

Gaza og Vestbredden (22.)

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The Occupied Territories Country Report on Human Rights Practices for 1998

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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 began in May 1996 but were adjourned immediately. In accordance with the Wye River Memorandum, signed in October, the permanent status talks resumed in November. According to the timetable set out in the 1993 Israel-Palestinian Liberation Organization (PLO) Declaration of Principles, the interim period is to conclude in May 1999.

In addition to most of the Gaza Strip and the Jericho area, which were turned over to the PA in May 1994, Israel began redeploying its forces in the West Bank and turning over major towns and villages to the PA in late 1995. Pursuant to the Interim Agreement and the Hebron Agreement, concluded in January 1997, Israel also redeployed its forces in Hebron. On October 23, Israel and the Palestine Liberation Organization (PLO) signed the Wye River Memorandum which, among other things, called for the continuation of the process of Israeli further redeployments from the West Bank. Israel continues to control certain civil functions and is responsible for all security in portions of the occupied territories categorized as Zone C, which includes the Israeli settlements. In areas known as Zone B, the PA has jurisdiction over civil affairs and shares security responsibilities with Israel. The PA has control over civil affairs and security in Zone A. The PA also has jurisdiction over some civil affairs in Zone C. Accordingly, this report discusses the policies and practices of both the Israeli Government and the PA in the areas where they exercise jurisdiction and control.

Israel continues to exercise civil authority in some areas of the West Bank through the Israeli Ministry of Defense's Office of Coordination and Liaison, known by the Hebrew acronym MATAK, which replaced the now defunct Civil Administration (CIVAD). The approximately 163,000 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. In Palestinian-controlled areas, laws and regulations promulgated by the PA are also 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 Pro-

tection of Civilians in Time of War. The Israeli Government considers the Hague Regulations applicable and states that it observes the Geneva Convention's humanitarian provisions.

In January 1996, Palestinians chose their first popularly elected government in democratic elections, which were generally well-conducted. The 88-member Council and the Chairman of the Executive Authority were elected. The PA also has a Cabinet, newly appointed in August, of 27 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. Pursuant to the agreements signed between the PLO and Israel, the PA has full or partial control over most major Palestinian population centers in the Gaza Strip and West Bank.

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

The Palestinian Police Force (PPF) was established in May 1994 and includes the Palestinian Public Security Force; the Palestinian Civil Police; the Preventive Security Force (PSF); 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 military intelligence, also exercise law enforcement powers. Palestinian police are responsible for security and law enforcement for Palestinians and other non-Israelis in PA-controlled areas of the West Bank and Gaza Strip. Israeli settlers in the occupied territories are not subject to PA security force jurisdiction. Members of the PA security forces committed human rights abuses.

The economy of the West Bank and Gaza Strip is small, poorly developed, and highly dependent on Israel. 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. Palestinians and their vehicles are required to use 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 due to these closures. 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. During these times, Israel cancels all travel permits and prevents Palestinians--even those with valid work permits--from entering Israel or Jerusalem. It also periodically prohibits most travel between select towns and villages within the West Bank (an "internal" closure), hampering the flow of goods and persons. According to United Nations economists, Israel imposed two days of tightened closure on the West Bank and Gaza Strip in the first 6 months of the year. Israel more frequently tightened the closures in the latter half of the year due to security incidents or because Israeli officials were concerned about the heightened possibility of unrest in the occupied territories. Comprehensive closures were also instituted during the Rosh Hashana and Succot holiday periods in September and October. During the year, Israel began to

implement a program to allow selected Palestinian workers to enter Israel to work during "tightened closure" conditions after renewing entry permits in a process that lasts only a few days, rather than several days or weeks.

There were some improvements in the human rights situation in the occupied territories, however, both Israel and the PA were responsible for serious human rights abuses.

Israeli security forces committed a number of serious human rights abuses during the year. During the year, nine Palestinians were killed in violent confrontations with Israeli security units, who at times used live ammunition against Palestinian demonstrators and shot at demonstrators indiscriminately. For example, on May 14, the 50th anniversary of Israel's independence, Palestinian demonstrators clashed with Israeli soldiers in the Gaza Strip and West Bank. Four Palestinians in Gaza and one in the West Bank were shot and killed by Israeli forces, who in some cases used live ammunition and shot Palestinians in the upper body and head.

Israeli security forces abused, and in some cases tortured, Palestinians suspected of security offenses. Human rights groups and lawyers say that abuse and torture is widespread and that Israeli security officials use a variety of methods designed to coerce confessions that threaten prisoners' health and inflict extreme pain, including the use of violent shaking. 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. In some cases, Palestinians were able to challenge successfully the length of their administrative detentions and in July the Israeli High Court of Justice ruled that judges, rather than senior Israeli military officers, are authorized to extend a detainee's administrative detention order. Israeli authorities placed some limits on freedom of assembly. The Israeli Government places limits on freedom of movement.

PA security forces committed a number of serious human rights abuses during the year. For example, two Palestinians died in PA custody. PA officials acknowledge that Walid Mahmoud Al-Qawasmi died in August of wounds inflicted by PA Mukhabarat officers during his detention. PA officials say that he was not given prompt medical treatment.

PA officials abused, and in some cases tortured, prisoners and detainees. Due largely to the decrease in terrorist attacks during the year, PA security forces made fewer arrests than in the past, although 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. Prolonged detention and lack of due process are problems. At year's end, the PA held about 1,020 Palestinians in custody, including 315 in administrative detention, according to a Palestinian human rights group. The courts are inefficient, lack staff and resources, and do not ensure fair and expeditious trials. PA security forces infringed on the right to privacy. Although the PA claims to respect its citizens' right to express themselves freely, the PA limited freedom of speech and of the press. The PA continued to harass, detain, and abuse journalists. PA harassment has led many Palestinian commentators, reporters, and critics to practice self-censorship. The PA placed some limits on freedom of association. Societal discrimination against women and the disabled is a problem.

During the year, three Palestinians died in attacks perpetrated by Israelis while Israeli civilians, including settlers, continued to harass, abuse, 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), killed Israeli civilians in a number of deadly attacks in the Occupied Territories and Israel, continuing their efforts to undermine the authority of the PA and halt progress in the Israeli-Palestinian peace process.

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 four 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 or after Israeli soldiers perceived that they were trying to attack the soldiers manning the checkpoints. Palestinians dispute these accounts and charge that Israeli soldiers used excessive and unnecessary force.

On March 10, three Palestinian workers, Jaleb Rajoub, Mohammed Shanada Sharawne, and Adman Abu Zneid, were shot and killed by Israeli soldiers when their van swung out of a line of traffic and lurched forward. Soldiers said that they believed the van driver was trying to run them over. Two other Palestinian passengers in the van were wounded in the incident. The three Israeli paratroopers involved in the incident initially were detained but were released a day later. An Israeli military court investigated the incident and decided not to charge the soldiers. The court ruled that because they felt their lives were in danger, they behaved appropriately. On April 6, security forces shot and killed Bilal Naji Al-Salayimah, 25, at an Israeli checkpoint in northern Jerusalem. Israeli authorities say that he failed to obey orders to stop at the checkpoint.

Israeli security units also shot and killed several Palestinians who they claim were involved in acts of terrorism. On March 6, soldiers of the Israel Defense Force (IDF) shot and killed a Palestinian who was trying to cross the Egyptian border into Gaza. Israeli authorities claim that he was trying to infiltrate Israel, possibly to carry out a terrorist attack. On the evening of June 9, Rafad Mohammed Al-Bardawil, 25, was shot and killed by Israeli soldiers outside the Morag settlement in Gaza. Israeli officials say that Bardawil was attempting to infiltrate the settlement. On September 11, Israeli soldiers and police shot and killed Imad and Adel Awadallah, two brothers who were members of the armed wing of HAMAS, outside Hebron. Both men were wanted by Israeli and Palestinian authorities for planning several terrorist attacks that resulted in the deaths of civilians.

During the year, violent clashes between Palestinian demonstrators and Israeli security forces resulted in 16 Palestinian deaths and scores 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. During the year, Israeli soldiers shot in the head and killed, with rubber-coated metal bullets, three Palestinians under the age of 18.

On March 11, Samer Bassem Karamah, 12, was shot and killed by a rubber-coated metal bullet during clashes with the IDF in Hebron that erupted following the killing a day earlier of three Palestinian workers by Israeli security forces near Hebron. On May 14, Israel's independence day, 4 Palestinians in the Gaza Strip and 1 in the West Bank were shot and killed by Israeli soldiers and approximately 400 were wounded during violent clashes. One of the Palestinians killed during clashes in Gaza was a nurse who was shot while in a clearly marked ambulance. Palestinian officials charged that the IDF use of force was excessive, especially with regard to the use of live ammunition, and that Israeli soldiers shot to kill, hitting several Palestinians in the upper body and head. Israeli officials say that Israeli soldiers in Gaza did not always follow live-fire guidelines but they denied that soldiers deliberately tried to kill protesters.

On August 1, Fatima Sulayman Auda Rashideh, age 60, died from wounds suffered during a clash between Israeli soldiers and Arab Bedouin demonstrators on July 15, according to Palestinian human rights monitors. Her wounds included broken bones, contusions, and bruises from being beaten and hit by an army jeep. The demonstrators were protesting Israeli attempts to remove grazing livestock from an area designated as a military firing range in an Israeli-controlled area. Israeli officials said that they were unaware that she had been injured during the demonstration or that she had died.

On September 12, Kamleh Mohammed Al-Nadher died after being shot in the face during a clash between Palestinians and Israeli border policemen in the Shofat refugee camp in Jerusalem. The Palestinians were protesting the death of a Palestinian man who had suffered a heart attack and died after the ambulance was delayed waiting for its mandatory border police escort.

On October 8, 20-year-old Amjad Jamal Natsche, a Jordanian citizen, was shot with a rubber bullet and died during confrontations between Palestinians and Israeli soldiers in Hebron. Witnesses to the shooting say that Natsche was shot while his back was turned to Israeli soldiers during a lull in the fighting.

On October 11, Jihad Abu Rabi'a, a 13-year-old boy from the Jalazone refugee camp near Ramallah, was shot in the head by an Israeli border policeman during a stone-throwing altercation. Israeli physicians have declared him clinically dead.

On December 9, Jihad Fidro 'Aiad, age 16, was shot and killed by the IDF north of Ramallah during a demonstration. On December 11, Mohammad Sliman, age 18, and Kamal Adwan, age 21, were shot and killed by the IDF during a demonstration in Qalqilya. On December 17, Mohammed Ahmed Dahoud was shot and killed by the IDF during a demonstration near Ramallah.

Two Palestinian "security" detainees died in Israeli custody, one from an alleged suicide attempt and the other allegedly due to inadequate medical treatment and subsequent mistreatment (see Section 1.c.).

PA security forces were responsible for several extrajudicial killings. In October members of the Palestinian Military Intelligence Organization shot 16-year-old Wasim Tarifi in the head and killed him during a protest in Ramallah.

During the year, two Palestinians died in PA custody. At least one of the two died after being tortured; one reportedly committed suicide (see Section 1.c.). On August 9, Walid Marmoub Al-Qawasmi, a 50-year-old resident of Hebron, died in the General Intelligence Organization prison in Jericho. PA officials say that he died from suffocation brought on by swelling of the brain as a result of a head injury that was inflicted during his detention, and PA officials say that he was not given prompt medical attention. In August the PA began an investigation into Qawasmi's death but it has not revealed the results of its probe.

On August 30, two Gazans, Kamal Abu Sultan and Ra'id Kamal Abu Sultan, were executed by firing squad after PA leader Arafat approved the execution. They had been convicted by a Palestinian security court and sentenced to death for murdering two men in the course of a personal dispute; however, the arrests, trial, and executions followed each other in rapid succession within 3 days, raising concerns that the defendants were not accorded due process. Human rights organizations criticized the executions and charged that the PA did not provide the defendants access to independent legal counsel before or during the trial in the PA's controversial Special Security Court.

Two Palestinians, suspected among other things of selling land to Jews, were killed in the West Bank under suspicious circumstances. In 1997 PA Justice Minister Freih Abu Middein announced that the death penalty would be imposed on anyone convicted of ceding "one inch" of land to Israel. A Palestinian land ownership law that was passed by the Palestinian Council and is awaiting Arafat's approval forbids Palestinians from brokering or facilitating the sale of Palestinian land to non-Palestinians and provides that such activities be considered "high treason." The PA has arrested and continues to hold several suspected land dealers for violating the Jordanian law in force in the West Bank that prohibits the sale of land to foreigners.

On April 6, Mohammed Anqawi, age 50, was found shot to death near Ramallah. Anqawi was suspected of selling land to Jews and collaborating with Israel, and family members say that he had been summoned to Palestinian intelligence headquarters in Ramallah immediately prior to his death. The Palestinian Human Rights Monitoring Group accused the PA of murdering Anqawi. On April 7, Riboi Musfi Awad was found dead in an Israeli-controlled area near Ramallah. Awad, who was reputed to be a collaborator, had been shot in the head. Palestinians say that he had been summoned to Palestinian police offices to discuss allegations that he sold land to Jews. Palestinian authorities say that because the body was found in an Israeli-controlled area, they did not investigate the death.

During the year, Israeli civilians in the West Bank and Jerusalem killed eight Palestinians. On May 6, Ahmed Alan Musa was shot and killed by a settler after Musa stabbed him.

On May 13, Heiri Alqem, age 51, was stabbed to death by an unidentified "serial stabber" in West Jerusalem. In October Israeli police arrested a 32-year-old Israeli man affiliated with Israeli extremist groups for a series of stabbings in Jerusalem in which Alqem was killed and six others were injured. Israeli police officials released the suspect, saying that there was insufficient evidence to hold him. Later that day, 44-year-old Halil Ibrahim, a homeless Palestinian Bedouin, was stabbed and killed in Jerusalem. Police were investigating the killing. On December 2, Usama Musa Natshe, 41, from the Abu Tor neighborhood in Jerusalem, was stabbed to death outside his home. Jerusalem police continue to investigate the killings.

On June 17 near Hebron, Israeli teenagers from a center for delinquent children hit Abd Al-Majid Abu Turki, age 45, on the back of the head with a plank from a moving vehicle and killed him. The Jerusalem district court convicted one teenager of manslaughter and a second of causing death through negligence.

On September 17, Iyad Qarafish, age 16, was shot and killed during a stone-throwing altercation with an Israeli settler near Ramallah. An Israeli settler turned himself in after the shooting and, upon the orders of an Israeli court, he was held for 2 days and then released to house arrest because the court did not believe that the settler had fired the shot that killed the boy. The court prohibited him from entering the West Bank for a week. Israeli authorities are investigating and have not charged anyone formally with the shooting.

On October 26, Muhammad Suliman Az-Zalmut, age 70, was killed near the northern West Bank settlement of Itamar. An Israeli court charged an Israeli citizen, Gur Hamel, with his murder. On December 7, an Israeli shot and killed Naser Erekat during disturbances in Abu Dis, near Jerusalem.

In April a 28-year-old American-Israeli citizen was shot and killed near Hebron during an altercation with Palestinians who contended that he was using their land illegally. The circumstances of the shooting are unclear and there is conflicting information about who shot and killed him.

During the year, 9 Israelis were killed and over 100 were wounded in terrorist attacks carried out by Palestinian groups or individuals seeking to halt the Middle East peace process.

Yael Miver, age 25, was killed by a Palestinian in a drive-by shooting in the West Bank in January. On May 6, a Yeshiva student was stabbed to death in Jerusalem's old city while on his way to pray at the Western Wall. Two Israeli settlers were shot and killed near the Yitzhar settlement near Nablus on August 5. In November, the PA arrested three members of the HAMAS military wing who confessed to the killings.

In mid-August, an elderly rabbi was stabbed and killed by a Palestinian in Hebron. Israeli authorities arrested the accused attacker, who claimed to be a member of HAMAS, after he wounded 54 Israelis in a grenade attack on a bus station in the Israeli city of Beersheba in October. On October 13, Palestinians killed one Israeli youth and wounded another at a bathing site near Jerusalem. On October 26, a 29-year-old Israeli security guard was shot and killed in Hebron.

On October 29, a Palestinian suicide bomber killed one Israeli soldier and wounded several other Israelis, including school children who were slightly injured, in a bomb attack on a school bus in the

Gaza Strip. On November 6, two Palestinians died in a suicide bombing in Jerusalem that wounded over one dozen Israelis.

b. Disappearance

Two Palestinians who disappeared under suspicious circumstances in 1997 remained unaccounted for in 1998. Shafiq Abdul Wahhab, a suspected land dealer, disappeared in 1997 and his whereabouts remain unknown. The PA, which established a committee in 1997 to investigate his disappearance, 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 security forces abuse, and in some cases torture, Palestinians suspected of security offenses. There continue to be a high number of complaints of mistreatment and torture during interrogation, especially from Palestinians suspected of belonging to Islamic groups. Interrogation sessions are long and severe, and solitary confinement is used frequently for long periods. The GSS systematically uses interrogation methods that do not result in detectable traces of mistreatment of the victims, or which leave marks that disappear after a short period of time. Common interrogation practices include hooding; forced standing or squatting for long periods of time; prolonged exposure to extreme temperatures; tying or chaining the detainee in contorted and painful positions; blows and beatings with fists, sticks, and other instruments; confinement in small and often filthy spaces; sleep and food deprivation; and threats against the detainee's life or family. Israeli interrogators continued to subject prisoners to violent "shaking," which in at least one past case resulted in death. In 1997 B'tzelem, a respected Israeli human rights group, found that a large percentage of Palestinian detainees whom it surveyed had been tortured while in Israeli detention.

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

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

Israeli authorities investigate allegations of torture; however, the Government generally does not make public the results of such investigations.

Most convictions in security cases before Israeli courts are based on confessions. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Government does not allow ICRC representatives access to detainees until the 14th day of detention. This prolonged incommunicado detention contributes to the likelihood of abuse. Detainees sometimes claim in court that their confessions are coerced, but judges rarely exclude such confessions. It is likely that some Palestinian detainees fail to make complaints either from fear of retribution or because they assume that such complaints would be ignored. Of the approximately 100 complaints filed during the year, there were no known cases in which a confession was disqualified because of improper means of investigation or interrogation.

Israeli authorities also frequently treat Palestinians in an abusive manner at checkpoints. An Israeli military court ruled in September that Israeli soldiers manning a checkpoint in Hebron exercised poor judgment by refusing to allow a sick Palestinian infant and the infant's parents to pass through the checkpoint to receive medical care in a timely fashion, contributing in part to the infant's death. Israeli soldiers shot and killed four Palestinians at checkpoints (see Section 1.a.). In September an Israeli police inspector in Hebron was fired after being filmed beating and kicking a Palestinian cameraman during disturbances in Hebron. In October three border policemen were arrested and charged with shooting at a van carrying Palestinian workers near Hebron and injuring three of them. They also were charged with obstructing justice because they allegedly destroyed evidence and tried to cover up the incident. Israeli security forces assigned to checkpoints also often act capriciously in honoring permits and travel passes held by Palestinians.

On March 3, before demolishing a Palestinian home due to lack of a building permit, Israeli soldiers tied the hands of the homeowners and their children, dragged them through rocks and dirt, and stuffed them into the backs of jeeps with their feet.

In April the Jerusalem district court sentenced three border policemen to hard labor for assaulting two Palestinians near Bethlehem in August 1997, and dragging one of them behind their jeep. In his ruling, the judge said that the incident was not an isolated one.

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

PA security officials abuse prisoners by hooding, beating, tying in painful positions, depriving of sleep and food, threatening, 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 Palestinian prisoners frequently are tortured. Human rights workers say that many

prisoners suspected of ties to the radical Islamic group HAMAS were abused in the aftermath of the killing of a HAMAS terrorist leader in an explosion in March.

In March the Ramallah district court ruled that nine Palestinians who had been arrested by the PA's Military Intelligence Organization in 1996 for allegedly killing seven other Palestinians should be released because their confessions were obtained illegally and under torture. The defendants' attorney said that the nine were denied legal counsel for 4 months and were beaten, burned with hot water, tied in painful positions, and sexually assaulted. During the year, two Palestinians died in PA custody, one after being tortured (see Section 1.a.). In comparison, in 1997 two of the seven Palestinians who died in PA custody also were tortured. Despite its promises to do so, the PA has failed to publicize the results of its investigations or release the findings of its investigations to diplomats or human rights organizations.

In August members of the Preventive Security Force beat journalists and members of the Palestinian Council in Al-Bireh who were protesting the PSF's confinement to their home of the family of Imad Awadallah, a HAMAS terrorist who had earlier escaped from the PSF's custody, and later was killed by the IDF (see Section 2.a.).

Israeli settlers harass and threaten Palestinians in the West Bank and Gaza Strip. In August Israeli police detained three teenage youths from the West Bank settlement of Kiryat Arba for harassing Palestinians, including allegedly setting fire to Palestinian fields and cars. In September settlers in Hebron ransacked the Palestinian marketplace and threatened Palestinians after an attack that wounded 24 Israelis. In general settlers are not prosecuted for these crimes and rarely serve prison sentences even when convicted of a crime.

Palestinians in the West Bank and Gaza Strip continued to harass, abuse, and attack Israelis, especially settlers. During the year, members of extremist Palestinian groups killed and wounded several Israelis in the West Bank and Gaza Strip. There were periodic reports of Israeli cars being stoned by Palestinians in the West Bank and Gaza and several reports that Palestinians shot at Israeli motorists there.

Prison conditions in Israeli facilities are poor. Facilities are overcrowded, sanitation is poor, and medical care is inadequate. Palestinian inmates held strikes and protests in support of a number of causes and to protest prison conditions throughout the year. Palestinians in Israeli prisons also held several strikes to protest 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.

Two Palestinian prisoners died in custody during the year. On June 22, Youssef Diyan Al-Arir, age 60, died in Israeli custody after undergoing heart surgery. His family claims that his heart condition was not treated promptly and that he was mistreated after his surgery. Israeli prison officials claim he died due to complications from his surgery. Israeli authorities say that they are investigating his death. Ahmed Asfour, age 23, died in Beersheba prison on October 4. Israeli prison authorities say that Asfour, who had been detained for 10 months for entering Israel without a permit, died from wounds that were self-inflicted during an attempted suicide.

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 are very poor, although conditions in some PA prisons appear to be improving. The Palestinian Independent Commission for Citizen's Rights claimed that conditions in central prisons have improved greatly, but that conditions worsened in other detention centers. In many cases, facilities are overcrowded and dilapidated. Food and clothing for prisoners is inadequate and must be supplemented by donations from families and humanitarian groups. Palestinian inmates held periodic strikes and protests throughout the year in support of a number of causes and to protest prison conditions and the practice of administrative detention. Ghassan Al-Adassi, a Palestinian arrested by the Palestinian Preventive Security Force for allegedly participating in the killing of a HAMAS terrorist leader in late March, was prevented from meeting with his lawyer for several months.

Two Palestinians died in PA custody. One died after being tortured (see Section 1.a.). On February 2, Nazir Hasan Al-Harub died while incarcerated at the Palestinian police station in the West Bank town of Dura. Palestinian Authority officials say that Harub, who was found hanging in his cell after his arrest, committed suicide. The circumstances of his death are unclear, and the PA failed to publicize the results of its investigation into Harub's death, despite its assurances that it would do so.

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

PA security officials in the West Bank appointed an officer to act as a liaison with human rights groups. It is unclear what degree of contact the officer has had with the human rights community to date.

d. 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 issue special summonses for security offenses. Israeli military order 1369 stipulates a 7-year prison term for anyone who does not respond to a special summons delivered to a family member or posted in the MATAK office nearest the suspect's home address. Bail rarely is available to those arrested for security offenses. Although Israeli law does not allow Israelis between the ages of 13 and 16 to be tried as adults, Israeli courts treat Palestinians over the age of 12 as adults. Human rights groups estimate that nearly 40 Palestinian minors are in Israeli jails.

Israeli authorities may hold persons in custody without a warrant for 96 hours; they must be released unless a warrant is issued. Prearrest detention can last up to 11 days for Palestinians arrested in the occupied territories and up to 8 days for minors and those accused of less serious offenses. Authorities must obtain a court order for longer administrative detentions--up to 6 months from the date of arrest. At hearings to extend detention for interrogation purposes, detainees are entitled to be represented by counsel, although the defense attorney often is not allowed to see or hear the evidence against his client. Detainees either are released at the end of the court-ordered detention or sent to administrative detention if they are not indicted. If there is an indictment, a judge may order indefinite detention until the end of the trial. Israeli regulations permit detainees to be held in isolation during interrogation. Detainees have the right to appeal continued detention.

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

A number of factors hamper contacts by Palestinians in Israeli prison and detention facilities with their lawyers, families, and human rights organizations. Israel's policy of transferring detainees from the occupied territories to prisons in Israel makes visits of lawyers and family members difficult, and in some cases, impossible. Israeli authorities have been known to schedule appointments between attorneys and their detained clients, only to move the clients to another prison prior to the meetings. Authorities reportedly use such tactics to delay lawyer-client meetings for as long as 90 days. Palestinian lawyers also have trouble traveling to see their clients during Israeli-imposed closures. Israel requires Palestinian attorneys to acquire permits to enter Israel to see their clients held in prisons there. Human rights groups say that Palestinian lawyers from the Gaza Strip have a harder time obtaining these permits than their West Bank counterparts and that they are more frequently denied entry into Israel than West Bank lawyers. Relatives of Palestinian prisoners also complain that sometimes they only learn that visitation rights are canceled when they arrive at the prison following a trip of many hours from the occupied territories.

Family access to Palestinian prisoners improved slightly during the year. Nevertheless, male family members between 16 and 40 years of age, and any family members with security records, are still barred from visiting relatives in facilities in Israel. Due to travel restrictions, the ICRC temporarily suspended its family visits program to detainees in Israeli prisons several times during the year.

Israeli authorities claim that they attempt to post notification of arrest within 48 hours. Nevertheless, Palestinian suspects often are kept incommunicado for longer than 48 hours. Even if an arrest becomes known, it is often difficult to get information on where a detainee is being held or whether he has access to an attorney. Palestinians generally locate detained family members through their own efforts. Palestinians can check with a local ICRC office to determine whether it has information on the whereabouts of a family member. A senior officer may delay for up to 12 days notification of arrest to immediate family members and attorneys. A military commander may appeal to a judge to extend this period in security cases for an unlimited time. In a change from past practice, the Israeli High Court of Justice ruled in July that judges, rather than military officials, can renew administrative detention orders beyond the initial 6-month period.

According to the Government, as of December 26, 83 Palestinians were in administrative detention in Israel, compared with 382 at the end of 1997. Several have been held for more than one year. Human rights organizations say that the decrease is due largely to the fact that there were no major terrorist attacks during the year; in the past, Israeli officials arrested hundreds of Palestinians suspected of terrorist links after major terrorist attacks. Many Palestinians under administrative detention during the past 2 years have had their detention orders renewed repeatedly without meaningful chance of appeal. However, in January Adnan Abdallah Yusuf Dhiyab successfully challenged his administrative detention order and was released from prison. In his ruling, the judge said that the evidence against Dhiyab, a Palestinian who had been held in administrative detention for over a year for allegedly belonging to HAMAS, was not sufficient to warrant continued detention over and above the time already served.

Evidence used at hearings for administrative detentions is secret and unavailable to the detainee or his attorney. During hearings to appeal detention orders, the detainee and defense lawyer are required to leave the courtroom when secret evidence is presented. Israeli authorities maintain that they are unable to present evidence in open court because doing so would compromise the method of acquiring the evidence. Detainees may appeal detention orders, or the renewal of a detention order, before a military judge, but their chances for success are very limited. During the year, a handful of detainees succeeded in persuading the courts to shorten their detentions.

At year's end, 1,634 Palestinian prisoners and detainees were incarcerated in Israeli prisons, military detention centers, and holding centers, a decrease from 3,565 in 1997. The Israeli Government routinely transfers Palestinians arrested in Israeli-controlled areas of the occupied territories to facilities in Israel, especially Megiddo military detention center near Afula.

PA security forces arbitrarily arrested and detained persons. The PA does not have a uniform law on administrative detention, and security officials do not always adhere to the existing laws in the West Bank and Gaza Strip. Laws applicable in Gaza, which are not observed in the West Bank, stipulate that detainees held without charge be released within 48 hours. These laws allow the Attorney General to extend the detention period to a maximum of 90 days during investigations. Human rights organizations and the PA Ministry of Justice assert that PA security officials do not always adhere to this regulation. Prevailing law in the West Bank allows a suspect to be detained for 24 hours before being charged. The Attorney General may extend the detention period. Following terrorist bombings in Gaza and in Jerusalem in October and November, respectively, the PA arrested several hundred Palestinians suspected of involvement with terrorist groups in the West Bank and Gaza Strip.

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

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

There are many detention facilities in the West Bank and Gaza Strip administered by the overlapping PA security services, a situation that complicates the ability of families, lawyers, and even the Ministry of Justice to track detainees' whereabouts. Security services, including Preventive Security, General Intelligence, Military Intelligence, and the Coast Guard have their own interrogation and detention facilities. In general these services do not, or only sporadically, inform families of a relative's arrest. Most PA security officers remain ignorant of proper arrest, detention, and interrogation procedures, as well as basic human rights standards. Human rights groups continue to provide basic human rights training to PA security services. During the year, human rights groups provided training to representatives of all the PA security services, including the PA Military Intelligence Service. During the year, at least 430 PA security officials participated in human rights courses, bringing the total number of security officials who have graduated from human rights courses to more than 1,300 since the PA's establishment in 1994, according to human rights groups. The Palestinian Independent Commission for Citizens Rights states that there has been a slight, incremental improvement in the Palestinian security services' respect for human rights.

PA security forces continued to arrest arbitrarily and detain journalists, political activists, and human rights advocates, who criticized the PA and its policies. In March two human rights workers were summoned to PA police headquarters in Ramallah and kept there incommunicado for nearly 12 hours. They were asked to refrain from criticizing the PA's human rights practices and were released only after the intervention of senior PA officials. Following the signing of the Wye River Memorandum, PA security forces in Gaza arrested and detained for 2 hours several journalists who were trying to interview HAMAS spiritual leader Sheikh Ahmad Yassin (see Section 2.a.). Some of the journalists' equipment, including videotapes, was confiscated and the PA temporarily ordered that journalists clear with the PA all moves to report on political and security matters. Also, Palestinian police arrested some individuals who spoke out against the agreement including Sheikh Hamid Al-Bitawi, a prominent Islamic scholar and preacher in Nablus with suspected ties to HAMAS, for declaring that the Wye River Memorandum was "against Islam." Following a HAMAS suicide bombing attack in Gaza on October 29, the PA placed HAMAS founder and spiritual leader Sheikh Ahmed Yasin in house arrest. Yasin was released from house arrest in late December, after spending nearly 2 months confined to his home.

Human rights organizations estimate that the PA has held approximately 400 persons for more than a year without charge, and that the total number of Palestinians in PA jails reached over 1,000 by the end of the year.

Neither the Israeli Government nor the PA forcibly deported any Palestinians from the occupied territories during the year.

e. Denial of Fair Public Trial

Palestinians accused by Israel of security offenses in Israeli-controlled areas of the occupied territories are tried in Israeli military courts. Security offenses are defined broadly and may include charges of political activity, such as membership in outlawed organizations. Charges are brought by military prosecutors. Serious charges are tried before three-judge panels; lesser offenses are tried before a judge. Defendants have the right to counsel and to appeal verdicts to the Court of Military Appeals, which may accept appeals based on the law applied in the case, the sentence, or both. The right of

appeal does not apply in all cases and sometimes requires court permission. The Israeli military courts rarely acquit Palestinians of security offenses, but sentences sometimes are reduced on appeal.

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

By law most Israeli military trials are public, although access is limited. Diplomats are allowed to attend military court proceedings involving foreign citizens, but there have been delays in gaining admission. Most convictions in military courts are based on confessions. Evidence that is not available to the defendant or his attorney may be used in court to convict persons of security offenses. There is frequently no testimony provided by Palestinian witnesses either for or against Palestinians on trial. Israeli authorities maintain that this is due to the refusal of Palestinians to cooperate with the authorities. Physical and psychological pressures and reduced sentences for those who confess can induce security detainees to sign confessions. Confessions usually are spoken in Arabic but translated into Hebrew for the record because, authorities maintain, many Israeli court personnel speak Arabic but few read it. Palestinian detainees seldom read Hebrew and therefore often sign confessions that they cannot read.

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

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

The Israeli judiciary is legally independent of executive influence, but in practice, it usually acquiesces with the government's position in security cases.

The PA inherited a court system based on structures and legal codes predating the 1967 Israeli occupation. In the civil court system, cases are initially tried in courts of first instance. There are two appeals courts, one located in Gaza City and the other in Ramallah, which handle appeals from the lower courts. The appeals courts also function as the Palestinian Supreme Court. The decisions of the Supreme Court are not always respected by the executive or enforced by the Palestinian security agencies. In 1995 the PA established state security courts in Gaza and the West Bank to try cases involving security issues. Three military judges preside over each court. A senior police official heads the state security court in Jericho, and three judges preside over it. There is no right of appeal, but verdicts may be either ratified or repealed by the PA Chairman, Yasir Arafat. The PA Ministry of Justice has no jurisdiction over the state security courts, which appear to be subordinate only to the

Chairman of the PA. Two death sentences were carried out in August. Other Palestinians convicted by the state security courts received sentences ranging from several years in prison to life in jail with hard labor.

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

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

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

The PA usually ignores the legal limits on the length of prearrest detention of detainees suspected of security offenses. The PA also does not ensure defendants' right to due process. Defendants often are brought to court without knowledge of the charges against them or sufficient time to prepare a defense. Defendants typically are represented by court-appointed lawyers. Court sessions often take place on short notice in the middle of the night and without lawyers present. In some instances, security courts try cases, issue verdicts, and impose sentences in a single session lasting several hours.

In 1997 Palestinian Attorney General Fayez Abu Rahme acknowledged that the PA held at least 100 political prisoners.

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

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

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

Israeli authorities destroyed one Palestinian home for security reasons in 1998; in 1997 they destroyed eight.

Since 1994 the Israeli Government has allowed owners to apply to regional military commanders for permits to rebuild or unseal homes closed or demolished due to security offenses committed by themselves or a family member after their release--or the release of their family member--from prison. In 1998, as in 1997, the Israeli Government did not allow any homes to be rebuilt or unsealed; it allowed one home to be unsealed in 1996.

In the Gaza Strip and PA-controlled areas of the West Bank, the PA requires the Attorney General to issue warrants for entry and searches of private property. These requirements frequently are ignored by Palestinian security services. PA police searched homes without the consent of their owners. In some cases, police forcibly entered premises and destroyed property. In August PA security forces confined the family members of an escaped HAMAS militant to their home (see Section 1.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

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

In March Israeli soldiers shot and wounded nine journalists who were covering rioting in Hebron. One journalist, a Palestinian who worked for Reuters, reported that he was shot in the back and side

with rubber bullets while he was on the ground, after he had been shot in the head. In October, a journalist was shot in the head by Israeli security forces with a rubber-coated metal bullet while covering clashes between Israeli security officials and Palestinians.

The IDF requires a permit for publications sold in the occupied territories still under its control. Publications may be censored or banned for anti-Semitic or anti-Israeli content. Possession of banned materials is punishable by a fine and imprisonment. In 1998 Israel refused to allow publications, including newspapers, into the Gaza Strip on the Jewish holiday of Yom Kippur, when Israel tightened its closure of the West Bank and Gaza Strip.

The PA limited freedom of speech and of the press, although it professes to tolerate varying political views and criticism. In general PA authorities do not permit criticism of Yasir Arafat or his policies or style of government. Press freedom in PA-controlled areas is subject to a 1995 press law that does not adequately protect the press. PA security services further stifle the independence of the press by periodically harassing or detaining media members. In May Palestinian police arrested Bashm Momeni, a Palestinian journalist who worked for Reuters, for distributing a taped interview with a HAMAS leader who accused the PA of killing a HAMAS terrorist leader. The PA closed a private television station in Bethlehem in February and several others in December for advocating policies on Iraq contrary to those of the PA. Palestinian security forces beat journalists covering the confinement of a HAMAS activist's family to their home (see Section 1.c.). In October following the signing of the Wye River Memorandum, the PA detained journalists for 2 hours and prevented them from interviewing and filming HAMAS founder and spiritual leader Sheikh Ahmad Yassin without PA permission (see Section 1.c.). After a HAMAS member carried out a suicide bomb attack in October in Gaza, the PA temporarily required foreign journalists to request permission to cover stories. Human rights groups say that Palestinian journalists, commentators, and critics practice self-censorship to avoid problems with Palestinian authorities.

In July the PA allowed Al-Istiqlal, a newspaper in Gaza affiliated with an Islamic extremist group, to reopen after the PA ordered it closed in 1996.

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

The PA has authority over all levels of education in the West Bank and Gaza Strip. The PA did not interfere with education in the West Bank and Gaza Strip during the year; there was one instance of interference with academic freedom in 1997.

b. Freedom of Peaceful Assembly and Association

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

Israeli security forces killed 14 Palestinian demonstrators in violent clashes in May, July, November, and December (see Section 1.a.).

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

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

The PA placed some limits on freedom of association. There were periodic complaints during the year from Palestinian political parties, social and professional groups, and other nongovernmental organizations (NGO's) that the PA tried to limit their ability to act autonomously. In March 1996 Yasser Arafat outlawed the armed wings of several Palestinian political groups, including Islamic opposition groups. While it is not illegal to belong to the non-military components of Islamic opposition groups, during times of tension between these organizations and the PA, the Authority has been known to harass and even detain members of the political parts of these organizations.

c. Freedom of Religion

The Israeli Government respects freedom of religion and does not ban any group or sect on religious grounds. It permits all faiths to operate schools and institutions. Religious publications are subject to the Publications Laws (see Section 2.a.).

The PA does not restrict freedom of religion. There are periodic allegations that a small number of Muslim converts to Christianity are sometimes subject to societal discrimination, and harassment by PA officials. The PA states that it investigates such complaints, but it has not shared or publicized the results of these investigations with any outside party. However, there was no pattern of PA discrimination and harassment against Christians (see Section 5.).

d. Freedom of Movement Within The Occupied Territories, Foreign Travel, Emigration, and Repatriation

The Israeli Government places limits on freedom of movement. Israel requires that all West Bank and Gaza residents obtain identification cards to qualify for permits to enter Israel and Jerusalem. However, Israel often denies applicants permits with no explanation, and does not allow effective means of appeal. Palestinian officials with VIP passes, including PA cabinet officials and members of the Palestinian Council, were subjected to long delays and searches at Israeli checkpoints in the West Bank, even though they were traveling on special passes issued by Israel. In August Israeli authorities did not allow a senior Palestinian police official traveling on a VIP pass to cross through checkpoints that

Israeli authorities set up around Hebron following the murder there of a rabbi. In general Palestinians in the West Bank and Gaza Strip find it difficult to obtain permits to work, visit, study, or obtain medical care outside of the West Bank or Gaza. Palestinian residents of Jerusalem sometimes are prohibited from entering PA-controlled areas of the West Bank, and they require written permits from Israel to travel to the Gaza Strip. Residents of the Gaza Strip rarely are able to obtain permission to travel to the West Bank, or residents of the West Bank to enter the Gaza Strip; this is even true of residents of the West Bank and Gaza Strip who regularly receive permission to enter Israel. Israeli authorities permit only a small number of Gazans to bring vehicles into Israel and infrequently permit West Bank vehicles to enter Jerusalem or Israel. It is also difficult for Palestinians married to Jerusalem residents, but not themselves Jerusalem residents, to obtain permission to live there. A Palestinian with a West Bank identification card, for example, must apply to the Israeli Government for permission to live with his or her Jerusalem resident spouse in Jerusalem. The Israeli Government occasionally issues limited-duration permits and also issues a limited number of Jerusalem identification cards as part of its Family Reunification Program. Except for senior PA officials, Palestinians of all ages crossing between the Gaza Strip and Israel are not permitted to travel by car across the main checkpoint. Instead, they must travel along a narrow walkway almost a mile long. Israelis moving into and out of the Gaza Strip are permitted to use their cars. According to the October Wye River Memorandum, Israel and the PA are due to implement arrangements in the 1995 Interim Agreement to establish "safe passage" to facilitate travel between the West Bank and Gaza Strip.

Israel continues to apply its policy, begun in 1993, of closure of the West Bank and the Gaza Strip following terrorist attacks. On occasion Israel also imposed a tightened version of closure in the wake of terrorist incidents and when it believed that there is increased likelihood of terrorist attacks or unrest in the occupied territories. During these times, Israel tends to cancel all travel permits and prevents Palestinians, even those with valid work permits, from entering Israel or Jerusalem. Israel also may impose an "internal closure" during "an initial limited period." An "internal closure" prohibits Palestinians from traveling between West Bank towns and villages. Tightened closures, especially when in combination with an internal closure, severely hamper the flow of food, medicine, students, doctors, and patients into and out of the occupied territories, and seriously disrupt commercial activity. Israel imposed tightened closures before Israeli holidays, when officials claimed that an increased potential for terrorist attacks against Israelis existed, after security incidents in the occupied territories, and in anticipation of Palestinian unrest. Israel did not impose a full-scale "internal closure" on the West Bank during the year, although on several occasions it imposed closures around West Bank cities where security incidents occurred.

Israel imposed a closure on Hebron after the murder of a Jewish settler there in August and also in September and October as a result of terrorist attacks. During those times, Israel established checkpoints around the city and restricted or prohibited the passage of persons out of Hebron as well as restricted or prohibited the passage of persons and goods into Hebron. During the closure of Hebron in August, two infants, one a newborn and the other a 3-month-old, who were not allowed to pass through Israeli checkpoints to medical facilities in a timely fashion, died. The IDF investigated the death of the 3-month-old infant and concluded that the soldiers manning the checkpoint had exercised poor judgment in preventing the infant's timely passage.

Israel continued to impose periodic curfews in areas of the West Bank under its jurisdiction in anticipation of incidents or during what it considered high-threat times, such as Israeli and religious holi-

days. Israelis are generally free to move about during curfews, while Palestinians are confined to their homes. Curfews were imposed on the Israeli-controlled section of downtown Hebron three times during the year. During these curfews, Israeli settlers were free to move about while Palestinian residents were confined to their homes, and Palestinian schools and businesses were forced to close.

In September Israel began implementing a "continuous employment program" that allows selected Palestinian workers who have been approved by the Ministry of Defense and who are married, are over 28 years old, and have worked in Israel a long time, to enter Israel to work in the event of a tightened closure. Under the new program, these workers can renew their entry permits within a few days, rather than within the several days to weeks that previously was the case.

The Israeli Government restricted travel for some Israeli settlers, prohibiting them from entering sensitive locations in the West Bank.

The Israeli Government requires all Palestinian residents in areas under its control to obtain permits for foreign travel and has restricted the travel of some political activists. Bridge-crossing permits to Jordan may be obtained at post offices without a screening process. However, some East Jerusalem Palestinians hesitate to travel due to fear of losing their residency permits. Palestinian males between the ages of 16 and 25 who cross into Jordan must remain outside the occupied territories for 9 months. Restrictions on residence, tourist visas, reentry, and family reunification only apply to Palestinian residents of the occupied territories.

Palestinians who live in the part of Jerusalem that was occupied during the 1967 War generally do not accept Israeli citizenship. They are, therefore, issued a residence permit or Jerusalem identification card by the Israeli Government. Israel applies the 1952 Law of Permanent Residency and its 1974 amendments to Jerusalem identification card holders. This law stipulates that a Jerusalem resident loses the right of residence if the resident leaves Israeli territory for more than 7 years, acquires the nationality of another country, or acquires permanent residence in another country. Such persons are permitted to return only as tourists and sometimes are denied entry. The Israeli Government does not apply these same restrictions to Israeli citizens. Israeli government officials deny that more stringent enforcement of the Jerusalem residency requirements reflects a concerted policy to decrease the Palestinian population in the city. As of August, human rights groups report that 346 Palestinian residents had their residency permits revoked during the year.

Invoking the 1952 law, Israeli officials routinely tell Palestinian residents of Jerusalem who possess other nationalities that they have to renounce all other nationalities in order to retain the right to live in Jerusalem.

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

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

The PA issues passports and identification cards for Palestinians residing in the West Bank and Gaza. Bearers of Palestinian passports do not need special exit permits from the PA, but when leaving through Ben Gurion Airport they do require permits in order to transit Israel to reach the airport. They may travel both over the Allenby Bridge to Jordan and via Ben Gurion airport in Israel. Palestinians who hold Jerusalem identification cards, issued by the Israeli Government, must obtain travel documents from the Israeli Government to travel abroad. Human rights groups report that Palestinian residents of East Jerusalem often do not apply for Israeli travel documents because they fear that the application might prompt a reexamination of their residency status and lead to the revocation of their identity cards. On request, the Jordanian Government also issues travel documents to West Bank Palestinians, including those resident in formerly Jordanian-controlled East Jerusalem. Palestinians who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. There is also a requirement that Jerusalem Palestinians have a special permit to cross the Allenby Bridge, available for \$40 (125 New Israeli Shekels) from the Ministry of Interior. Palestinians who are residents of the West Bank, the Gaza Strip, or Jerusalem, are not allowed to cross between the occupied territories and Jordan at the Sheikh Hussein or Arava crossings.

Palestinians with passports from other countries are required by Israel to exit and enter (either via Ben Gurion airport or via land crossings) with a Palestinian passport. Israel asserts that the requirement results from the Interim Agreement. Palestinian officials dispute this interpretation and characterize this requirement as "harassment." When Israel tightened its closure of the West Bank and Gaza Strip during the year, the Government at times restricted the foreign travel of all those who hold Palestinian passports or those whom Israeli authorities deem to be Palestinians--even if they have passports from other countries. This sometimes resulted in Palestinians being unable to leave or to enter Israel. At all times, West Bank and Gazan Palestinians require a special permit, issued by Israel, to enter Jerusalem.

In August members of the PA Preventative Security Force confined the family members of an escaped HAMAS terrorist to their home (see Sections 1.c. and 1.f.).

The PA does not control its borders. All persons entering PA-controlled areas must be granted permission by Israel.

The issues of Palestinian refugees and borders are matters to be discussed between Israel and the PA in permanent status negotiations.

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

Palestinian residents of the West Bank, Gaza Strip, and Jerusalem chose their first popularly-elected Government in 1996. They elected an 88-member Council and the Ra'ees (President or Chairman) of the Executive Authority of the Council. Yasir Arafat won almost 89 percent of the vote in a two-person race for Chairman. Some 700 candidates ran for Council seats. Council members were elected in multimember electoral districts. As many as 35 of the elected members were independent candi-

dates or critics of Arafat and his Fatah faction. International observers concluded that the election could be reasonably regarded as an accurate expression of the will of the voters, despite some irregularities. During the year, the Council debated numerous draft laws and resolutions. Some members of the Council complained of its relative lack of power in relation to the executive branch of government; the Council and the executive authority work within the boundaries set out in the 1995 Interim Agreement. The Council's mandate runs to mid-1999, the end of the interim period set out in the accords.

Most Palestinians in Jerusalem do not recognize the jurisdiction of the Municipality of Jerusalem. Only a very small percentage of Jerusalem's Palestinian population voted in the fall municipal elections. No Palestinian resident of Jerusalem sits on the city council.

Women are underrepresented in government and politics. There are 5 women in the 88-member Council, and 1 woman serves in a ministerial-level position.

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

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

However, some individual human rights workers have been subjected to interference. In July Israeli security authorities aggressively questioned the director of a Palestinian NGO operating in Jerusalem about his organization and its work, and questioned employees and neighbors about the organization's activities.

Local human rights groups, most of which are Palestinian, as well as several international human rights organizations, monitored the PA's human rights practices. The PA generally cooperates with these organizations and PA officials usually meet with their representatives. Several Palestinian human rights organizations work behind the scenes with the PA to overcome abusive practices in certain areas. They also publish criticism if they believe that the PA is not responding adequately to private entreaties. Ali Jarbawi, the General Director of the Palestinian Independent Commission for Citizens' Rights, said in October that since the establishment of the Palestinian Authority, the PA has become more cooperative and is more responsive to the organization's queries. However, PA officials are said to be less responsive to the organization's queries on the PA's policies towards and treatment of members of Islamist opposition groups.

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

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

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

Women

The problems of rape, domestic violence, and violence related to "family honor" have gained greater attention in the Palestinian community, but public discussion generally remains muted. Victims often are encouraged by relatives to remain quiet and are themselves punished or blamed for the "shame" that has been brought upon them and their families. A 14-year-old girl who was raped in May subsequently was beaten to death by her uncle and brother to "protect" family honor, according to press reports. The girl's brother is awaiting trial on murder charges. Women's groups seek to educate women on these problems, but women's rights advocates claim that few resources are available to shelter the victims of violence because women's shelters are not accepted culturally in Palestinian society. They also maintain that society has not been receptive to providing counseling or outreach services to victims of problems that these advocates see as more widespread than is acknowledged. According to women's groups, there are no reliable data on the incidence of violence against women. Spousal abuse, sexual abuse, and "honor killings" occur, but societal pressures prevent most incidents from being reported, and most cases are dealt with informally by family members. During the year, leaders of the HAMAS organization threatened and tried to intimidate Palestinian women who are involved in programs aimed at empowering women and helping abused women.

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

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

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

Children

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

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

People With Disabilities

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

Religious Minorities

There are periodic allegations that a small number of Muslim converts to Christianity in the Palestinian community are sometimes subject to societal discrimination and harassment by PA officials. The PA states that it investigates such complaints, but it has not shared or publicized the results of these investigations with any outside party. However, there was no pattern of PA discrimination and harassment against Christians (see Section 2.c.).

Section 6 Worker Rights

a. The Right of Association

Labor affairs in the West Bank came under Palestinian responsibility with the signing of the Interim Agreement in September 1995. Until a new law being drafted by PA authorities comes into effect, labor affairs in the West Bank are governed by Jordanian Law 21 of 1965, as amended by Israeli military orders, and in Gaza by PA decisions. The law permits workers to establish and join unions without government authorization. The earlier Israeli stipulation that all proposed West Bank unions apply for a permit no longer is enforced. Israeli authorities previously have licensed about 35 of the estimated 185 union branches now in existence. Following a process to consolidate trade unions in the West Bank, there are now 12 trade unions there.

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

simultaneously to unions affiliated with West Bank federations and the Israeli Histadrut Labor Federation.

West Bank unions are not affiliated with the Israeli Histadrut Federation. Palestinians who work in Israel or Jerusalem are not full members of Histadrut, but they are required to contribute 1 percent of their wages to Histadrut. Negotiations between Histadrut and West Bank union officials to return half of this fee to the Palestinian Union Federation were completed in 1996, but funds have yet to be transferred.

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

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

An estimated 88,000 workers in the West Bank are members of the PGFTU, the largest union bloc, which is comprised of 12 trade unions in the West Bank and 8 in Gaza. The organization has 43,455 members in Gaza. The PGFTU estimates actual organized membership, i.e., dues-paying members, at about 30 percent of all Palestinian workers.

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

The PGFTU has applied for membership in the International Confederation of Free Trade Unions (ICFTU). The PGFTU has not been accepted as a member because the PA is not a state, but the PGFTU participates in the ILO in observer status.

b. The Right to Organize and Bargain Collectively

A majority of workers in the occupied territories are self-employed or unpaid family helpers in agriculture or commerce. Only 35 percent of employment in the territories consists of wage jobs, most with the United Nations Relief and Works Agency (UNRWA), the PA, or in municipalities. Collective bargaining is protected. Labor disputes are adjudicated by committees of 3 to 5 members in businesses employing more than 20 workers.

Existing laws and regulations do not offer real protection against antiunion discrimination.

One industrial zone is being developed in the Gaza Strip.

c. Prohibition of Forced or Compulsory Labor

PA law does not specifically prohibit forced or compulsory labor, including by children, and there were no reports of such practices during the year (see Section 6.d.).

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

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

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

e. Acceptable Conditions of Work

There is currently no minimum wage in the West Bank or Gaza Strip. The average wage for full-time workers appears to provide a worker and family with a decent standard of living. In the West Bank, the normal workweek is 48 hours in most areas; in Gaza the workweek is 45 hours for day laborers and 40 hours for salaried employees. There is no effective enforcement of maximum workweek laws.

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

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