.

In 2007 10-year-old Abir Aramin died from a wound to the back of the head as she was leaving school during clashes between Israeli Border Police and Palestinians. The Jerusalem district prosecutor closed the investigation for lack of evidence. In June 2008 Yesh Din filed a petition with the Israeli High Court of Justice challenging the government's decision to close the case without filing an indictment. In the hearing held in October a panel of judges ordered the government to submit all investigation material collected for the court's review. At year's end there was no decision from the court.

There were no developments in the 2007 killings of the following Israelis in the West Bank: Erez Levanon, Ahikham Amihai, David Rubin, or Ido Zoldan.

b. Disappearance

There were fewer reports of politically motivated kidnappings and disappearances in connection with internal Palestinian conflict than in previous years, largely due to improved security conditions in the West Bank.

Hamas security operatives in the Gaza Strip carried out extrajudicial detentions based on political affiliation during the year; information about the whereabouts and welfare of those detained was not consistently or reliably available, nor were those detained offered due process or access to family and legal counsel.

There were no developments in the 2007 abduction and killing of Maher Halim Daoud Juri.

In 2006 Popular Resistance Committee (PRC) and Hamas militants tunneled from Gaza to Israel, killed two soldiers, and abducted a third, Gilad Shalit. At year's end Shalit had not been released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups reported that torture was a problem. During the first part of the year abuse of prisoners by PA security forces was widespread. Following the deaths of four prisoners in PA custody during the year, Prime Minister Fayyad ordered security commanders to stop the practice of torture and abuse in Palestinian jails. The PA also made public statements to the effect that mistreatment of prisoners would no longer be considered acceptable in PA detention facilities.

In October the PA launched an investigation into prisoner abuse in PA facilities, dismissed or disciplined 43 security officers for prisoner abuse, and invited international NGOs and media to investigate PA detention facilities. At year's end international and local media and NGOs reported improved conditions and a significant reduction in physical abuse of prisoners in PA facilities.

Torture by Gaza Hamas Executive Force was not restricted to security detainees but also included persons associated with the Fatah political party and those held on suspicion of "collaboration" with Israel. Hamas took no action to investigate reports of torture. Documentation of abuses was limited, due partly to fear of retribution by victims and the lack of access to Gaza prisoners for PA officials and many NGOs.

Palestinian NGOs alleged in previous years that the PA pressured individuals not to communicate allegations of abuse to NGOs. However, during the year, the PA provided all security forces with written guidelines for interrogation and detention, including a section on prisoner's rights.

The PA Military Intelligence (MI) organization in a number of cases reportedly exceeded its legal authority to investigate other security services' officers and detained civilians suspected of "security offenses" such as terrorist activities. Local human rights NGOs claimed that PA security forces used disproportionate force during arrest and capture operations, causing unnecessary injury. A July 29 HRW report documented abuses by Hamas security forces against Fatah-affiliated officials in Gaza and by Fatah against Hamas members and supporters in the West Bank. During and after the conflict in Gaza, masked gunmen beat and maimed by shooting dozens of known Fatah members, especially from the PA security services.

The ICHR said masked gunmen deliberately inflicted bullet wounds to the legs of at least 49 people between December 28, 2008 and January 31. In January and February, HRW interviewed three men who had been shot in the legs, reportedly by Hamas security forces. Two were Fatah supporters; one was a former member of the Preventive Security Force of the PA, who had been overheard on the street criticizing Hamas.

Abductions and severe beatings are another major concern. According to ICHR, unidentified perpetrators physically abused 73 Gazan men from December 28, 2008 to January 31, breaking legs and arms. HRW documented one case of what appeared to be a politically motivated house arrest.

Israeli actions in Gaza and in the West Bank resulted in serious nonlethal injury and property and infrastructure destruction, as well as deaths as noted in section 1.a. At least 1,168 Palestinians were injured, the vast majority by the IDF in Gaza, but some by the IDF and Israelis who lived in West Bank settlements.

Between January 1 and September 28, the IDF conducted 1,199 incursions into West Bank Area A, according to UN agencies. During the same period, the IDF conducted 262 incursions into West Bank refugee camps in areas A, B, and C. (See below under "Role of the Police and Security Apparatus" for definitions of Areas A, B, and C.)

Israeli law, as interpreted by a 1999 High Court decision, prohibits torture and several interrogation techniques but allows "moderate physical pressure" against detainees considered to possess information about an imminent terrorist attack. The decision also indicates that interrogators who abuse detainees suspected of possessing such information may be immune from prosecution. Human rights organizations reported that "moderate physical pressure" has been used in practice to include beatings, requiring an individual to hold a stress position for long periods, and painful pressure on shackles and restraints applied to the forearms. Israeli NGOs, including B'Tselem and HaMoked, continued to criticize what they termed abusive Israeli detention practices, including isolation, sleep deprivation, protracted handcuffing, and psychological abuse.

In May the UN Committee Against Torture (CAT) issued its Concluding Observations on Israel. In its report, the CAT raised questions about what it categorized as "numerous, ongoing and consistent allegations" of torture and mistreatment by Israel of Palestinians. Israeli authorities reported that the IDF thoroughly investigated all events in which IDF soldiers allegedly used unjustified force.

At year's end two policemen from the Ma'ale Adumim police station who were arrested in March 2008 for severely abusing a Palestinian from Bethany remained under house arrest, and investigations continued, according to the Israeli NGO the Public Committee Against Torture in Israel (PCATI).

The Israeli High Court ruled on July 1 in favor of changing the indictments filed against the soldier and commander who were involved in the 2008 shooting of Ashraf Abu Rahma, so as to reflect the gravity of the offenses. The Association for Civil Rights in Israel (ACRI) and partner human rights organizations, who had filed the petition to change the indictments, expressed satisfaction with the decision, saying it conveys a crucial message that protection of human rights must be a primary consideration for law-enforcement agencies. In July 2008 in Na'alim village, an IDF soldier shot Ashraf Abu Rahma in the foot at close range with a rubber-coated bullet, while Abu Rahma was

handcuffed and blindfolded. The soldier who fired the shot alleged that the battalion commander, Lt. Col. Omri Borberg, ordered him to shoot. In August 2008 Borberg was charged with conduct unbecoming an officer and reassigned by the IDF chief of staff from his duties as commander of the 71st Armored Battalion. Later in August 2008 ACRI filed a petition with the High Court seeking to compel the judge advocate general to file a more serious charge. In October 2008 the High Court asked the IDF to consider charging a more serious crime, and in November the military advocate general announced that the original charge would not be changed.

Israeli and Palestinian NGO and press reports stated the IDF was insufficiently responsive to violence perpetrated by Israeli settlers in the West Bank against Palestinians. Advocacy group Yesh Din reported that 90 percent of Israeli police investigations into cases in which Israeli citizens were accused of committing offenses against Palestinians were closed without being solved.

Settlers committed violent acts against civilian Palestinians with reportedly little or no intervention by Israeli security forces.

Throughout the year, settlers attacked shepherds living in Um al-Khayr close to Karmel and Ma'on settlements in the southern West Bank. On April 10, two male settlers attacked an eight-month-pregnant woman near Ma'on settlement. The men, whose faces were covered, pushed her to the ground, kicked her, and beat her with sticks. B'Tselem reported that Hebron police in May said three suspects were interrogated, but the complainant could not identify any of them. B'Tselem had not received further updates.

There were no updates in the 2007 attacks on the following Palestinians: Amin Saud Mahmoud Hasuna, his brother Yasser, and Jalal al-Batsh.

In 2007 the Hebron police opened an investigation into Jewish Quarter resident Yifat Alkobi's verbal and physical assault on the Abu Aysha family, which was documented on video and broadcast on the media. At year's end there was no information available on the status of the investigation.

There were no developments in the 2007 beating of children from the Abu Hatah family in Hebron by settlers from Kiryat Arba or in the 2007 case of 15 Israelis from Ma'on settlement, who attacked two shepherds from Mufaqara.

There were no further developments or investigations had not concluded in the following 2006 claims of beatings and other abuse: of an the Israeli Security Agency (ISA or Shin Bet) detainee from the village of Koud at Kishon Detention Center, or by IDF soldiers at al-Fawar checkpoint, in Ramin Plain, and in Bil'in village.

Prison and Detention Center Conditions

PA prison conditions were poor, and the PA prison system remained significantly inadequate for the prison population it served (many prisons were destroyed during the Second Intifada and not rebuilt). Conditions of detention and imprisonment varied widely. PA Civil Police prisons remained severely overcrowded during the year, due to a lack of facility spaceSpace and capacity issues also negatively affected the availability of medical care and vocational and other programs for inmates in civil police prisons.

During the year the PA generally permitted the International Committee of the Red Cross (ICRC) access to detainees and allowed regular inspections of prison conditions; however, the PA denied access to some detainees within 14 days following their arrests as the law provides. The PA also permitted monitoring of its prisons by the ICHR and by Palestinian NGOs. Human rights groups, humanitarian organizations, and lawyers in past years reported difficulties gaining access to specific detainees varied, depending on which security organization managed the facility. The PA Civil Police held as many as 700 prisoners in its eight prisons during the year; juveniles were approximately 4 percent of the prison population, and women less than 2 percent, according to PA

statistics. Women and juveniles were housed separately from male prisoners.

At the end of the year, PA intelligence services, including the PSO, GI, and MI, held an estimated 230-240 security detainees separately from the general population. Persons held by the intelligence services were detained according to the same legal framework as those in civil police prisons, and their cases were subject to review by civilian and military courts, depending on the case.

Gaza prison conditions were reportedly poor, and little information was available. Detention facilities were reportedly inferior compared to international legal or humanitarian standards.

The ICRC conducted monitoring visits to some prisoners in Gaza but was denied permission by Hamas authorities to visit captured IDF soldier Gilad Shalit.

IDF detention centers were reportedly less likely than Israeli Prison Service (IPS) prisons to meet international standards, with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. The Israeli MOJ stated that the IDF is continuously maintaining and improving the living conditions in two detention centers for the temporary holding of detainees in the West Bank. For example, the Ethicon detention facility was recently renovated. A 2007 petition filed by PCATI before the High Court that asked for improved holding cells, regular toilet access, drinking faucets, three daily meals, and improved ventilation for detainees was still pending in November.

HaMoked reported that the IDF held dozens of Palestinians captured during hostilities in Gaza in January in newly-dug pits, exposed to winter weather, without sanitary facilities, and with insufficient food and blankets. Some of these pits were allegedly located in or near combat zones. After removing prisoners from pits, the IDF failed to inform families of the detainees of their whereabouts.

Israel permitted independent monitoring of prison conditions by the ICRC. The Israeli Bar Association and NGOs sent representatives to meet with prisoners and inspect conditions in prison, detention center, and IDF facilities. Human rights groups reported delays and difficulties in gaining access to specific detainees, frequent transfers of detainees without notice, and the limited ability of families of Palestinians imprisoned in Israel to visit.

According to the NGO Palestinian Prisoners Club, Israel held 24 Palestinian prisoners in some form of solitary confinement in 2008.

Palestinian prisoners in Israeli custody 16 years and older were treated and housed as adults. Legislation requires that detained minors under the age of 16 must be separate from adult detainees. The government stated that the IPS held 318 security prisoners under the age of 18, of which 285 were between the ages of 16-18 (168 detained and 117 convicted), and 33 were under the age of 16 (18 detained and 15 convicted). According to B'Tselem, as of December 31, the IPS detained 299 prisoners, 42 of whom were under the age of 16. Of the 299 detainees, 128 had been sentenced, 18 of them under the age of 16. The NGO Defense for Children International – Palestine Section (DCI-Palestine) estimated that 700 Palestinians under the age of 16 were arrested and prosecuted in military courts in 2008 (the most recent year for which data were available). Of the 265 cases that DCI-Palestine represented in 2008, 229 were before the military courts, 26 were appeals before the Israeli Military Court of Appeals, and 10 involved administrative detention orders.

Since 2004 Israel has authorized several private doctors to visit prisons and has increased medical attention; however, prisoners continued to claim inadequate medical care.

According to B'Tselem, approximately 6,800 Palestinians were held in Israeli civilian prisons and military detention facilities at year's end. The overwhelming majority of

them were in facilities operated by the Israeli Prison Service. Approximately 5,000 were serving criminal sentences.

d. Arbitrary Arrest or Detention

Palestinian law prohibits arbitrary arrest and detention. It allows police to hold detainees without charge for 24 hours and with court approval for up to 45 days. A trial must start within six months or the detainee must be released. In practice the PA detained a number of prisoners without charge for more than 24 hours, and prisoners regularly failed to reach trial within the six-month limit. PA officials rejected Hamas' charges that the PA detained individuals during the year solely on the basis of their Hamas affiliation, and presented evidence that many of these individuals had been charged with criminal offenses under civil or military codes.

Reportedly Hamas widely practiced arbitrary detention in Gaza.

Israeli law prohibits arbitrary arrest and detention. However, some reports suggested security services did not always observe these prohibitions. Palestinian security internees were under the jurisdiction of military law, which permits 10 days' detention without allowing access to a lawyer or appearing before court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks. The ICRC must be notified of arrests within 12 days after they occur and be allowed to visit detainees within 14 days after an arrest.

In East Jerusalem and in the West Bank, Palestinian protesters or activists alleged arbitrary detention by Israeli security officials at public demonstrations in several instances, including at weekly protests against the separation barrier held in the West Bank village of Bil'in.

Role of the Police and Security Apparatus

In PA-controlled areas of the West Bank, Palestinian police were normally responsible for law enforcement for Palestinians and other non-Israelis. In the Gaza Strip, forces under Hamas's control maintained security. Press and NGO reports suggested Hamas enforced strict control across all sectors of society. Hamas police reportedly facilitated and benefited from illegal activity in some cases, such as the operation of smuggling tunnels.

Six PA security forces operated in the West Bank. The PA Civil Police have primary responsibility for civil and community policing. The National Security Force (NSF) conducts gendarmerie-style security operations in circumstances which exceed the capabilities of the Civil Police. The Military Intelligence agency, which is a sub-unit of the NSF, handles intelligence and criminal matters involving PA security force personnel, including accusations of abuse. The General Intelligence service is responsible for external intelligence gathering and operations; the Preventive Security Organization is responsible for these matters internally. The Presidential Guard protects facilities and provides dignitary protection. The Civil Defense service provides emergency services.

PA security services are under the operational control of the minister of the interior. The National Security Force's Military Intelligence wing is responsible for investigations into allegations of abuse and corruption involving PA security forces, and can refer cases to court. Foreign observers and West Bank residents considered PA security forces more effective than in previous years in both counterterrorist operations and provision of public security and law and order.

Hamas exercised control in Gaza, including over police and security forces.

Israeli authorities maintained a West Bank presence through Israeli security forces that consisted of the IDF, the Israeli Security Agency (ISA or Shin Bet), the Israeli National Police (INP), and the Border Police. Israeli authorities investigated and punished abuse

and corruption, although there were reports of failures to take disciplinary action in cases of abuse.

In West Bank Palestinian population centers (mostly "Area A" by the Oslo-era agreements), the PA has formal responsibility for security and civil control, while Israeli security forces have the right of "hot pursuit." In practice Israeli military authorities have since 2002 conducted regular security operations in Area A cities. In Area B territory in the West Bank, which is comprised mostly of small villages and farmland, the PA is assigned civil control – including civil policing – but Israel retains responsibility for security control. In Area C, which contains Israeli settlements, military installations, and open countryside, Israel retains full civil and security control.

d. Arrest Procedures and Treatment While in Detention

PA law provides for prompt judicial determination of the legality of detention, and this provision was largely but not uniformly observed in practice. PA law allows police to hold detainees without charge for 24 hours and with court approval for up to 45 days; it requires that a trial must start within six months, or the detainee must be released. In several reported cases, PA security forces detained persons without warrants and without bringing them before judicial authorities within the required timeframe. Due largely to limited judicial capacity, those detained rarely saw their cases go to trial within the six-month limit, and were not generally released when this limit expired. Bail and conditional release were available in cases in which judicial authorities deemed it appropriate. Suspects were in some cases denied access to lawyers, families, or doctors. Authorities informed detainees of the charges against them, although sometimes not until interrogation.

In a number of security-based cases, the PA sought military judicial review and court orders for detention for civilians suspected of terrorist activity. In several of these cases, the PA disregarded civilian court orders requiring the release of these suspects, citing countervailing military court orders.

In Gaza, Hamas reportedly detained a large but unverifiable number of persons during the year, largely without recourse to legal counsel, judicial review, or bail. Many of these detentions were apparently politically based, and targeted former PA officials or Fatah party members, according to various sources. Abusive conditions were widespread, as were allegations of torture.

Israeli Military Order 1507 permits detention for 10 days before detainees are allowed to see a lawyer or appear before court. Israeli Military Order 1369 provides for a seven-year prison term for anyone not responding to a summons in security cases.

Suspects in Israeli military custody are entitled to an attorney, but authorities can defer access to an attorney during interrogation, which can last up to 90 days. Israeli authorities stated that policy is to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days. A military commander may request a judge to extend this period indefinitely. Evidence for administrative detentions in security cases was often unavailable to the detainee or his attorneys due to security classification, but available to the court.

A military judge can issue administrative security detention orders for up to six-months, renewable indefinitely.

B'Tselem and HaMoked released a report in October asserting that military judicial authorities were holding 335 Palestinians under "administrative detention" without charging them with a crime. They called this an abuse of the administration detention status for detainees, and called on the military authorities to charge or release them.

As of 2008, 37 of the 132 members of the PLC remained in jail in Israel, including 33 from the terrorist group Hamas, three from Fatah and one from the terrorist group

Popular Front for the Liberation of Palestine (PFLP). Of those, 20 were awaiting trial, four remained in administrative detention, and 13 were serving sentences. Addameer Prisoner Support and Human Rights Association reported that, as of year's end, 18 PLC members were imprisoned, although they did not specify their political affiliations.

Palestinian lawyers representing Palestinians held in Israeli military custody inside Israel were generally provided access to their clients, although impediments to movement and access on West Bank roads and/or at crossings often made consultation difficult and caused trials and hearings to be postponed. The government frequently delays notification to foreign government officials after detaining their citizens in the occupied territories.

During the year HaMoked reported the continuation of an ISA practice that B'Tselem noted two years previously, specifically, isolation from the outside world whereby detainees are prevented from meeting with attorneys, ICRC representatives, and their families during the initial interrogation or for its duration. They also reported sleep deprivation, protracted handcuffing, insults and humiliation, threats, and naked body searches.

According to the MOJ, in some cases the IPS will keep the person interrogated separate for a few days in order to prevent leakage of information that may disrupt the interrogation. In such cases, according to the Justice Ministry, the detainee meets with representatives of the ICRC, IPS personnel and, if required, medical personnel. The MOJ states that ISA interrogations are conducted according to clear directives, which prohibit sleep deprivation and insulting behavior. According to the government, the IPS does not hold detainees in separate detention punitively or to induce confessions, but rather only when a detainee threatens himself or others and only when other options have been exhausted.

Israeli human rights organizations reported that Israeli interrogators used psychological abuse more frequently in recent years, including threats of house demolition or of questioning elderly parents, and kept prisoners in harsh conditions, including solitary confinement for long periods.

Of the more than 600 complaints filed in recent years which the Official in Charge of Interrogees' Complaints investigated, PCATI reported none were forwarded for a Police Investigation Department (PID) criminal investigation. For example, PCATI reported that an investigation had not been completed into the case of Jalal Sawafta, whom the ISA arrested in February 2008 and whose parents were brought to the interrogation room and asked to convince Sawafta to confess to involvement in rigging a car to explode. The ISA interrogator allegedly threatened to demolish the family home if Sawafta's parents did not convince Sawafta to confess.

e. Denial of Fair Public Trial

The Palestinian Basic Law of 2002, amended in 2005, provides for an independent judiciary. Both Hamas authorities in Gaza and the PA in the West Bank apply a Palestinian legal code that is composed of elements of Ottoman, Egyptian (in Gaza), Jordanian (in the West Bank), British Mandate, Israeli military, and modern Palestinian law.

In the West Bank, a High Judicial Council maintained authority over most court operations. Military courts, established in 1995 and guided by the 1979 Palestine Liberation Organization (PLO) Penal Code, have jurisdiction over security personnel and crimes by civilians against security forces. There is a nine-judge court for election issues. The High Judicial Council maintained authority over most legal proceedings. The PA generally respected judicial independence and the autonomy of the High Judicial Council in practice.

Prior to the Hamas takeover of Gaza in 2007, Palestinian law in the Gaza Strip was administered by judges affiliated with the Palestinian High Judicial Council, whose head

is appointed by the PA President. In 2007 Hamas Prime Minister Ismail Haniyeh replaced PA-appointed prosecutors and judges in Gaza with Hamas appointees. The PA declared the action illegal; however, courts operated by Hamas appointees continued to function in Gaza throughout the year.

In some cases involving investigations by PA intelligence services, civilian defendants were presented to the PA's military court system. Palestinian NGOs have criticized the practice of trying civilian defendants in military courts, while the PA has defended the practice based on the security nature of the crimes involved.

PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. A severe shortage of funds and judges and an absence of lawyers and witnesses, due in part to restrictions or delays on the movement of judges, lawyers, defendants, witnesses, and evidence, resulted in significant backlogs in both criminal and civil cases.

Progress was made in some areas, notably in prosecutorial record-keeping and judicial coordination, but significant shortfalls remained.

Israeli law provides for an independent judiciary, and the government generally respected civil court independence in practice. The IDF tried Palestinians accused of security offenses (ranging from rock throwing to membership in a terrorist organization to incitement) in military courts. Israeli law defines security offenses as including a range of charges. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal. Israeli civil law, as applied to the Palestinian residents of East Jerusalem, provides for an independent judiciary, and the government generally respected the independence of the civil courts in practice.

Trial Procedures

The Independent Judiciary Law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, except when the court determines privacy is required by PA security, foreign relations, a party's or witness's right to privacy, or protection of a victim of a sexual offense or "honor" crime. The law provides for legal representation, the right to question and present witnesses, to review government-held evidence, and to appeal. Authorities generally observed these rights in practice.

PA law allows the death penalty for certain offenses, including types of treason and murder. In recent years, a number of PA death penalty convictions have been issued by military courts applying the PLO Revolutionary Penal Code of 1979.

In April 2008 a PA military court in Hebron sentenced Imad Saad to death for collaboration with Israel. At year's end his sentence had not been carried out because it had not been ratified by PA President Abbas.

Israelis living in settlements in the West Bank and in East Jerusalem were tried under Israeli law in the nearest Israeli district court.

Political Prisoners and Detainees

As of 2008 Palestinian sources estimated the PA imprisoned 22 persons suspected of collaboration with Israel. During the year seven persons were arrested on charges of collaboration and other charges.

Hamas detained several hundred individuals allegedly because of their political affiliation and held these individuals for varying periods of time. Numerous allegations of denial of due process were associated with these detentions. Many of those held in Gaza as Israeli collaborators reportedly were released in 2007 after Hamas took over

(see section 1.d.).

Civil Judicial Procedures and Remedies

The PA civil and magistrate courts handled civil suits. A citizen can file a suit against the government including on matters related to alleged abuses of human rights.

The execution of court orders was not systematic. In Gaza civil suits may be filed, but the judiciary was reportedly not impartial and independent.

Israeli law permits Palestinians residing in the occupied territories to seek compensation for death, injury, or property damage at the hands of the IDF, but a 2002 law denies Palestinians the possibility of obtaining compensation in most cases for injuries resulting from illegal acts by Israeli security forces. Amendments in 2005, which the High Court in 2006 partially overturned, added obstacles to Palestinian plaintiffs seeking compensation.

Property Restitution

In the West Bank, Israeli military officials continued to demolish homes and other buildings constructed by Palestinians in areas of the West Bank under Israeli civil control on the basis that these buildings lacked Israeli planning permission. Compensation was generally not offered in these cases. Properties 300 meters from the separation barrier or IDF military installations also remained subject to demolition or confiscation. When the IDF offered opportunities for compensation, subject to an appraisal, verification, and appeals process, Palestinians generally refused, citing a desire not to legalize the confiscation. Due to documentation uncertainties dating from the Ottoman period, a traditional land tenure system with communal, family, and individual rights commingled, and Israeli-imposed definitions of land ownership, Palestinians have had difficulty verifying ownership in Israeli courts (see section 1.f.).

During the year Jerusalem municipal officials demolished 65 Palestinian homes and other buildings constructed without municipal permits. Inhabitants of the demolished properties were not compensated, and in many cases were required to pay the cost of the demolition.

Israeli NGOs, including Ir Amim and Bimkom, and Palestinian NGOs argued that in both the West Bank and Jerusalem, Israeli authorities placed often insurmountable hurdles on Palestinian applicants for construction permits, including the requirement that they document land ownership in the absence of a uniform post-1967 land registration process, high application fees, and requirements that new housing be connected to often-unavailable municipal sewage, water, and electric lines.

Most demolitions targeted Bedouin and herder communities, and East Jerusalem homes. In these areas, Israeli policies prevent most Palestinians from obtaining building permits, according to OCHA.

In 2008 the Israeli planning rights NGO, Bimkom, reported that official data between 2000 and September 2007 showed 1,626 buildings were demolished and 4,820 buildings received demolition orders in Area C, which is designated under the Oslo accords as West Bank land under full Israeli civil and military authority. In the same time frame in Area C, 5.6 percent of Palestinian applications for building permits in were approved (91 of 1,624).

From January to August, Israeli authorities demolished 180 structures in Area C, including 56 residential structures, which affected 711 persons, including 421 children. Demolished residences in East Jerusalem also included Bedouin and herder communities.

On June 4, the IDF demolished 68 structures, including 20 inhabited residential structures, in the herding community of Ras al-Ahmar in the Jordan Valley, displacing

139 persons, including 72 children. A water tank, tractor, and a trolley were confiscated. Some of the families whose homes and property were destroyed had been living in their village since at least the 1950s. In another incident, on May 31, 19 households in the village of al-Hadidiya received evacuation and stop work orders, affecting 151 Palestinians, including 80 children. Of these, the IDF gave 49 persons 48 hours to implement the orders. On June 1, 14 persons, including eight children, were displaced after carrying out demolition orders for their own structures. On September 29, the IDF delivered seven new demolition orders to al-Hadidiya.

In March 2007 the Israeli Ministry of Finance transferred to the government ownership of 7.5 acres of olive orchard known as "Mufti's Grove" in East Jerusalem's Shaykh Jarrah neighborhood. In April 2007 the government leased the land to the Ateret Cohanim settler group. In December 2007, responding to a petition submitted by Arab Hotels Company Limited contesting ownership of Mufti's Grove, the High Court of Justice set a September 26 hearing date, which was subsequently delayed. At year's end no hearing had taken place.

In August the court ruled against two Palestinian families living in the East Jerusalem neighborhood of Shaykh Jarrah and ordered the families to be evicted, affecting a total of 53 persons, including 20 children. The properties were turned over to the Nakhalat Shimon group, which international human rights organizations described as a settler association. Jewish families moved into the properties immediately.

In July the Jerusalem Municipality approved plans to construct two apartment buildings on the East Jerusalem site of the historic Shepherd Hotel, owned by the Husseini family from 1945 to 1967, confiscated as absentee property by the government of Israel in 1967, and privately purchased in the 1980s. The plans require the demolition of portions of the hotel. At year's end construction had not begun, although NGO sources stated that no legal hurdles remained.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The PA required the attorney general to issue warrants for entry and searches of private property; however, Palestinian security services often ignored these requirements. Hamas authorities in Gaza often interfered arbitrarily with personal privacy, family, and home, according to reporting from local media and NGO sources.

Palestinian gunmen fired on Israeli forces and booby trapped homes and apartment buildings. In response, the IDF raided and often destroyed buildings allegedly harboring militants. These actions often resulted in civilian casualties.

Under occupation orders, only IDF officers of lieutenant colonel rank and above could authorize entry into Palestinian private homes and institutions in the West Bank without a warrant, based upon military necessity. Authorities stated that violating this order entailed punishment, but there were no reported cases of IDF soldiers punished for acting contrary to this requirement.

The law, High Court rulings, and an IDF order prohibit Israeli forces from using "human shields," but the prohibition reportedly was not always observed. When complaints are registered, according to the MOJ, the Investigative Military Police (IMP) open investigations.

According to Amnesty International, Israeli soldiers used civilians, including children, as human shields, endangering their lives by forcing them to remain in or near houses which they took over and used as military positions. Amnesty International also reported that some were forced to carry out dangerous tasks such as inspecting properties. At year's end the IDF was investigating alleged use of human shields, including in Jabaliya and Beit Lahiya.

According to Israel's Ministry of Foreign Affairs July report, Hamas used human shields by

hiding behind civilian facilities and endangering civilians, including women and children by using them to protect military sites from IDF attack.

In 2008 one human shield complaint against the IDF was submitted; an investigation followed. There was no information concerning any disciplinary action taken. After a 2007 complaint about use of a human shield caught on television, there was no information on what punishment the IDF personnel received.

In January the IDF permanently sealed portions of the home of the parents of the person who attacked the Mercaz Harav yeshiva (religious seminary) in Jerusalem in 2008. The parents were not suspected of association with the crime.

As in previous years, settlers vandalized Palestinian olive groves numerous times. In October, in one of a series of similar incidents, local media reported that residents of the West Bank settlement of Yitzar used chainsaws to cut down approximately 150 olive trees in the Palestinian village of Burin. According to the NGO Rabbis for Human Rights, IDF restrictions on Palestinian movement and access aimed at preventing settler violence against Palestinians and their property during the olive harvest in many cases prevented farmers from accessing their fields to harvest their crops.

Palestinian villages in the south Hebron hills and south of Nablus were particularly affected by settler violence.

On December 11, settlers are believed to have set fire to a mosque in the West Bank village of Yasuf. Prosettlement graffiti was spraypainted at the site of the arson, which damaged the prayer hall and destroyed a number of religious texts. Israeli authorities made a number of arrests in the arson, but at year's end all suspects had been released from custody.

There was no update on the investigation into the June 2008 attack on Tamam al-Nawaja and the proceeding against Daniel Avraham, who was arrested in 2008 and charged with possession of weapons and endangering lives when a large stone thrown at a vehicle injured three Palestinians.

In September 2008 Yesh Din reported that police regularly failed to bring charges in cases of alleged settler violence against Palestinians. A continuing review of 205 cases determined that 163 files had been closed, with 13 resulting in indictments and 149 closed without charges; the most common reasons cited were lack of evidence and unknown identity of the attacker.

According to a survey by the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the UN Development Program (UNDO) citing the UN OCHA August report, during military operations in Gaza in December 2008 and January, 6,400 homes were destroyed and 52,900 sustained minor damage.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Basic Law for the PA provides every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form. The PA does not have laws providing for freedom of press. In 1995 a press law was approved by then PA president Yasser Arafat. Although never ratified by the Palestinian Legislative Council, PA institutions have applied aspects of it as de facto law. Self-censorship continues to occur as a result of continued imposed social, political, and security pressures.

Both the PA security forces in the West Bank and members of the Hamas security apparatus in Gaza continued to restrict freedom of speech and press. In the West Bank, PA security forces closed media offices, confiscated equipment, and prevented the

delivery of newspapers and reportedly assaulted journalists during demonstrations. In Gaza individuals publicly criticizing authorities risked reprisal, and Hamas affiliates assaulted journalists during demonstrations.

Three Palestinian daily and several weekly newspapers, monthly magazines, and three tabloids were published in effectively one media market. Several official and independent news agencies and online news websites functioned. The PA operated one television and one radio station. There were approximately 30 independent television and 25 independent radio stations. Since 2008 several factional satellite stations have been launched, including the pro-Hamas *Al-Quds*, started in November 2008, and pro-Fatah *Al-Filastiniya*, which closed at year's end. Violence between Hamas and Fatah resulted in polarization of the Palestinian press. Working conditions for journalists in Gaza deteriorated noticeably during the year; however, some international news outlets maintained offices in Gaza.

Since the Hamas military takeover of the Gaza Strip in June 2007, the PA has maintained a distribution ban in the West Bank on the pro-Hamas *Al-Risala* twice-weekly and *Filistin* daily, both Gaza-based publications. Since that time pro-Hamas journalists in the West Bank continued to be exposed to threats by PA security services. Prime Minister Salaam Fayyad also ordered the suspension of Al Jazeera's West Bank bureau on July 15, the day after it aired allegations against President Abbas. On the July 14 edition of Al Jazeera's "Behind the News" (Ma Wara' al-Khabar), high ranking PLO and Fatah official Faruq al-Qaddumi accused Abbas and his adviser Muhammad Dahlan of participating in what he said was an Israeli plot to assassinate former Palestinian leader Yassir Arafat. PA authorities lifted the suspension order several days later.

In July 2008, Hamas banned distribution of the three West Bank dailies in Gaza. In August 2008, the ban was lifted against independent daily *Al-Quds* but remained in place against independent daily *Al-Ayyam* and the official PA daily, *Al-Hayat Al-Jadida*. According to officials from those newspapers, Hamas demanded that its own newspapers, *Al-Risalah* and *Filistin*, be allowed to circulate in the West Bank before it would lift the ban against the two West Bank-based papers. In February 2008 a Hamas-run court in Gaza ruled in support of banning the distribution of the independent daily *Al-Ayyam*, while sentencing the paper's editor and its main political cartoonist (both resident in the West Bank) to suspended jail terms. The decision was the result of a court case alleging defamation filed by several Hamas legislators over a political cartoon published in the paper in 2007. On February 12, Hamas once again permitted *Al-Ayyam* to distribute its daily while keeping its ban on *Al-Hayat Al-Jadida*, the official PA daily.

Hamas closed down all Fatah-affiliated broadcast outlets in Gaza. The Fatah-allied Palestinian TV and Voice of Palestine radio buildings in Gaza City were taken over by Hamas gunmen and closed. Both stations have since continued operating from Ramallah. Two other Fatah-affiliated radio stations in Gaza, *Al-Hurriyah* and *Al-Shabab*, were forced off the air by Hamas at the same time and did not resume operations during the year.

Only pro-Hamas broadcast media and PFLP-affiliated radio outlet Voice of the People have operated in Gaza since June 2007. In 2007 Hamas closed Voice of the People for two and a half months and again between August 2 and August 6. It has since resumed broadcasting. According to Reporters Sans Frontieres (RSF), since 2006 at least nine news media outlets ceased operations in Gaza, three of which were state owned and six privately owned.

Hamas security personnel broke into the Ramattan News Agency office in Gaza on October 10, prompting the agency to close its West Bank and Gaza offices in November. A Ramattan spokesperson stated that such practices violate the law and freedom of the press and speech. Citing continued harassment, Ramattan said they would be unable to operate. A young man told HRW that in January he had criticized a Hamas leader in a conversation on the street. He believed his remark was overheard by someone in the area. That evening, more than a dozen armed men with black masks took him from his home and shot him three times in the lower legs and ankles.

Israeli authorities placed limits on certain forms of expression, ordering that in East Jerusalem displays of Palestinian political symbols were punishable by fines or imprisonment, as were public expressions of anti-Israeli sentiment and of support for terrorist groups. Authorities reviewed Arabic publications for security-related material. As a general rule, Israeli media covered the occupied territories, except for combat zones where the IDF temporarily restricted access, but closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs (see section 2.d.). The IDF forbade all journalists from entering Gaza during military operation in December and January. In 2007 IDF soldiers shot al-Aqsa television cameraman Imad Ghanem while he was filming an IDF operation in al-Bureij Camp in Gaza; he subsequently lost both legs. As of December the case was pending. On July 10, the IDF closed the independently owned Afaq TV in the West Bank city of Nablus. According to press reports, the IDF closed the station for one year, accusing it of affiliation with a terrorist entity.

Internet Freedom

There were no PA restrictions on access to the Internet or reports that the PA monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. No information was available on restrictions on access to the Internet in Gaza. The IDF central military censor began to monitor blogs, according to a March 25 IDF announcement. According to 2008 International Telecommunication Union data, there were nine users per 100 Palestinians.

Academic Freedom and Cultural Events

In the West Bank, the PA did not place restrictions on academic freedom and cultural events. During the year Palestinian authorities did not interfere with education; however, restrictions on movement adversely affected academic institutions in the West Bank and Gaza and violence affected them in Gaza (see section 2.b.).

In Gaza, Hamas continued to remove Fatah-affiliated employees from all sectors, including firing several principals and teachers. On October 7, Hamas authorities seized control of al-Aqsa University while the university's president was in the West Bank. Hamas reportedly collected information about faculty and students at other Gaza-based universities. In August Hamas authorities ordered female students to wear conservative Islamic clothing, including a headscarf and long-sleeved dress. School faculty was ordered to maintain gender segregation in the workplace.

Israeli authorities continued to prohibit Palestinians from undergraduate university study in Israel and did not permit students from Gaza to attend West Bank universities. Israel's High Court of Justice on December 9 ruled to prohibit Berlanty Azzam, a 22-year-old Palestinian student at Bethlehem University, from returning to Bethlehem to complete her studies. According to the Israeli NGO Gisha, the High Court upheld the government's and the army's decision to deport Azzam to Gaza, despite failing to provide evidence for their claims regarding Azzam's status in the West Bank.

According to OCHA, Israeli authorities prevented many Palestinian cultural events they perceived to be associated with Palestinian political ambitions. Several times during the year, the Ministry of Public Security closed the Palestinian National Theater, al-Hakawati, for lack of proper licenses. The theater and event organizers claimed the performances did not require a license and that the closures were intended to reduce Palestinian cultural activity in Jerusalem. Also on September 11, Israeli police shut down a traditional Muslim holiday meal at the Seven Arches Hotel in Jerusalem, citing the attendance of PA officials .

Israeli authorities banned events in Jerusalem related to the Arab League's designation of Jerusalem as the 2009 "Capital of Arab Culture." On March 21, Israeli police closed down eight events in Jerusalem and arrested 20 individuals.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Palestinian law permits public meetings, processions, and assemblies within legal limits. It requires permits for rallies, demonstrations, and large cultural events, but authorities rarely denied them. The PA prohibited calls for violence, displays of arms, and racist slogans, although it rarely enforced these provisions.

Following 2007 Fatah-Hamas clashes in Gaza, Hamas banned rallies and impeded freedom of assembly for Fatah members. In April 2008 Hamas decreed that any public assembly or celebration in Gaza required prior permission, in contradiction to the PA Basic Law.

Israeli security forces used force against Palestinians and others involved in demonstrations, and military orders banned public gatherings of 10 or more persons without a permit. Since 2005 Palestinian, Israeli, and international activists demonstrated each week in Bil'in and other Palestinian villages to protest the construction of the separation barrier. On several occasions, soldiers tear gassed, beat, or injured demonstrators with rubber bullets. Israeli forces detained activists, holding some of them without charge for periods of up to three weeks. In the last six months of the year, the IDF detained at least 31 residents of Bilin, and in neighboring Nilin, 91 persons were arrested since mid-2008. In addition, five members of the Palestinian NGO Bil'in Popular Committee Against the Wall were arrested late in the year on suspicion of incitement. Among them, Abdullah Abu Rahma was arrested on December 10 and charged with illegal possession of weapons based on his possession of spent tear gas canisters that Israeli forces fired on demonstrators during the weekly demonstrations.

Freedom of Association

In the West Bank, the PA law allowed for freedom of association, but it was sometimes limited in practice.

In July 2008, after an explosion on a Gaza beach, Hamas closed at least 45 NGO offices. Most of the NGOs were Fatah-affiliated, but a number were politically independent.

Prominent Palestinian institutions in East Jerusalem, such as the Chamber of Commerce and Orient House, remained closed by Israel on grounds they operated under PA supervision, in contravention of Oslo Agreements.

c. Freedom of Religion

The PA Basic Law states that Islam is the official religion and that the principles of Islamic law shall be the main source of legislation, and also calls for freedom of belief, worship, and performance of religious rites, unless they violate public order or morality. In PA-administered areas, religion must be declared on identification documents, and personal status legal matters must be handled in ecclesiastical courts.

Unlike in previous years in Gaza, there were no reports of discrimination against residents based on their religion during the year.

In the West Bank, the PA's Ministry of Religious Endowments and Religious Affairs (Awqaf) constructed and maintained mosques and paid salaries of imams. Christian clergymen and charitable organizations received limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories; these areas were generally under Israeli control. The PA required that religion be taught in PA schools and provided separate instruction for Muslims and Christians.

Jerusalem religious courts only handled personal status issues such as marriage and divorce involving Jerusalem legal residents or Israeli citizens. In cases of inheritance, custody, and division of property as a result of a divorce, the parties to a suit have the

option of seeking a judgment from the civil courts.

There were no developments in the 2007 kidnapping and killing in Gaza of Rami Khader Ayyad, or the arson at a synagogue near the settlement of Dolev in the West Bank.

Israeli authorities generally respected religious freedom and permitted all faiths to operate schools and institutions; however, security-based restrictions and societal abuses and discrimination contributed to non-Jews' inability to exercise freedom of worship during the year, according to Palestinian and Israeli human rights organizations.

Security-based access restrictions requiring a permit to enter Jerusalem prevented many Muslim and a small number of Christian worshippers from reaching holy sites in the city, especially during religious holy days. For security reasons, the Israeli government required West Bank Palestinians to obtain permits to enter Jerusalem, a policy which, in practice, prevented virtually all West Bank Palestinians and male Muslim worshippers with Jerusalem identification cards under a certain age (usually 50) from attending Friday prayers at the Haram al-Sharif/Temple Mount, the third holiest site in Islam. An ongoing dispute between the Muslim administrators of the Haram al-Sharif/Temple Mount over Israeli restrictions on the Muslim administration's attempts to carry out repairs and physical improvements on the compound and its mosques remained unresolved at year's end. Israeli authorities restricted many West Bank and virtually all Gaza residents from entering Jerusalem during Ramadan. At times, the Israeli government made efforts to lessen the impact of security impediments on the religious communities.

Religious workers from Christian organizations in Jerusalem and the West Bank found it increasingly difficult to obtain or renew visas. Since 2007 clergy who left the occupied territories and wished to return to or visit their parishes were required to apply for new, single-entry visas at Israeli consulates abroad, a process that often took months and caused some clergy to prefer to remain rather than risk leaving their congregations without pastoral guidance. Volunteers at religious institutions in Jerusalem began reporting in July that the Israeli Ministry of Interior refused to renew their visas, instead offering them "receipts" to indicate that their visas were under review. At the end of the year, the Ministry of Interior had not explained the new practice.

As in past years, the shortage of foreign clergy impeded the functioning of Christian congregations and other religious and educational institutions.

Many national and municipal policies on residential zoning, demolitions, and confiscations disproportionately affected non-Jewish residents. According to the NGO Ir Amim and others, the intent of this disparity was to limit or diminish the non-Jewish population of the city. Israel's construction of the separation barrier, particularly in and around Jerusalem, and strict closure policies severely limited access to mosques, churches, and other holy sites. The barrier also inhibited the population's ability to practice their religious rites, and seriously impeded the work of religious organizations that provided education, healthcare, and other humanitarian relief and social services to Palestinians, particularly in and around Jerusalem.

Israeli law also restricted the ability of Israeli Jews to reach places of worship under Palestinian control. Israeli police escorted persons to the Haram al-Sharif/Temple Mount in Jerusalem; these persons reportedly wished to assert the right of Jews to worship at the site. However, non-Muslims were not permitted to worship at the shrine.

Societal Abuses and Discrimination

In both the Gaza Strip and the West Bank, unofficial Palestinian media frequently published and broadcast material that included anti-Israeli content. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders. Some Palestinian religious leaders rejected the right of Israel to exist. Hamas's al-Aqsa television station carried shows for preschoolers extolling hatred of Jews and suicide bombings.

Israeli settler radio stations broadcasting from the West Bank often depicted Arabs as subhuman and called for expulsion of Palestinians from the West Bank. Some of this rhetoric contained religious references.

The PA Ministry of Education and Higher Education completed the revision of its primary and secondary textbooks in 2006. International academics concluded the textbooks did not incite violence against Jews, but showed imbalance, bias, and inaccuracy. Some maps in Palestinian textbooks did not depict the current political reality, showing neither Israel nor the settlements. Palestinian textbooks, used in Palestinian schools, as well as in Jerusalem municipality-administered schools in East Jerusalem, inconsistently defined the 1967 borders and failed to label areas and cities with both Arabic and Hebrew names.

Israeli police arrested five settlers on suspicion of having committed arson at a mosque in the West Bank village of Yasuf on December 11, and questioned several others. The investigation continued at the end of the year, although no suspects remained in custody.

For a more detailed discussion, see the [2009 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The Basic Law provides for freedom of movement, and the PA generally did not restrict freedom of movement.

The IDF restricted the movement of Palestinians and heightened these restrictions at times, citing military necessity. Barriers to movement affected virtually all aspects of life, including access to places of worship, employment, agricultural lands, schools, hospitals, and the conduct of journalism and NGO activities. During the year the IDF relaxed restrictions at several checkpoints that had posed significant barriers to movement.

During the year the Israeli government continued to ease restrictions on movement and access within the West Bank, resulting in an increase of freedom of movement for Palestinians between West Bank urban centers. However, there has not been a significant improvement in access to land and resources in Area C, areas where Israel had full civil and security control, or to areas affected by construction of the separation barrier.

According to OCHA there were 578 obstacles to movement inside the West Bank (excluding crossing points located along the 1967 border, but including 69 fully manned checkpoints, 21 occasionally manned checkpoints, and 488 "unstaffed obstacles," including earth mounds, cement roadblocks, road gates, earthen walls, trenches, and road protection fences, as of November. During the year, of the 71 gates or checkpoints along the separation barrier, 40 were accessible only to Palestinians with permits. Operating hours of the accessible gates were limited and erratic, although announced. Palestinians saw closures as erratic and harmful to reaching workplaces, schools, places of worship, and health services. For example, during the last six months of the year, the IDF removed two staffed checkpoints that controlled access into Qalqiliya and Nablus. The IDF also reduced staffing at four checkpoints that control access into Ramallah, Jericho, Qalqiliya, and Salfit. Crossing procedures were relaxed at some checkpoints to the east of the separation barrier, lifting permit requirements, extending operating hours, and performing fewer searches and random checks on documentation. OCHA reported that the IDF removed 46 earth mounds and roadblocks that had prevented vehicular access to main routes from various communities, mostly in the southern West Bank.

Between January and October, OCHA recorded 3,078 "temporary" checkpoints in the West Bank, a weekly average of 76.2, due to arrests or other operations.

On March 11, the Israeli High Court barred human rights defender Shawan Jabarin, director of Al-Haq, a Palestinian Human Rights NGO, from traveling outside the West Bank without holding a hearing. Based on evidence that Jabarin and his lawyer were not allowed to see, the court refused to lift a travel ban imposed on him by military order in 2006.

The Israeli government continued construction of a separation barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank, albeit at a slower pace than in earlier years. According to OCHA, approximately 58 percent of the 709-kilometre-long (441 mile-long) barrier was complete at year's end. When completed, approximately 85 percent of the route will run inside the West Bank and in Jerusalem. The route of the barrier will separate approximately 9.5 percent of the West Bank, totaling 135,000 acres, including parts of Jerusalem, from the remainder of the West Bank. Areas near the barrier or its projected route are designated military zones where Palestinians were not able to obtain building permits. A 2004 International Court of Justice advisory opinion concluded that construction of the barrier was in a number of aspects contrary to international law. Israeli government policy was to build the barrier on public lands where possible, and where private land was used, provide opportunities for compensation. On September 9, the Supreme Court ordered the state to dismantle and reroute sections of the separation barrier near the villages of Far'un, Khirbet Jabara, al-Ras, Sur, Jayyus, and Falamiah, effectively returning an estimated 1,500 acres of land to the Palestinian side of the barrier. ACRI, an Israeli NGO that submitted the petition, reported that the court ruled that serious flaws marred Israel's determination of the barrier's route. According to ACRI, instead of the stated goal of defending security concerns, the barrier often followed the interests of expanding settlements and yet-to-be-built neighborhoods near Jerusalem.

By the end of the year, work was ongoing to implement a 2006 high court ruling to change the route of the barrier near al-Nabi Elias village. The government had not begun work to implement court rulings from 2005 and 2007 to reroute the barrier near Alfe Menashe settlement and Bil'in village.

Palestinians filed a number of cases with the High Court challenging the route of the barrier, several of which remained active at year's end. In November the Jaba'a village council filed a petition to the High Court demanding the removal of the security barrier constructed near their land, claiming that it has prevented villagers from working their land for years. According to the petitioners, the fence annexed a significant portion of land into Neve Ya'akov settlement.

During the year thousands of Palestinian schoolchildren who resided on the eastern side of the barrier had to cross gated checkpoints to attend school in Jerusalem. For example, students from Bir Nabala, which is surrounded by the barrier, were prohibited from crossing near their homes; instead, they were forced to take hour-long detours of seven to 10 miles to pass through the Rafat/Masyion and Qalandiya checkpoints to reach school.

In December the High Court ruled that barring Palestinians from using Highway 443, which crosses the West Bank southwest of Ramallah near Jerusalem, was disproportionate to security needs and ordered the IDF to find suitable alternative security arrangements within five months. Since 2006 a military order has prohibited nearly all Palestinians from using Highway 443. Human rights organizations said that land for Highway 443 had originally been expropriated to improve transportation for Palestinians between Ramallah and outlying villages, but that the road was eventually closed to Palestinians based on security justifications. At year's end no decisions had been publicized on how and when Highway 443 would open to Palestinians.

Palestinians residing in the closed area (the "seam zone") between the barrier and the Green Line numbered approximately 50,000 and required IDF permanent resident permits to live in their homes.

In the northern West Bank, a military order closed the seam zone in 2003. Those living in

the seam zone faced restricted access to health and education services and were cut off from family and social networks which were located on the West Bank.

UN agencies reported difficulty accessing seam zone communities in the northwestern West Bank, particularly Barta'a al-Sharqiya in the Jenin Governorate. Private security companies employed by the Israeli government controlled points of access through the barrier, and international organizations and local human rights groups claimed these companies did not respond to requests to move goods and officials through the barrier. UN agencies have been unable to directly access this area since late 2007 due to excessive demands for searches of UN officials based on their nationality.

The barrier also affected a number of farmers whose land and water resources were located between the barrier and the Green Line. Since 2003 Palestinians in the northern West Bank require visitor permits to reach and cultivate their land in the closed area. Access is channeled through particular gates designated on the permit. Restricted allocation of these permits and the limited number and opening times of the gates have severely curtailed agricultural practice and undermined rural livelihoods, including for farmers from the Palestinian villages of Biddu and Beit Ijza. Lack of access resulted in a significant deterioration in harvest quality and quantity, adversely affecting the livelihoods of the farmers concerned.

Israeli authorities frequently prohibited travel between some or all West Bank towns. Such "internal closures" were supplemented, during periods of potential unrest and during major Israeli, Jewish, and Muslim holidays, by "comprehensive, external closures," which precluded Palestinians from leaving the West Bank. The IDF imposed temporary curfews confining Palestinians to their homes during arrest operations.

Since 2007 Israel has enforced a strict blockade of Gaza, seriously impeding persons and goods from entering or leaving. Following hostilities in Gaza in January, Israel severely tightened restrictions at crossings into the Gaza Strip. International and Israeli human rights organizations described this action as "collective punishment" of the residents of Gaza, as it restricts access to basic goods and restricts civilians desiring to go abroad temporarily or change their place of residence permanently.

Following its December 2008-January 2009 combat operations in the Gaza Strip, Israel enforced a near-total blockade on the entrance of reconstruction materials to repair damaged homes, schools, and civilian infrastructure. A limited supply of fuel and spare parts to fix and maintain the electrical system were allowed into Gaza, including industrial diesel for Gaza's only power plant and cooking gas. By November only one-third of needed cooking fuel was entering Gaza. The sewage and water systems were also frequently inoperable due to lack of spare parts and fuel, and ensuing power outages. The IDF prevented demining teams from bringing in explosives to destroy unexploded ordnance into Gaza. In the last quarter of the year, the IDF allowed more materials into Gaza. For example, in late December the IDF announced that 100 truckloads of window glass would be permitted entry to Gaza for the commercial market. The IDF also allowed cement to be brought in.

In response to Qassam rocket fire, the IDF announced in 2005 that Palestinians should keep a distance of 140 meters (450 feet) from the Gaza perimeter fence and declared the former northern settlement block a "no-go" zone. Entry into this area for the 250 Palestinian residents requires prior coordination with the IDF. Although the official buffer remained 140 meters, Palestinians were in some instances prevented from approaching areas as far as one kilometer (0.62 mile) from the fence. According to OCHA, due to continuing IDF military activities, Palestinian farmers have been unable to reach their fields in the former northern settlement block since 2007. According to the ICRC, at least 30 percent of the arable land in Gaza lies within this buffer zone, which can extend up to one kilometer from the fence. Locals reported that farmers fear to work in this area.

Gazans' access to Israel and Egypt for medical treatment remained highly restricted, although Israel did allow thousands of medical cases to be treated in its hospitals during

the year. IDF soldiers at checkpoints sometimes subjected Palestine Red Crescent Society (PRCS) ambulances from the West Bank to delays or refused entry to Jerusalem. Patients were moved across checkpoints from one ambulance to another. The PRCS reported 440 incidents of delay or denial of access by the IDF in the West Bank from January to September. The MOJ stated that reports of physical or verbal attacks against PRCS employees were investigated. PRCS employees reported being objects of verbal or physical abuse on 30 occasions through October.

Palestinians not resident in the Jordan Valley generally were unable to drive on the main north-south route, Highway 90. They have been prohibited from driving across the four main access points since 2007, after the killing of two Israeli policemen, but can travel by public transportation, in cars belonging to residents, or in cars that receive specific permission.

West Bank and Gaza residents can enter Jerusalem only with an Israeli-issued travel permit. During the year Israeli authorities prohibited passage between Gaza and the West Bank, except for a very limited number of Palestinians holding Israeli permits. During the month of Ramadan, only Palestinian men over 50 and women over 45 were permitted to enter Jerusalem without a permit. Palestinians under the age limit were required to seek a permit.

During the year students were allowed to leave Gaza only when escorted by foreign diplomats or contractors of the country accepting them for study. From January to October, Gisha, the Israeli NGO Legal Center for Freedom of Movement, estimated that western diplomats have escorted a few hundred students from Gaza through Israel and the West Bank to Jordan, whence they traveled to third countries to study. Egypt also began allowing students to travel through Rafah Crossing. From January to October, Gisha estimated that 895 students traveled out of 1,896 who registered to do so. A handful of students from Gaza accepted for university study abroad were prevented from traveling to Jerusalem to apply for visas and were therefore prevented from leaving for further education abroad.

The IDF since 2000 has banned Gazan students from studying in the West Bank or Israel, and limited West Bank Palestinians from university study in East Jerusalem and Israel (see section 2.a.).

The PA issued passports for Palestinians in the West Bank and Gaza. Because there were no commercial flights from the occupied territories and permits to use Ben Gurion airport were not available, travelers departed by land to Jordan or Egypt. Foreign citizens of Palestinian ethnicity had difficulty obtaining or renewing visas permitting them to enter Israel from either Ben Gurion airport or land entry points.

Palestinians with Jerusalem identification cards issued by the Israeli government needed special documents to travel abroad. Upon the individual request of Palestinians, the Jordanian government issued them passports.

In 2000 Israel stopped updating changes in address for Palestinians who moved from the Gaza Strip to the West Bank. As a result, thousands of Palestinians, originally from Gaza but living in the West Bank for many years, continued to hold ID cards with home addresses in Gaza. Israel has taken the position that Palestinian residents with home addresses registered in the Gaza Strip are forbidden to be in the West Bank without special permits, which it began issuing under exceptional circumstances in 2007. Israel has declared those who do not hold a permit are subject to arrest for illegal presence in the West Bank, and during the year arrested and forcibly transferred some of them to Gaza.

In March, in response to court petitions submitted by the HaMoked to the Supreme Court on behalf of Palestinians who had been prohibited from relocating to the West Bank, the government announced a new procedure, setting stringent conditions for those wishing to change their registered address from Gaza to the West Bank. Criteria include that the applicant be an orphan, invalid, or elderly person with no remaining family members in

Gaza to care for them. As of October thousands of Palestinians living in the West Bank whose registered addresses were in Gaza remained in danger of being forcibly expelled to Gaza, and hundreds of families living in the two areas remained divided.

Residency restrictions affected family reunification. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or whose residence permits the government subsequently withdrew, to reside permanently in the occupied territories. It was difficult for foreign-born spouses and children of Palestinians to obtain residency. Palestinian spouses of Jerusalem residents must obtain a residency permit and reported delays of several years in obtaining them. Palestinians in Jerusalem also reported delays in registering newborn children. In September 2007 the Israeli High Court ordered reconsideration of the freeze on family unification in the West Bank. There were no further developments or response by the government by year's end.

The Basic Law prohibits forced exile, and the PA under President Abbas did not use forced exile. In practice Israeli revocations of Jerusalem identification cards amounted to forced exile and have continued in recent years. According to HaMoked in 2008 the Ministry of the Interior revoked the Israeli residency status of 4,577 residents of East Jerusalem, including 99 minors. The number of cases of revocation of residency in 2008 alone is equal to approximately one half the total number of cases of residency revocation between 1967 and 2007. Reasons for revocation include having acquired residency or citizenship in a third country, living abroad for more than seven years, or, most commonly, being unable to prove a "center of life" in Jerusalem.

The Displacement Working Group chaired by OCHA estimated during the year that at least 619 persons were displaced as a result of 108 residential structure demolitions in the West Bank and East Jerusalem. Internal displacement in the West Bank was primarily the result of actions by the government, including home demolitions, land expropriation, and revocation of Jerusalem residency rights.

Planning in the West Bank also left Palestinian homes vulnerable to demolition, particularly in Area C where Israel had full civil and security control. On January 26, ACRI and the Israeli NGO Rabbis for Human Rights submitted a petition to the Israeli High Court of Justice on behalf of the Palestinian residents of Khirbet Tana, defending against a government decision which allowed the state to destroy all of the village's houses but one. At year's end, the IDF had not implemented orders to demolish most of the structures in Aqaba village, another Area C village without a town plan.

Internally Displaced Persons (IDPs)

Internal displacement in Gaza was significant, resulting from damage to housing and flight from conflict areas during combat operations in December 2008-January 2009. During that period, UNRWA provided direct protection to civilians through the provision of emergency shelter for approximately 50,000 displaced persons in UNRWA facilities, and distributed food and nonfood relief items and first aid care to the wounded. Throughout the year, UNRWA continued to provide financial assistance to approximately 17,000 refugee families whose homes were destroyed or damaged, as well as its continued food assistance to 750,000 refugees. UNRWA continued to provide psychological support and counseling, including to children traumatized by the conflict, through its community mental health program.

The PA provided some assistance to those displaced through rental subsidies and financial assistance to reconstruct demolished houses. International response and assistance to those affected by the Gaza conflict improved significantly during the course of the year under the direction of OCHA and with coordination from UNRWA and the ICRC.

During the year neither Israel nor the PA forcibly returned IDPs to their original residences under dangerous conditions.

According to UNRWA, the Israeli government obstructed IDP access to UNRWA-provided

humanitarian assistance in refugee communities in Gaza and parts of the West Bank. UNRWA's mandate is to provide education, health care, relief, and social services to registered Palestinian refugees, who comprise 70 percent (1.1 million) of Gaza's population and 30 percent (770,000) of the West Bank's population. From January to September, UNRWA recorded 465 incidents in which Israeli security forces completely blocked access. In addition to reported incidents, lengthy detours to reach affected areas were necessary to overcome Israeli obstacles.

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

In 2006 the 132-member Palestinian Legislative Council (PLC) was elected in a process under the Basic Law that international observers concluded generally met democratic standards in providing citizens the right to peacefully change their government. Hamas-backed candidates participated in the 2006 PLC elections under the name "Reform and Change Movement," rather than "Hamas," and won 74 of 132 seats. Fatah won 45 seats; independents and candidates from third parties won the remaining seats. The PLC lacked a quorum and did not meet during the year (see section 1.d.).

In 2005 Palestinians elected Mahmud Abbas as PA president. Seven candidates competed in a vigorous election campaign. In both the 2005 presidential election and the PLC election, the Israeli government and the PA followed mutually agreed guidelines for Palestinians residing in Jerusalem to vote, but not all Palestinians were allowed to vote in East Jerusalem, and those who could were required to do so via the Post Office, complicating their efforts to vote.

During the year there were 17 women in the 132-member PLC (which was not called into session) and three women in the 16-member cabinet. There were seven Christians in the PLC and two in the cabinet.

Section 4 Official Corruption and Government Transparency

Palestinian law provides criminal penalties for official corruption.

In Gaza local observers and NGOs alleged instances of Hamas complicity in corrupt practices, including involvement by the Hamas Executive Force.

Greater transparency existed in the West Bank, where PA ministers were subject to financial disclosure laws, and the PA attorney general's office had official responsibility for combating government corruption.

PA law requires official PA institutions to "facilitate" acquisition of requested documents or information by any Palestinian, but it does not require PA agencies to provide such information. Reasons for denial generally referred to privacy rights and security necessity.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Palestinian human rights groups and several international organizations generally operated without PA restriction, and officials cooperated with their efforts to monitor the PA's human rights practices. According to the PA Ministry of Interior, approximately 4,700 NGOs are registered and 1,700 were active in the West Bank at the end of the year.

PA officials usually cooperated with and permitted visits by UN representatives or other organizations such as the ICRC. Several PA security agencies, including the General Intelligence Service and the Civil Police, appointed official liaisons with human rights groups.

The quasi-governmental s ICHR serves as the PA's ombudsman and human rights commission. The ICHR issued monthly and annual reports on human rights violations within Palestinian-controlled areas. ICHR also issued formal recommendations to the PA, including a public letter in December calling on the PA to reconsider the use of the death penalty. PA security forces in the West Bank entered UNRWA facilities four times.

In Gaza, Hamas authorities increasingly required international and local aid organizations providing emergency assistance to coordinate relief efforts with the Hamas-controlled "Ministry of Social Affairs." Several Gaza-based NGOs reported that Hamas prevented aid groups from distributing assistance after they refused to comply with Hamas regulations. Gaza-based NGOs reported that Hamas representatives appeared at their offices to ensure compliance and summoned NGO representatives to police stations for questioning. In December the Hamas-controlled "Ministry of National Economy" in Gaza confiscated several shipments of aid entering Gaza, although in most cases Hamas authorities returned the shipments to the distributing organization within days.

On December 16, Hamas authorities detained an international NGO staff member for six hours. In the last few months of the year, Hamas authorities began harassing Mercy Corps' Gaza office about the status of Mercy Corps programs. On June 17, Hamas authorities took direct control of the Patients' Friends Benevolent Society. Gaza-based contacts reported that Hamas has effectively taken control of approximately two dozen Gaza-based development and civil society organizations.

Israeli, Palestinian, and international NGOs monitored the Israeli government's practices in the Occupied Territories and published their findings, although restrictions on freedom of movement in the West Bank, fighting, and access restrictions in Gaza made it difficult to carry out their work. The Israeli government permitted some human rights groups to publish and hold press conferences and provided the ICRC with access to most detainees.

PA security forces in the West Bank entered UNRWA facilities four times. Palestinian militants entered UNRWA installations on three occasions in Gaza from January to June. The IDF entered UNRWA facilities seven times between January and October, usually in the course of arrest operations in the West Bank. The Israeli MOJ stated any interference in UN facilities was based on an examination by appropriate authorities. UNRWA recorded multiple incidents during the year of IDF soldiers at checkpoints harassing or pointing weapons at UN staff.

Israeli forces damaged a number of UNRWA facilities during hostilities in December-January in the Gaza Strip. Three installations suffered direct hits from Israeli ordnance causing death or injury to those in the installations, and two installations were struck by debris or the effect of Israeli ordnance landing adjacent to the installation, killing six persons and injuring 35. On January 5, an IDF aerial strike killed three men who had sought shelter at the Asma Elementary Co-Ed A School. On January 6, eight persons were injured when mortar rounds struck near the Jabalia Preparatory Boys C School, which was in use as a temporary emergency shelter. On January 15, artillery struck the UNRWA Gaza Training Centre and Field Office compound, injuring one staff member and two men who had sought shelter in the compound, and causing a fire that destroyed the warehouse containing food, medicine, and other supplies. On January 17, IDF ordnance struck the Beit Lahia Elementary School while the school was being used as an emergency shelter, killing two young boys and injuring 13 persons. During the period from January 1 to January 19, a further 23 UNRWA installations suffered property damage from Israeli strikes on or near the UN installations.

In September the IDF Gaza District Coordination Office informed three Israeli human rights organizations that petitions for Palestinians to leave the Gaza Strip would only be accepted from the PA Civil Affairs Commission, the official PA body responsible for coordination with Israel on civilian issues. Israeli human rights organizations characterized this action as an attempt to impede the activities of human rights organizations and registered their protest with the Israeli government and military

authorities, citing the right of Palestinians to choose an advocate to represent their interests.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape is illegal under PA law, but the legal definition does not address spousal rape. PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. According to HRW, few cases were successfully prosecuted. According to the Palestinian Central Bureau of Statistics, violence against wives, especially psychological violence, was common in the West Bank and Gaza. A woman must provide two eyewitnesses (who are not relatives) to initiate divorce on the grounds of spousal abuse.

According to the UN Children's Fund (UNICEF), conditions in Gaza were associated with increased levels of violence against women. In 2007 two in five women in Gaza reported being victims of violence, up from one in five in 2006. There were a handful of NGO-funded women's shelters in the West Bank; there were no shelters in Gaza. Women generally approached village or religious leaders for assistance. ICHR reported nine "honor" killings in the Palestinian territories during the year.

Prostitution is illegal and it was not openly practiced. A December report by the Palestinian organization SAWA (All Women Together Today and Tomorrow) based on interviews conducted in 2008 claimed that a small number of Palestinian women were forced into prostitution. SAWA said they found no evidence of an organized human trafficking network; rather, they found small, private initiatives by Palestinians.

The law provides for equality of the sexes, but personal status law and traditional practices discriminate against women. Palestinian labor law states that work is the right of every capable citizen and regulates the work of women. However, during the year the rate of female participation in the workforce did not exceed 14 percent compared to 67 percent for males in the West Bank. Women endured prejudice and, in some cases, repressive conditions. Cultural restrictions associated with marriage occasionally prevented women from completing mandatory schooling or attending college. Families often disowned Muslim and Christian women who married outside their faith. Local officials sometimes advised such women to leave their communities to prevent harassment.

For Muslims in the West Bank and Gaza, personal status law is derived from Shari'a (Islamic law), as set out in the governing 1976 Jordanian Status Law, which includes inheritance and marriage laws. Women can inherit but not equally. Men may take more than one wife but rarely do in urban areas (the practice is more common in small villages). Women may add conditions to marriage contracts to protect their interests in divorce and child custody but rarely did so. Children often stayed with the mother; according to local practice, men were considered responsible for paying child support and alimony. Ecclesiastical courts rule on personal status issues for Christians.

Couples and individuals in the West Bank and East Jerusalem had access to contraception, although there were unmet resource needs with regard to information and means regarding timing and spacing of children. Among married women of reproductive age in Gaza and the West Bank, 28 percent of births occurred in less than an 18-month interval following a previous birth. The most recent data available, gathered by the Palestine Demographic Health Service in 2004, estimated that approximately one-third of Palestinian women in the Gaza Strip and West Bank used contraception. High workload, poor compensation, and resource shortages continued to affect skilled attendance during labor and postpartum care (much of which was provided by midwives) in the Occupied Territories. While both governmental authorities and community and international NGOs operated HIV/AIDS education, prevention, and screening programs, limited information was available about the gender breakdown of these efforts.

Children

Israel registers births of Palestinians in Jerusalem. The PA registers Palestinians born in the West Bank and Gaza, and Israel requires that the PA pass this information to the Israeli Civil Administration. As the PA does not constitute a state, the PA does not determine "citizenship" alone. Children of Palestinian parents can receive a Palestinian ID (issued by the Israeli Civil Administration) if they are born in the occupied territories to a father who holds a Palestinian ID. The PA Ministry of the Interior and the Israeli Civil Administration both play a role in determining a person's eligibility.

Education in Palestinian-controlled areas is compulsory from age six through the ninth grade. Education is available to all Palestinians without cost through high school.

Statutory rape is considered a felony by the PA, based on the Jordanian penal code of 1960, which also outlaws adultery and all forms of pornography. The minimum age for consensual sex is 18. Palestinian judges reportedly issued harsher sentences to persons involved in pornography if the images included children. Punishment generally consists of prison time, which can last up to seven years.

Child abuse was reported to be a widespread problem. A 2006 HRW study cited a Palestinian Central Bureau of Statistics survey indicating high levels of domestic violence, aggravated during times of political violence. There were no updated statistics during the year. The Basic Law prohibits violence against children; however, PA authorities rarely punished perpetrators of familial violence.

International and domestic NGOs promoted educational, medical, and cultural services for children in the Gaza Strip, West Bank, and East Jerusalem, and other groups specialized in the needs of children with disabilities.

OCHA reported that between January 1 and October, eight Palestinian minors were killed in the West Bank and East Jerusalem. An armed settler killed one minor and unexploded ordnance killed another. A total of 119 children were injured in the West Bank and East Jerusalem. Of this number, 64 injuries were due to settler violence. According to the IDF, 89 children under the age of 16 were killed in Gaza. B'Tselem reported that 318 of the 762 civilian fatalities were minors under age 18.

Trafficking in Persons

Palestinian law does not specifically prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, or within the occupied territories.

Persons with Disabilities

The Basic Law states all Palestinians are equal. There is no reference to discrimination or disability. Access to public facilities was not mandated. There was societal discrimination against Palestinians with disabilities.

Poor quality care for Palestinians with disabilities continued to pose problems. The PA depended on NGOs to care for those with physical disabilities and offered substandard care for mental disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Palestinian law, based on the Jordanian Penal Code of 1960, prohibits homosexual activity, although in practice the PA did not prosecute individuals suspected of homosexuality. Cultural and religious traditions reject homosexuality, and Palestinians alleged that PA security officers and neighbors harassed, abused, and sometimes arrested homosexuals because of their sexual orientation. Israeli press reported that an unidentified homosexual Palestinian male from the West Bank petitioned the State of

Israel for protection, due to fear that his community would reject and possibly harm him. Israeli courts were reviewing the case at the end of the year.

Other Societal Violence or Discrimination

The PA Ministry of Health provided treatment and privacy protections for patients with HIV/AIDS; however, societal discrimination against affected individuals was high.

The High Court on August 6 ruled that an ultra-orthodox school in the West Bank settlement of Emmanuel must stop separating students based on their ethnicity and remove all signs of discrimination. Since 2007 the school had separated students of different ethnic backgrounds and required them to wear different uniforms.

Section 7 Worker Rights

a. The Right of Association

The law permits workers to form and join independent unions of their choice, and this was respected in practice. Labor unions in Gaza continued to operate despite a severely weakened economy. However, Hamas in many cases replaced Fatah-affiliated union leaders with Hamas members or sympathizers, and during the year a number of non-Hamas-affiliated labor union activists were detained by Hamas.

The two most active unions were the General Union for Palestinian Workers and the Palestine General Federation of Trade Unions (PGFTU). The PGFTU was a member of the International Trade Union Confederation. Both were registered with the PA Ministry of Labor and Social Affairs.

Workers in Jerusalem may establish unions but may not join West Bank federations. Despite this, the West Bank-based PA Employees' Union and Teachers' Union counted East Jerusalem members among their ranks, and Israeli authorities rarely took steps to enforce this restriction unless high-profile events or senior PA officials were involved. Workers holding Jerusalem identity cards may belong to the Israeli General Federation of Labor (Histadrut), although they may not vote in Histadrut elections.

PA law provides for the right to strike. In practice, however, strikers had little protection from retribution. Prospective strikers must provide written warning two weeks in advance of the basis for the strike (four weeks in the case of public utilities), accept Ministry of Labor and Social Affairs (MOLSA) arbitration, and are subject to disciplinary action if they reject the result. If MOLSA cannot resolve a dispute, it can be referred to a special committee and eventually to a court. Accordingly, in practice the right to strike remained questionable.

PA employees organized fewer strikes than in the previous year, in large part because the PA had been able to pay salaries during the past year in the West Bank. In general PA employees staged strikes over nonpayment of wages or to demand payment of arrears. There were no reports of private sector strikes during the year.

Individual offices within the PA ministries in Gaza conducted strikes and work stoppages against Hamas-led public offices in Gaza throughout the year. Public sector health care workers and teachers held extended strikes against Hamas for reported discrimination against non-Hamas-affiliated PA employees. At year's end these types of strikes continued in Gaza with reduced rates of participation compared to earlier strikes.

b. The Right to Organize and Bargain Collectively

The law protects collective bargaining, and this has been enforced in certain cases. However, there were reports that PA enforcement of collective bargaining rights for unions serving other than PA employees was limited in recent years. Collective bargaining agreements covered 20 percent of workers. Antiunion discrimination and

employer interference in union functions are illegal, and the government enforced these prohibitions. Most unions in the West Bank and Gaza served PA employees, and negotiations on labor issues occurred between union leadership and the prime minister's office. Trade unions of non-PA employees have had good relations with the PA and have received PA permission to operate and negotiate on PA contracts. According to the NGO United Civilians for Peace, Palestinians working in West Bank settlements reported hostile responses to their efforts to organize unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law states that work is a right and that the PA will strive to provide it to any capable individual. MOLSA interpreted this statement to prohibit forced and compulsory labor, including by children. PA labor law prohibits forced or compulsory labor.

d. Prohibition of Child Labor and Minimum Age of Employment

Children under the age of 15 are not permitted to work in PA-administered areas, and this prohibition is enforced through PA Ministry of Labor factory visits and inspections. Hiring of children aged 15-18 for limited types of employment is permitted under set conditions, including limited hours and a prohibition on operating certain types of machines and equipment. The law states that children shall not be allowed to perform work that might damage their safety, health, or education, and prohibits working at night, hard labor, and travel beyond their domicile. However, many underage children worked on family farms and in shops, as street vendors, or in small enterprises. The UN estimated that hundreds of children were forced to find work, particularly in Gaza, as the declining economy made it difficult for families to find adequate resources.

The PA had eight child labor inspectors for the West Bank. Information on respect for child labor laws in Gaza was not available at the end of the year. MOLSA stated that Palestinian children working in Israeli settlements faced security problems, exploitation, and harassment since there was no enforceable law to monitor and protect child laborers, and there were no Israeli inspectors in West Bank settlements and industrial zones. The Israeli MOJ stated that permits for Palestinians to work in Israeli settlements are not issued to residents of the West Bank who are younger than 18, except in the Jordan Valley, where work permits may be issued to persons age 16 and above.

e. Acceptable Conditions of Work

There was no minimum wage in Palestinian-controlled areas. Prior to 2000, average wages for full-time workers provided a decent living standard; however, living standards dropped significantly over the past nine years due to increases in cost of living that outpaced salary increases. Average wages in the occupied territories were approximately \$1,100 per month. The NGO United Civilians for Peace and the Israeli NGO Kav laOved reported that the Israeli minimum wage was generally the highest wage paid to Palestinians working in settlements, and that they complained of receiving much lower wages than Israelis working in the same areas.

According to the Palestinian Central Bureau of Statistics, the unemployment rate in the third quarter of the year was 36 percent in Gaza and 17 percent in the West Bank. In September the World Bank reported that two-thirds of Palestinians lived below the official poverty line and were unable to support themselves and their families without international assistance. In October OCHA reported that 88 percent of the Gaza population lived in poverty and depended on international assistance.

MOLSA reported that most employees work at least 50 hours each week; the maximum official work week is 48 hours. There were reports that PA employees were pressured to work additional hours to be promoted. Employers are required to allow Christians to attend church on Sunday if the employee desires. Some employers offered Christians the

option of taking Sunday off, rather than Friday.

Palestinians reported that they continued to receive wages lower than the Israeli minimum wage, despite a 2007 high court ruling that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements in the occupied territories. The ruling granted Palestinian workers the same rights and benefits as workers in Israel. However, several cases brought by Palestinians against Israeli employers who offered less than the minimum wage were still pending in Israeli courts. The Municipality of Ma'ale Adumim applied a 1965 Jordanian labor law to Palestinian employees, which denied them some social benefits that are part of Israeli labor law, such as rehabilitation pay, pensions, travel expenses, and education funding.

MOLSA was responsible for safety standards, but its enforcement ability was limited. The ministry stated new factories and workplaces met international health and safety standards, but older ones did not. Employees of small construction and service firms were at greatest risk for work place injuries, according to union officials. Unions complained that the PA did not effectively monitor smaller worksites which were at times below legal standards for safety. Palestinians who work in Israel must contribute to the National Insurance Institute and are eligible for limited benefits.
