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HALF YEAR REPORT - 1994

From January through June of 1994, HaMoked advocated on behalf of 1,014 cases which concerned the following matters:

CASES BY SUBJECT

January 1 - June 30, 1994

Subject	Number of Cases	Percentage of Total Cases
Location of Detainees	563	55%
Family Reunification	151	15%
Child Residency Registration	42	4%
Exit Permits	57	6%
Entry Permits to Israel	81	8%
Entry Permits to West Bank	20	2%
Violence	38	4%
Property Damage	17	2%
Other subjects*	45	4%
Total	1014	100%

* Other subjects include identity card confiscation, Civil Administration workers' benefits, and administrative fines.

The number of cases in the first half of 1994 - 1,014 - reflects a 45% increase in cases over the same period in 1993 (699). HaMoked's caseload has steadily increased despite the ongoing closure of the occupied territories by the Israeli government and their sealing following the Hebron massacre of Palestinians by an Israeli settler at the end of February 1994; and the signing of the Declaration of Principles and the Gaza-Jericho First Autonomy agreement, and the beginning of Palestinian self-rule there on May 7, 1994.

HaMoked attributes the increase in general and on specific issues:

* to the ongoing general needs of the Palestinian population in the territories - after May 7 in the West Bank excluding Jericho - and the lack of changes on the ground for this population: missing detainees, exit permit denial, entry permit denial, ongoing violations of family reunification agreements, refusal to register children in East Jerusalem, etc.

* to particular problems under closure: for example, a sharp increase in cases of entry permit requests into Israel in order to visit family, study, work or receive social and medical services.

* to the increase of settler violence in the Hebron area: in all of 1993 there were 28 complaints of individual violence and in the first half of 1994 there have been already 38 complaints, this together with the dramatic rise in complaints from the Hebron area (see geographical distribution below), many of them complaints of settler violence against the Palestinian population.

* to the success of HaMoked in its advocacy and policy change regarding family reunification, exit permits, detainee location, and others. For example, cases of residency registration of children in East Jerusalem, an extension of HaMoked's successful advocacy on family reunification and residency in the West Bank and Gaza, have steadily increased.

As the table indicates, the two largest categories of cases concern location of detainees and family reunification, together 70% of all complaints, an increase in this 1993 trend where such cases constituted over 60% of HaMoked's workload. HaMoked continues to successfully locate the overwhelming majority of missing detainees (see successes below); and to advocate aggressively on behalf of family reunification cases following two additional family reunification agreements (August 1993 & February 1994) which offered permanent residency to non-resident spouses and minor children of residents who had been staying in the territories as "long-term visitors" under the 1992 High Court agreement, promised 2,000 reunification permits per year for the future and eased various restrictive measures (see below).

GEOGRAPHICAL DISTRIBUTION OF CASES BY DISTRICT

Nablus	68	7 %
Tul Karm	86	8 %
Ramallah	123	12 %
East Jerusalem	147	14 %
Bethlehem	163	16 %
Hebron	232	23 %
Jenin	22	2 %
Jericho	3	0.3%
Gaza	167	16.4%
Other	3	0.3%

The above chart reflects new trends in the population of Palestinians registering complaints at HaMoked during the first half of 1994, partially as a result of the new political reality and the peace process. The numbers reflect a sharp increase in complaints from East Jerusalem and the Hebron area. The Hebron area has witnessed a rise in the incidences of violence by Israeli settlers against the Palestinian population and subsequently, the number of complaints registered at HaMoked. (With the initiating of its new Settler Violence Monitoring Project in August 1994, HaMoked expects a flood of complaints on violent incidences from this area to be brought in by a fieldworker hired specifically for this purpose.)

The rise of complaints in East Jerusalem reflects both HaMoked's reputation and success regarding residency issues and family reunification, and deliberate expansion of its work to East Jerusalem on this issue and in general. Many of these complaints concern problems with registering children when one parent is a non-resident. HaMoked is

hosting a symposium on Family Reunification and Residency issues in East Jerusalem at the end of July 1994 in order to formulate advocacy strategy for cases of non-resident spouses and children who are refused residency status. With Palestinian self-rule in Gaza and Jericho, and eventually in the rest of the West Bank, HaMoked is moving its focus on many issues to East Jerusalem whose Palestinian population suffers from discrimination on residency issues, physical violence, harassment and property damage; and various forms of bureaucratic harassment such as arbitrary administrative fines.

SUCCESS RATE OF CASES BY SUBJECT

Subject	Resolved Successfully	Still Being Processed	Other Status*
Location of Detainees	552 (98%)	0 (0%)	11 (2%)
Family Reunification	10 (7%)	140 (92%)	1 (1%)
Child Residency Registration	0 (0%)	42 (100%)	0 (0%)
Exit Permits	20 (35%)	32 (56%)	5 (9%)
Entry Permits to Israel	17 (21%)	50 (62%)	14 (17%)
Entry Permits to West Bank	2 (10%)	18 (90%)	0 (0%)
Violence	0 (0%)	37 (97%)	1 (3%)
Property Damage	0 (0%)	15 (88%)	2 (12%)
Other subjects (as above)	15 (33%)	26 (58%)	4 (9%)
TOTAL	616 (61%)	360 (36%)	38 (3%)

* Other status indicates one of the following: a) that the case was successfully resolved without HaMoked's intervention; b) that the case was referred to another organization; or c) that the case was closed either by the applicant or by the authorities.

Several points are significant in the table of HaMoked's success rate:
 - HaMoked successfully resolved the overwhelming majority of cases concerning the location of detainees (98%). In most cases, HaMoked informed the family of the detainee's whereabouts within 24 hours. HaMoked petitioned the High Court in March 1994 concerning the refusal of the military to provide information of the whereabouts of three Palestinians who had been detained (see Legal Advocacy below). There is still pending a High Court petition filed by HaMoked in 1993 on behalf of family members of a Palestinian who has been missing since 1990

where HaMoked has requested the authorities to carry out proper body identification procedure.

- HaMoked has successfully obtained exit permits in 35% of cases - with 56% still in process - for clients previously denied exit. HaMoked regularly appeals to the Israeli High Court in cases of Palestinians who are denied exit and those who are forced to remain abroad for a prolonged period as condition for exit, and in the first half of 1994 petitioned the High Court in such cases on behalf of 15 Palestinians (see Legal Advocacy below). Individual Palestinians and other human rights organizations continue to refer cases of exit permit denial to HaMoked because of its success in this matter.

- HaMoked does not cease to process a case unless requested by the client, even in intractable cases. As reflected in the chart, HaMoked continues to process cases until successful resolution (97% of cases have either been resolved successfully or are still in process).

In contrast to success in the above areas, far fewer cases of violence and property damage by Israeli civilians and officials end in successful resolution. HaMoked initiated its Military Accountability Project in 1994, and during the past six months a HaMoked attorney has been reviewing the cases of violence by IDF soldiers registered at HaMoked to date to decide in which cases to request a re-investigation of the case (See Major Projects).

LEGAL ADVOCACY AND HIGH COURT PETITIONS FILED (JANUARY - JUNE 1994)

HaMoked used the legal system as a principle source of advocacy in the first half of 1994. Whenever correspondence with the relevant authorities proved unproductive, HaMoked turned to the courts for resolution. In the first half of 1994, HaMoked represented clients in municipal courts, military courts and appeals committees, District Courts, and the High Court. HaMoked petitioned the High Court in the nine following cases on behalf of 26 Palestinians during Jan-June 1994:

- 1) ¶ Request that an exit permit be granted to a Hebron resident so he could visit his mother on her death bed in Jordan. The same day that the petition was filed it was announced that the appellant would be allowed to exit the territories and the petition was cancelled without an order regarding court expenses.
- 2) ¶ Request to be informed of the location of three detainees for whom the army had refused to give their whereabouts. The court gave an order nisi for three days requiring the army to respond, and the day after two of the three detainees were located, and shortly after the third was located. The petition was cancelled and request the State pay court expenses was rejected.
- 3) ¶ This petition concerned jail conditions: a request to allow a detainee to be moved from an interrogation cell where he had been kept for a month since his arrest, to allow him to receive a change of clothes and family visits. The detainee was transferred from an interrogation cell to a regular cell and was allowed a family visit. The court, therefore, rejected the petition and ordered the State to pay court expenses.
- 4) ¶ A petition to grant permanent residency to the husband of an East Jerusalem resident who had been refused this status and to

register their two children in the population registry. This petition also challenged on a principle level the regulations under the Entry into Israel Law and requested clear criteria be set for applications for family reunification. The petition was cancelled after the man was granted permanent residency and the children allowed registration in the population registry.

5) ¶ A petition on behalf of 11 Palestinians requesting exit permits which had been refused and a request to provide the reason and evidence for such refusal. Following the petition, four received exit permits; one received a permit on condition he remain abroad for a minimum of two years; one is in administrative detention and the petition not applicable to him; four were refused exit.

6) ¶ This petition concered the extension of an exit card of a Palestinian whose residency was not recognized, yet voided. The court gave an interim injunction to prevent deportation until a hearing with both parties concerning the request for an order nisi regarding exit card extension.

7) ¶ This petition requested an answer as to why the West Bank military commander refuses to reinstate residency by extending the exit card of a former Ramallah resident and the publication of the deadline for applying to the committee that reinstates residency, and why committee procedures are not published.

8) ¶ Petition on behalf of four East Jerusalem residents refused exit permits requesting appellants be given an opportunity to appear before authorities to argue their case. The case was transferred to a sitting of three judges.

9) ¶ Petition to grant permanent residency refused to the wife and five children of a West Bank resident, a violation of the August 1993 announcement granting permanent residency. An order nisi was granted and the State required to respond within 45 days.

The Closure of the Occupied Territories and Outreach Program: The absolute closure of the occupied territories by the Israeli government at the end of March 1993 onwards was again made absolute after the February 1994 massacre of Palestinians by an Israeli settler in Hebron. This again exacerbated the closure that existed at that time and prevented more Palestinians than before from reaching or communicating with HaMoked's East Jerusalem office, especially from areas where there is no access to telephone or fax. This again made clear as ever the importance of the outreach program HaMoked initiated in 1992 in collaboration with the Israel Section of Defense of Children International where fieldworkers travel through West Bank villages to take complaints from the Palestinian residents.

HaMoked continued to receive complaints in the first half of 1994 from outreach workers who travel a minimum of twice a week throughout the West Bank as part of the ongoing program with Defense of Children International, and a HaMoked attorney travels weekly to the West Bank to proceed with the necessary legal procedures on these cases.

Family Reunification: In November 1992 HaMoked succeeded in extending and expanding a previous High Court agreement which has allowed thousands of Palestinian families to remain together without fear of expulsion by granting "long-term visitation" to non-resident spouses

and minor children of residents who entered the territories by August 31, 1992. The success was the result of HaMoked's aggressive legal advocacy with 56 High Court petitions on behalf of over 350 Palestinian families - as well as the ground breaking Coalition with a broad spectrum of Palestinian and Israeli human rights organizations.

On 22.8.93, a State's Attorney announcement in response to 20 pending High Court petitions by HaMoked offered permanent residency to all those nuclear families covered by the 1992 agreement, with a promise of 2,000 applications annually in the future. Marriage for the first time became a sufficient criterion for granting family reunification. In December 1993, HaMoked initiated a legal document of the Coalition on the definition of the family in Palestinian society: the document demanded the reality of the "extended" family in Palestinian society, rather than the Western concept of "nuclear" family, determine the criteria for family reunification. The document was submitted to the Israeli and Palestinian delegations to the multilateral peace talks.

First half of 1994: In February of 1994, HaMoked and other coalition partners met with the International Law Department of the Army regarding issues of family reunification unyet resolved. As a result of this meeting and several others following, it was decided to extend the High Court agreements to cover those spouses and minor children who entered the territories up to August 31, 1993, thus relieving them of having to leave before requesting family reunification.

Other main subjects agreed upon were:

- * those visitors entering the territories by way of Israel would be treated the same as those who directly entered: regular six-month visitor permit extensions until permanent status arranged.
- * the authorities recognized the Islamic law whereby marriage is valid from the signing of the marriage contract for purposes of being covered under the High Court agreement.
- * retroactive fees from visitors covered by the High Court agreement for past periods would no longer be collected.
- * the right of a six-month visitor to leave and return to the territories without having to pay fees in double.
- * an answer would be given within three months time to all family reunification requests.
- * if a family reunification request is rejected, a reason must be given and if it is due to the filling of the annual quota, this will be noted and request passed on to be considered the following year.
- * the Civil Administration agreed to publish procedures on the process for family reunification requests which have been unpublished till now.
- * the authorities agreed to review legislation restricting registration of children in the Population Registry in the territories.

Since March 1994, HaMoked has received numerous complaints violating some of the above agreed-upon points and brings these violations to the authorities and demands immediate solutions. With its coalition partners, HaMoked has continued in 1994 its advocacy to ensure compliance with all agreements on family reunification.