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

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. The West Bank and Gaza Strip now are administered to varying extents by Israel and the Palestinian Authority (PA). Pursuant to the May 1994 Gaza-Jericho Agreement and the September 1995 Interim Agreement, Israel transferred most responsibilities for civil government in the Gaza Strip and parts of the West Bank to the PA, while retaining responsibility in the West Bank and Gaza Strip for external security; foreign relations; the overall security of Israelis, including public order in the Israeli settlements; and certain other matters. Negotiations to address the permanent status issues including Jerusalem, borders, settlements, refugees, water, and other matters convened for an initial session in May 1996, lapsed for several years, and resumed late in the year pursuant to the September Sharm el-Sheikh Memorandum.

Pursuant to the agreements signed between the PLO and Israel, the PA by 1996 had full or partial control over most major Palestinian population centers in the Gaza Strip and West Bank. In 1998 and during the year, Israel implemented further redeployments, in partial fulfillment of its obligations under the Interim Agreement, the Wye River Memorandum, and the Sharm el-Sheikh Memorandum.

Israel and the Palestinian Authority have varying degrees of control and jurisdiction over the Gaza Strip and the West Bank. Israel continues to control certain civil functions and is responsible for all security in portions of the occupied territories categorized as Area C, which includes the Israeli settlements. In areas known as Area B, the PA has jurisdiction over civil affairs and shares security responsibilities with Israel. The PA has control over civil affairs and security in Area A. The PA also has jurisdiction over some civil affairs in Area C. Accordingly, this report discusses the policies and practices of both the Israeli Government and the PA in the areas where they exercise jurisdiction and control.

Israel continues to exercise civil authority in some areas of the West Bank through the Israeli Ministry of Defense's Office of Coordination and Liaison, known by the Hebrew acronym MATAK, which replaced the now defunct Civil Administration (CIVAD). The approximately 170,000 Israeli settlers living in the West Bank and Gaza Strip are subject to Israeli law and are treated better by Israeli authorities than are Palestinians. The body of law governing Palestinians in the Israeli-controlled portions of the territories derives from Ottoman, British Mandate, Jordanian, and Egyptian law, and Israeli military orders. Laws and regulations promulgated by the PA also are in force. The international community considers Israel's authority in the occupied territories to be subject to the Hague Regulations of 1907 and the 1949 Geneva Convention relating to the Protection of Civilians in Time of War. The Israeli Government considers the Hague Regulations applicable and states that it observes the Geneva Convention's humanitarian provisions.

In January 1996, Palestinians chose their first popularly elected Government in democratic elections, which generally were well-conducted. The 88-member Council and the Chairman of the Executive Authority were elected. The PA also has a cabinet of 30 ministers. PA Chairman Yasir Arafat continues to dominate the affairs of government and to make major decisions. Most senior government positions in the PA are held by individuals who are members of, or loyal to, Arafat's Fatah faction of the PLO. The Council meets regularly and discusses a range of issues significant to the Palestinian people and the development of an open, democratic society in the Gaza Strip and West Bank. Political commentators and members of the Council complain that it does not have

sufficient influence on policy or the behavior of the executive. The PA judiciary is subject to executive influence.

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

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

The economy of the West Bank and Gaza Strip is small, poorly developed, and highly dependent on Israel. The economy relies on agriculture, services, and to a lesser extent, light manufacturing. Israel restricts the movement of persons and products into Israel and Jerusalem from the West Bank and Gaza. In addition, since 1993 Israel has applied "closures," or enhanced restrictions, on the movement of persons and products for lengthy periods following terrorist attacks. Israel enforced its closure policy less stringently than it did in 1998. Palestinians and their vehicles require permits to cross from the West Bank or Gaza into Israel and Jerusalem. Many West Bank and Gaza workers are employed at day jobs in Israel and Jerusalem, making their employment vulnerable to disruption. On occasion, Israel imposes a tightened version of closure in the wake of terrorist incidents, and when it believes that there is an increased likelihood of terrorist attacks or unrest in the occupied territories. Comprehensive, tightened closures also were instituted during major Israeli holidays. During these times, Israel cancels all travel permits and prevents Palestinians--even those with valid work permits--from entering Israel or Jerusalem. Israel imposed 15 days of tightened, comprehensive closure during the year; this represents a decrease in comprehensive closure days compared with the previous year. In past years, in response to changes in the security environment, the Israeli Government also periodically prohibited most travel between certain towns and villages within the West Bank (an "internal" closure), hampering the flow of goods and persons; however, this did not occur during the year. Palestinians who travel between some cities in the West Bank must pass through Israeli-controlled checkpoints where they sometimes are subjected to verbal and physical harassment by Israeli security personnel.

Both Israel and the PA were responsible for serious human rights abuses; however, while there were several marked improvements in Israel's human rights record in the occupied territories, the PA's human rights record worsened in several areas. Israeli security forces committed a number of human rights abuses during the year. Several Palestinians were killed in violent confrontations with Israeli security units, who at times used live ammunition against Palestinian demonstrators and shot at demonstrators or individuals indiscriminately. Israeli security forces abused Palestinians suspected of security offenses. However, a landmark decision by the Israeli High Court of Justice in September prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. Following the ruling, there were no credible reports of such abuse by the security forces. Prison conditions are poor, and Israeli authorities arbitrarily arrest and detain persons. Prolonged detention, limits on due process, and infringements on privacy rights remained problems. Israeli authorities placed some limits on freedom of assembly and movement. PA security forces committed numerous serious human rights abuses during the year. PA security officials committed abuse, and in some cases torture, against prisoners and detainees. Palestinian security

forces killed three persons in violent confrontations. PA security forces used excessive force, and in some cases, live ammunition against Palestinian demonstrators and shot at demonstrators and individuals indiscriminately. Two other Palestinians died in PA custody. PA police officials claim that Ramadam Abu Shahin died in June after being accidentally shot during interrogation. Muhammad Ahmed Shreiteh died in PA police custody in Hebron. Family members alleged that he was tortured while in custody; the PA did not perform an autopsy or investigate his death. Due largely to the decrease in terrorist attacks during the year, PA security forces made fewer arrests than in previous years; however, there continue to be credible accounts of torture and abuse of prisoners and detainees. PA prison conditions are very poor. PA security forces arbitrarily arrest and detain persons, and prolonged detention is a problem.

Lack of due process is a problem. The courts are inefficient, lack staff and resources, and do not ensure fair and expeditious trials. The PA executive and security services frequently ignore or fail to carry out court decisions. Lack of due process is a serious problem in the PA's state security courts. PA security forces infringed on citizens' right to privacy. Although the PA claims to respect its citizens' right to express themselves freely, it limited freedom of speech and of the press. The PA continued to harass, detain, and abuse journalists. PA harassment led many Palestinian commentators, reporters, and critics to practice self-censorship. The PA placed some limits on freedom of assembly and association. Violence against women and "honor killings" persist. Societal discrimination against women and the disabled is a problem. Child labor is a problem.

During the year, one Palestinian died in an attack perpetrated by Israelis, while Israeli civilians, including settlers, harass and attack Palestinians in the West Bank and Gaza Strip. In general, settlers are not prosecuted for these acts and rarely serve prison sentences when convicted of a crime against Palestinians.

Palestinians in the West Bank and Gaza Strip continued to harass, abuse, and attack Israelis, especially settlers. Extremist Palestinian groups and individuals, including the militant Islamic Resistance Movement (HAMAS) and the Palestine Islamic Jihad (PIJ), continued their efforts to undermine the authority of the PA and halt progress in the Israeli-Palestinian peace process by wounding Israelis in 3 attacks in the occupied territories and Israel.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Members of the Israeli security forces killed three Palestinians at military checkpoints and roadblocks inside the occupied territories. In these cases, Israeli authorities stated that the individuals were shot after failing to obey orders to halt. Palestinians dispute these accounts and charge that Israeli soldiers used excessive and unnecessary force.

On June 3, Israeli soldiers shot and killed Alla Yusef Mahmud Abu Sharkh at the Samu checkpoint near Hebron while he allegedly was trying to avoid stopping at the checkpoint.

On October 1, Khader Shaleh 'Afaneh Badwan was shot and killed by Israeli police personnel in Jerusalem while trying to escape police in a stolen car. Palestinian bystanders claim that police shot Badwan after he already had surrendered; Israeli police personnel say that they are investigating the incident.

On October 25, an IDF soldier shot and killed Musa Faiz Helail, a souvenir vendor, at Rachel's Tomb, a Jewish religious site in Bethlehem. The IDF soldier said that he shot Helail because he was attempting to stab him. Palestinian bystanders dispute this claim and assert that Helail did not try to harm the soldier.

Israeli security units also shot and killed three Palestinians who they state were engaged in acts of terrorism. On January 13, Israeli undercover police shot and killed a suspected Palestinian terrorist in a shootout south of Hebron in which an Israeli policeman also died. A Palestinian and an Israeli policeman also were wounded in the confrontation. In December Israeli security forces shot and killed two members of HAMAS in a Beit Awa shootout.

During the year, violent clashes between Palestinian demonstrators and Israeli security forces resulted in two Palestinian deaths and a number of wounded. IDF regulations permit the use of both rubber-coated metal bullets and live ammunition only when a soldier's life is in immediate danger, to halt fleeing suspects, to disperse a violent demonstration, or to fire on an "individual unlawfully carrying firearms." According to policy, soldiers should direct fire at the legs only and may fire at a fleeing suspect only if they believe that a serious felony has occurred and they have exhausted other means to apprehend the suspect. It is forbidden to open fire in the direction of children or women, even in cases of severe public disorder, unless there is an immediate and obvious danger to a soldier's life. Israeli soldiers and police sometimes used live ammunition or rubber-coated metal bullets, which can be lethal, in situations other than when their lives were in danger and sometimes shot suspects in the upper body and head.

On January 6, Israeli soldiers in Hebron shot and killed Bader Qawasmeh with live ammunition during a curfew in the Israeli-controlled section of the town. IDF soldiers say that they shot Qawasmeh by accident and that they believed that the toy gun he was playing with was real.

On January 26, Israeli policemen shot and killed Zaki Nur Al-Din 'Ubayd during a clash between soldiers and Palestinians who were protesting the demolition of a house in an East Jerusalem neighborhood. 'Ubayd reportedly was shot in the upper body with a rubber-coated metal bullet.

In May Mahmud Abu Hajar, 18, died from gunshot wounds sustained in March 1994. Israeli soldiers had shot Hajar in the head during a confrontation and he had been in a coma since that time.

One Palestinian security detainee died in an Israeli prison after suffering a heart attack (see Sections 1.a. and 1.c. of the Israel report).

Palestinian security forces shot and killed three Palestinians during confrontations this year. On March 10, Palestinian security forces shot and killed Ala Jumaa Al-hams, age 17, and Khamis Mahmoud Salama, age 17, during riots in the Gaza Strip; Palestinians were protesting the fact that the PA security court sentenced one security official to death and two others to long prison terms for killing another PA security official (see Sections 1.e. and 2.b.). Human rights organizations charged that PA security forces used excessive force. Palestinian security forces wounded between 40 and 70 other Palestinian demonstrators during confrontations the following day (see Section 1.c.).

During the year, two Palestinians died in PA custody. On June 27, 23 year-old Ramadan Abu Shahin of Nablus was shot and killed while being interrogated by Palestinian police at a police station in the West Bank town of Anabta; Abu Shahin was arrested at a PA roadblock because he was riding in a stolen car. PA officials say that in the course of their interrogation, Abu Shahin began pushing a police officer, who pushed him back while holding an AK-47 assault rifle. According to PA officials, the rifle accidentally went off, killing Shahin (see Section 1.c.). In December a PA military court found the police officer guilty of murder and sentenced him to 8 years in prison.

On October 4, 33 year-old Muhammad Ahmad Shreiteh died in PA custody in Hebron. According to prison officials, he died of a heart attack; however, family members alleged to one human rights organization that he was tortured while in PA police custody. The PA

did not perform an autopsy and PA officials did not respond to human rights organizations' queries about the death (see Section 1.c.).

On February 26, Colonel Ahmad Atiyah Abu-Mustafa of Gaza was executed after the PA's state security court convicted him of raping a young boy. Human rights groups criticized the court's decision for ignoring due process (see Section 1.e.).

On February 11, Dr. Naeelah Hamdan Aied Garaeen was stabbed to death near the Old City of Jerusalem, possibly by an unidentified "serial stabber" who had killed a number of Palestinians in Jerusalem over the past few years. Later that same day, an unidentified Palestinian stabbed an Israeli bank guard in East Jerusalem, possibly in retaliation (see Section 1.c.).

During the year, the Palestinian Authority's state security court sentenced Jamil Munir Jadallah to life in prison for killing two Israelis in 1998. His lawyer complained that he had not had sufficient time to prepare his case.

On January 13, one undercover Israeli border policeman was killed and one was wounded in a shootout near Hebron with members of the radical HAMAS group. One HAMAS terrorist was killed and one was wounded in the confrontation.

In July an Israeli military court sentenced Salem Sarsour, a member of HAMAS to three consecutive life terms in prison for the 1998 killing of an elderly rabbi and for wounding dozens of soldiers and civilians in two grenade attacks.

b. Disappearance

Two Palestinians who disappeared under suspicious circumstances in 1997 remained unaccounted for during the year. Shafiq Abdul Wahhab, a suspected land dealer, disappeared in 1997 and his whereabouts remain unknown. The PA established a committee in 1997 to investigate his disappearance but has failed to locate him. Taysir Hmiadan Ziyadi, a Palestinian who married an Israeli woman in 1992 and received an Israeli identification card in 1996, disappeared in July 1997 during a trip to the Gaza Strip. His whereabouts remain unknown.

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

Israeli laws and administrative regulations prohibit the physical abuse of detainees; however, Israeli security forces abused, and in some cases tortured, Palestinians suspected of security offenses, and lawyers for security prisoners continued to file numerous challenges of the use of torture. However, a landmark decision by the Israeli High Court of Justice in September prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. Following the ruling, there were no credible reports of such abuses by security forces. The High Court categorically rejected the Israeli Government's contention that these practices were "moderate physical pressure," and therefore permissible under the law, though the Court left open the possibility that such practices might be acceptable if specifically authorized by new legislation.

Prior to the High Court's decision, Israeli laws and administrative regulations prohibiting the physical abuse of detainees were not enforced in security cases (see Section 1.c. of the Israel report). The head of the GSS was empowered by government regulation to authorize security officers to use "moderate physical and psychological pressure" (which includes violent shaking) while interrogating detainees. These practices often led to excesses.

Most convictions in security cases before Israeli courts are based on confessions. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Government does not allow International Committee of Red Cross

(ICRC) representatives access to detainees until the 14th day of detention. This prolonged incommunicado detention contributes to the likelihood of abuse. Detainees sometimes claim in court that their confessions are coerced, but judges rarely exclude such confessions. It is likely that some Palestinian detainees fail to make complaints either from fear of retribution or because they assume that such complaints would be ignored. During the year, there were no known cases in which a confession was thrown out because of improper means of investigation or interrogation.

Israeli authorities also sometimes treat Palestinians in an abusive manner at checkpoints, subjecting them to verbal and physical harassment.

Israeli soldiers killed and wounded several Palestinians at checkpoints (see Section 1.a.).

Israeli security forces shot and injured over a dozen Palestinians during confrontations. In March Israeli soldiers shot and wounded two Palestinians in Nablus who were protesting the uprooting of Palestinian olive trees.

On April 10, Israeli security forces shot and wounded two Gazan fisherman; the security forces charged that they were fishing in a prohibited zone and disobeyed orders to stop their boat.

In June Israeli security forces shot and wounded 15 Palestinians in the West Bank and 2 in the Gaza Strip during the "days of rage" demonstrations protesting Israeli settlement activity in the occupied territories (see Section 2.b.).

In July IDF soldiers shot and wounded nine Palestinians who stoned an Israeli military outpost in the Gaza Strip.

On November 20, Israeli soldiers shot and wounded 10 Palestinians in the West Bank during a protest organized by the Fatah Youth Organization to call for the release of Palestinian prisoners (see Section 2.b.).

The PA does not prohibit by law the use of torture or force against detainees. Human rights monitors report that PA security forces were responsible for torture and widespread abuse of Palestinian detainees. Such abuse generally took place after arrest and during interrogation. In 1995 the Gaza civil police commander issued to police officers in the West Bank and Gaza a directive forbidding torture during interrogation and directing the security forces to observe the rights of all detainees. However, the directive does not have the force of law; Palestinian security officers have not been issued formal guidelines on the proper conduct of interrogations. The PA lacks adequate equipment to collect and use evidence, and convictions are based largely on confessions. The high premium put on confessions heightens the possibility of abuse. PA security officials abuse prisoners by threatening, hooding, beating, and tying detainees in painful positions, forcing them to stand for long periods of time, depriving them of sleep and food, and burning detainees with cigarettes and hot instruments. Palestinians also alleged that they had been violently shaken while in PA custody. International human rights monitoring groups have documented widespread arbitrary and abusive conduct by the PA. Human rights groups say that use of torture is widespread and not restricted to those persons detained on security charges. Human rights groups state that those Palestinians who are suspected of belonging to radical Islamic groups are more likely to be treated poorly. In August Sami Naufal, a leader of the Islamic National Salvation Front, was arrested and detained for a week. He reportedly was beaten, denied sleep, held in painful and awkward positions, and beaten on the feet. In March General Intelligence forces arrested, detained, and physically abused a 15-year-old boy after his father escaped from prison (see Section 1.d.).

During the year, two Palestinians died in PA custody. In one case, family members claim that the prisoner died after being tortured (see Section 1.a.). Despite its promises to do so, the PA has failed to publicize the results of its investigations or to release the findings of its investigations to diplomats or human rights organizations.

In March Palestinian security forces wounded 40 to 70 Palestinian demonstrators during riots in the Gaza Strip (see Sections 1.a. and 2.b.).

During the year, there were several allegations that corrupt PA security officials abused their authority and detained persons in order to extort money from them and their families (see Sections 1.d. and 1.e.).

In November two signatories of a petition that accused the PA of corruption and failing to win significant gains from the peace process (see Sections 1.d. and 2.a.) were attacked. One of the signatories was attacked and wounded by unidentified assailants and the other was beaten by members of the General Intelligence Organization. The director of a human rights organization who signed a statement supporting the petition was subsequently hit on the head with a stone by unknown assailants.

Israeli settlers harass and threaten Palestinians in the West Bank and Gaza Strip. Human rights groups received several dozen reports during the year that Israeli settlers in the West Bank beat Palestinians and destroyed the property of Palestinians living or farming near Israeli settlements. For example, in December unidentified assailants threw a carpenter's file out of a building owned by settlers; the file pierced the skull of Hamad Diyis as he walked by. In general, settlers are not prosecuted for these crimes and rarely serve prison sentences even when convicted of a crime.

Palestinians continued to harass, abuse, and attack Israelis, especially settlers. While overall harassment of Israeli civilians by Palestinians was lower than in previous years, several Israelis were injured when Palestinians stoned Israeli cars in the West Bank and Gaza. During the year, members of extremist Palestinian groups attacked and wounded several Israelis in the West Bank and Gaza Strip, including shooting at Israeli motorists.

On January 4, an unidentified Palestinian shot at a bus carrying school teachers from the Kiryat Arba settlement to Hebron, wounding two women.

In January some Palestinians threw two firebombs at an Israeli police station to protest government approval of the construction of housing units for Jews in a Palestinian-populated Jerusalem neighborhood.

On February 11, a Palestinian man stabbed and wounded an Israeli bank guard in East Jerusalem, possibly in retaliation for the killing of a Palestinian earlier in the day (see Section 1.a.).

On August 3, two Jewish settlers were shot and wounded in Hebron by an unidentified Palestinian.

On October 30, an unidentified Palestinian gunman near the West Bank village of Tarqumiyah shot at a bus transporting Israeli tourists, injuring five persons, including children.

Prison conditions in Israeli facilities are poor. Facilities are overcrowded, sanitation is poor, and medical care is inadequate. Palestinians inmates held strikes and protests in support of a number of causes and to protest prison conditions throughout the year. Palestinians in Israeli prisons also held several strikes to protest detention without trial, limits on visits by family members or lawyers, and abuse by prison officials. In some Israeli prisons, authorities now allow Palestinian prisoners to shower every day, whereas in the past they were only allowed to bathe once every several days.

One Palestinian prisoner died in Israeli custody during the year due to a heart attack (see Section 1.a. and Sections 1.a. and 1.c. of the Israel report).

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

Prison conditions in PA facilities continue to be very poor. In many cases, facilities are overcrowded, and very old, dilapidated, and neglected. Food and clothing for prisoners is inadequate and must be supplemented by donations from families and humanitarian groups. Palestinian inmates held periodic strikes and protests throughout the year in support of a number of causes and to protest prison conditions and the practice of administrative detention. In some PA prisons, an effort is made to house religious prisoners together. Male and female inmates are housed separately.

During the year, two Palestinians died in PA custody (see Section 1.a.).

The PA permits independent monitoring of its prisons, although human rights groups and lawyers encountered difficulties arranging visits or gaining access to specific detainees. Human rights organizations say that their ability to visit PA jails and detention centers varies depending on which security organization controls the facility. Human rights organizations say that the police, Preventive Security Force, and Mukhabarat were generally cooperative in allowing them to inspect facilities and visit prisoners and detainees. However, they said that the Military Intelligence Organization was less responsive to such requests. Human rights monitors say that prison authorities are sometimes capricious in permitting them access to PA lock-ups and they rarely are permitted to see inmates while they are under interrogation. In June human rights groups complained that the Gaza police commander temporarily banned them from visiting clients in PA prisons.

Pursuant to an agreement signed in September 1996, the ICRC conducts prison visits but can be denied access to a detainee for 14 days. If abuses occur, they frequently happen during this 2-week period.

Some PA security organizations, including the General Intelligence Organization in the West Bank and the police, have appointed officials to act as liaisons with human rights groups. These officers claim that they meet with human rights organizations and members of the diplomatic community to discuss human rights cases.

Arbitrary Arrest, Detention, or Exile

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

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

Israeli authorities have issued special summonses for security offenses; however, there were no reports that this occurred