

# בִּיטְסֵלֵם

מרכז המידע הישראלי לזכויות האדם בשטחים

'בִּיטְסֵלֵם' מרכז המעלומות האסראילי לחقوق האנסאן פי الأراضى المحتلة

B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories

## INFORMATION SHEET AUGUST 1991 (English Version)

### COMPLAINTS OF HUMAN RIGHTS VIOLATIONS IN THE ISRAELI-OCCUPIED TERRITORIES

#### THE ACTIVITIES OF "HOTLINE: CENTER FOR THE DEFENSE OF THE INDIVIDUAL"

Preface.....	3
Introduction .....	4
Confiscation of Identity Cards.....	8
Exit and Entry Permits.....	11
Violence and Damage to Property.....	14
Summary .....	17
Response by the Ministry of Justice.....	19

Written in conjunction with:

Hotline: Center for the Defense of the Individual  
2 Abu Obeidah Street, Jerusalem 97200, Tel. 02-283555, 894438

רחוב קרן היסוד 18, ירושלים 92149, טלפון 617274, 617271-02, פקס 617946-02  
شارع كيرن هميسود ١٨، القدس ٩٢١٤٩ - تلفون ٦١٧٢٧٤/١ - ٠٢ فاكس ٦١٧٩٤٦ - ٠٢  
18 Keran Hayesod St., Jerusalem 92149, Tel. 02-617271, 617274, Fax. 02-617946

B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, was founded in February 1989 by a group of lawyers, academics, journalists, and members of Knesset.

The objective of B'Tselem is to document and to bring to the attention of policy makers and the general public, violations of human rights in the Territories.

B'Tselem's data are based on fieldwork, independent investigations, and official Israeli sources, as well as on the data of Palestinian sources, especially human rights groups such as PHRIC and al-Haq.

Researched and written by Sharon Roubach

Edited by Na'ama Yashuvi

English by Jessica Bonn and Yuval Ginbar

Thanks to Jim Ron and Rafi Silver.

Thanks to Dr. Ruth Shishinsky for her tremendous help in preparing this report.

ISSN 0792-4003

## **PREFACE**

**Lotte Salzberger,**

**Chair of the Board of Hotline: Center for the Defense of the Individual**

The "Hotline for Victims of Violence" was formed in the summer of 1988, with the institutionalization of the Intifada, as a project of the "tolerance" movement. A year and a half later, when the Hotline became an independent body, it was renamed "Hotline: Center for the Defense of the Individual," and rapidly assumed an important place among the various groups whose aim is to preserve the rule of law and to protect the rights of residents of the State of Israel and those living under its rule.

Alongside the Association for Civil Rights in Israel (ACRI), which deals primarily with the legal aspects of protecting human rights, and B'Tselem, whose aim is to document and monitor human rights violations, the Hotline fulfills the unique role of dealing, at the individual level, with the problems of Palestinians suffering from the authorities' struggle against the Intifada and from attacks by Jewish citizens.

One could say that the Hotline performs the mundane, unglamorous, and unpublicized work, but I do not think that I am mistaken in saying that despite our focus on the individual level, we have attained a significant number of achievements, through work both on the

policy level and on individual cases, as will be evident to the readers of this report. The achievements on the policy level are meant to effect changes in the authorities' policies, and ultimately have the potential to reduce the number of complaints reaching the Hotline, while the achievements at the casework level are expressed in solving the problems of those individuals who have approached us for assistance.

We would like to point out the enormous and essential contributions offered by the many people who have given and who continue to give, whether by volunteering or by way of financial support. Their generosity has enabled us to continue functioning. Without their contribution we could not have developed and increased the scope of our activities and effectiveness as we have done since the Hotline was first founded.

In addition, we would also like to thank the Board and the skilled staff of B'Tselem for their willingness to participate in the preparation and publication of this report. Our joint goal is to increase public awareness of the phenomenon of illegal activities and violations of individual rights and to correct such failures.

# INTRODUCTION

The outbreak of the Intifada brought with it a significant increase in human rights violations against Palestinian residents of the West Bank and the Gaza Strip. This situation has led to the formation of various organizations that aim to assist residents of the territories in many different ways. "Hotline: Center for the Defense of the Individual," was established in Jerusalem in July 1988 in order to aid residents of the territories in their contacts with Israeli authorities.

The Hotline deals with a wide range of human rights violations committed in the territories by assisting residents of the territories in lodging complaints or requests to the appropriate authorities, and by attempting to ensure that such complaints are investigated in a serious manner and that the authorities take the appropriate actions warranted by the results of the investigation. In addition, the Hotline assists residents of the territories with representation in court and seeks to obtain compensation for bodily injury and property damages for those complainants who so desire.

Over the last three years, the Hotline has processed more than 2,000 complaints by residents of the territories. This report illustrates, through a description of these complaints, the central patterns of human rights abuses inflicted upon the residents of the territories in their daily lives. The report focuses on the main issues dealt with by the Hotline: location of detainees and conditions of detention; confiscation of identity cards; entry and exit permits; and violence and damage to property.

It is important to note that the complaints received by the Hotline are in no way a representative sample of the totality of human rights violations in the territories. The cases that come to the Hotline's

attention are only a small percentage of the abuses committed against residents of the territories. Most of the residents of the territories will not approach an Israeli organization, either because they are unaware of its existence, or because they lack faith in its ability to act effectively on their behalf. The Hotline's location in East Jerusalem has, in some cases, made it more accessible to Palestinian residents of the territories, but in other cases - especially as a result of the restriction of entry into Jerusalem from the territories following the Gulf War - it has brought about a natural selection of the clientele. Thus, for example, only three cases from the entire Gaza Strip have reached the Hotline.

Human rights work involves, among other things, dealing with individual complaints and documenting and researching the general patterns of violations that emerge over time. The activities of the Hotline focus primarily on addressing and attempting to solve the problems of individuals. The Hotline does not engage in documentation, research, and publication of general trends in human rights violations in the territories. This is B'Tselem's job.

This report is being published cooperatively by both organizations, and it attempts to identify, through a description of the individual complaints processed by the Hotline, patterns of human rights violations against Palestinians residing in the occupied territories.

The report was submitted for the reaction of the IDF Spokesperson at the beginning of July 1991, but he chose not to reply.<sup>1</sup> The response of the Ministry of Justice appears at the end of the report.

---

1 A letter from the Head of the Information Branch, IDF Spokesperson's Office, to B'Tselem, August 1, 1991

## LOCATING DETAINEES

The military law in effect in the territories states in Article 78A (b) of the Order Concerning Security Regulations: "Upon an individual's arrest, a notice will be sent without delay as to the fact of his/her arrest and his/her location to a relative, unless the detainee requested otherwise."<sup>2</sup> The order also states that: "In accordance with the detainee's request, the notice mentioned in section (b) will also be sent to a lawyer named by the detainee."<sup>3</sup> In many cases, families of detainees are unaware that their relatives have been arrested, or do not know where they have been taken. Not only does this lack of knowledge create anxiety regarding the whereabouts of their family members, but it represents a violation of the legal requirement to provide such information to the family, and it impedes the family's ability to hire a lawyer to represent their detained relatives. Furthermore, even in cases where the family has indeed been notified of a relative's arrest and place of detention, this phenomenon continues to be a serious one, as many detainees are transferred from one detention facility to another without the notification of the family. The Hotline therefore deals extensively with relocating detainees whose first place of detention had previously been ascertained. Between its founding in July 1988, and the end of June 1991, the Hotline received 783 requests to locate detainees, constituting 34.1% of all requests received.

At the beginning of August 1989, relatives of three detainees petitioned the Israeli High Court of Justice (HCJ). The petition, submitted by Attorney Dan

Simon of the Association for Civil Rights in Israel (ACRI), addressed the IDF's failure to notify families of residents' detention by the IDF and of their location. According to the petitioners' testimonies, they had not received notification of their relatives' arrests by telephone, card, telegram or any other means, and as for information regarding which detention center their relatives had been transferred to, their only source was rumor.<sup>4</sup>

Two days before the High Court hearing of the petition, the commander of IDF forces in Judea and Samaria announced new procedures concerning the notification of families regarding arrests and place of detention. The main points of these new procedures, as presented by the State Attorney's office, are:

- a. The establishment of a communication system between the various detention facilities and a central controlling body for coordinating information regarding detentions and the movements of detainees between various detention facilities. This central body is required to submit daily reports on the condition of detainees to, among others, the military governors of the various districts.
- b. The establishment of a regulation requiring that all detainees arriving at a detention facility be given a postcard, in order to write to their families and notify them of their whereabouts.
- c. In addition to the above, a list of the detainees being held in the district's holding facilities at the time is to be published daily in the regional offices of the Civil Administration.

---

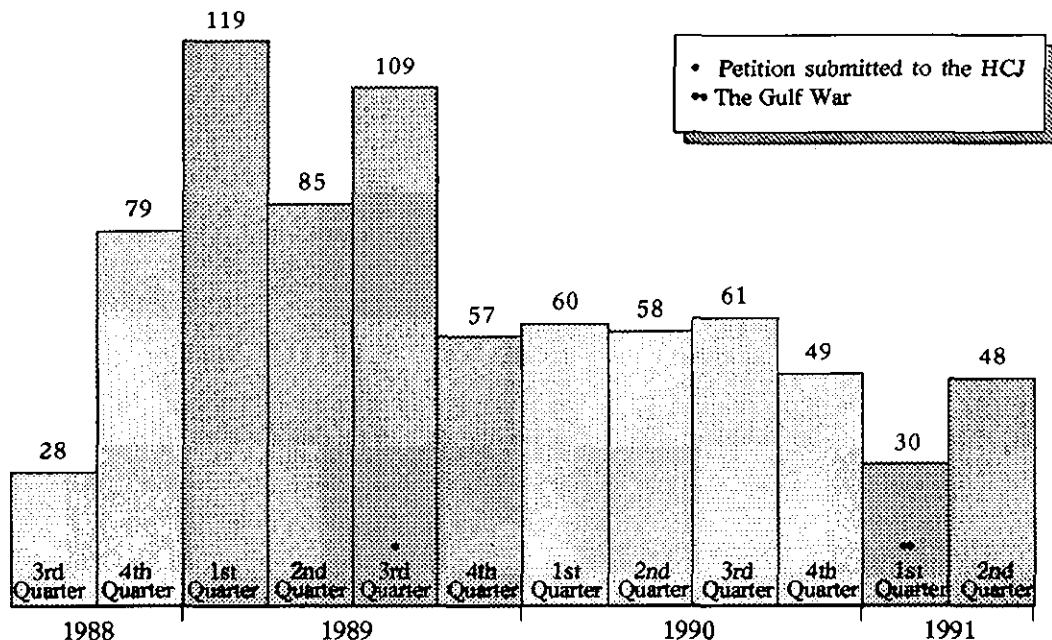
2 Order Concerning Security Regulations (Judea and Samaria) (No. 378) - 1970, Article 78

3 Ibid., Article 78A (c)

---

4 HCJ 670/89

## Number of Requests Referred to the Hotline for Locating Detainees [July 1988 - July 1991]



According to the new procedures, detailed lists of all detainees are to be posted daily in the offices of the Civil Administration, including the names of those held outside the district. This list, which would be protected from being torn down, is to be updated, and would state changes of location and indicate to which prison the detainee has been transferred.

On November 21, 1989, justices of the Supreme Court ruled that the new procedures were satisfactory, and therefore rejected the petition. In the verdict, High

Court Vice President Judge M. Alon wrote that:

This commitment to notify stems from the basic right given to an

individual legally arrested by the legitimate authorities, who must inform his family of the fact of his arrest and the place of his detention, so that they know what has happened to their detained family member, and how they may extend to him the necessary aid so that he may defend his liberty. This right is a natural right, deriving from the dignity of man and general principles of justice, and is extended to both the detainee and to his family.<sup>5</sup>

Yet even after the publication of the new procedures, the problem has not been completely resolved, and requests to locate detainees continue to reach the

<sup>5</sup> Verdict, HCJ 670/89

Hotline, albeit in fewer numbers, as illustrated by the graph above.

An examination of lists of detainees, conducted by Hotline representatives at the Bethlehem Civil Administration offices on April 26, 1991, revealed that four lists of names were posted, for January 11, February 2, February 7, and March 8, 1991. In other words, the most current list was more than one and a half months old.

In an additional examination carried out by representatives of the Hotline in Ramallah on May 2, 1991, the public notice-board was found to be far more organized and up-to-date.

The most current list was dated May 1, 1991, and there was another notice posted on the same board dated April 26, 1991, listing detainees transferred to Dahariya. Hotline staff-members report that in all their contacts with the IDF control center staff they have been impressed by the latter's willingness to help.

A significant drop has been registered in the average time required by the control center to determine the whereabouts of detainees. This improvement did not, in fact, take place immediately following the High Court ruling, but a year later, in the last quarter of 1990. This seems to be the result of improved computerization and updating of data.

# CONFISCATION OF IDENTITY CARDS

The confiscation of an identity card from a resident of the occupied territories seriously impedes his or her ability to lead a normal life. Every resident of the territories aged 16 years and older is required by military order to carry an identity card at all times.<sup>6</sup> A resident of the occupied territories who does not have an identity card on his or her person is committing a felony, and is liable for imprisonment of up to one year.

In the first year and a half of the Intifada, identity cards of residents of the territories were routinely confiscated by a number of authorities. Agents of the Civil Administration taxation department frequently confiscated identity cards, conditioning their return upon payment of debts to the tax authorities. Soldiers confiscated identity cards in order to force residents to perform various tasks, sometimes even as a form of punitive action. In the course of these confiscations many identity cards were lost, causing additional difficulties, loss of time, expenses, delays at military checkpoints, etc. Between the time of its founding, and June 11, 1991, the Hotline received 196 complaints regarding the confiscation of identity cards.

In April 1989, at the joint initiative of the Hotline and Association of Civil Rights in Israel (ACRI), a petition was submitted to the High Court of Justice (HCJ) on behalf of seven residents of the territories who reported to the Hotline that their identity cards had been confiscated and not returned.<sup>7</sup> Following

the petition, the Commander of IDF Forces in Judea and Samaria issued an order designed to regulate the procedures for identity card confiscation.<sup>8</sup> According to this order, a soldier is permitted to confiscate an identity card from an individual under three conditions only:

1. In order to ensure compliance with an order given to the individual to remove a barrier on the road or a blockade which is hindering use of that same road.
2. In order to ensure compliance with an order given to the individual to erase or remove graffiti, flags, or other symbols.
3. In order to ensure that the individual will appear at a specific place and time as ordered by the soldier. In such a case, the identity card is to be returned immediately upon the individual's appearance, and the card's return may not be contingent upon performing any additional task, such as payment of taxes, or any other related action.

Upon confiscating an individual's identity card, the soldier must provide the individual with a document stating that the identity card has been taken. In this document, the soldier must indicate the identifying data of the individual whose card has been taken, the date and the reason for the confiscation, the place and time at which the individual may receive his card, the length of time of the document's validity, and the identifying data of the soldier who has confiscated the card. The order also states that the alternative

---

6 Article 4 of the Regulations Concerning Identity Cards and Population Registration (Judea and Samaria) (No. 297) - 1969

7 HCJ 278/89

---

8 Order Regarding Security Regulation No. 1276 (Amendment No. 59), May 1989



document is valid for no more than 96 hours, and that during this time the document will be considered the individual's identity card for all purposes. The identity card must be returned immediately upon implementation of the order given to the resident.

The publication of this order and the new procedures did not, however, resolve the issue. The Hotline continued to receive complaints regarding confiscation of residents' identity cards, and of the use of this measure in circumstances that violated the procedures specified by the new order. Confiscations continued to be used, to force residents to sweep roads or to guard against stonethrowing, etc., as well as to pressure families of individuals wanted by the security forces, in an attempt to force the wanted relatives to turn themselves in.<sup>9</sup>

The Hotline and ACRI again petitioned the High Court of Justice in May 1990 on behalf of six residents of the occupied territories whose identity cards had been taken in order to force them to pay taxes. In an announcement of the State Attorney's Office issued in response to the petition, it was stated that the six cards had been returned. With respect to the principle of the matter, the same announcement claimed that the authorities were acting ceaselessly to enforce the orders issued in the wake of the previous petition, and that in fact, the number of complaints reaching the authorities regarding illegal confiscation of identity cards had declined significantly.<sup>10</sup>

The data regarding complaints received by the Hotline of confiscation of identity cards, show that during the period between the first and second petitions

submitted to the High Court, the number of complaints received was in fact higher than in other periods. This suggests that the High Court's orders were not always upheld.

Following the second petition to the High Court the number of related complaints dropped markedly, but remained similar to the number of complaints in the period before the first High Court petition.

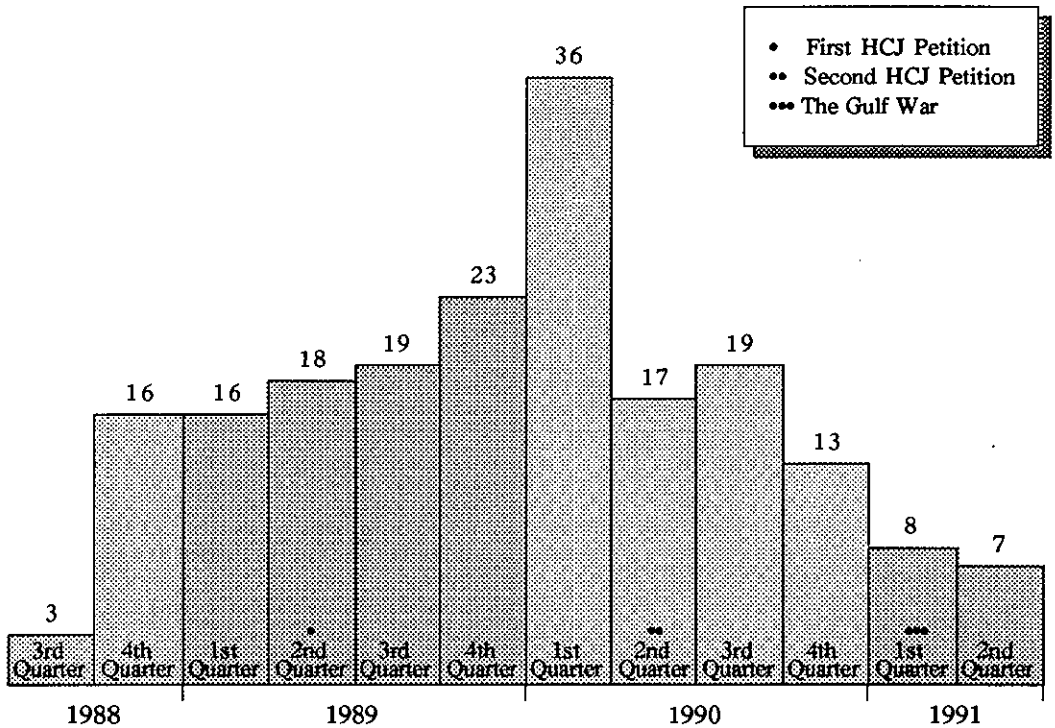
A typical case of confiscation of identity cards accompanied by extended bureaucratic harassment is that of family "H" from the village of Silwad. At the end of May 1989, the month in which the new order regarding confiscation of identity cards was issued, the village of Silwad was placed under curfew. At 4:00 a.m., all men over the age of 16 were ordered to appear in the courtyard of the village school. Standing in the courtyard were officers from the Civil Administration who checked to see whether any of those present owed taxes. Six members of "H" family were found to be in arrears; their identity cards were confiscated, and they were placed into one of the school rooms where they were held until 1:30 p.m., when the curfew was lifted. The six were then taken to the offices of the Civil Administration in Ramallah, where they were held until evening. When they were released, their identity cards were not returned. The six returned to the Civil Administration four times to request that their cards be returned, but they were rejected. At the beginning of June 1989, the men approached the Hotline for assistance. The Hotline gave their names to ACRI, which then included them in a list given to the office of the Legal Advisor for Judea and Samaria during the High Court's review of HCJ petition 278/89.

The Legal Advisor's reply, which was not received until September 1989, stated that one identity card had already been returned

9 See B'Tselem Information Sheet, June 1991

10 HCJ 2237/90, Statement of the State Attorney's Office, September 1990

## Complaints Received by the Hotline Concerning Confiscation of Identity Cards [July 1988 - June 11, 1991]



to its owner, and two others could be retrieved by their owners at the Civil Administration offices in Ramallah. The three remaining cards had not been located. If their owners were to go to the offices of the Civil Administration in Ramallah they would be referred to the regional

office of the Population Registry, where they would receive new cards.

By October 1989, the incident had been resolved, but until that time, for over six months, all six individuals had to live without identity cards. (File No. 720)

# EXIT AND ENTRY PERMITS

"Everyone has the right to leave any country, including his own, and to return to his or her own country." (Universal Declaration of Human Rights, Section 2.13)

## Exit Permits

With the conquest of the territories in 1967, the West Bank and Gaza Strip were declared closed areas, and exit from or entry into these areas requires a permit. Residents of the territories seeking to go abroad must approach the Staff Officer of the Civil Administration in their area of residence and request permission to leave. At the Civil Administration they receive a "no-debt" form ("travel log")<sup>11</sup> which accompanies them as they proceed from one Civil Administration office to another, to obtain in each a confirmation - by way of a stamp on their "travel log" - that they do not owe money or are not wanted by the security forces. (This form is popularly called a "travel log" because it must be stamped at several government offices, thus becoming a record of the journey from office to office.) The authorities who must stamp the document are: the police, the municipality or local council, the income tax authorities, the value added tax authorities, the property tax authorities, the Civil Administration and the Military Government. After the

residents have waited in line at each of these offices and their forms have been decorated with all the necessary stamps, they must go to the Civil Administration, submit the document, and await their exit permits. The usual waiting period is three weeks.

In a long list of verdicts, the Supreme Court, sitting as the High Court of Justice, has refused to intervene in the judgements of authorities who have rejected requests made by residents of the occupied territories to leave the country. A typical High Court response in this matter was the following:

We did not see any reason for the intervention of this court in the judgement exercised by the area commander. When an administrative authority in an area of the military administration examines a request either to exit or enter the area, it [the authority] is permitted to weigh the security risks involved in accommodating the request, and for this a reasonable suspicion is sufficient basis for refusing to grant a permit, and it is not a condition for exercising this power that the authority possess at that time evidence that would be sufficient grounds for a conviction in a court of law.<sup>12</sup>

The Supreme Court has set for itself rigid guidelines restricting its own intervention in decisions made by the security

---

11 On June 3, 1991 the Civil Administration in the West Bank announced that the requirement to fill out a "no-debt" form as a precondition to receiving services from the Administration would henceforth be required annually, and not every time a service is sought. Men over the age of 60, and women, are exempt from the requirement. It is to be hoped that the partial cancellation of the form will ease the relations between residents and the administration, remove bureaucratic complications, and decrease the harassment to which residents of the territories are subject. See: B'Tselem Information Sheet, June 1991

---

12 HCJ 66/80 cited in HCJ 709/88, 318/85, 417/85, 5168/90

authorities in the territories, asserting that there is no justification for intervening in the policies of these authorities unless they have exceeded their powers or acted with malice and lack of good intent.

In many cases, the Civil Administration refuses to grant exit visas. The refusal is usually substantiated by "security reasons." In November 1990, the Hotline petitioned the High Court on behalf of a Nablus resident who had applied for an exit permit to Jordan and had been refused.<sup>13</sup> An announcement by the State Attorney's Office, published in response, stated, *inter alia*:

Exit from an area of the military government, especially to an enemy country, is considered a privilege, relegated to the consideration of the area commander.<sup>14</sup>

The security authorities often make exit from the area conditional upon the applicant's commitment to remain abroad for a period of several years. This policy is usually applied for young male applicants (between the ages of 16-35).

At the end of 1989, when M.R., a Nablus resident, asked for permission to exit by way of one of the Jordan bridges and his request was denied, he approached the Hotline. Following the Hotline's inquiry to the Office of the Legal Advisor of Judea and Samaria, a letter arrived in January 1990, stating:

The authorities' position regarding your client's exit is negative. If, however, your client should request to exit the area for a period of five consecutive years, and make the proper

commitment, this position will be reconsidered.

Hotline staff responded, claiming that the man was unable to commit to not returning for such a long period, because he was engaged and about to be married, and because his elderly parents were ill and required his help. Nevertheless, added the Hotline personnel, the man was ready to commit himself to not return for two years.

In the response of the Judea and Samaria Legal Advisor, it was stated: "Please transfer to the undersigned a declaration of the abovementioned who commits himself to exit the country for a period of three consecutive years." M.R., who claimed that he could not make such a commitment, withdrew his request and did not go to Jordan. (File No.1115)

There are also many cases in which a limitation on going abroad is imposed on residents of a certain area for a period following a terrorist attack. A ban placed on an entire community or area is not published anywhere, and residents sometimes learn about the ban only when they arrive at the bridge, often after having made all the necessary arrangements for leaving (vacation from work, renting a house, etc.).

A.Q., a resident of 'Ein Qinia in the Ramallah District, requested an exit visa to Jordan in order to visit her husband's sick brother. She received permission to leave, but upon arriving at the bridge, she was forbidden to do so. On April 19, 1990, A.Q. approached the Hotline for assistance. The Hotline's request, submitted the next day to Office of the Legal Advisor of Judea and Samaria, was not answered until four months later. In the response it was stated: "We hereby inform you that there is nothing preventing your client from exiting the area." Armed with the response and an

13 HCJ 5168/90

14 Statement by the State Attorney's Office, HCJ 5168/90, February 4, 1991, p.4

exit visa, the woman approached the bridge for the second time. Upon arriving, she was again denied exit, and she returned to the Hotline. In a telephone inquiry made by the Acting Head of the Legal Administration Department, Hotline personnel were told that there had been a grave assault on a Jew in 'Ein Qinia, and that the entire village was therefore prevented from exiting. The Hotline turned again to the authorities, requesting that A.Q. be allowed to exit to Jordan and, finally, she did (File No. 1414).

### Entry permits

Residents of the territories who acquire exit visas and leave the country, deposit their identity cards at the point of exit, and in their place are given a card, on which the permitted period of exit is stated. If the residents desire to remain abroad, they are permitted to extend the period of the exit card up to three times, each time for a period of one year. Residents who remain abroad for more than the permitted period and request permission to return must submit a special request to prove that they have not shifted the focus of their life to another location.

At the end of November 1984, 'A.R. went with his father, who was ailing from cancer, for treatment in Jordan and London. The father received treatment in London, and died in Jordan in February 1988, approximately two months after the son's exit permit (which until then had been extended each time) had expired. When 'A.R. asked to return home, he was

prevented from entering, and his identity card was not returned. 'A.R.'s mother, a 75 year old woman confined to her bed and in need of her son's help, approached the Hotline in August 1989. The Hotline turned to the Office of the Judea and Samaria Legal Advisor, but despite the many reminders that were sent, no response was received. Likewise, the Hotline approached the State Attorney General in October 1990. In an answer that arrived in February 1991, it was stated that:

According to a recommendation of the Commission for Late Arrivals, and a decision of the Head of the Civil Administration of the Judea and Samaria area, 'A.R. has ceased to be a resident of the area, meaning that he is not entitled to have his identity card returned.<sup>15</sup>

In May 1991, the Hotline petitioned the High Court of Justice regarding 'A.R.'s case, and the trial will be held soon.

Between its establishment and the beginning of June 1991, the Hotline has processed 444 complaints regarding entry and exit permits. Of these, 265 cases (59.7%) ended successfully, i.e., the applicants were granted permission (sometimes limited permission) for entry and exit. In most cases, the body responsible for denying the permit was the Civil Administration (46%), followed by the army (36.2%) and other authorities (17.8%).

---

15 A chief deputy to the State Attorney, RC/958, February 26, 1991

## VIOLENCE AND DAMAGE TO PROPERTY

The Hotline was originally established to assist Palestinian residents of the territories who suffered bodily injuries as a result of violence on the part of security force personnel and Israeli civilians. Reality altered the Hotline's main emphasis, since most of the incoming complaints dealt with violations of the rights of residents of the territories, rather than personal injury and damage to possessions. Nevertheless, the Hotline has received, over the course of three years, 354 complaints of physical violence, which, in some severe cases, resulted in death. The Hotline has also received 218 complaints of property damage.

### IDF Brutality

Many of the complaints relate to brutal behavior by soldiers against residents, or to humiliating and insulting treatment. On the afternoon of January 16, 1990, 'A.S. left his house in Qalandia for the nearby bus station. He relates that six or seven soldiers who were standing nearby asked him for his identity card and told him to get into the ambulance that was with them. When he asked why, the soldiers pushed him into the vehicle. Three of the soldiers began to hit him, slapping his face and head. After approximately five minutes, the soldiers released him, returned his identity card, and said: "If we thought that you had thrown stones, we would have screwed you."

The following day, 'A.S. approached the Hotline, which referred the complaint to the Legal Advocate of the Central Command and to the Staff Complaints Officer in the Judea and Samaria Civil Administration. In September 1990, eight months after the complaint was filed, the Legal Advocate of the Central Command responded:

1. A Military Police/CID file has been opened.
2. The soldiers involved in the beating have not been located, but the soldier who drove the ambulance has been located, and he testified that, indeed, during the aforementioned event, an Arab was put into the command car.
3. The file was closed without additional steps being taken, but since the complainants' version was verified in part, there is a basis for believing that it is reliable, and a copy was therefore transferred, upon my recommendation, to the Staff Complaints Officer so that he could consider the question of reparations for the complainant.

The Staff Complaints Officer wrote in the response that there were no physical injuries and therefore payment of reparations was not in order.

The Hotline turned to an appeals committee and pointed out that the request for reparations was not only for medical damages incurred, but also for insult, inconvenience, and humiliation.

In its last session, on May 29, 1991, the appeals committee resolved to reject the September 1991 decision, and requested that the complainant submit a medical opinion within 14 days, without which he would not receive compensation.

The above situation, which is hardly unusual, raises many questions. It is not clear, for example, how it could be that the soldiers were not located if indeed the ambulance driver, who was a witness to the incident, was located. And if 'A.S.'s story was found to be true as the Legal Advocate of the Central Command admits in his

letter, why was the file closed without a further investigation?

The Hotline's response to complaints of violence and damage to property differs from the response to other types of complaints. While other complaints are processed in order to solve the problem by locating a prisoner, having an identity card returned, obtaining an exit permit, etc., the Hotline handles cases of violence by submitting a complaint to the authorities, bringing to trial those accused of assault, and demanding that they compensate victims. In contrast to other types of complaints, the processing of complaints of violence and damage to property rarely ends in success, i.e. bringing the accused to trial and compensating victims. (It should be stated that many of those who approach the Hotline refuse to accept compensations from Israel.) In only 13 cases of violence (less than 4%), and in only 17 cases (less than 8%) of property damage, did the process end successfully.

### Individuals and Authorities Involved in Complaints of Violence and Property Damage Submitted to the Hotline

The authority	Violence	Property
I.D.F.	41.9%	49.3%
Border Guards	28.2%	13.2%
Police	13.7%	8.3%
G.S.S.	3.8%	1.0%
Civil Administration	1.2%	2.9%
Jewish citizens	5.5%	19.0%
Palestinian residents	2.3%	2.0%
Other	3.4%	4.3%
Total	100%	100%

### Brutality by Border Police

On June 18, 1989, at 11:15 p.m., three residents of East Jerusalem departed from a friends' house in Wadi Joz. They claim that when they were about to enter their cars, a border police jeep containing three border police, as well as a regular policeman passed by. The border police officers instructed the three to identify themselves, and began to interrogate them. After several minutes, they asked the three to undress. They refused. The border police began to beat and kick them, and forced them to undress. After undressing them entirely, the border police ordered them to repeatedly sit down and stand up; when they did not obey, they were beaten. During the incident, the police cursed and taunted them. The regular policeman stood by the jeep during the event. He did not actively participate in the violence, but he did not prevent the others from acting, either.

The following day, the three approached the Hotline and, accompanied by a Hotline representative, submitted a complaint to the police. At the same time, the Hotline sent the details of the event to the public complaints officer of the border police.

In January 1991, a year and a half after the incident, the Jerusalem District Attorney pressed charges against two of the border police involved in the incident. The charges: attack under aggravated circumstances, and abusing the power of their position.

Superintendent Elinoar Mazuz, Public Complaints Officer in the Inspector-General's Office, told us that: "As stated in the report, in this case, charges were pressed against the policemen involved in the incident. This fact illustrates the serious attitude of the police towards complaints, and the high quality of the investigation. The handling of this file was

protracted due to requirements of the investigation."<sup>16</sup>

16 Letter from Superintendent Elinoar Mazuz, Public Complaints Officer, Police Inspector-General's Office to B'Tselem, August 1, 1991

## **VICTIMS OF HOSTILE ACTS**

Approximately one year ago it became apparent to the Hotline that the Compensation Law for Victims of Hostile Acts, 1971, does not apply to residents of the territories who are injured by hostile acts. The law, which ensures reparations for "victims" injured in hostile acts directed against Israel, defines "victims" as Israeli citizens or residents, persons who enter Israel on a visa, or persons who enter Israel and are exempt from obtaining a visa or permit.

It transpires that the only people who enter Israel who are excluded from the definition are residents of the territories staying in Israel. This means that a resident of the territories who is injured in a hostile act against Israel (e.g. a Scud attack) does not qualify as a "victim" and accordingly is not entitled to reparations, including hospitalization costs. All other individuals (an Israeli citizen, tourist, or temporary resident) are legally entitled to reparations for injuries incurred in hostile acts.

The Hotline and the Association for Civil Rights in Israel requested from the Prime Minister the Minister of Justice that the law be amended to include residents of the territories. The request stated:

An innocent resident of the territories who is injured as a result of hostile acts in Israel is not eligible for any reparations, while any other person is eligible for reparations for an injury in the same incident. This situation, in which a person is discriminated against only because of his place of residence and his nationality, is unacceptable.

In his response to the Director of the Hotline, Justice Minister Dan Meridor wrote that he was looking into the matter. To this date, almost one year later, no action has been taken toward changing the law.



# SUMMARY

During the three years which have passed since its founding (between June 1988 and June 1991), the Hotline has processed 2,273 complaints.

There is no doubt that the complaints which reach the Hotline are only a small part of the total abuses suffered by residents of the territories. In addition, the data show a marked distortion due to the difficulty in arriving at the Hotline because of its location in East Jerusalem, due to a lack of knowledge of its existence, or due to lack of faith on the part of residents of the territories in an Israeli organization. The following table, which represents the geographical distribution of applicants, illustrates this distortion:

Area	No. of Complaints	Percentage
Ramallah District	680	30.5%
Jerusalem area	596	26.8%
Bethlehem District	378	17.0%
Hebron District	270	12.1%
Nablus District	147	6.6%
Other areas *	157	7.0%

\*There are no data on the areas of residence of 45 of the applicants

Despite the mentioned qualifications, the large number of applicants and the repetitive pattern of their complaints render it possible to draw the following conclusions:

1. **Locating detainees** - Following the new procedures issued by the

Commander of IDF Forces in Judea and Samaria in the Order Concerning Notification of Families Regarding their Relatives' Place of Detention (September 1989), there was a certain improvement. We found, nevertheless, that the problem persists. The control center is not updated on a regular basis, nor are the lists in the government offices of the various districts updated daily.

2. **Confiscation of identity cards** - Despite the announcement of the State Attorney's Office to the High Court of Justice, and despite the fact that the law in effect in the territories was amended and the circumstances under which an identity card can be confiscated were clarified and restricted, the phenomenon of illegal confiscation of identity cards for periods longer than permitted by law continues.

3. **Exit and entry visas** - The authorities prevent a proportion of the residents from exiting or entering the territories. There are collective restrictions on villages or entire communities. Those who request permission to leave are often required to sign a pledge to remain abroad for a long period.

4. **Violence and property damage** - Complaints about beatings, humiliation, verbal abuse, and property damage also reach the Hotline. Only 13 cases (less than 4%) involving violence were resolved successfully. Regarding complaints of property damage, in only 17 cases (less than 8%) was compensation obtained.

The above examples may not be the most serious human rights violations in the territories. They do not deal with killing, demolition of houses, or deportation, but

they do represent the daily violations of human rights and the large-scale disruption of everyday life in the territories.

Type of Complaint	No. of Complaints	Percentages
Locating detainees and detention conditions	876	38.5%
Entry and exit permits	444	19.6%
Violence	354	15.6%
Damage to property	218	9.6%
Confiscation of identity cards	196	8.6%
Administrative problems	108	4.8%
Other	77	3.3%

# RESPONSE BY THE MINISTRY OF JUSTICE

**Eti Asher, Justice Department Spokesperson, sent the following response to the report:**

For the purposes of providing a response to the information sheet, one must distinguish between a discussion of the legal situation and the questions which arise from it, and the actual application of legal policy.

The response from the Ministry of Justice, coordinated with the security authorities, relates only to the legal situation.

Following is the Ministry's response to the legal topics raised in the information sheet, in order of their appearance.

## **A. Locating Detainees**

The Ministry of Justice assigns great importance to the application of procedural instructions issued by the security authorities for providing information to detainees' families regarding their place of imprisonment.

The Ministry maintains close communication with security authorities in order to receive reports on the application of procedures, and even assists, to the best of its ability, when approached by civilian bodies, such as Hotline: Center for the Defense of the Individual, and the Association for Civil Rights in Israel, when problems arise regarding detainees.

Regarding numerical data that appear in the report, the Ministry of Justice does not maintain records on the number of justified complaints, since verification is not the responsibility of the Ministry, and in any case we did not find this item in the information sheet with which we have been provided.

## **B. Confiscation of Identity Cards**

The issue of the confiscation of identity cards has been discussed twice by the Supreme Court. The position of the State Attorney and the military legal system was clear: Confiscation of identity cards is not to be permitted for purposes other than those stated in the order, namely - removal of barriers, erasure of slogans, and ensuring the fulfillment of an order to appear given by Article 73A of the Order Concerning Security Regulations.

Directions for handling the matter as dictated by security regulations were accompanied by detailed procedural instructions, with an order by the Chief of Staff to ensure that activities are in keeping with the order and the procedures, and according to the guidelines of the Military Advocate General that legal measures are to be taken against anyone violating the instructions.

The Supreme Court has approved the legal arrangement described [here].

Complaints regarding the taking of identity cards must be referred to the Office of the Judea and Samaria or the Gaza Legal Advisor, according to topic and the sooner the complaint is submitted following the incident, with most of the details included, the easier it is to address and examine the matter.

## **C. Exit Permits**

One must distinguish between exit permits from the area to countries not in a state of war with the State of Israel, to which the exit of residents is unlimited, and exit to enemy nations, to which there is no inherent right to exit, neither for residents of the areas, nor for citizens of the State of Israel.

Despite the security risk involved in exiting to an enemy state, the security authorities do their best to allow these exits when possible. Policy guidelines are determined by security authorities, and evaluated by the Justice Ministry, while requests referred to the legal advisors of the areas, and to the State Attorney's Office by various civilian bodies are considered on an individual basis.

#### **D. Entry Permits**

As stated in the information sheet, the Judea and Samaria and Gaza areas were declared a closed military zone, but the entry of former residents who left the area is made possible by the security authorities, if the conditions of the legal test of "resident of the area" are met, that is to say if the center of their lives

remained in the area, and they have not removed themselves from it. This test comprises a number of components such as the reason for exiting the area, and the length of absence, when the period of absence is on the order of several years.

Even after this period, however, an advisory council convenes to evaluate unusual requests to return to the area.

The data published in the report on this topic indicate that it is possible, in at least some of the cases, to solve the problems which arise outside the courtrooms.

#### **E. Victims of Hostile Acts**

The response on this issue must be given by the security establishment.