

HAMOKED..



Newsletter of HaMoked: Center for the Defence of the Individual

4 Abu Obeidah St. Jerusalem 97200 Tel. 02 894438/283555 Fax 02 276317

HaMoked (formerly the Hotline) is an Israeli organization founded in 1988 to defend human rights in the occupied territories. In its six years of activity, HaMoked has provided assistance to over 6,500 Palestinian victims of violence, human rights abuses and bureaucratic harassment. HaMoked registers complaints and pursues them through administrative and legal channels until the matter is successfully resolved. In addition to its individual assistance, HaMoked advocates for human rights at the policy level.

In Wake of Peace Agreements Human Rights Abuses in West Bank Continue

On September 13, 1993, we witnessed the historic signing of the Declaration of Principles between Israel and the PLO. Eight months later in May 1994 the Gaza/Jericho Self-Rule agreement was signed, and Israel handed over Gaza & Jericho to Palestinian authorities.

While welcoming this beginning of reconciliation between the Palestinian and the Israeli peoples, HaMoked regrets to report that human rights violations against Palestinians continue in most of the West Bank (still under Israeli military rule), and in certain categories, complaints have increased. HaMoked registered an almost 50% increase in complaints of human rights abuses from Palestinians during the past year (September 1993 - August 1994) as can be seen in the chart below. In April 1994, a record 231 cases were registered, the highest number since HaMoked's establishment six years ago.

This rise in complaints has occurred expressly in the following areas:

- A dramatic increase in the number of cases of Palestinian detainees whose families were not notified of their relatives' whereabouts; from March - April 1994 over a 100% increase and in May - June over 100 cases each month.
- Violations of 1993/4 family reunification agreements by the Israeli authorities which also affect Palestinian residents of Gaza & Jericho. Following policy changing agreements in August 1993 and March 1994, HaMoked has registered violations of these agreements across the board (see article on next page).
- A rise in complaints from Palestinians seeking to enter Israel. Due to the sporadic closures of the territories, many Palestinians have been cut off from family, work, studies, medical treatment and places of worship.
- An increase in violence by Israeli settlers against the West Bank population, violence that both preceded and continues to follow the February 1994 massacre of Palestinians in Hebron.
- A rise in complaints from East Jerusalem due to HaMoked's expanded advocacy on behalf of Palestinian residents of East

Jerusalem who seek family reunification for their non-resident spouses and children;

As far as autonomy in Gaza and Jericho is concerned, the recent agreements between Israel and the PLO preserve Israeli authority over Palestinians living in the autonomous areas in several important realms. In light of this, HaMoked's Board of Directors decided in June 1994 that HaMoked will continue its advocacy on behalf of complaints from Gaza and Jericho as long as the address for such complaints is Israel. As an Israeli human rights organization, it is clear to HaMoked that its only role can be to advocate before Israeli authorities concerning abuses by those same authorities.

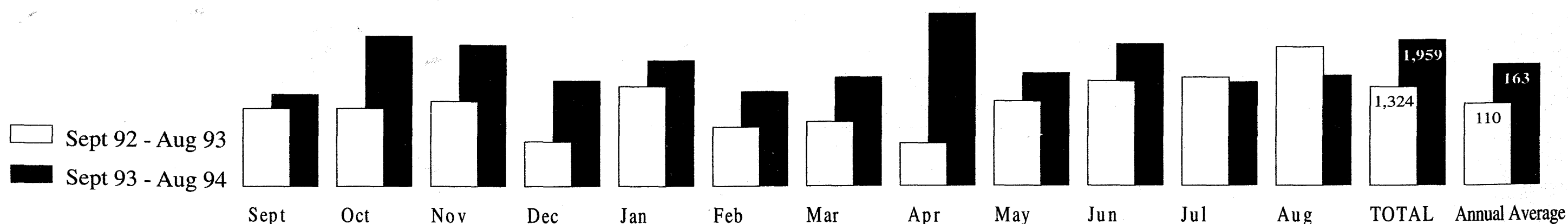
HaMoked has handled several such complaints from Palestinian residents of the autonomous areas in the following categories, where according to the agreements, Israel has final determination: exit permits abroad and detention at border crossings; entry permits into Israel; and family reunification requests under past family reunification agreements.

A complaint from a Jericho resident refused exit by the Israeli authorities is presently being handled by HaMoked before the authorities. In another case, a Gaza resident arrested at the Rafah border crossing from the Gaza Strip into Egypt was found by HaMoked at a prison in the Israeli town of Ashkelon.

Concerning family reunification requests, HaMoked has been informed by human rights groups in Gaza that the Israeli authorities are consistently violating family reunification agreements. HaMoked has demanded that the Israeli authorities immediately cease violation of all family reunification agreements which apply to both residents of the autonomous areas of Gaza and Jericho and the rest of the West Bank.

In response to the changing political situation, HaMoked evaluates on an ongoing basis its role in advocating on behalf of Palestinian victims of human rights abuses, and continues to take all cases under Israeli authority, whether concerning residents of the autonomous areas of Gaza and Jericho, the rest of the West Bank or East Jerusalem.

Complaints Registered at HaMoked During 1992/3 and 1993/4



1993/4 Family Reunification Agreements Achieve Policy Change but are Systematically Violated by Israeli Authorities

HaMoked is pleased to report that in August 1993 the Israeli authorities announced a change of policy regarding family reunification for Palestinian residents of the territories: marriage is now a sufficient criterion for granting a family reunification request.

Hitherto, Palestinian residents of the West Bank and Gaza Strip were granted family reunification only in very few cases. Non-resident family members were forced to visit in the territories on short-term visitor permits, resulting in separation of families and sometimes in deportation of non-resident spouses and children.

This policy change - a major victory for HaMoked and its Coalition partners - was formally announced on August 23, 1993 in the State Attorney's response to 20 High Court petitions. It offers permanent residency to those included as "long-term visitors" under the November 1992 High Court agreement. (Reported in Newsletter #5, this agreement temporarily relieved the situation for non-resident spouses and children by granting those who had entered the territories by August 31, 1992 renewable six-month visitor permits.) This offer of permanent residency applies to @ 6,000 non-resident spouses and children under 16 who entered the territories by August 31, 1992. Included also is a promise to grant 2,000 family reunification requests annually in future years.

However, as in the past, there has been a significant gap between policy and implementation. In February 1994, HaMoked and coalition members met with the International Law Department of the IDF and other officials concerning implementation of the August agreement. An additional

agreement was issued in March 1994, and since then HaMoked has received numerous complaints of violations of these agreements. In June 1994, HaMoked contacted the Civil Administration with these following violations:

- Visitors first entering Israel and then the territories who are entitled to six-month visitor permits were given permits for only three months.
- Family members have been required to pay hundreds or thousands of shekels in retroactive fees in order to arrange their status. It had been agreed that such retroactive fees from visitors covered by the High Court agreement would no longer be collected.
- In many cases no response has been given to family reunification requests for as long as a year or more. The agreement guaranteed answers to all family reunification requests within three months.
- In practically all recent refusals, no reasons have been given, despite agreement that a reason always be specified.
- The Civil Administration has failed to publish the procedures for family reunification requests despite assurances that it would do so. Today, eight months later, no guidelines have been published although coalition members have submitted a suggested version of guidelines requested by the authorities.

As well as demanding the cessation of these violations, HaMoked has asked to be informed of the fate of family reunification requests from Jericho and Gaza now under Palestinian autonomy.

HaMoked Sponsors Seminar on Family Reunification in East Jerusalem

Palestinians residing in East Jerusalem have been subject to Israeli law since 1967. The unwritten policy of the Interior Ministry is to refuse family reunification requests for non-resident husbands of East Jerusalem women. Regarding residency registration of children, a regulation of the Entry Into Israel Law entitles a child whose father only is a Jerusalem resident to permanent residency. A child whose mother only is a Jerusalem resident must prove domicile in Jerusalem, with the final decision on the child's status made by the Interior Minister.

Thus, husband and wife, parent and child, are either separated from each other or, as is more often the case, live without legal status and entitlements. Parents of unregistered children do not receive residency benefits: many do not receive National Insurance entitlements or health insurance; and in some cases, are refused access to public education. On the other hand, recent policy changes reveal more openness to granting family

reunification to non-Jerusalemite fathers and husbands. Also, registration of children will occur automatically if family reunification is granted to the non-resident husband.

On July 28, 1994, HaMoked sponsored a day seminar on legal and practical aspects of these residency issues for East Jerusalem residents at the Tantour Ecumenical Institute in Jerusalem. Attended by some 30 participants, including Coalition members, other activists and practitioners, the seminar's aims were to: share expertise and experience; explore implications of political and legal developments and recent Israeli policy changes; clarify laws governing the legal status and rights of residents including social welfare services; develop legal and other strategies; and document and create a resource for those working in this field.

The proceedings from the Seminar, including a paper on strategies for action, have been published and sent to HaMoked's mailing list.

Right to Education in East Jerusalem Affirmed by the High Court

HaMoked received nine complaints of refusal to admit children living in East Jerusalem but not on the Population Registry to municipal schools for the 1994/5 school year. This, despite a recent letter to HaMoked from the Jerusalem Municipality accepting its obligation to enroll children, whether registered or not. In the past, such children were required to pay higher fees than resident children.

On August 29, 1994 HaMoked petitioned the High Court on behalf of these nine Palestinian families, requesting an order that the respondents give reason why these children should not be enrolled in municipal schools; and why, when enrolled, they would have to pay the higher fee. The Court accepted both requests and ordered the Municipality to supply school facilities for the children and charge the lower resident fee.

New Channel Opened by HaMoked: Monetary Compensation for Victims of Military Violence

Since its founding, HaMoked has registered well over 700 incidents of violence and harassment against Palestinians by Israelis, approximately half of them IDF soldiers. These cases include death and bodily injury from gunfire and beatings, torture, humiliating treatment, and property damage. The majority of past complaints were never addressed. HaMoked usually received no response from the authorities, except in cases of theft by soldiers which almost always received prompt handling.

In 1994, HaMoked initiated its Military Accountability Project: one of our attorneys reviewed all past cases of violence by the military against Palestinians. Wherever possible, she has requested reinvestigation of criminal cases and has sued the IDF for compensation no matter how small the amount may be. Private lawyers will not take on cases for small compensation, and therefore, HaMoked is the only channel for victims of military violence to receive some kind of recompense for their suffering.

Due to the fact that criminal trials and indictments are most often unobtainable, HaMoked decided to focus this project on monetary compensation. Many Palestinians who initially did not want monetary recompense now, after some time has

passed, have agreed to such suits. HaMoked has succeeded so far in obtaining compensation in several cases of injury and property damage, as in the examples below:

- In November 1988, a resident of the Kalandia refugee camp was attacked and beaten by soldiers while on his way to the local grocery. HaMoked filed a complaint in December 1988 with repeated followup letters, but never received a response. After over five years of advocacy, a suit filed with the IDF, and a suit in the civil Magistrates' Court, HaMoked reached a settlement for compensation.
- In January 1990, soldiers entered a home in Hebron in the middle of the night and beat family members, overturned the house's contents, destroying furniture and various ornaments. Eventually, HaMoked succeeded in obtaining compensation from the IDF in a settlement.
- A resident of Uja village near Jericho received compensation from the IDF for property damage perpetrated in April 1991 - the uprooting of trees and the destruction of an irrigation canal.

Regarding numerous other cases, HaMoked has received offers for compensation and is in the process of negotiations.

Settler Violence Increases During 1993/4

In February 1994, an Israeli settler from Kiryat Arba massacred 29 Palestinians and injured dozens more in Hebron's Ibrahimi Mosque adjoining the Cave of the Patriarchs. Several dozen more Palestinians were killed in clashes with the IDF in Hebron following the massacre. HaMoked published an announcement in the local press condemning the massacre and demanding a serious and thorough investigation.

Bearing in mind that violent incidents by Israeli settlers against the Palestinian population, especially in the Hebron area, have occurred for several years, it cannot be said that the massacre came as a total surprise. This is especially true in light of expected attempts by extremists to undermine the peace process. Settler violence has long been treated by a double standard: its perpetrators have received light sentences or have not been indicted. In January 1994, HaMoked initiated a Coalition on Settler Violence including The Association for Civil Rights in Israel (ACRI), B'Tselem, Al-Haq, Quakers' Legal Aid, and the Palestinian Human Rights Information Center (PHRIC).

A recent B'Tselem report on settler violence cited many HaMoked cases. A new police division was recently established to handle cases from the territories. The division head called HaMoked regarding past cases of settler violence, requesting information on the failure of police investigations for all cases, old and new. So far there has been no sign of improvement in police investigations. HaMoked is following 16 cases, filed after the Hebron massacre; of these, six were already closed because "no suspect was found" and in the others action was awaiting "intelligence information." The closed files showed information that should have been investigated and was not.

In June ACRI filed a High Court petition against the State for property damages caused to Gaza residents of Deir el-Balah by settlers from Kfar Darom in Gaza, emphasizing the IDF's negligence in failing to prevent continuing acts of revenge and to properly investigate and identify the perpetrators.

Life of Baby Girl Saved



In an unusual case, HaMoked was instrumental in saving the life of one-year-old Fida Jaber of East Jerusalem by ensuring she received vital heart surgery. As a human rights organization, HaMoked does not normally deal with welfare cases; but, after investigating the human rights aspects of Fida's situation, we found ourselves unable to turn our backs on the Jaber family. Fida's problem was so urgent and the humanitarian issue so clear-

cut, that we decided to make an exception.

Fida was born with a heart defect on August 11, 1993 in Jerusalem and a week later underwent a successful coarctation repair. The following month, she had further treatment, but still needed open heart surgery to save her life. The cost of the surgery was \$ 9,500, which was well beyond the means of her father, an electrician earning some \$ 400 per month. HaMoked first investigated why the Health Fund to which the Jabers belonged would not pay for the surgery, and found the fund was within its rights in refusing to pay, as Fida's parents had not been members at the time of her birth.

HaMoked launched a public appeal for funds, raising donations from a number of public and private bodies in Israel and abroad. As a result of this, the requisite fee was paid. Fida underwent successful open heart surgery on June 28, 1994 at Hadassah Hospital Ein Kerem in Jerusalem and was already home with her parents a week later. Following publication of Fida's story in the local and national media, the Health Fund finally agreed to regard her as a "special case" and to provide medical insurance from August 1994.

Letter from the Chair

Dear Friends,

The historic peace agreement signed a year ago between Israel and the PLO marked the beginning of dramatic changes in our region: a shift from stones, bullets and bonebreaking to handshaking, mutual recognition and cooperation.

Autonomy has brought about a marked decrease in military violence in Gaza. However, as extremists on both sides attempt to sabotage the peace process, violence by Israeli settlers against the Palestinian population has increased, notably in the Hebron area. Adapting its policy to changing circumstances, HaMoked, in a coalition with other Palestinian and Israeli human rights organizations, resolved to deal with these dangerous acts.

Regrettably, human rights violations against Palestinians in the West Bank continue. HaMoked recorded an almost 50% increase in complaints this past year, with monthly rises continuing after both the September 1993 and May 1994 peace agreements. This steep growth in our caseload has inevitably led to expansion of both staff and office space.

Significant organizational changes have occurred this year as well. At the 1993 Annual General Assembly, HaMoked became a member organization whose members elect the Board and approve its annual reports. Yossi Schwartz, HaMoked's first Director, joined the Board. Ala Hatib, Co-director of HaMoked for the past six years, left us last month. Instrumental in HaMoked's establishment, Ala worked on our staff since its inception. I thank him for his years of dedicated work and wish him the best in all future endeavours. My congratulations to Dalia Kerstein, HaMoked's Co-director for the past four years, on her appointment as Director of HaMoked.

My sincerest thanks to the "HaMoked family" - donors, members, Board and staff whose continuing support makes our work possible. Let me conclude with the hope for another year of speedy progress towards peace and improvement of human rights.

Dr. Lotte Salzberger

HaMoked Human Rights Panel

The second part of HaMoked's Annual General Assembly, held on December 21, 1993, was devoted to a Human Rights Panel, with the participation of Professors Galia Golan and Ruth Gavison, and Attorneys Ziad Abu Zayyad and Raja Shehade.

Considering the role of human rights organizations in the new situation created by the Declaration of Principles (DOP), Galia Golan, a Peace Now leader, emphasized that in this interim period, human rights violations were still occurring. As long as the occupation continued this was inevitable, she argued, and she called for the shortening of the interim period.

Abu Zayyad, who has served as adviser to PLO leader Yasir Arafat, stated that there had been an escalation of human rights abuses in the wake of the DOP, and said that the work of human rights organizations was more vital than ever. He called for cooperation and a pooling of resources by the different organizations to prevent duplication of activities and maximize the efficient use of available funds. Abu Zayyad expressed particular concern at the situation in East Jerusalem, where Israeli housing was being extended into Arab neighborhoods and where an Arab house had been demolished that week.

Civil rights activist Ruth Gavison suggested that Israeli and Palestinian human rights organizations should combine to

demand new norms, joint, shared "rules of the game", whereby human rights would be incorporated into the political systems of the region. The approach of peace did not make the task of human rights groups easier; it merely changed the nature of that task.

Raja Shehade, past director of the Palestinian human rights group Al-Haq, divided the problem into two: conserving human rights as far as possible within the current system of Israeli occupation, and changing the situation so that these rights would be a natural part of the system. In the new situation of ongoing negotiations, more emphasis could be placed on the second part.

Shehade also looked ahead to the problem of preserving human rights under a Palestinian administration. Palestinian human rights groups had to play their part both in structuring the new system, and in safeguarding rights in the new situation, which was complicated, as the Palestinians would not have a real government. He proposed Palestinian organizations investigate the "gray areas", where the power of the Israeli occupation authorities would initially overlap with the new Palestinian framework. A lively discussion on the floor ensued.

Organizational News

Foundations Supporting HaMoked in 1993 and 1994

Swedish Section, International Commission of Jurists (Sweden)
ICCO (The Netherlands)
The Ford Foundation (USA)
Brot fur die Welt (Germany)
New Israel Fund (Israel)
European Human Rights Foundation (Belgium)
De Stern Stiftung (Switzerland)
J. Roderick MacArthur Foundation (USA)
Swiss Development Cooperation (Switzerland)
Agir Ensemble pour les Droits des l'Homme (France)
Comite Catholique contre le Faim et pour le Developpement (France)
British Consulate, Jerusalem
Reformed Churches in the Netherlands (The Netherlands)
Fredsfonden - Danish Peace Foundation (Denmark)
Funding Exchange (USA)
SAS Charitable Trust (Britain)
Association pour l'Union Entre les Peuples Juif et Palestinien (Switzerland)
Share It Now Foundation (USA)

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