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sex enterprises" is outlawed, as are many of the abuses committed by traffickers and pimps, such as assault, rape, abduction, and false imprisonment. During the year, the Government reported that it increasingly pursued legal action against traffickers.

Women were trafficked primarily from the former Soviet Union, including Moldova, Russia, and Ukraine. According to Amnesty International (AI), every year hundreds of women from the former Soviet Union were brought to the country by well-organized criminal networks and forced, often through violence and threats, to work illegally as prostitutes. According to some local NGOs, several hundred women were trafficked into the country annually. NGOs reported that the number of trafficked women entering the country fell from previous years because of increased security at Ben Gurion airport, but women still were being trafficked across the Egyptian border.

Activists estimated that there may be several hundred prostitutes among the nation's children (see Section 5).

Traffickers reportedly often lured women into traveling to the country by offering them jobs in the service industry. In many cases, traffickers met women at the border and confiscated all their official documents. Many trafficked women were forced to live and work under extremely harsh conditions and to give most of the money they earned to their traffickers. The women reportedly often were raped and beaten, then auctioned to pimps who repeated the procedure. If the women escaped from their traffickers, they were often afraid to report their situations to the police because the traffickers threatened to hunt them down and hurt them. According to press reports, it was common for trafficked women to be told that they must repay the costs of their travel to the country through servicing up to 25 clients a day. They were paid little or no money for this work and once the debt had been repaid, they were auctioned again.

In previous years, some victims accused individual police officers of complicity with brothel owners and traffickers and the Government worked to review these cases. However, during the year, the Government stated that although there were no specific allegations of police involvement in trafficking, there were several allegations that some police officers were involved in "trafficking-related activity," such as warning brothel owners before police raids.

During the year, the Government opened 67 files for trafficking and related crimes; most files dealt with multiple victims and suspects; the files specifically included trafficking as a charge. A total of 138 persons were detained for trafficking related crimes during the year; 92 persons were arrested and 55 detained until the beginning of legal proceedings. The Government convicted 33 persons and delivered sentences. In 28 cases, the Government settled by plea bargaining with the defendants.

Police often detained trafficked women following raids on brothels; the number of such raids increased during the year. The Ministry of Interior has broad powers to deport illegal aliens and to hold them in detention pending deportation. According to the Ministry of Public Security, through September, the Government deported 264 victims of trafficking, not all of whom were prostitutes who had been living illegally in the country.

Authorities generally kept trafficked women who were arrested in a special section of a women's prison and then deported them. Trafficked women often did not challenge a deportation order because they did not speak the language or were unaware of the appeals procedure. The Government transferred women who testified against their traffickers to a hotel or hostel and provided them funds on which to live. Many women were reluctant or afraid to testify in trials due to threats and intimidation by their traffickers. The country has no witness protection program or close and effective links with primary supply countries, such as Moldova. Trafficked women could not apply for legal status to remain as refugees or protected persons unless they were Jewish and filed under the Law of Return. NGO reports and witness testimony indicated that the Government did not attempt to determine whether or not a trafficked woman or girl would be at risk of abuse if she were deported to her country of origin, even in cases in which the woman or girl had testified in criminal proceedings.

The Government provided limited funding to NGOs for assistance to victims. In November the Government finalized a plan to make a shelter available for trafficked women. The Government provided legal representation to some trafficked women. The Government acknowledged the need to educate trafficked women regarding where to go for help and was developing such programs, but had not finalized any plans for or begun such education programs by year's end.

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. Following the Madrid peace conference in 1992, Israel and the Palestinians entered into negotiations and in 1993, signed the Oslo Accords which established a framework for negotiating transitional and final status arrangements. 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 newly created Palestinian Authority (PA). Israel retained responsibility for external security; foreign relations; the overall security of Israelis, including public order in the Israeli settlements; and certain other matters. (This annex on the occupied territories should be read in conjunction with the report on Israel).

The 1995 Interim Agreement divided the territories into Areas A, B, and C, denoting differing levels of Palestinian and Israeli control. Israel was assigned control of certain civil functions and was responsible for all security in portions of the occupied territories categorized as Area C. Israel and the PA were assigned varying degrees of control and jurisdiction over the Gaza Strip and the West Bank. Since then, Israel and the PA have administered the West Bank and Gaza Strip to varying extents. However, the distinctions made under the Interim Agreements were no longer in force following Israel's military incursions into most PA-controlled areas, which Israel carried out citing the Authority's failure to abide by its security responsibilities.

The "Intifada," or Palestinian uprising, began in September 2000. Its causes are complex and remain highly controversial between the parties. Since 2000 the security situation has deteriorated both within Israel and within the Occupied Territories. Israeli and Palestinian violence associated with the Intifada has claimed 1,782 Palestinian lives, 649 Israeli lives, and the lives of 41 foreign nationals. During the past year, the scale and nature of the violence changed and clashes have continued daily. The conflict was marked by increased Israeli military operations and armed attacks and terrorism by Palestinians against Israeli targets—including civilians within Israel, settlers, and soldiers in the occupied territories and Israel. The attacks also included suicide bombings, roadside bombings, shooting at Israeli vehicles and military installations, firing of antitank missiles and mortars, and use of hand grenades. Israel Defense Forces (IDF) military actions against Palestinians included violence and abuse at checkpoints, incursions into Palestinian-controlled towns and villages, targeted killings, firing toward civilian areas with tanks and fighter aircraft, and intense gun battles with Palestinian shooters. Many observers characterized such actions as punitive. By year's end, Israel reasserted military control, which placed all major West Bank cities except Jericho under IDF control, demolished the homes of suicide bombers and wanted men, conducted mass arrests, and transferred some suspects.

In the West Bank, Area C included the Israeli settlements, constituted more than 61 percent of the land, and approximately 4 percent of the total West Bank Palestinian population. In Gaza more than 12 percent of the land was designated as Area C equivalent, and included the Israeli settlements. In areas designated as Area B, the PA was assigned jurisdiction over civil affairs and shared security responsibilities with Israel. Approximately 21 percent of West Bank land was Area B, and approximately 41 percent of the West Bank Palestinian population resided there. The Area B equivalent in Gaza constituted almost 19 percent of the land. The PA had control over civil affairs and security in Area A. The West Bank Area A constituted nearly 18 percent of the land, and included roughly 55 percent of the West Bank Palestinian population. The Gaza Area A equivalent constituted approximately 69 percent of the land.

In parts of the West Bank and Gaza, Israel exercised civil authority through the Israeli Ministry of Defense's Office of Coordination and Liaison, known by the Hebrew acronym MATAK. The approximately 208,000 Israeli settlers (an increase of 33,000 since 2001) living in Area C of the West Bank and in the Gaza Strip were subject to Israeli law and, as citizens, received preferential treatment from Israeli authorities compared to Palestinians in the protection of their personal and property rights. The body of law governing Palestinians in the occupied territories derived from Ottoman, British Mandate, Jordanian, and Egyptian law, and Israeli military orders. Certain laws and regulations promulgated by the PA also were in force. The international community considered Israel's authority in the occupied territories to be subject to the Hague Regulations of 1907 and the 1949 Geneva Convention relating to the Protection of Civilians in Time of War. The Israeli Government considered the Hague Regulations applicable and maintained that it largely observed the Geneva Convention's humanitarian provisions.

In January 1996, Palestinians chose their first popularly elected Government in democratic elections that generally were free and fair; the 88-member Palestinian Legislative Council (PLC) and the Chairman of the Executive Authority were then elected. The PA has a cabinet of 19 ministers; however, Chairman Yasir Arafat controls the affairs of government and makes all 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 Palestinian Liberation Organization (PLO). Prior to the Intifada, the PLC met regularly to discuss issues significant to the Palestinians; however, it did not have significant influence on policy or the behavior of the executive. In late 2001, Arafat invoked a state of emergency that granted him broader powers to make arrests, prohibit demonstrations, and take action against political opponents.

On May 14, Arafat signed the long-pending Independence of the Judiciary Law and on May 29 the PA Basic Law, which defined the authorities of the three governmental branches and prescribed direct election of a president accountable to a cabinet and to the elected PLC. Neither law was implemented fully, and at year's end the respective roles of the Ministry of Justice and the High Judicial Council in court operations were still unclear (see Section 1.e.). West Bank courts applied laws passed by the Legislative Council and pre-1967 Jordanian law. In recent years, the PA made little progress in efforts to unify the Gaza and West Bank legal codes. Gaza law for subjects not covered by unified legislation included elements from Ottoman law, British Mandate law, Egyptian law, and Israeli military orders. The PA courts were perceived as inefficient, and the PA executive and security services frequently ignored or failed to carry out court decisions.

Israeli security forces in the West Bank and Gaza Strip consisted of the IDF, the Israel Security Agency (the ISA-formerly the General Security Service, or GSS, and also known as Shin Bet, or Shabak), the Israeli National Police (INP), and the paramilitary border police. Israeli military courts tried Palestinians accused of committing acts of violence and terror in Israeli-controlled areas. Members of the Israeli security forces committed numerous, serious human rights abuses.

The Palestinian Police Force (PPF) was established in May 1994 and included 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, and the Palestinian Coastal Police. Other quasi-military security organizations, such as the Military Intelligence organization, also exercised de facto law enforcement powers. Palestinian police were 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 were not subject to PA security force jurisdiction. Members of the PA security forces committed numerous, serious human rights abuses.

The occupied territories were composed of the Gaza Strip, the West Bank, and East Jerusalem. The population of the Gaza Strip was approximately 1,225,911, not including some 7,000 Israeli settlers. The population of the West Bank (excluding East Jerusalem) was approximately 2,163,667 not including some 182,000 Israeli settlers. The population of East Jerusalem, within the municipal boundaries established by Israel in 1967 was approximately 385,600, including 174,000 Israeli settlers.

The economy of the West Bank and Gaza Strip is small, poorly developed, highly dependent on Israel, and was impacted severely by Israeli curfews and closures, as well as the continuing conflict. The economy relied primarily on agriculture, services, and, to a lesser extent, small manufacturing. Before the beginning of the Intifada, approximately 125,000 workers from the West Bank and Gaza (approximately 22 percent of the Palestinian work force) were employed in Israel. During heightened terrorist activity in Israel or periods of unrest in the West Bank or Gaza, Israeli-imposed closures on Palestinian cities, curfews, and strict limitations on movement within the West Bank and Gaza impeded Palestinians from reaching jobs or markets and disrupted internal and external trade. In addition the IDF and settlers destroyed sections of Palestinian-owned agricultural land and economic infrastructure. The Government of Israel stated that some of these actions, such as the destruction of groves alongside roadways and security fences by the IDF, were necessary for security reasons. Some human rights groups stated that these actions exceeded what was required for security. Unemployment in the West Bank and Gaza was estimated at 44 percent by year's end, up from 23 percent the previous year. Approximately 66.5 percent of Palestinian households were living below the poverty line (57.8 percent of families in the West Bank and 84.6 percent of families in Gaza), which was significantly higher than in previous years.

Israel requires Palestinians to obtain Israeli permits for themselves and their vehicles to cross from the West Bank or Gaza into Israel and Jerusalem. Citing security concerns, Israel applied partial "external closure," or enhanced restrictions, on the movement of persons and products, often for lengthy periods. During times of violent protest in the West Bank or Gaza, or when it believed that there was an increased likelihood of such unrest or of terrorist attacks in Israel, Israel imposes a tightened, comprehensive version of external closure, generally referred to as total external closure. Total external closures also are instituted regularly during major Israeli holidays and during some Muslim holidays. During such closures, Israel prevents Palestinians from entering Israel or Jerusalem. Israel imposed total external closure on the West Bank for the entire year, compared with 210 days of total external closure in 2001 and 88 days in 2000.

Israel also placed Palestinians in the West Bank under strict "internal closure" for the entire year, allowing only Palestinians with special permits for work or health services to leave cities and pass through checkpoints on main roads. Most Palestinians were unable to leave their towns or forced to travel without authorization on secondary roads.

Israeli forces further restricted freedom of movement of Palestinians by imposing extended curfews on Palestinian towns or neighborhoods. These curfews did not apply to Israeli settlers in the same areas.

Israel's overall human rights record in the occupied territories remained poor and worsened in several areas as it continued to commit serious human rights abuses. Security forces killed at least 990 Palestinians and 2 foreign nationals and injured 4,382 Palestinians and other persons during the year, some of whom were innocent bystanders. Israeli security forces targeted and killed at least 37 Palestinian terror suspects. Israeli forces undertook some of these targeted killings in areas where civilian casualties were likely, killing 25 bystanders, including 13 children. The Israeli Government said that it made every effort to reduce civilian casualties during these operations.

Israeli security units used excessive force during Palestinian demonstrations, while on patrol, pursuing suspects, and enforcing checkpoints and curfews, which resulted in many deaths. IDF forces also shelled, bombed, and raided Palestinian civilian areas in response to Palestinian attacks on Israeli targets. Israeli soldiers placed Palestinian civilians in danger by ordering them to facilitate military operations, which exposed them to live fire between armed Palestinians and Israeli soldiers. The Israeli Government said that it has reiterated to its forces that this practice is absolutely prohibited unless the civilian gives his voluntary consent. Israeli forces sometimes arbitrarily destroyed or looted Palestinian property during these operations. Israeli security forces often impeded the provision of medical assistance to Palestinian civilians by strict enforcement of internal closures, alleging in some cases that emergency vehicles have been used to facilitate terrorist transit and operations. Israeli security forces harassed and abused Palestinian pedestrians and drivers who attempted to pass through the approximately 430 Israeli-controlled checkpoints in the occupied territories. Israel conducted mass, arbitrary arrests in the West Bank during military operations, summoning and detaining males between the ages of 15 to 45. Israel provided poor conditions for Palestinians in its prisons. Facilities were overcrowded, sanitation was poor, and food and clothing at times were insufficient. Israeli security forces tortured detainees, including using methods prohibited in a 1999 High Court decision; police officers also beat detainees. During the year, two Palestinian prisoners died under ambiguous circumstances after Israeli forces took them into custody. Prolonged detention, limits on due process, and infringements on privacy rights remained problems.

Israel carried out policies of demolitions, strict curfews, and closures that directly punished innocent civilians. Israel intentionally punished innocent Palestinians by demolishing the homes of families and relatives of suspected terrorists. Israel's demolitions left hundreds of Palestinians not involved in terror attacks homeless. Some of the suspects had already been killed or arrested. The IDF destroyed numerous orchards, olive and date groves, and irrigation systems on Palestinian-controlled agricultural land. Israel censored Palestinian publications in East Jerusalem, attacked and closed media outlets in the territories, blocked publications and broadcasts, and periodically detained or harassed members of the media. Three journalists covering clashes between Palestinians and Israeli security forces, including some who clearly were identified as non-combatants, were killed by IDF fire and at least five others were injured. The Israeli authorities placed strict limits on freedom of assembly, and severely restricted freedom of movement for Palestinians. Israeli security forces failed to prevent Israelis from entering Palestinian-controlled areas in the West Bank who injured or killed several Palestinians. In some cases, Israeli soldiers escorted Israeli civilians who beat Palestinians and damaged Palestinian property.

The PA's overall human rights record remained poor, and it continued to commit numerous, serious abuses. Many members of Palestinian security services and the Fatah faction of the PLO participated with civilians and terrorist groups in violent attacks against Israeli settlers, other civilians, and soldiers. The PLO and PA have not complied with most of their commitments to Israel, notably those relating to the renunciation of violence and terrorism, taking responsibility for all PLO elements, and disciplining violators. Although there was no conclusive evidence that the most senior PLO or PA leadership gave prior approval for these acts, some leaders endorsed such acts in principle in speeches and interviews. For example, PA Minister of Interior Hani al-Hassan several months ago made comments affirming the legitimacy of attacks on soldiers and settlers in the territories. On a number of occasions, Arafat called on Palestinians not to attack civilians and ordered a complete cease-fire, but he took no action to that effect. PA and PLO officials often condemned attacks against Israeli civilians, but failed consistently to condemn attacks on settlers and soldiers in the occupied territories. PA security forces arrested some of those implicated in the violence, but most were quickly released or not kept under credible conditions of arrest.

Palestinian security forces used excessive force against Palestinians during demonstrations. The PA was responsible for the death of seven Palestinians who were in its custody. The PA had arrested six of the victims on charges of collaboration with Israel, and vigilantes subsequently killed them. The PA security services either failed to protect the prisoners from attack or actively turned them over to their killers. PA security officials tortured and abused prisoners. Such torture and abuse reportedly was widespread. PA security forces arbitrarily arrested and detained persons, and prolonged detention remained a problem. The PA provided poor conditions for prisoners. PA courts—particularly PA security courts—were inefficient and failed to ensure fair and expeditious trials. The imposition by Israel of internal closure in the occupied territories during the year obstructed courts from holding sessions or issuing rulings during most of the year. The PA executive and security services frequently ignored or failed to enforce court decisions. PA security forces infringed on citizens' rights to privacy and restricted freedom of speech and the press. Palestinian groups harassed and

abused journalists. Such restrictions and harassment contributed to the practice of self-censorship by many Palestinian commentators, reporters, and critics. During the year, informal reports of domestic abuse of women increased, and "honor crimes" persisted. Societal discrimination against women and persons with disabilities and child labor remained problems.

Israeli civilians, especially settlers, harassed, attacked, and occasionally killed Palestinians in the occupied territories. During the year, settlers attacked and killed at least five Palestinians. Settlers also caused significant economic damage to Palestinians by attacking and damaging greenhouses and agricultural equipment, uprooting olive trees, and damaging other valuable crops. The settlers did not act under government directive in the attacks, and Israeli soldiers sometimes restrained them, but in several cases Israeli soldiers accompanied them or stood by without acting. The Government of Israel stated that 80 Israeli settlers were indicted for acts of violence against Palestinians. However, in general, settlers rarely served prison sentences if convicted of a crime against a Palestinian.

Palestinian civilians were responsible for the deaths of 154 Israelis killed in the occupied territories. Palestinians targeted Israelis in drive-by shootings and ambushes, suicide and other bombings, mortar attacks, and armed attacks on settlements and military bases. Palestinian militant groups used minors to prepare attacks or carry them out, exploitation that amounted to forced conscription. During the year, Palestinians acting individually or in groups, including off-duty members of the PA security services, killed 74 Israeli civilians, 82 Israeli security personnel, and 3 foreign nationals in the occupied territories. Most of the attacks were organized by a number of Palestinian terrorist groups, including the militant Islamic Resistance Movement (HAMAS), the Palestine Islamic Jihad (PIJ), the Popular Front for the Liberation of Palestine (PFLP), and the al-Aqsa Martyrs' Brigades. The Democratic Front for the Liberation of Palestine (DFLP) and Fatah affiliated groups also participated in the attacks. Palestinian civilians also killed at least 35 Palestinians in the occupied territories who allegedly had collaborated with Israel. Most of the deaths were shootings perpetrated by small groups of unidentified Palestinian gunmen. The PA conducted no investigations and made no arrests in any of these killings.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary or Unlawful Deprivation of Life

During the year, the number of deaths due to political violence associated with the Intifada remained extremely high in the occupied territories. Israeli security forces killed at least 990 Palestinians in the West Bank and Gaza, of whom 132 were members of PA security forces and 2 were foreign nationals. Israeli civilians, mostly settlers, as well as extremist groups believed to be associated with settlers, killed at least five Palestinians. Palestinian militants and civilians killed an estimated 189 Israeli civilians and security personnel in the occupied territories. Palestinian civilians killed at least 35 Palestinians suspected of spying for the Israeli Government (see Sections 1.c. and 1.g.).

Most Palestinians killed by Israeli security forces were killed during armed clashes, targeted killings, incursions into Palestinian-controlled areas, at checkpoints, or as a result of sometimes excessive or indiscriminate fire toward Palestinian civilian areas. During these incidents, Palestinian protesters frequently threw stones and Molotov cocktails, and in some cases, also fired weapons at IDF soldiers (see Sections 1.c. and 1.d.). Israeli security forces used a variety of means to disperse protesters, including tear gas, rubber-coated metal bullets, and live ammunition. The IDF generally did not investigate the actions of security force members who killed and injured Palestinians under suspicious circumstances. Since the start of the Intifada, the IDF has opened only 30 investigations into the improper use of deadly force despite the fact that human rights organizations have raised numerous allegations.

Israeli security forces used excessive force against protesters, in response to perceived threats while on patrols, in pursuing fleeing suspects, and in responding to trespassers in restricted areas, at times resulting in death. For example, on September 30, IDF soldiers shot and killed a 10-year old Palestinian boy in the Balata Refugee Camp in Nablus. The boy was among a group of youths who were throwing rocks at Israeli soldiers. The use of lethal force against a rock-thrower, in this instance and in many others like it, was excessive. IDF statistics state that no Israeli soldier has ever been killed by rock throwing.

On May 5, the IDF killed a mother and her two young children in Jenin, while they were picking grape leaves in the area. Soldiers in an approaching tank heard a loud sound and opened fire, killing the woman and her children. The IDF initially claimed the tank had run over a mine, but later acknowledged that the tank's track had simply disconnected. While the IDF expressed regret for the deaths, it maintained that the soldiers acted according to regulations.

IDF soldiers shot and killed suspects who were avoiding arrest but not threatening their lives. For example, on November 27, the IDF undertook a military incursion into the Askar Refugee Camp in Nablus in the early morning and shot and killed a fleeing man, who walked the streets of the camp in the morning to awaken people for prayers. He was discovered later to have been a frightened civilian not wanted by the IDF.

IDF soldiers fired without warning on trespassers in restricted areas, on several occasions killing Palestinians who posed no threat. For example, on the night of December 12, Israeli soldiers in a tank fired on and killed five men spotted near the fence dividing Israel and the Gaza Strip. When an IDF patrol went to investigate the scene the following day, it discovered that the five men were unarmed Palestinian workers from a single family who apparently were seeking to enter Israel to find jobs.

The IDF rules of engagement authorize soldiers to use deadly fire in cases of self defense, in defense of others facing an imminent threat to life, during procedures for apprehending suspected terrorists, and in extreme cases when dispersing rioters. The IDF stated that its rules of engagement on the use of live fire are fully consistent with international laws of armed conflict.

During the year the IDF targeted for killing at least 37 Palestinians. In the process, IDF forces killed at least 25 bystanders, relatives, or associates of those targeted and injured a number of others, although the Israeli security forces state that in planning operations, they make every effort to reduce civilian casualties. According to the IDF, the targeted persons were individuals whom the IDF believed were terrorists and had recently attacked or had been planning future attacks against Israeli civilians, settlements, or military targets. The IDF stated that it targeted persons only with the authorization of senior political leaders. The Government of Israel stated that such actions were exceptional self-defense measures taken only against those engaged in hostilities against Israeli citizens and were justified by its obligation to protect its citizens against terrorism and consistent with its right to self defense.

Israeli security forces put large numbers of civilian lives in jeopardy by undertaking targeted killings in crowded areas where civilian casualties were likely. This occurred despite statements that it had aborted operations against known terrorists when it became clear that they might endanger innocent civilians. For example, on July 23, Israel fired a missile at a civilian apartment building in a densely populated area of Gaza City in order to kill HAMAS military wing leader Salah Shahada. Israeli forces killed 14 other Palestinians in the effort, including 9 children. The Government of Israel publicly apologized for the incident.

Israeli security personnel used excessive force while manning checkpoints, killing a number of Palestinians (see Section 1.g.). On December 3, an IDF soldier shot and killed a 95-year-old Palestinian woman riding in a taxi on a Ramallah road that the army claimed was forbidden to Palestinian vehicles. An IDF inquiry into the case established that the shots were fired without justification, because the taxi did not pose a lethal threat to the soldiers. The soldier faced possible criminal charges.

Israel put civilian lives in jeopardy by using imprecise, heavy weaponry in operations against terrorist infrastructure conducted in civilian areas, in contravention of their own rules of engagement. Frequently, and often following shooting attacks, many of which were nonlethal, in the direction of Israeli settlements and military positions, the IDF retaliated against Palestinian towns and cities in the West Bank and Gaza. Israeli forces fired tank shells, heavy machine-gun rounds, and rockets from helicopters and F-16s at targets in residential and business neighborhoods located near the sites from which the Palestinian gunfire was believed to have originated. For example, on October 17 an unidentified Palestinian located in the Rafah refugee camp area fired an antitank shell at an IDF construction crew. Israeli forces responded by firing tank shells into the refugee camp, killing seven Palestinians including two women and two children. The shells also injured 35 other Palestinians.

Numerous civilians were killed by Israeli security forces during military incursions into Palestinian-controlled (Area A) cities and towns. Such incursions usually were conducted in response to Palestinian suicide bombings, shooting attacks that had killed Israeli civilians, settlers, or soldiers, or to make arrests. Israeli security forces also conducted military incursions on the basis of intelligence information about possible future attacks. Palestinians often resisted with gunfire and by booby-trapping civilian homes and apartment buildings. The military incursions into these areas varied in length from a few hours to several months. As part of such actions, the IDF usually leveled and raided buildings, including homes. The Government of Israel stated that such actions were intended to widen a security strip area adjacent to Israeli-controlled territory to or clear access for Israeli forces.

On April 3, Israeli security forces launched an incursion into the Jenin refugee camp, home to approximately 14,000 Palestinian civilians. The Government of Israel stated that the incursion was intended to attack Palestinian terrorists who had taken refuge in the camp and were responsible for suicide bombings and other attacks that had killed more than 70 Israelis since March. Israeli forces destroyed approximately 140 homes

and made 200 others structurally unsound during the operation, leaving approximately 4,000 camp residents homeless. Israeli forces killed 52 Palestinians in the operation, including 22 unarmed civilians who were killed inadvertently during the operation. The Israeli Government stated that it made every effort to reduce civilian casualties, including by not using heavy weaponry or airpower. Palestinian gunmen killed 14 Israeli soldiers during the operation.

Israeli forces used excessive force to enforce curfews in reoccupied Palestinian areas, resulting in the deaths of at least 15 civilians, 12 of them children under the age of 16. For example, on October 11 Israeli border police enforcing a curfew in Nablus fired on a family sitting on its balcony, killing the mother and injuring her husband and son. Israel said it was investigating the killing, but no results were forthcoming at year's end.

Israeli security forces manning checkpoints often impeded the provision of medical assistance to sick and injured Palestinians, contributing to the deaths of at least 14 Palestinians (see Section 1.g.).

During the year, Israeli forces were responsible for the death in custody of at least one Palestinian. On March 31, IDF soldiers detained Murad 'Awaisa, a 17-year-old Palestinian, and several other Palestinians in an apartment building in Ramallah. IDF soldiers beat 'Awaisa and forcibly removed him from the room where he was imprisoned. Other detainees reported intense gunfire inside and outside the building and that the soldiers later told them that 'Awaisa had died. Inspection by the Palestinian physician who took 'Awaisa's body to the hospital and quick burial revealed two bullet wounds. The IDF said it would investigate the death. No results were forthcoming by year's end.

Israel forces may have beaten and killed one other Palestinian prisoner. On December 30, Israeli Border Police in Hebron arrested 'Imran Abu Hamdiyeh, a 17 year old Palestinian. Palestinians found Hamdiyeh dead in Hebron's industrial area later that day. He had been beaten to death. Israel said it was investigating the death but no results of the investigation were forthcoming by year's end.

Palestinian security forces used excessive force against Palestinians during demonstrations. For example, on January 22 PA police in Nablus violently dispersed a crowd demonstrating against the PA and demanding the release of HAMAS and Palestinian Islamic Jihad prisoners. The police shot and killed a Palestinian man while dispersing the crowd.

Palestinian security officers and members of Arafat's Fatah faction attacked and killed Israeli settlers, civilians, and soldiers. They often fired at Israelis from within or close to the homes of Palestinian civilians or in other locations in which civilians were present, drawing Israeli return fire and increasing the potential for the noncombatants to be injured. Arafat issued several ceasefire orders and denounced attacks on civilians without lasting effect, but took no action to arrest or try violators.

During the year, there were no reports that Palestinian security forces impeded the provision of medical assistance to injured Israelis in the occupied territories.

The PA was responsible for the deaths of seven Palestinians in custody. The PA arrested six of the victims on charges of collaboration with Israel, and vigilantes subsequently killed them. The PA security services either failed to protect the prisoners from attack or actively turned them over to their killers. For example, in 2001 PA security services arrested Mahmoud Nimer Sabateen, a 27-year-old Palestinian from the village of Housan, on suspicion that he collaborated with Israel and provided information that led to the killing of Fatah activists. In 2001, Sabateen was sentenced to death by firing squad. On March 14, when the execution still had not been carried out, armed Fatah members dragged Sabateen from his prison and killed him in Bethlehem.

Palestinian police may have tortured and killed one prisoner. On April 24, Ayman Ghayad Hilles, a 36-year-old Palestinian from al-Shajaeya in Gaza, died while in the custody of PA police in Gaza City. On April 23, PA police arrested Hilles allegedly on criminal charges and informed his family 1-day later that he had died in custody after being transferred to al-Shifa Hospital in Gaza City. PA police said that an investigation would be conducted to determine the circumstances of his death. At the request of the family, an autopsy was carried out at al-Shifa hospital. A preliminary examination revealed large bruises on his legs and hands, as well as signs of blunt trauma to the head, suggesting that Hilles had been tortured. The autopsy concluded that it was a suspicious death.

Palestinian civilians harassed, attacked, and killed Israelis, especially settlers and soldiers. During the year, Palestinians, acting as individuals or in unorganized or small groups, including some members of PA security services, killed 88 Israeli civilians, 101 Israeli soldiers, and injured hundreds of others in acts of violence and terrorism in the occupied territories (see Section 1.c.). The Palestinian attacks consisted of shootings, bombings involving improvised explosive devices, suicide bombings, and stone-throwing at Israeli drivers.

For example, on June 5, 2001, a five-month-old Israeli boy was hit in the head and critically injured when Palestinians threw stones at the car he was riding in near Shilo Junction in the West Bank. He was transported to the Hadassah intensive care unit, where he died on June 10.

On February 16, a Palestinian suicide bomber strapped with nail studded explosives blew himself up in a pizzeria at the Israeli Kamei Shomron settlement in the West Bank, killing three Israeli children.

On September 5, Palestinian militants detonated explosives that they had concealed near the Kissufim Crossing in Gaza and blew up an Israeli tank, killing an Israeli soldier.

Israeli settlers, acting individually or in small, at times unstructured, groups harassed, attacked, and occasionally killed Palestinians in the West Bank and Gaza Strip (see Section 1.c.). During the year, settlers killed at least five Palestinians by shooting them or stoning their vehicles and causing accidents. For example, on October 6 armed settlers fired on Palestinians harvesting olives. They injured two Palestinian men and killed a Palestinian who rushed to the scene. The Israeli Government did not generally prosecute the settlers for their acts of violence (see Section 1.g.). According to Israeli government statistics, 80 settlers were indicted for violence against Palestinians. However, in general settlers rarely were detained or even investigated for crimes they committed against Palestinians.

HAMAS, PIJ, the PFLP, DLFP, and Fatah-affiliated groups such as the al-Aqsa Martyrs' Brigades and the Brigades of Return continued to kill and injure Israelis. By year's end, the PA made few arrests in these killings and made no effective efforts to control the violence. Many of those arrested were released a short time later or held under conditions not commensurate with normal conditions of arrest.

Some PA officials made public statements justifying Palestinian attacks on Israelis, stating that such attacks were in response to the occupation. Additionally, Fatah leaders made public statements urging Palestinians to continue all aspects of the Intifada, including violent attacks.

Palestinian civilians also killed at least 35 Palestinians in the occupied territories who allegedly collaborated with Israel. Most of the deaths were shootings perpetrated by small groups of unidentified Palestinian gunmen. In March alone, Palestinian extremists killed 10 alleged collaborators in the streets of the West Bank. The PA made no arrests in any of these killings. An example of such a case was the March 14 death of Mahmoud Nimer Sabateen, in which no one was held accountable.

#### b. Disappearance

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

In 2001 one man disappeared in the West Bank and remained missing. Some have suggested that his disappearance was probably criminally motivated and not carried out by Israel.

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

In a landmark September 1999 decision, the Israeli High Court of Justice prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures; however, during the year, human rights organizations, including B'tselem, Human Rights Watch, LAW, and the Mandela Institute for Political Prisoners reported that there was an increase in the number of allegations that Israeli security forces tortured and abused detainees, and used methods prohibited in the 1999 High Court decision. Israeli security forces could obtain special permission to use "moderate physical pressure" against detainees considered to possess information about an imminent attack. The GSS has used court-approved "extraordinary interrogation methods"—some of which included physical pressure—in 90 cases since the law was passed in 1999. The Attorney General's office investigated allegations of mistreatment, but few cases were opened and no GSS agent has been criminally charged with torture or other abuse for the past several years. Israeli and Palestinian human rights groups noted that jailers made it difficult to visit prisoners during the interrogation period and that some detainees were reluctant to report abuse out of fear of retribution.

Several human rights groups stated that the case of Abdel Rahman al-Ahmar was representative of the allegations of physical abuse they received. In May 2001, Israeli authorities arrested al-Ahmar, a well-known Palestinian human rights activist and field researcher, for entering Jerusalem without a permit. The authorities first detained al-Ahmar at Etzion prison, then transferred him 6 days later to the Russian Compound in Jerusalem. According to testimony he gave his lawyer, authorities beat al-Ahmar when they arrested him,



subjected him to shabeh (shackling in painful positions for prolonged periods), and held him in a dirty, cold cell. According to a press release from the Public Committee Against Torture in Israel, authorities denied al-Ahmar adequate medical care. In June 2001, an Israeli military judge denied al-Ahmar's legal complaint of torture—despite bruises on his arms and visible difficulty walking—and extended his detention without charging him. In July 2001, al-Ahmar was remanded for 6 months of administrative detention, and in November 2001 the order was renewed for an additional 6 months. International, Israeli, and Palestinian human rights groups continued to petition for his release. Al-Ahmar was released early this year.

Most convictions in security cases before Israeli courts were based on confessions. The law prohibits the admission of forced confessions as evidence. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Israel Government did not allow representatives of the International Committee of the Red Cross (ICRC) access to detainees until the 14th day of detention. Detainees sometimes stated in court that their confessions were coerced, but judges rarely excluded such confessions. During the year, there were no known cases in which an Israeli court excluded a Palestinian confession because of a finding of improper means of investigation or interrogation.

During the year, Israeli security forces injured approximately 4,382 Palestinians during armed clashes, violent demonstrations, retaliatory strikes, and other military actions (see Sections 1.a., 1.g., and 2.b.).

The IDF injured a number of bystanders, including journalists, at demonstrations, clashes, during retaliatory strikes, and during targeted killings. During the year, Israeli gunfire killed three journalists and injured at least one other during Israeli military actions (see Sections 1.a. and 2.a.).

Israeli authorities abused Palestinians at checkpoints, subjecting them to verbal and physical harassment. Each day, tens of thousands of Palestinians who traveled between Palestinian towns and villages had to pass through 1 or more of the approximately 430 Israeli checkpoints across the occupied territories; significantly more than the 130 checkpoints in 2001. Abuse was common, and as many as several thousand Palestinians encountered some form of abuse from soldiers at checkpoints. Palestinians were subjected to excessive delays in passing through checkpoints. Israeli soldiers forced Palestinian civilians to wait in the rain or inclement weather for excessive periods of time. For example, in November Israeli soldiers made a group of Palestinian schoolteachers in Asira ash-Shamaliya wait in a ditch in the rain for several hours before allowing them to pass through a military checkpoint.

Palestinians in the West Bank and Gaza were subjected to beatings, tire slashings, and gunfire directed against them or their vehicles because they were traveling on, or trying to circumvent, roads on which the IDF blocked passage to Palestinians as it attempted to enforce internal closures between Palestinian cities and towns in the West Bank and Gaza (see Section 2.d.).

Israeli security personnel on patrol abused and in some cases tortured Palestinian civilians. On several occasions during the year, Israeli border policemen in Hebron detained Palestinian civilians and beat them without provocation. For example, in early December, Israeli Border Police in Hebron halted Badr Abu Sneineh, a Palestinian taxi driver, handcuffed him, and beat him for 10 minutes. On December 3, IDF soldiers in Hebron raided a barbershop in the city for no stated security purpose, shaved the heads of two Palestinians sitting in the shop, and beat them. The IDF had opened an investigation into the latter incident, but no results were forthcoming at year's end.

Israeli fire killed 4 on-duty Palestinian medical personnel during retaliatory attacks on civilian areas or PA institutions, compared to 67 attacks against Palestinian Red Crescent Society (PRCS) ambulances and 121 injuries caused by IDF soldiers (see Sections 1.a and 1.g.).

Article 13 of the PA Basic Law signed this year prohibits the use of torture or force against detainees; however, PA security forces tortured and abused Palestinian detainees. Such abuse generally took place after arrest and during interrogation, and reportedly was widespread. Palestinian security officers were not issued formal guidelines regarding the proper conduct of interrogations. The PA lacked adequate equipment to collect and use evidence, and convictions were based largely on confessions.

PA security officials tortured and abused prisoners by threatening, hooding, beating, and tying detainees in painful positions, forcing them to stand for long periods of time, depriving them of sleep and food, and burning detainees with cigarettes and hot instruments. Palestinians also alleged that PA authorities have shaken them violently while in PA custody. International human rights groups have documented widespread arbitrary and abusive conduct by the PA. The organizations stated that the use of torture was widespread and not restricted to those persons detained on security charges. Human rights groups stated that Palestinians who were suspected of belonging to radical Islamic groups were more likely to be treated poorly, as were the 250 alleged collaborators with Israel who were arrested since the start of the Intifada. Observers noted that documentation

of abuses was very limited, due partly to the hesitancy of alleged victims to file or make public claims of torture and abuse against the PA authorities.

During the year, one Palestinian died under PA custody, allegedly due to abuse (see Section 1.a.).

Palestinian security officers and Fatah Tanzim members with firearms attacked and injured Israelis. In some cases, they fired at Israeli civilians or soldiers from within or close to the homes of Palestinian civilians, drawing Israeli return fire (see Section 1.a.). Palestinian security forces often failed to prevent armed Palestinians in areas under PA control from opening fire on Israeli settlers or other civilians, soldiers, or military targets.

Extremist Israeli settlers harassed, attacked, and occasionally killed Palestinians in the West Bank and Gaza Strip (see Section 1.a.).

Some settlers attacked Palestinian homes and damaged crops, olive trees, greenhouses, and agricultural equipment, usually in areas located near settlements, causing extensive economic damage to Palestinian-owned agricultural land. In October settlers disrupted the Palestinian olive harvest by firing on Palestinians picking olives, beating harvesters returning home and stealing the harvest, and invading Palestinian property and picking the olives themselves. The settlers admitted to these activities but cited past Palestinian attacks on their settlement and claimed that the Palestinians must be deterred. Many settlers also claimed that Palestinians had no right to live on the land of "greater Israel" and that Palestinian attempts to cultivate their land was a form of theft. The settlers acted in an area in which the IDF was responsible for security. Settlers acted independent of government direction in such attacks. There have been some instances in which IDF forces protected Palestinians from settlers; however, the Government of Israel generally did not prosecute settlers for their acts of violence against Palestinians, and settlers rarely served prison sentences if convicted of a crime against a Palestinian. However, during the year, the Government stated that it indicted 80 Israelis for violence against Palestinians. In 20 of the cases, the perpetrators were indicted during their detention. Israel often enforced security by applying curfews and closures only to Palestinians, which on occasion prevented Palestinians from defending themselves and their property from attacks by settlers.

For example, from July 26 to 28, settlers in Hebron killed Nivin Jamjum, age 14, stabbed Ahmad a-Natsheh, age 8, beat Ahmad's brother Falah, age 9; injured more than 10 other Palestinians; took control of a house and damaged property in 20 other houses. Settlers also verbally and physically abused Israeli security forces in the city, but some committed their violence while accompanied by Israeli soldiers. Settlers claimed they were avenging a Palestinian shooting attack on July 26 that killed Elazar Leibowitz, a 21-year-old Israeli soldier and Hebron settler, and three residents of the P'sagot settlement, Hana and Yosef Dickstein and their 9-year-old son, Shuva'el. The couple's two other children were injured in the attack. A curfew on the city remained in effect for Palestinians during the duration of the events described.

During the year, Israeli settlers in Hebron continued their longstanding harassment of members of the Temporary International Presence in Hebron (TIPH), which monitored relations between Israeli and Palestinian security forces, Palestinian civilians, and settlers in the city, and damaged a number of their vehicles.

Palestinians harassed, attacked, and occasionally killed Israelis, especially settlers (see Section 1.a.).

Conditions for Palestinians in Israeli prisons were poor. Facilities were overcrowded, sanitation was poor, and at times food and clothing were insufficient. Israel set up tents at the Ofer Camp and crowded 60 Palestinian prisoners under each tent. Israel was unprepared to accommodate properly the thousands of Palestinians that were arrested in sweeps that accompanied Israeli operations this year. During April and May, Israel shut down the Ketziot prison to reorganize the facilities after discovering that it was not suited to handling the large number of detainees. In August 40 female Palestinian prisoners at the Ramleh prison conducted a 5 day hunger strike protesting conditions at the facility.

The IDF prevented families from the West Bank from visiting prisoners, citing the security situation as the reason. Visits for families of prisoners from Gaza took place at a fairly normal level. During the year, one Palestinian prisoner died in Israeli custody under suspicious circumstances and another Palestinian who had been taken into custody was later found dead (see Section 1.a.).

Israel permitted independent monitoring of prison conditions by the ICRC and other groups, although human rights groups sometimes encountered difficulties gaining access to specific detainees.

The PA provided poor conditions for its prisoners. In many cases, facilities were old, dilapidated, and neglected. There are separate facilities to hold juvenile prisoners. Most Palestinian prison facilities and

detention centers were destroyed during the current conflict, and prisoners were kept informally in houses or other buildings. One Palestinian died under suspicious circumstances after having been taken into custody by the PA (see Section 1.a.).

The PA permitted independent monitoring of its prisons, although human rights groups, humanitarian organizations, and lawyers reported difficulties arranging visits or gaining access to specific detainees. Human rights organizations stated that their ability to visit PA prisons and detention centers varied depending on which security organization controlled the facility. Human rights organizations stated that the police, the Preventive Security Force, and Mukhabarat generally allowed them to inspect facilities and visit prisoners and detainees. However, they stated that the Military Intelligence Organization usually did not grant them access to facilities that they controlled. Human rights monitors stated that prison authorities did not consistently permit them to have access to PA detention facilities, and that they rarely were permitted to see inmates while they were under interrogation.

The ICRC operated in the West Bank and Gaza under the terms of a memorandum of understanding signed in September 1996 between the ICRC and the PLO. The memorandum accorded the ICRC access to all detainees held by the PA and allowed regular inspections of prison conditions. In accordance with the agreement, the ICRC conducted visits of facilities run by the PA. The PA may deny a group access to a detainee for 14 days immediately following his or her arrest. When abuses occurred, they frequently happened during that 2 week period.

#### d. Arbitrary Arrest, Detention, or Exile

Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed a criminal or security offense. During the year, Israel conducted mass, arbitrary arrests in the West Bank. Most of those arrested were released several days or weeks thereafter. On April 5, Israel issued Military Order 1500, allowing the Israeli army to detain people for 18 days during which detainees were barred from seeing a lawyer or appearing before court. In March and April, during Operation Defensive Shield, Israel conducted mass arrests under this order's authority. Israeli forces began the operation on March 28, one day after a Palestinian suicide bomber blew himself up in the Park Hotel in Netanya, killing 30 Israelis. Israel entered cities and ordered all male civilians between the ages of 15 and 50 to assemble in main squares, blindfolded and handcuffed them, and led them to detention centers for processing. In such a way Israel arbitrarily detained approximately 7,000 Palestinians and later released 5,600 of them after a few days or weeks without taking legal action against them. Several Palestinians and human rights groups challenged the legality of these arbitrary arrests and delays of legal representation in court, and Israel announced that it would allow access to an attorney within 4 days and an appearance before a judge after 12 days. Human rights group did not consider these changes sufficient and their legal challenge had not been adjudicated by year's end.

Israel used administrative detention to hold hundreds of Palestinians without trial or charge. Prisoners who were not charged and tried in time were administratively detained after their arrest to put off their trial. At year's end, Israel held 1,007 Palestinians in administrative detention. Individual administrative detention orders could be issued for up to 6-month periods and could be renewed indefinitely. Israel conducted de facto detentions at checkpoints by confiscating Palestinian identification cards and keys. Israel conducted these detentions as a form of harassment at checkpoints and Palestinians were unable to leave the scene until IDF soldiers returned the items.

Israeli authorities intermittently issued special summonses for those suspected of involvement in or knowledge of security offenses. There were reports that some such summonses were issued immediately before and during the Intifada. Israeli military order 1369 provided for a 7-year prison term for anyone who did not respond to a special summons delivered to a family member or posted in the MATAK office nearest the suspect's home address. During the year, there were no reports that any person was convicted of failing to respond to a summons. Bail rarely was available to those arrested for security offenses.

Israel applied a different age standard in prosecuting Palestinian youth than when prosecuting Israeli youth. Israeli youth under the age of 18 cannot be tried as adults; however, Palestinian youth who are 17 years of age can be tried as adults.

Authorities must inform detainees of their right to an attorney and whether there are any orders prohibiting such contact. Higher-ranking officials or judges may extend the period during which a detainee is denied access to counsel. For example, access to counsel was denied routinely while a suspect was being interrogated, which may last up to several weeks.

Israel hampered or prevented contacts between Palestinians in Israeli prisons and detention facilities and their

lawyers, families, and human rights organizations. Legislation regarding the occupied territories requires the Israeli authorities to inform the family of a person's arrest and place of detention "without delay." Israeli authorities stated that they attempted to post notification of arrest within 48 hours, but that senior officers may delay notification for up to 12 days. In fact a military commander may appeal to a judge to extend this period in security cases for an unlimited period of time. Such notification rarely was given, and Palestinian suspects often were kept incommunicado for much longer than 48 hours. Even if family members or others became aware of a person's arrest, it often was difficult for them to obtain information regarding where a detainee was being held or whether the detainee had access to an attorney. Palestinians generally located detained family members through their own efforts. Palestinians may check with a local ICRC office or the Israeli human rights organization HaMoked to determine whether it has information regarding the whereabouts of a family member.

The Israeli Government routinely transferred Palestinians arrested in the occupied territories to facilities in Israel, especially the prison in Ashkelon and the military detention centers in Megiddo and the Negev Desert. Israeli authorities in some instances scheduled appointments between attorneys and their detained clients, only to move the clients to another prison prior to the meetings. Authorities reportedly used such tactics to delay lawyer-client meetings for as long as 90 days. Palestinian prisoners had difficulty obtaining legal representation because of restrictions in place on Palestinian lawyers. Since the Intifada began, only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit Palestinian prisoners in Israeli prisons as advocates or monitors. This significantly reduced the availability and timeliness of legal aid for such prisoners due to a reduction from 1,300 to approximately 100 available lawyers to handle such cases. Lawyers with Jerusalem identification cards reported frequent, repeated, and lengthy delays in meeting with prisoners. Israeli lawyers did not take steps to fill the void, which had grown even more severe with the greatly increased numbers of Palestinian detainees during the past year.

Human rights groups stated that Palestinian lawyers from the Gaza Strip had a more difficult time obtaining permission to meet their clients than their West Bank counterparts, and that they were denied entry into Israel more frequently than West Bank lawyers.

Male family members between 16 and 40 years of age, and any family members with security records, generally were barred from visiting relatives in Israeli facilities. Relatives of Palestinian prisoners also stated that in some instances they learned that visitation rights were canceled only when they arrived at the prison after having traveled for many hours from the occupied territories. Following the outbreak of violence in September 2000, the Israeli Government banned all family visits for Palestinian prisoners in Israeli prisons, although some visitation rights were restored intermittently after ICRC intervention (see Section 1.c.).

Evidence used at hearings for administrative detentions in security cases was secret and unavailable to the detainee or his attorney during the hearings; the detainee and defense lawyer were required to leave the courtroom when secret evidence was presented. Israeli authorities maintained that they were unable to present evidence in open court because doing so would compromise the method of acquiring the evidence. In 1998 the High Court of Justice ruled that only judges, rather than military officials, may renew administrative detention orders beyond a 6-month period. Detainees may appeal detention orders, or the renewal of a detention order, before a military judge, but their chances for success were very limited. No information was available regarding whether any detainees were successful in such appeals.

During the year, the total number of Palestinian prisoners and administrative detainees in Israeli prisons more than doubled due to arrests associated with terrorist acts and the violence of the ongoing Intifada. According to the IDF, there were 4,672 Palestinian security prisoners held in IDF and Israeli Prisons Service jails, compared to 1,854 at the end of 2001. The IDF also held an unspecified number of Palestinian detainees in waiting facilities in the occupied territories. Approximately 1,400 had been detained before the Intifada began (most of them were pre-Oslo prisoners serving long terms), and approximately 3,000 of those in custody had been arrested during the year. During the year, approximately 10,000 Palestinians were detained, of whom an estimated 7,000 were released or had completed their sentences.

At year's end, Israel held 1,007 Palestinians in administrative detention. Most had been detained for less than 1 year. A number of Palestinians under administrative detention during the previous several years have had their detention orders renewed repeatedly and few, if any, appeals were successful.

Israel forcibly transferred persons suspected of terror from the West Bank to Gaza. In July the Government of Israel announced its intention to forcibly transfer from the West Bank to the Gaza Strip relatives of persons known or suspected of having organized or participated in attacks against Israelis. On August 1, the IDF West Bank Commander signed an amendment to Military Order 378 allowing for the forcible transfer of Palestinians from the West Bank to the Gaza Strip. On September 3, the Israeli High Court of Justice issued a ruling allowing the forcible transfer of two Palestinians from Nablus to the Gaza Strip on the grounds that they were not being transferred out of the occupied territories and had allegedly assisted their brother to commit attacks against Israelis. The two Palestinians, Intisar and Kifah 'Ajuri, were in detention since June 4 and July 18,

respectively, but never were charged nor brought to trial. The Israeli Government claimed that it could not try them because this would expose the source of the evidence against them.

The 2001 PA Criminal Procedures Law contains unified procedures that allow police to hold detainees without charges for 24 hours. Prosecutors can authorize detention for another 15 days. Court approval is necessary for detention without charges for a maximum of 30 more days. The Attorney General can ask any court of first instance to authorize up to another 45 days of detention. After the first 90 days of incarceration, the detainee must be brought before the court having jurisdiction in the case for any other extension of detention. A trial must start within 6 months of arrest, or the detainee must be released.

On May 14, Chairman Arafat signed the Independence of the Judiciary Law and on May 29 he signed the PA Basic Law, which defines the authorities of the three governmental branches and prescribes direct election of a president accountable to his cabinet and to the elected PLC. Neither law has yet been fully implemented; hence the safeguards they offer are not fully in place. The lack of safeguards has contributed to the tendency of PA security forces to refuse to carry out High Court of Justice orders to release detainees.

PA security forces arbitrarily arrested and detained persons, and security officials often ignored laws that restrict their actions. The PA ignored court decisions calling for the release of alleged security criminals. On November 24, the PA High Court of Justice ordered Eid Atya Abu Anseer released from detention for lack of evidence. The PA Military Intelligence Service in Gaza had arrested Anseer on charges of collaborating with Israel. Despite this ruling, Anseer remained imprisoned at year's end. Lawyers and PA judicial officials acknowledged that, in contravention of the law, PA security services sometimes arrested and detained persons without informing judicial officials.

At year's end, approximately 250 suspected collaborators and at least 20 political prisoners were in custody in PA prisons (see Section 1.e.). These alleged collaborators often were held without sufficient evidence, and denied access to lawyers, their families, or doctors.

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

PA security services had overlapping or unclear mandates that often complicated the protection of human rights. Leadership changes and Israeli strikes against security posts have seriously crippled the PA security apparatus. Under existing law in the West Bank, only the PA's civil police force is authorized to make arrests. In practice all security forces detained persons at various times. The operating procedures and regulations for the conduct of PA security personnel in the various services still were not well developed and have not been made fully available to the public.

There were many detention facilities in the West Bank and Gaza Strip administered by the overlapping PA security services, a situation that complicated the ability of families, lawyers, and even the Ministry of Justice to track detainees' whereabouts and to determine their numbers. During the year, most PA prisons were destroyed during Israeli operations, and the use of informal detention centers in homes and apartment buildings spread. Security services, including Preventive Security, General Intelligence, Military Intelligence, and the Coast Guard have their own interrogation and detention facilities. In general these services did not inform families of a relative's arrest, or did so only sporadically. Most PA security officers remained unaware of proper arrest, detention, and interrogation procedures, as well as basic human rights standards.

PA security forces continued to harass journalists, political activists, and human rights advocates who criticized the PA and its policies (see Section 2.a.).

Neither the Israeli Government nor the PA used forced exile, or forcibly deported anyone from the occupied territories, during the year. However, Israel and the PA sanctioned the voluntary agreement of 13 Palestinian gunmen to go into exile in Europe and another 35 to Gaza in a negotiated resolution of the standoff at the Church of the Nativity in Bethlehem in the spring.

#### e. Denial of Fair Public Trial

Israeli law provides for an independent judiciary, and the Government generally respected this provision. Palestinians accused by Israel of security offenses in the occupied territories usually were tried in Israeli military courts. Security offenses are defined broadly and may include charges as varied as stone throwing or membership in outlawed organizations, such as HAMAS or the PFLP. Military prosecutors brought charges. Serious charges were tried before three-judge panels; lesser offenses were tried before one judge. The Israeli

military courts rarely acquitted Palestinians of security offenses, but sentences in some cases were reduced on appeal.

The 1970 regulations governing Israeli military trials allowed for evidentiary rules that were the same in criminal cases. Convictions may not be based solely on confessions, although in practice some security prisoners were sentenced on the basis of the alleged coerced confessions of both themselves and others. The prosecution must justify closing the proceedings to the public in such cases, and the Attorney General determines the venue. Counsel may assist the accused, and a judge may assign counsel to those defendants when it is deemed necessary. Charges are made available to the defendant and the public in Hebrew, and the court may order that the charges be translated into Arabic if necessary. Sentencing in military courts was consistent with that in civilian criminal courts. Defendants in military trials had the right to appeal through the Military High Court. Defendants in military trials also may petition to the civilian High Court of Justice (as a court of first instance) in cases in which they believe there are procedural or evidentiary irregularities. The court may hear secret evidence in security cases that is not available to the defendant or his attorney; however, while a conviction may not be based solely on such evidence, it reportedly may influence the judge's decision.

Trials sometimes were delayed because witnesses, including Israeli military or police officers, did not appear, the defendant was not brought to court, files were lost, or attorneys failed to appear, sometimes because they were not informed of the trial date or travel restrictions prevented Palestinian lawyers from reaching the court (see Section 2.d.). These delays pressured some defendants to plead guilty to minor offenses so that an expedited trial could be held; in expedited trials a charge sheet was drawn up within 48 hours and a court hearing was scheduled within days. There frequently was no testimony provided by Palestinian witnesses either for or against Palestinians on trial. Israeli authorities maintained that this was due to the refusal of Palestinians to cooperate with the authorities. However, Palestinian authorities maintained that the absence of Palestinian witnesses was due to strict travel restrictions. Tension resulting from the security situation, and the closures imposed on the West Bank and Gaza, posed additional barriers to cooperation. Physical and psychological pressures and reduced sentences for those who confessed induced security detainees to sign confessions. Confessions usually were given in Arabic but translated into Hebrew for the record because, authorities maintained, many Israeli court personnel could speak Arabic but few could read it. As a result, many Palestinian prisoners signed confessions written in Hebrew, which many could not read or understand.

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

Israeli settlers in the West Bank and Gaza Strip accused of security and ordinary criminal offenses were tried under Israeli law in the nearest Israeli district court. Civilian judges presided, and the standards of due process and admissibility of evidence were governed by the laws of Israel, not military orders. Settlers rarely were prosecuted in Israeli courts of crimes against Palestinians, and, in the rare instances in which they were convicted, regularly received lighter punishment than Palestinians convicted in Israeli courts of similar crimes against either Israelis or other Palestinians (see Section 1.a.). The Government of Israel stated that it established a special department within the police force to investigate violence by settlers; the establishment of such a unit has not noticeably diminished the problem. During the year, 42 settlers were indicted for violence in the occupied territories; however, most of these indictments were for crimes against Israeli security forces rather than against Palestinians.

The Israeli government maintained that it held no political prisoners, but Palestinians claimed that many of the 1,007 Palestinian administrative detainees being held without charge were political prisoners.

The Government of Israel held thousands of persons for security related offenses (see Section 1.d.).

The PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. The PA executive and security services frequently failed to carry out court decisions and otherwise inhibited judicial independence. The lack of judicial independence and the lack of rule of law in the PA lead to continuing problems of torture, extrajudicial killings, and arbitrary detention (see Sections 1.a., 1.c., and 1.d.).

The PA inherited a court system largely based on structures and legal codes that predate the 1967 Israeli occupation and Israeli military orders. Legislation implemented in the past 2 years clarified the court structure and changed the types or sizes of cases that some of the civil courts can conduct. A High Judicial Council (HJC) maintained authority over most court operations. In each governorate there must be at least one conciliation court and a court of first instance that hears appeals from that conciliation court, and that has original jurisdiction of more serious cases. Legislation dictates that three courts of appeal sit in Gaza, Ramallah, and Jerusalem to review decisions of the first instance courts. In practice, there was no Jerusalem

appeals court and the Ramallah court handles its responsibilities. There was also a High Court, officially designated as sitting in Jerusalem, but it meets in Ramallah and Gaza City. The High Court also served as the Constitutional Court until additional legislation establishes it as a separate court. The High Court also serves as the Court of Cassation and as an administrative court until administrative courts are established by legislation. Most of the changes required by the legislation started to take effect during the last year, and very limited resources and restriction of movement have hampered the transition.

The PA executive at times did not respect decisions of the courts, and the Palestinian security agencies did not always enforce their rulings (see Section 1.d.). In 1995 the PA established state security courts in Gaza and the West Bank to try cases involving security issues, but in recent years only the High State Security Court has functioned. A civilian judge who also sits on the Court of Appeals headed the High State Security Court. In most cases, three military judges presided over each case. Most of the judges were military officers but a civilian judge usually headed each panel of the High State Security Court. There was no right of appeal, but the PA president reviewed the court's findings, and he could confirm or reject its decisions. The PA Ministry of Justice had no jurisdiction over the state security courts, which were subordinate only to the Chairman. There was a separate Attorney General appointed by the Chairman to work with the state security courts. There were military courts to handle charges against members of the security forces, but during the year, they saw little if any activity.

The Gaza legal code is derived from Ottoman law, British Mandate law, Egyptian law, and PA directives and laws. Pre-1967 Jordanian law, together with PA directives and laws, applied in the West Bank. Both sets of laws were modified substantially by Israeli military orders. According to the Declaration of Principles and the Interim Agreement, Israeli military decrees issued during the occupation remained valid in both areas and were subject to review by the parties pursuant to specific procedure. The PA had passed many pieces of fundamental legislation that unify the Gaza and West Bank legal codes, but there was still a lack of unified legislation and regulations on many subjects. Human rights advocates stated that the PA's judiciary did not operate consistently. Judges stated they were hampered by their lack of information about decisions issued by other courts.

The court system in general was struggling to recover from years of neglect; most of the problems predated PA jurisdiction and were aggravated by lack of resources and attention since the PA assumed control of the courts. Judges and staff lacked sufficient resources and suffered from a lack of skills and training. In addition, closures, curfews, and the inability of PLC members to travel seriously impeded administrative functions and implementation of reform. Court procedures and record keeping were antiquated, although donor-funded activities started to improve some of the systems. The delivery of justice often was perceived as slow and uneven. The ability of the courts to obtain enforcement of their decisions was extremely weak. A heavy caseload even before the Intifada exacerbated these systemic problems. During the past 2 years, the revolving caseload reportedly increased by 50 to 60 percent (see Section 2.d.).

The High Judicial Council (HJC) slowly was gaining authority over judicial matters that formerly were administered by the PA Ministry of Justice. The 1998 Independence of the Judiciary Law created the HJC to enhance the judicial system and its independence. Arafat appointed an HJC by a decree issued in 2000 and published in 2001, giving it the powers it would have had if he had signed the judicial independence law. Arafat signed that particular law as well as the PA Basic Law on May 14, both of which pertained to the powers of the HJC. However, instead of appointing an HJC with the 9 members required by the judicial independence law, Arafat reappointed the same 11 members he appointed in 2000. Three of the HJC members were older than 70 years, the age limit contained in the law for HJC members, including its president. During the year, discussions continued within the PA about the membership of the HJC and the extent of control the laws give the Ministry over court operations, even as the HJC planned the budget for the judicial branch, supervised judicial operations in the West Bank and Gaza, and nominated more than 30 new judges for the Chairman's confirmation. Prior to this year, the Ministry of Justice appointed all civil judges for 10-year terms and supervised judicial operations.

The PA's state security courts failed to afford defendants due process. In theory these courts can apply procedures from the criminal procedures law or those specified in the Revolutionary Code. The PA usually ignored the legal limits on the length of prearrest detention of detainees suspected of security offenses. Defendants often were brought to court without knowledge of the charges against them or sufficient time to prepare a defense. They typically were represented by court-appointed lawyers, who generally were members of the security services with valid law degrees, but who had not practiced trial law, or in some cases, any law, as part of their career. However, during the year there were more cases in which defendants chose their own lawyers. Court sessions often took place on short notice in the middle of the night, and the advocates were not always present. In some instances, security courts tried cases, issued verdicts, and imposed sentences in a single session lasting a few hours.

During the year, the state security courts sentenced 12 persons to death for collaboration with Israel in the

killing of Palestinians. Defendants often were unable to obtain competent legal counsel or bring forward witnesses in their defense. All executions required approval from PA Chairman Arafat before they could be carried out, and he has not granted such permission since the execution of two Palestinians in 2001.

The state security courts adjudicated cases that fell far outside the scope of the courts' original mandate. In addition to cases in which violations of state security allegedly occurred, the courts have on occasion dealt with tax cases and economic crimes, such as smuggling. In 2000 Chairman Arafat decreed that "serious" crimes, including homicide, rape, and drug trafficking, be referred to state security courts. The decision prompted human rights organizations to issue statements requesting the abolition of state security courts and the referral of all cases to the regular civil courts.

There were no reports during the year that persons were convicted for their political beliefs. However, at year's end, a credible Palestinian prisoner rights organization estimated that the PA held at least 20 political prisoners, as well as approximately 250 Palestinians on charges of collaboration (see Section 1.d.).

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

Israeli military authorities on many occasions entered private Palestinian homes and institutions without a warrant, citing security concerns. An officer of the rank of lieutenant colonel or above could authorize such action. In conducting searches, both in areas under Israeli control and during incursions into areas ostensibly under PA control, IDF personnel forcibly entered and in some cases, beat occupants and destroyed property.

Israeli forces arbitrarily destroyed or looted Palestinian property during military operations. During Operation Defensive Shield, which lasted from March 29 through April 21, numerous Palestinian Authority, NGO, and private offices were vandalized, damaged, and looted. Six Israeli soldiers were indicted for looting, of whom five were convicted and demoted and given prison sentences of up to five months. 20 other Israeli military police investigations were underway for violence, looting, and vandalism. Israeli authorities stated that forced entry may occur lawfully only when incident to an arrest and when entry was resisted. Authorities stated that beatings and arbitrary destruction of property during searches were punishable violations of military regulations and that compensation was due to victims in such cases. The Israeli Government stated that it did not keep consolidated information regarding the claims against the Ministry of Defense for damages resulting from IDF actions.

Israeli security forces demolished and sealed the homes (owned or rented) of Palestinians suspected of terrorism or the relatives of such suspects, without any judicial review (see Section 1.g.). During the year, according to Israeli human rights organization B'tselem, Israeli forces demolished 112 homes as punishment for terror activity.

The IDF destroyed numerous citrus orchards, olive and date groves, and irrigation systems on Palestinian-owned agricultural land in both the West Bank and Gaza. The IDF destroyed these groves or orchards for security reasons, stating that Palestinians had been shooting from those areas. Israel claimed that since the beginning of the Intifada it destroyed 5,500 dunams (1,223 acres) of orchards in Gaza and 4,500 dunams (1,000 acres) of cultivated and uncultivated land. However, the Palestinian Centre for Human Rights estimated that Israel razed 16,000 dunams (3,558 acres) of land in that period. The separation wall that Israel began to build this year in the West Bank was expected to divide 6,000 dunams of land from its Palestinian owners. Israel claimed that Regulation 119 of the Defence Emergency Regulations passed under the British mandate allows military commanders to destroy homes and property without judicial review if they suspect that they have been used for violent purposes.

The PA required the Attorney General to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Police searched homes without the consent of their owners. In some cases, police forcibly entered premises and destroyed property.

PA security forces at times detained or placed under house arrest the relatives of alleged security criminals. For example, in 2001 the PA arrested and detained two brothers of the suspects in the killing of the Israeli Tourism Minister. The PA released them during the year (see Section 1.d.).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Israeli security forces often used excessive force against Palestinians and others, in contravention of their official rules of engagement (see Section 1.a.). In 2001 the IDF stated that its actions and its rules of engagement were based on a legal framework, that it followed a policy of restraint and proportionality, and that



to the extent possible, it avoided harming civilians.

IDF regulations permitted the use of rubber-coated metal bullets and live ammunition only when the life of the soldier or another person imminently was threatened, and no other means of defense is available, to apprehend a fleeing person suspected of having committed a dangerous offense who did not respond to warning calls and shots, and to disperse a violent demonstration or riot. A response to a violent demonstration must be in clear escalatory stages—first tear gas—then warning shots in the air, then rubber-coated steel bullets. IDF Open-Fire Regulations stated that, in apprehending a fleeing suspect, soldiers were to direct fire at the suspect's legs only. Soldiers were not permitted to fire at persons suspected of having committed only minor offenses, such as refusal to identify themselves or fleeing from security forces. Regulations prohibited security force members from opening fire in the direction of children or women, even in the case of severe public disorder, unless there is an immediate and obvious danger to a soldier's life. Firing on a suspicious vehicle at a checkpoint was permitted only when the soldiers at the site are in a clearly life-threatening situation.

The IDF killed or injured Palestinians or others in non life-threatening situations. IDF forces used lethal force against Palestinians throwing stones, even though IDF data indicated that there were no known cases in which an Israeli soldier on duty had ever been killed by stone-throwing during the Intifada (see Section 1.a.).

IDF fire killed or injured a number of innocent bystanders, including journalists and Palestinian civilians, when they fired into crowds at demonstrations (see Sections 1.a. and 2.a.). Palestinian medical groups estimated that approximately 10 percent of the injuries will result in permanent disabilities, and another 10 percent will require medical rehabilitation (see Section 5).

Israel obstructed the movement of and occasionally fired upon medical personal and ambulances. During the year, the PRCS stated that IDF soldiers and settlers committed 44 attacks against PRCS ambulances. The PRCS also reported that IDF soldiers and Israeli settlers injured 63 PRCS emergency personnel in attacks. The Government of Israel stated that it has ordered soldiers to refrain from interfering with the provision of medical services, and to allow ambulances and medical personnel to pass through checkpoints, and had provided this information to soldiers. The Government of Israel further stated that Palestinians had used ambulances to transport arms, and that soldiers must balance these security considerations with humanitarian concerns.

On January 27, a female Palestinian paramedic employed by the PRCS carried out a suicide bombing in central Jerusalem, killing herself and 1 Israeli while injuring more than 100 others. It was not known whether she used her credentials as a paramedic to aid her access into Israel.

On March 4, an Israeli tank fired on a PCRS Ambulance in Jenin, killing the local head of the Emergency Medical Service.

On March 27, IDF soldiers stopped a PRCS Ambulance south of Ramallah and reported finding a wanted man and an explosive belt inside the vehicle. PRCS officials claimed the belt was planted in the ambulance.

During the Intifada, the IDF also used excessive force in responding to a number of incidents at checkpoints (see Section 1.a.).

Israeli soldiers placed Palestinian civilians in danger by ordering them to facilitate military operations, which exposed them to live fire between armed Palestinians and Israeli soldiers. Since the beginning of the Intifada, IDF soldiers have ordered Palestinian civilians to enter buildings to check whether they were booby-trapped; to expel their occupants; to remove suspicious objects from the road; and to walk in front of soldiers to protect them from gunfire. For example, IDF officials acknowledged that on August 14, IDF soldiers in the West Bank village of Tubas forced 17-year-old Palestinian Nidal Abu M'khisn at gunpoint to approach a house containing a suspected terrorist and demand him to surrender. The Palestinian, Nasser Jarrar, subsequently shot and killed M'khisn, apparently thinking he was an IDF soldier. In August seven human rights organizations, including B'tselem, petitioned the Israeli High Court of Justice and obtained an injunction against the use of Palestinians as "shields" for Israeli forces. Israel admitted the use of such practices, in violation of existing procedures, and reiterated that IDF forces "are absolutely forbidden to use civilians of any kind as a means of 'living shield' against gunfire or attack by the Palestinian side, or as 'hostages.'" However, B'tselem reported that IDF soldiers instead could employ the "neighbor procedure," using consenting civilians to enter homes and buildings ahead of soldiers. Israel claimed that Palestinians who agreed without coercion to enter homes for the IDF were not being exploited. Human rights groups asserted that Palestinians who agreed to assist such operations often did so out of fear of the soldiers even if they are not directly coerced. Palestinians who took part in such operations without being harmed still faced the risk of being branded as collaborators and risked being attacked by other Palestinians.

Israel also placed civilians in danger by occupying Palestinian homes and using them as military bases, including at times, during operations designed to eliminate terrorist infrastructure. The occupation of the home turns it into a military target, and forcing residents to remain inside puts them in unnecessary danger. For example, on January 21 IDF forces raiding Tulkarm took over the house of Ali Tawfiq al-Shurati, made it a military position, and locked Ali's wife and five children in a ground floor apartment for 24 hours.

The IDF fired tank rounds, as well as rockets from helicopters and military aircraft, on targets in cities and towns in the West Bank and Gaza during operations undertaken in response to attacks on Israeli soldiers, settlers and other civilians (see Section 1.a.).

Israeli forces demolished the homes of the families and relatives of those convicted of or suspected of committing terror attacks, effectively punishing innocent Palestinians not implicated in the attacks. Israel's demolitions left hundreds of Palestinians not directly implicated in the attacks homeless. During the year, Israel demolished 114 Palestinian homes, compared to 8 in 2001. The numbers of such demolitions increased as Israel re-occupied areas previously under exclusive PA control and gained access to such homes.

Israel's extensive curfews on Palestinian towns punished entire innocent populations. During the year, Israel demolished 114 Palestinian homes, compared to 8 in 2001. Israel's demolitions left hundreds of Palestinians not involved in terror attacks homeless. The curfews affected every aspect of life for Palestinians, damaging livelihood and causing food shortages. During Operation Defensive Shield in March and April, 800,000 Palestinians were prevented from leaving their homes for 2 weeks. The village of al-Walaja remained under constant curfew from April 2 to May 10. During the start of Operation Determined Path, which was ongoing at the end of the year, extensive curfews were still in place. For example, the city of Nablus was under curfew for 96.5 percent of time from June 18 to September, according to a report by the World Bank. All major Palestinian cities were also under curfew at varying times during this period. Qalqilya, which experienced the least curfew hours of major Palestinian cities during this period, was under curfew for 40.2 percent of the time. The Israeli Government's sustained imposition of internal and external closures and curfews in the West Bank and Gaza during the year severely impacted Palestinian society and economy, contributing to shortages of basic food, water, and the provision of medical care and supplies.

The external and internal closures contributed to increased unemployment and poverty in the occupied territories. Approximately 125,000 West Bank and Gaza workers, representing roughly 20 percent of the Palestinian work force, depended on day jobs in Israel, Israeli settlements, and Jerusalem. The closures on Palestinian cities and towns also impeded Palestinians from reaching jobs or markets in the occupied territories and disrupted internal and external trade. Closures and the destruction of large swathes of Palestinian-owned agricultural land and economic infrastructure by the IDF and settlers, contributed to an adjusted unemployment rate of approximately 44 percent. Closures particularly isolated and hurt the roughly 200,000 Palestinians who lived in rural villages. Rural villages rarely were self-sustaining communities and did not have the full range of services—such as medical care, education, or municipal provision of water—that larger urban areas had, increasing their isolation when community members were not able to travel outside the area to obtain access to services and provisions. Other rural villages under full Israeli control were further isolated from major Palestinian population centers.

The ICRC and various medical organizations stated that the prolonged closure of Palestinian cities significantly obstructed the delivery of medical care and prevented patients from passing through checkpoints, in some cases even when urgent treatment was critical to life and death. Since the beginning of the Intifada at least 34 persons died as a result of delays in, or prohibition from, crossing checkpoints to reach medical care. During the year, 12 died because of such delays. The closures made it impossible for most patients living outside large cities who need repeated medical treatment, such as dialysis or physical therapy, to reach medical centers on a regular basis. The PRCS stated that more than one-third of Palestinians who were injured in the Intifada required some type of physical rehabilitation and at least ten percent have permanent disabilities. Medical professionals noted that many Palestinians delayed all but emergency medical care because of the restrictions and economic conditions. Preventative treatment, such as vaccinations, antenatal and postnatal care, and family planning in most cases were postponed; and the number of births at home, in ambulances, and at checkpoints increased significantly. Medical observers noted that as the Intifada continued, the negative consequences would continue to have a significant impact on public health.

On January 21, Ra'ed Sabri Ibrahim Sruji, a 46-year-old Palestinian from the Tulkarm refugee camp and a diabetes patient suffering from kidney failure, was on his way to the hospital in Nablus when the ambulance he was in was detained at the Deir Sharaf checkpoint for 3 hours. He died due to lack of prompt treatment.

Closures and curfews also have affected the provision of emergency medical care. Israeli security services stopped and searched all ambulances at each checkpoint, which frequently added life-threatening delays in reaching hospitals, due to the fact that some had to use substandard local roads when denied access through any of the checkpoints. Israeli security forces often impeded the provision of medical assistance to Palestinian

civilians by strict enforcement of internal closures, which contributed to at least 14 deaths. The PCRS reported that its average response time to emergency calls in "outer city" areas is 40 to 50 minutes, compared to a past average of 10-15 minutes. The PRCS also reported that Israel denied it access to outer city areas altogether 70 percent of the time.

Israeli soldiers frequently harassed and abused Palestinian emergency services staff at the checkpoints (see Section 1.c.). The closures also significantly impeded the ability of medical staff to reach work.

Israel regularly transferred Palestinians arrested in the occupied territories to prisons and detention facilities in Israel (see Section 1.d.).

Palestinian terrorist groups used minors to prepare attacks or carry them out. These youths were recruited to throw pipe bombs, plant explosives, and carry out suicide attacks.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Israeli Government generally respected freedom of speech in some areas in the occupied territories; however, it imposed censorship and prohibited public expressions of anti-Israeli sentiment and of support for Islamic extremist groups. Three journalists covering clashes between Palestinians and Israeli security forces, including some who were clearly identified as noncombatants, were killed by IDF fire and at least five others were injured. IDF soldiers routinely harassed and occasionally detained Palestinian and other journalists covering stories in the West Bank and Gaza. Israel frequently denied journalists travel permits and revoked or delayed issuing press credentials, all of which amounted to de facto censorship. The IDF moderately to extensively damaged radio and television stations and newspaper offices in Ramallah during the Israeli incursion in March and April. During the year, Israel raided a newspaper's premises.

During the year, the Israeli Government continued to enforce selectively its standing prohibition on the display in Jerusalem of Palestinian political symbols, such as flags, national colors, and graffiti. Such displays were punishable by fines or imprisonment. Israeli enforcement of existing censorship regulations remained stringent regarding press coverage of the Intifada. Israeli authorities monitored Arabic newspapers based in East Jerusalem for security-related issues, and newspapers sometimes were ordered to halt publication of stories about the security situation until the information first appeared in the Israeli media. Military censors reviewed Arabic publications for material related to the public order and security of Israel. Reports by foreign journalists were subject to review by Israeli military censors for security issues, and the satellite feed used by many foreign journalists was monitored. In periods of heightened security, the Israeli Government often closed areas to journalists when it imposed a curfew or closure. Israeli authorities denied entry permits to Palestinian journalists traveling to their place of employment in Jerusalem during closures of the territories, and the journalists had difficulty renewing their Israeli issued press credentials (see Section 2.d.).

The IDF required a permit for Palestinian publications sold in areas of the occupied territories under its control. Publications may be censored or banned for content considered anti-Semitic or anti-Israeli. Possession of banned materials was punishable by a fine and imprisonment. The Israeli Government prohibited the delivery and distribution of publications, including newspapers, in the Gaza Strip on the Jewish holiday of Yom Kippur (when import of any item is prohibited) and on numerous other occasions when the closure of the Gaza Strip was particularly tight. On several occasions during the year, usually following terrorist incidents, the Israelis banned Palestinian daily newspapers from entering Gaza. However, during such periods, Israeli newspapers were allowed into Gaza. During internal closures, the Israeli Government also occasionally blocked the delivery of Palestinian daily newspapers to Palestinian cities in the West Bank.

Israeli soldiers sought out and destroyed Palestinian media outlets during operations in the West Bank. Most local Palestinian radio and television stations went off the air or scaled back their broadcasts because of damage done by the Israeli army. On January 19, the IDF detonated explosives in the main building of the Palestinian Broadcasting Corporation (PBC) in Ramallah, severely damaging the building and destroying equipment. The Israeli Government singled out PBC for broadcasting material deemed to be anti-Semitic or that incited violence. On April 2, Israeli soldiers took over the building housing al-Quds Educational Television in Ramallah and occupied it for 20 days, during which they destroyed a studio, cameras, computers, videos and satellite receivers, and sprayed graffiti on the walls.

Israel also harassed Palestinian media organizations. In April IDF soldiers occupied the broadcasting station of a Palestinian cable outlet in Ramallah, interrupted its broadcasting, and transmitted pornography to area residents. On October 6, Israeli forces raided the facilities of al-Ayyam newspaper in Ramallah. The newspaper reported that Israeli forces stormed the building after midnight, forced all employees into one room

and searched the premises for 2 hours.

During the year, three journalists were killed. On March 13, Israeli gunfire killed Raffaele Ciriello, special correspondent in Ramallah of the Italian daily *Corriere della Sera*. On July 12, in Jenin, Israeli gunfire killed Palestinian photographer Imad Abu Zarha. On August 23, the Israeli army denied all responsibility, stating that there was no proof of any firing at the journalists. Journalist and press groups rejected Israeli claims. On September 21, Voice of Palestine journalist Issam Hamza Tillawi was shot in the back of the head as he was reporting on a Palestinian demonstration in Ramallah

On September 25, the Paris-based organization Reporters Sans Frontieres (RSF) released a statement expressing concern over journalists injured by Israeli forces. The organization noted 46 cases of journalists who had been injured by gunfire, nearly all from Israeli sources since the beginning of the Intifada. Several of those shot, mostly Palestinians, were seriously injured, even though some were clearly identifiable as journalists and standing apart from clashes when hit (see Section 1.g.).

Israel confiscated journalists' press cards and equipment on several occasions. On April 6, Israeli authorities deported Jasim Azzawi of Abu Dhabi Television, who was on a special assignment. Azzawi, who is an American citizen, filed an affidavit on April 4 at the U.S. Consulate in Jerusalem stating that he was summoned to the Israeli Government Press Office and was told that the Prime Minister's office decided to revoke his press credentials and expel him for alleged inflammatory reporting. On April 9, Israeli troops in Bethlehem threatened TV Tokyo reporter Yuzuru Saito and confiscated a tape from his cameraman and from French cameraman Vincent Benhamou.

On several occasions, Israel detained and questioned journalists. On April 24, Israeli troops in the West Bank detained Reuters cameraman Mazen Da'na and Hussam Abu Allan, a photographer for Agence-France Presse.

The PA restricted freedom of speech and freedom of the press. During the year, the PA limited free expression, particularly regarding human rights and alleged security issues. Press freedom is subject to a 1995 press law that does not protect the press adequately. PA security services closed media outlets, banned publications or broadcasts, and periodically harassed or detained members of the media (see Section 1.d.). Palestinian commentators and human rights groups stated that, as a result, journalists practiced self-censorship.

On August 27, the PA supported the Palestinian Journalists' Syndicate in the Gaza Strip to bar journalists from photographing Palestinian children wearing military uniforms and carrying weapons.

On April 1, Palestinians threatened journalists working for the Associated Press, Reuters, and Palestine TV in Bethlehem and forced them to hand over footage, shot the night before, of the body of an alleged Palestinian collaborator who had been shot in a parking lot.

There were three Palestinian dailies and several Palestinian weekly newspapers. There also were several monthly magazines and three tabloids.

In addition to the official Palestinian Broadcast Corporation television and radio, also known as Voice of Palestine, there were approximately 20 independently owned television stations and 9 radio stations in the West Bank.

The Internet was available widely.

Israeli-imposed closures, curfews, and military actions severely restricted academic freedom by disrupting the operations of West Bank and Gaza schools, colleges, and universities during the year. Students and staff at all educational levels had difficulty traveling to and from educational facilities because most areas were under some form of internal closure for the entire year. In addition, Israeli forces imposed curfews on many Palestinian areas, some for 24 hours a day, for extended periods (see Sections 2.d. and 5). Students from Gaza were unable to reach West Bank universities since early October 2000, when Israel closed the safe passage route between Gaza and the West Bank. Both Bir Zeit University in Ramallah and An-Najah University in Nablus were unable to open for the fall semester: Bir Zeit due in large part to a roadblock preventing access to the school, and An-Najah due to an almost continuous curfew in Nablus since midsummer. Israeli shelling and gunfire during military operations consequently damaged a number of schools in the West Bank and Gaza.

In March, the IDF relocated a roadblock in al-Khader village blocking access to the Hope Flowers School.

Hope Flowers was the only Palestinian school in the West Bank that employed a curriculum emphasizing democracy and coexistence. After repeated requests by foreign governments and other interested parties, Israel repositioned the roadblock to facilitate access to the school. The sniper position that overlooked the roadblock remained in place at year's end.

The PA generally had authority over all levels of education in the West Bank and Gaza Strip, and it controlled the budgets of all public colleges. During the year, the PA did not interfere with education in the West Bank and Gaza Strip.

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

The Israeli Government placed severe limits on freedom of assembly for Palestinians in the occupied territories, largely through the imposition of internal closures and curfews (see Section 2.d.). Israeli military orders banned public gatherings of 10 or more persons without a permit. After the 1993 signing of the Declaration of Principles, Israel relaxed enforcement of this rule, except in cases of Palestinian demonstrations against land seizures or settlement expansions. However, extensive curfews during the year made assembly of any kind impossible in most major Palestinian cities. Those Palestinians who chose to take part in even peaceful demonstrations often did so only by breaking curfew restrictions and IDF prohibitions against demonstrations.

Israeli security forces killed scores of Palestinians and injured several thousand during demonstrations and other often violent clashes (see Sections 1.a. and 1.c.). The Israeli and Palestinian authorities regularly disputed whether Palestinians fired at security forces during such demonstrations. The PA and individual Palestinians stated that Israeli security forces often resorted to live fire even when Palestinian did not shoot at them first. In 2001 the IDF changed its definition of "life-threatening" situations to include stone-throwing in some cases.

The PA imposed some formal limits on freedom of assembly; however, while it required permits for rallies, demonstrations, and large cultural events, these permits rarely were denied. In Gaza police approval was required for political meetings at several specific large meeting halls. Written permission also was required for buses to transport passengers to attend political meetings. In West Bank cities, the PA required permits for outdoor rallies and demonstrations and prohibited calls for violence, displays of arms, and racist slogans, although this rarely was enforced.

The Israeli Government placed severe restrictions on freedom of association in East Jerusalem. In 2001 Israeli forces closed Orient House, the preeminent Palestinian political institution in Jerusalem, and consequently other East Jerusalem institutions located in Orient House, including: The Chamber of Commerce, the Land Research Center, the Higher Council for Tourism, a women's center, a prisoner's rights society, and a historical preservation group. The Israeli police arrested a number of Palestinians and foreign nationals during protests calling for the reopening of Orient House. The closings were part of the government's response to a suicide bombing in Jerusalem; the Government stated that it closed Orient House because it was engaged in political activity in violation of the Interim Agreement. At year's end, Orient House remained closed.

On February 6, the Israeli police closed the Multi-Sectoral Review Project, an EU-funded project dedicated to surveying development needs in East Jerusalem. Israel claimed that the project was linked to the PA, which was not permitted a presence in East Jerusalem under the terms of the Oslo Agreement. The same day, police closed the Land Research Center. On June 5, the police closed the East Jerusalem offices of the Federation of Palestinian Chambers of Commerce. On July 9, police closed the office of Al-Quds University President Sari Nusseibeh; Nusseibeh was able to reopen his office a few days later after signing a pledge to not use his office for activities relating to his separate role as PLO Political Commissioner for Jerusalem Affairs. On September 20, the Israeli police closed the offices of the Jerusalem Cultural Association and the Union of Sports Clubs.

The PA placed some limits on freedom of association; however, the PA permitted Palestinian charitable, community, professional, and self-help organizations to operate.

The armed wings of HAMAS, PIJ, and other Palestinian opposition groups remained outlawed. While it was not illegal to belong to other components of these groups, during times of heightened security, the PA detained members of these other components (see Section 1.d.).

#### c. Freedom of Religion

Israeli law provides for freedom of worship, and the Government generally respected this right in practice in the occupied territories. Israel did not ban any group on religious grounds, and permitted all faiths to operate

schools and institutions.

Religious publications in East Jerusalem were subject to the Publications Laws, including prohibition against the publication of sermons that incite violence against Israelis or against the State of Israel. However, Israel's imposed closure of the West Bank and Gaza, including the internal closure that severely restricted travel between towns and cities within the occupied territories, significantly impeded freedom of worship for Muslims and Christians. Israeli closure policies prevented tens of thousands of Palestinians from reaching their places of worship in Jerusalem and the West Bank, including during religious holidays such as Ramadan, Christmas, and Easter. On numerous occasions, the Israeli Government prevented worshippers under the age of 45 from attending Friday prayers inside the Haram al-Sharif. The Israeli Government stated that such actions were necessary for security reasons.

During the year, the Government of Israel's continued closure policy prevented a number of Palestinian religious leaders (both Muslim and Christian) from reaching their congregations. In March 2001, the Israeli Government pledged to create a "hot line" to facilitate the movement of clerics through checkpoints; however, at year's end, it had not done so. In previous years, several clergymen reported that they were subject to harassment at checkpoints.

The PA has no law that specifically protects religious freedom; however, the PA generally respected religious freedom in practice.

The PA required individuals to be at least nominally affiliated with some religion. Religion must be declared on identification papers, and all personal status legal matters must be handled in either Shari'a or Christian ecclesiastical courts. Islam is the de facto official religion of the PA, and its Islamic institutions and places of worship received preferential treatment. The PA had a Ministry of Waqf and Religious Affairs that paid for the construction and maintenance of mosques and the salaries of many Palestinian imams. The Ministry also provided some Christian clergymen and Christian charitable organizations with limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories.

The PA required that religion be taught in PA schools. There were separate classes for Muslim and Christian students. In 2001 the PA implemented a compulsory curriculum that required the study of Christianity for Christian students in grades one through six.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

During the year, the Israeli Government severely restricted freedom of movement for Palestinians, in response to the continuing violence of the Intifada. During the year, most Palestinians from the West Bank and Gaza were prohibited from entering Israel, and the IDF instituted a massive network of checkpoints and roadblocks across the occupied territories, which impeded the movement of people and goods between Palestinian cities, villages, and towns. Numerous cities were placed under strict curfews that ran for weeks and even months. During the year, the restrictions on movement were the most severe that Israel had imposed since it occupied East Jerusalem, the West Bank, and Gaza in 1967.

Since March 1993, Israel has required that all West Bank and Gaza residents obtain permits to enter Israel and Jerusalem. However, Israel often denied applicants permits with no explanation and did not allow effective means of appeal. Palestinian officials with VIP passes, including PA cabinet officials and members of the Palestinian Council, regularly have been subjected to long delays and searches at Israeli checkpoints in the West Bank, despite the fact that they were traveling on special passes issued by the Israeli Government. During the year, this practice increased markedly, severely restricting PA officials from conducting administrative functions and implementing reform.

Even in periods before the Intifada, Palestinians in the West Bank and Gaza Strip found it difficult to obtain permits to work, visit, study, or obtain medical care in Israel. Israeli authorities permitted only a small number of Gazans to bring vehicles into Israel and sometimes did not permit West Bank vehicles to enter Jerusalem or Israel. Except for senior PA officials, Palestinians of all ages crossing between the Gaza Strip and Israel were not permitted to travel by automobile across the main checkpoint. Instead they were forced to travel along a narrow walkway almost a mile long. Israelis moving into and out of the Gaza Strip were permitted to use their automobile. Israeli regulations prohibited Palestinian residents of Jerusalem from entering the West Bank, although this ban only intermittently was enforced. Israeli authorities also required that these Palestinian residents provide written notice to the Israeli Government if they intended to travel to the Gaza Strip; however, provision of such notice did not ensure that the Government would permit the travel.

Since 1993 Israel applied varying levels of "closure," or enhanced restrictions, on the movement of Palestinians and their goods, often for lengthy periods, in response to Palestinian terrorist attacks and other changing security conditions. The Government of Israel imposed a tightened version of closure, called "comprehensive, external closure" during periods of violent protest in the West Bank or Gaza, or when it believed that there was an increased likelihood of such unrest. Comprehensive closures also were instituted regularly during major Israeli holidays and during some Muslim holidays. During such closures, the Israel Government cancelled travel permits and prevented Palestinians—even those with valid work permits—from entering Israel or Jerusalem. During comprehensive closures, the authorities severely restricted the movement of goods between Israel and the occupied territories and between the West Bank and Gaza. Due to the ongoing unrest, Israel imposed strict and consistent external closure throughout the year, compared with 210 days in 2001 and 88 days in 2000.

During periods of unrest in the West Bank and Gaza, in the aftermath of terrorist attacks, or during military exercises, the Israeli Government prohibited travel between towns and villages within the West Bank. These "internal" closures cut off the flow of goods, including food and fuel, and restricted the movement of persons. During the year, Israel expanded internal closures further, sometimes in response to specific acts of violence and sometimes as a preventive measure imposed on entire cities and towns. The internal closures were even more severe when Palestinians were prohibited from using primary roads and physical barricades close off many secondary roads.

The Israeli Government further constrained the movement of Palestinians and goods in the West Bank and Gaza by imposing total closures on specific areas or villages, sometimes for weeks at a time, and by intermittently closing the Gaza Airport and the Allenby and Rafah crossing points to Jordan and Egypt. Israel also consistently imposed curfews in some areas, often for extended periods. During the curfews, Palestinians generally were confined to their homes for all but a few hours per week during which they were allowed to buy food and other provisions.

The prolonged closures and curfews imposed by the Government of Israel on Palestinian cities and towns during the year had a severely negative impact on every sector of the Palestinian economy. They impeded Palestinians from reaching jobs or markets and disrupted internal and external trade (see Section 1.g.).

The prolonged closure also seriously impacted students' ability to attend school and university (see Sections 2.a. and 5.). The Government of Israel stated that they were necessary security measures (see Section 1.g.).

Israel carried out policies of strict curfews and closures that directly punished innocent civilians. The IDF delayed or prohibited ambulances from crossing checkpoints (see Section 1.g.). In 1998 the Israeli Government established a "continuous employment program" that allowed selected Palestinian workers who were approved by the Ministry of Defense, married, over 28-years-old, and worked in Israel for a long period of time, to enter Israel to work even in the event of a tightened closure. During the year, the program was not implemented.

The Israeli Government required all Palestinian residents to obtain permits for foreign travel and restricted the travel of some political activists. Bridge-crossing permits to Jordan may be obtained at post offices without a screening process.

Palestinians who live in East Jerusalem, which Israel occupied during the 1967 War, generally have chosen not to accept Israeli citizenship, choosing instead to seek a residence permit or Jerusalem identification card. Israel applied the 1952 Law of Permanent Residency and its 1974 amendments to Jerusalem identification card holders. The law stipulates that a Jerusalem resident loses the right of residence if he or she 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 Government of Israel Government does not apply these same restrictions to Israeli citizens.

In 2000 the Israeli Ministry of Interior published new instructions regarding residency rights in Jerusalem. According to these instructions, residents of Israel whose identity cards had been revoked since 1995 and who returned to live in Israel since 1998 and had maintained "an appropriate connection" were entitled to restoration of their identity cards. Although the new guidelines still permitted the revocation of residency in cases in which East Jerusalem Palestinians obtained new citizenship or residency rights while living abroad, human rights groups reported a significant reduction in such revocations.

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

members. For example, a Palestinian with a West Bank identification card must apply to the Government of Israel for permission to live with his or her Jerusalem-resident spouse in Jerusalem. In May the Israeli Knesset declared a freeze on providing residency permits. At year's end, the freeze remained in effect. Palestinians reported delays of several years or more before spouses were granted residency permits. The Government of Israel occasionally issued limited-duration permits, which must be renewed. Renewing the permits may take up to 8 months, a common delay that resulted in many Palestinians falling out of status. Palestinians also reported extensive delays in registering newborn children with Israeli authorities. In practice women with Jerusalem residence rights found it more difficult to obtain permission for their spouses to reside in Jerusalem than did men, since Israeli security authorities considered Palestinian males to be greater security risks.

The PA issued passports and identification cards for Palestinians who resided in the West Bank and Gaza, and the Israeli Government required residents of the West Bank and Gaza to use their Palestinian passports to exit and enter Israel. Bearers of Palestinian passports did not need special exit permits from the PA; however, when leaving the area via Ben Gurion Airport, the Israeli Government required Palestinians to obtain permits to transit Israel to reach the airport. Since 2001 Israeli authorities rarely granted these requests except in humanitarian or special interest cases. Without this permit, travelers must depart via land crossings and may experience delays lasting days or weeks. Palestinian residents of the West Bank and Gaza were prohibited from using the Sheikh Hussein or Arava crossings. As a result, most Palestinians could exit and enter the West Bank and Gaza only via the Allenby Bridge or Rafah crossing points, which were closed completely several times during the year. Internal closures made it difficult for Palestinians to reach even these crossing points and begin the wait at the border.

Palestinians who held Jerusalem identification cards, issued by the Israeli Government, must obtain special travel documents from the Israeli Government to travel abroad. Human rights groups reported that Palestinian residents of East Jerusalem often did not apply for Israeli travel documents because they feared that the application might prompt a reexamination of their residency status and lead to the revocation of their identity cards.

Upon request the Jordanian Government also issued travel documents to Palestinians in the West Bank and East Jerusalem. Palestinians who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. The Israeli authorities also required that Palestinians from East Jerusalem obtain a special permit to cross the Allenby Bridge, which they must purchase from the Ministry of Interior. Restrictions on residency, reentry, and family reunification only applied to Palestinian residents of the occupied territories.

The PA generally did not restrict freedom of movement.

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

In 1996 Palestinian residents of the West Bank, Gaza Strip, and East Jerusalem chose their first popularly elected government in elections that generally were free and fair; the 88-member Palestinian Legislative Council and Chairman of the Executive Authority were elected. PLO Chairman Yasir Arafat won almost 89 percent of the vote in a two-person race for Chairman. Approximately 700 candidates competed for Council seats. Voters elected Council members to multimember electoral districts. As many as 35 of the elected members were independent candidates. International observers concluded that the election could reasonably be regarded as generally free and fair, despite some irregularities. During the year, the Council debated numerous draft laws and resolutions. Some members of the Council stated that it lacked power in relation to the executive branch. In September Arafat issued a decree setting January 20, 2003 as the date for elections for Ra'is and the Legislative Council.

The last municipal elections in the West Bank and Gaza took place in 1996, and in September PA officials announced that new elections will be held in March 2003. Incumbent municipal officials serve until the following elections. In the case of the death or resignation of an incumbent, the Ministry of Local Government appoints a replacement, with the approval of the PA Chairman.

Most Palestinians in East Jerusalem do not recognize the jurisdiction of the Israeli municipality of Jerusalem. While all Palestinians with residency permits are eligible, only a very small percentage of Jerusalem's Palestinian population voted in the municipal council elections. There were no Palestinian residents of Jerusalem on the city council. There were 5 women on the 88-member Council, and 1 woman served in a ministerial-level position.

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



During the year, Israel obstructed the movement and activity of human rights monitors and NGO workers by imposing strict internal and external closures. In many cases, such groups refused to apply for special travel permits in order to protest Israel's regulation of their activities. Israeli, Palestinian, and international humanitarian and human rights NGOs monitored the Israeli Government's human rights practices in the occupied territories. Some of these organizations were critical of the Israeli Government's practices and cooperation. The Israeli Government permitted human rights groups to publish and hold press conferences.

The U.N. Relief and Works Agency (UNRWA) reported increased delays for its personnel and vehicles at checkpoints. Other humanitarian groups, such as PRCS, faced similar problems.

During their 2001 seizure of the Orient House, Israeli security officials confiscated office equipment, as well as documents belonging to the organization and other Palestinian groups in Jerusalem. At year's end, the Government of Israel still had not provided representatives of the Orient House a full accounting of the documents and property seized and Orient House remained closed (see Section 2.b.).

Local human rights groups, most of which were Palestinian, and several international organizations monitored the PA's human rights practices. PA officials usually met with their representatives. Public criticism from these groups has been somewhat less forthcoming since the outbreak of the Intifada, with several NGOs voluntarily deciding to focus their efforts on the Palestinian struggle for basic rights and defer comprehensive critiques of the PA's human rights performance. During the year, human rights organizations reported that they sometimes were denied access to detainees in Palestinian prisons during the year (see Section 1.d.). Observers noted that documentation of abuses was very limited because victims were hesitant to file or make public claims of abuse against PA authorities.

From April 27 to May 6, the Government of Israel permitted the International Labor Organization (ILO) to visit the occupied territories, in a period of heightened tension, to assess worker rights and the economic situation. The ILO released a report documenting the "socioeconomic meltdown" in the occupied territories and the humanitarian and economic crisis of the Palestinians as a result of Israeli closures, curfews, and military actions. The report also emphasized the sense of "insecurity in Israel due to suicide bombings" and the impact on the Israeli economy.

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

The ICRC operated in the West Bank and Gaza under the terms of 1996 memorandum of understanding between the ICRC and the PLO. Other human rights groups, including the Palestinian Independent Commission for Citizens' Rights and the Mandela Institute, regularly visited PA prisons and detention centers. During the year, some human rights and international humanitarian organizations reported that they occasionally encountered delays in obtaining access to detainees in Palestinian prisons. PA officials reportedly were less responsive to queries regarding the PA's policies toward and treatment of collaborators and members of Islamist opposition groups than to queries on other detainees (see Sections 1.c. and 1.d.).

In 2000 Chairman Arafat approved the NGO law, which had been passed by the PLC in 1998, and which governs the activities of NGOs and their relations with the PA. The PA issued registration certificates for 150 of the approximately 350 new and existing NGOs that submitted applications. The remaining applications still were under review at year's end. In a June government reshuffle, the PA Ministry of NGOs was downgraded to an agency (see Section 2.d.).

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

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

In the Palestinian territories, homosexuals were persecuted by both the public and by PA security officers. Homosexuals were subject to harassment and physical abuse, and some were arrested. Several Palestinians alleged that PA security officers tortured them because of their sexual orientation.

#### Women

The law does not explicitly prohibit domestic violence, but assault and battery are crimes. There were reports indicating that domestic violence increased during the Intifada.

The problems of rape, domestic violence, and violence related to "family honor" gained greater attention in the Palestinian community as a result of a significant effort by Palestinian women's groups; however, public discussion generally remained muted. The crimes almost exclusively were tied to alleged sexual interactions of female family members with men who were not their husbands. This could include rape, a sexual encounter with any man except a woman's husband, or being seen alone with a male who was not her family member. Honor crimes resulted when family members beat or killed women in response to such alleged violations of their family's honor. Victims of violence often were encouraged by relatives to remain quiet and were punished themselves or blamed for the "shame" that had been brought upon them and their families. Women's groups sought to educate women on these problems, but women's rights advocates stated that few resources were available to shelter the victims of violence because women's shelters are not accepted culturally in Palestinian society. Activists also maintained that society was not receptive to providing counseling or outreach services to victims of violence, which these advocates saw as more widespread than was acknowledged. According to women's groups, there was no reliable data on the incidence of violence against women.

Spousal abuse, sexual abuse, and "honor killings" occurred, but societal pressures prevented most incidents from being reported and most cases were handled within the families concerned, usually by male family members. However, there were increasing anecdotal reports from women's and humanitarian groups that the incidence of domestic abuse rose significantly during the year.

Rape is illegal and spousal rape is not explicitly prohibited. During the year, there were no figures available regarding the extent of the problem.

Palestinian women endured various forms of social prejudice and repression within their own society. Due to early marriages, some girls, especially in rural areas, did not finish the mandatory level of schooling. Cultural restrictions occasionally prevented women from attending colleges and universities. Women who married outside of their faith, particularly Christian women who married Muslim men, often were disowned by their families and sometimes were harassed and threatened with death by members of their community. Local officials sometimes attempted to convince such women to leave their communities in order to protect themselves.

Before the Intifada began in 2000, a growing number of Palestinian women worked outside the home, where they often encountered discrimination and occasionally experienced sexual harassment. There were no special laws that provide for women's rights in the workplace. Women were underrepresented in most aspects of professional life. Despite the fact that there is a small group of women who were prominent in politics, medicine, law, teaching, and NGOs, women for the most part were seriously underrepresented in the decision-making 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). The varied ecclesiastical courts ruled on personal status issues for Christians. 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. The marriage law allows men to take more than one wife, although few did so. Women were permitted to make "stipulations" in the marriage contract to protect them in the event of divorce and questions of child custody; however, only an estimated 1 percent of women took advantage of this provision, leaving most women at a disadvantage in the areas of divorce or child custody. Ecclesiastical courts also often favored men over women in divorce and child custody cases.

While there was an active women's movement in the West Bank, serious attention has shifted only recently from nationalist aspirations to issues that greatly affected women, such as domestic violence, equal access to education and employment, and laws concerning marriage and inheritance.

#### Children

The PA provides for compulsory education through the ninth grade, when children usually reach 15 years of age. However, early marriage in certain sectors of society at times prevented girls from completing the mandatory level of schooling. Especially in rural areas and refugee camps, boys often left school before they reached the mandatory age in order to help support their families.

The internal closure across the occupied territories and extended periods of curfew in most major cities significantly impeded the ability of both students and teachers to reach educational facilities (see Sections 2.a. and 2.d.). In areas under curfew, all classes were cancelled.

Numerous education and health care professionals acknowledged that students were badly affected by the

violent security situation, which interfered with learning and manifested itself in lack of focus, nightmares, daytime and nighttime incontinence, and other behavioral problems. Closures and curfews impeded school attendance and UNRWA reported that 72,000 teacher workdays were lost in the 2001-02 academic year. UNRWA reported that test scores in its West Bank and Gaza schools dropped dramatically, and dropout rates rose for the first time in a decade.

The PA Ministry of Health provided for children's immunizations. The PA insurance program provided basic medical care for children, for a small monthly fee.

Child abuse is not prohibited explicitly by law. Abuse existed but was not a widespread problem. Parents or families that failed to protect children from abuse may be penalized by law. PA courts may provide protections for children in "difficult situations," including cases of neglect or abuse. The Ministry of Social Affairs may intervene by bringing a case before a court, which would decide how to best protect the child. The judge may decide to place a child in an official protective institution, or with an alternate family. There was one protective institution for children in Gaza and one in the West Bank.

British Mandate, Jordanian, and military laws, from which West Bank and Gaza law is derived, offered protection to children under the Penal Code and a new Labor Code passed and published during the year. The new Labor Code set a higher minimum age for any employment of children. No children 14 or under can work, and children aged 15-18 could be employed only for certain types of work and under certain conditions (see Section 6.d.). While there was no juvenile court system, judges specializing in children's cases generally adjudicated on juvenile cases. In cases in which the child was the victim, judges had the discretion to remove the child from a situation considered harmful. However, the system was not sophisticated in the protection it afforded children.

Palestinians living in East Jerusalem continued to be discriminated against in terms of their access to municipal services, compared to other residents of Jerusalem. According to the Association for Civil Rights in Israel, the Government of Israel and the municipality have not kept their pledge to the High Court to build three new infant-care clinics in East Jerusalem. In addition East Jerusalem schools remained underfunded and overcrowded, and many students were denied an education in public schools due to lack of space. In 2001 the Government agreed to build 245 new classrooms within the next 4 years in order to alleviate this problem; however, no funds were budgeted for that purpose. This year's budget included enough funds for 60 new classrooms.

International and domestic NGOs, including UNICEF, Save the Children, and Defense for Children International, promoted the rights and welfare of children in the occupied territories. There also were numerous Palestinian social welfare organizations that focused on developing and providing educational, medical, and cultural services to children. A number of other groups specialized in addressing the needs of children with disabilities.

#### Persons with Disabilities

There was no mandated accessibility to public facilities in the occupied territories under either Israeli law or Palestinian authority. Many Palestinians with disabilities were segregated and isolated from Palestinian society; they were discriminated against in most spheres, including education, employment, transportation, and access to public buildings and facilities. There were approximately 130,000 Palestinians with disabilities in the West Bank and Gaza prior to the outbreak of the current Intifada. The Health, Development, Information, and Policy Institute estimated that one-tenth of the approximately 21,000 Palestinians injured in the Intifada will have permanent disabilities.

Some Palestinian institutions cared for and trained persons with disabilities; however, their efforts consistently were under-funded.

#### Section 6 Worker Rights

##### a. The Right of Association

Labor affairs in the West Bank and Gaza came under Palestinian responsibility with the signing of the Interim Agreement in September 1995. During the year, labor affairs in the West Bank were governed by Jordanian Law 21 of 1965, as amended by Israeli military orders, and in Gaza by PA decisions. In 2001 Arafat signed a labor law that took effect in January; however, it has faced strong resistance from the Palestinian business community. The Palestinian law permits workers to establish and join unions without government authorization. The previous Israeli requirement that all proposed West Bank unions apply for a permit no longer was

enforced. Following a process to consolidate trade unions in the West Bank, there were 12 trade unions. Four trade unions were in Gaza. During the year, no unions were dissolved by administrative or legislative action.

Israeli labor law governs Palestinian workers in Jerusalem. They were free to establish their own unions. Although the Israeli Government restricted unions in Jerusalem from joining West Bank trade union federations, this restriction was not enforced. Individual Palestinian workers in Jerusalem may belong simultaneously to unions affiliated with West Bank federations and the Israeli Histadrut Labor Federation.

West Bank unions were not affiliated with the Israeli Histadrut Federation. Palestinians from the West Bank and Gaza who worked in Israel or Jerusalem were not full members of Histadrut, but they were required to contribute 1 percent of their wages to Histadrut. Their partial membership entitled them to limited benefits, including compensation in the case of on-the-job injuries, maternity leave, and compensation in the case the employer declares bankruptcy. (Full members of Histadrut also received health insurance, social security benefits, pensions, and unemployment benefits.) 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 from the occupied territories who worked in Israel were not permitted to join Israeli trade unions or to organize their own in Israel.

The great majority of West Bank and Gaza unions belonged to the Palestinian General Federation of Trade Unions (PGFTU), an estimated 95,000 to 100,000 workers in the West Bank were members of the PGFTU, the largest union bloc, which consisted of 12 trade unions in the West Bank and 8 in Gaza. The organization had approximately 46,500 members in Gaza. The PGFTU estimated that actual organized membership of dues-paying members, included approximately 75 percent of all Palestinian workers. The PGFTU was involved in the completion of the negotiations with Histadrut regarding workers' fees. The reorganization of unions under the PGFTU was intended to enable the West Bank and Gaza unions to better represent the union members' interests.

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, such as a fine. There are no laws in the occupied territories that specifically protect the rights of striking workers. In practice such workers had little or no protection from an employer's retribution. During the year, there were no reported labor strikes.

The PGFTU participated in some programs of the International Confederation of Free Trade Unions, but was not a member.

#### b. The Right to Organize and Bargain Collectively

A majority of workers in the occupied territories were self-employed or unpaid family helpers in agriculture or commerce. Only 35 percent of employment in the occupied territories historically has consisted of wage jobs. Most of this employment has been through the U.N. Relief and Works Agency (UNRWA), the PA, or municipalities. Collective bargaining was protected. Committees of 3 to 5 members adjudicated Labor disputes in businesses employing more than 20 workers. The PGFTU reported one strike during the year. Existing laws and regulations do not offer real protection against antiunion discrimination.

There were no export processing zones in the occupied territories, although the Gaza Industrial Estate did enjoy free trade access to foreign markets. Israeli closures and curfews impeded the right to organize and bargain collectively.

#### c. Prohibition of Forced or Bonded Labor

PA law does not prohibit specifically forced or bonded labor, including forced and bonded labor by children, and during the year there were no reports of such practices.

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

The minimum legal working age in the West Bank and Gaza is 15 years, and there are special limits governing the conditions of employment for juveniles between 15 and 18 years, including prohibitions against working at night, under conditions of hard labor, or in jobs that require them to travel outside their area of domicile. However, in practice many Palestinian children under the age of 15 were engaged in some form of work. Most such employment was believed to involve work on family farms and in family shops, or as urban street vendors. Some employment of children also reportedly occurred in small manufacturing enterprises, such as shoe and textile factories. The PA's capacity to enforce existing labor laws was limited. It had only 40 labor

inspectors to inspect an estimated 65,000 enterprises. The ILO and UNICEF were 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 was no minimum wage in the West Bank or Gaza Strip. Prior to the outbreak of the Intifada in 2000, which severely disrupted employment patterns for the majority of working Palestinians, the average wage for full-time workers appeared to provide a worker and family with a decent standard of living. The majority of Palestinians currently were unemployed or underemployed and the standard of living has dropped dramatically over the last 2 years. The dependency ratio increased more than 50 percent since the start of the Intifada. In 2000 one Palestinian supported 4.3 persons in the West Bank and 5.9 persons in Gaza. During the year, those figures reached 6.9 persons and 9.4 persons, respectively. As wage earners were forced to support 50 percent more persons, the standard of living seriously deteriorated.

In the West Bank, the normal workweek was 48 hours in most areas; in Gaza, the workweek was 45 hours for day laborers and 40 hours for salaried employees. There was no effective enforcement of maximum workweek laws.

The PA Ministry of Labor was responsible for inspecting workplaces and enforcing safety standards in the West Bank and Gaza. The Ministry's ability to enforce the standard was limited due to lack of resources for inspections and other constraints; however, it carried out inspections. The Ministry reported that closures, curfews, and ongoing Israeli military operations further limited its ability to carry out inspections. The Ministry of Labor stated that new factories and workplaces met international health and safety standards, but that older ones failed to meet such standards. There was no specific legal protection afforded workers that allows them to remove themselves from an unhealthy or unsafe work setting without risking loss of employment.

Like all Israeli workers, Palestinians who worked in Israel were required to contribute to the National Insurance Institute (NII), which provided unemployment insurance and other benefits. Palestinians from the West Bank and Gaza were eligible for some, but not all, NII benefits. According to the Interim Agreement, Palestinians who worked in Israel and Jerusalem benefit from NII in cases of injuries that occurred in Israel, the bankruptcy of a worker's employer, and allowances for maternity leave.

There were outstanding cases of Palestinian workers who attempted to sue their Israeli employers for non-payment of wages but were unable to travel to the relevant courts because they were unable to receive the proper permits.

#### f. Trafficking in Persons

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

