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Country Reports on Human Rights Practices for 1992: "Israel and the Occupied Territories"

Author(s): U.S. Department of State

Source: *Journal of Palestine Studies*, Vol. 23, No. 1 (Autumn, 1993), pp. 125-136

Published by: [University of California Press](#) on behalf of the [Institute for Palestine Studies](#)

Stable URL: <http://www.jstor.org/stable/2537869>

Accessed: 10-03-2015 19:15 UTC

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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992: "ISRAEL AND THE OCCUPIED TERRITORIES"

U.S. DEPARTMENT OF STATE

This report deals with territories under military occupation, whereas most others in this volume describe practices within sovereign states and deal with the relationship between governments and their own citizens. Israel occupied the lands known as the "occupied territories" (the West Bank, Gaza Strip, Golan Heights, and East Jerusalem) as a result of the 1967 war.

Israel is not recognized internationally to have sovereignty over any of the occupied territories, but has asserted sovereignty over and annexed East Jerusalem. The legal regime in the West Bank and Gaza derives from Ottoman, Jordanian, Egyptian, and British law, as modified by more than 1,300 Israeli military orders in the West Bank and a similar number in Gaza. Israel has extended its law and administration to the Golan Heights.

The United States considers Israel's occupation to be governed by The Hague Regula-

tions of 1907 and the 1949 Fourth Geneva Convention Relative to the Protection of Civilians in Time of War. Israel claims to observe their humanitarian provisions as a matter of policy.

Israel governs the West Bank and Gaza through a military-backed Civilian Administration (CIVAD), ultimately responsible to the Minister of Defense. Some Arab municipalities have elected mayors while in others they are Israeli appointed. However, municipal and local elections have not been held since 1976. Palestinians do not have the opportunity to participate in significant political or economic decisions regarding the occupied territories, except for East Jerusalem, where Palestinians have largely boycotted the political process. Israeli settlers in the territories (about 5 percent of the Palestinian and Jewish population of the territories, exclusive of East Jerusalem) are subject to Israeli law and receive better treatment than Palestinians under military occupation law. Israeli economic policies discriminate in favor of Israeli interests and Israeli settlers in the territories.

Washington, D.C.: U.S. Government Printing Office, February 1993, pp. 1019-1030.

Journal of Palestine Studies XXIII, no. 1 (Autumn 1993), pp. 125-136.

Negotiations, including the subject of elections, between Israelis and Palestinians are ongoing to establish an interim self-governing authority which would give Palestinians greater control over the economic and political decisions affecting their lives.

The security forces in the occupied territories consist of the Army (Israel Defense Forces-IDF), the Shin Bet (General Security Service), the police, and the paramilitary border police. Crimes by Palestinians related to security, as defined by the authorities, are tried in military courts staffed by IDF officers. Since 1967, Palestinians have protested against Israel's occupation. The civilian unrest known as the intifada erupted in December 1987. The massive Palestinian protests and demonstrations and certain punitive Israeli countermeasures associated with the intifada continued to subside in early 1992. However, killings by both sides increased during the year, and violence escalated toward the end of the year.

The economies of the West Bank and Gaza Strip are small, poorly developed, and highly dependent on Israel. The West Bank produces many agricultural items and some light manufactured goods. Gaza's economy is more focused on agriculture and depends heavily on earnings from day-laborers working in Israel. Both economies have suffered from the effects of the occupation, the 5-year-old Palestinian uprising against Israeli rule, and the Gulf war.

Despite the overall reduction in intifada violence, IDF killings of Palestinians were 62 percent higher in 1992 than in 1991 (158 killed in 1992 compared to 98 in 1991). The longstanding U.S. position is that several Israeli practices, such as transfer of prisoners outside the occupied territories and demolition or sealing of houses as a form of collective punishment, contravene specific provisions of the Fourth Geneva Convention. During the year there continued to be instances of Israeli mistreatment of Palestinians during arrest and interrogation, bans on travel and movement, restrictions on family reunifications, administrative detention, house demolitions, and discriminatory policies in land and resources use and trade. Israel continued to require that all Palestinian residents of the West Bank and Gaza obtain special permits to enter Jerusalem or Israel. Several times during 1992 Israeli forces sealed off the West Bank and Gaza, sometimes as a preemptive measure and sometimes in response to the killing of Israeli civilians. Palestinian killing of Palestinians for alleged collaboration with Israeli authorities and other reasons also con-

tinued; such killings decreased in the West Bank as compared to 1991, but increased overall due to a high level of internecine violence in Gaza. (In 1992, 182 Palestinians were killed by other Palestinians, compared to 140 in 1991.)

On 17 December, Israel deported 415 Palestinians associated with the Hamas and Palestinian Islamic Jihad fundamentalist organizations to Lebanon. The government stated this was a temporary measure to deal with an upsurge in attacks against security forces, including the abduction and killing of an Israeli policeman. Although the Supreme Court rejected a last-minute appeal of the deportation order, thus allowing the deportations to proceed, further appeals regarding the legality of the deportations were pending at the end of the year.

At the same time, there were some improvements in the human rights picture in the occupied territories in 1992. In August the government announced plans to release 800 Palestinian prisoners and removed seals and barricades on some houses and streets. House demolition as a punishment for security offenders and administrative detention continued but was used less frequently than in 1991. The government used curfews less extensively in most of 1992 than in 1991 though use of curfews rose toward the end of the year. The new government elected in June canceled January expulsion orders pending against 12 Palestinians, replacing them with orders for administrative detention. Since an October prison strike, Israeli authorities and representatives of prisoners have been negotiating improvements in prison conditions. Bir Zeit University, the last Palestinian university to remain closed under military order during the intifada, was reopened in late April.

Respect for Human Rights

SECTION 1 *Respect for the Integrity of the Person, Including Freedom from:*

a. Political and Other Extrajudicial Killing

Israeli security forces killed 158 Palestinians in 1992; of these, at least 45 were killed by undercover units operating disguised as Palestinians. Most of the victims had been either wanted for alleged crimes, wearing masks, eluding arrest, or engaged in writing graffiti; eyewitness accounts report that approximately two-thirds were unarmed at the time of death, although Israeli authorities say that half of those killed by the squads were armed.

Some human rights groups have charged

that the undercover units targeted certain activists for execution. Although the government states there is no official policy permitting such behavior, numerous reports suggest that the units frequently killed suspects under circumstances in which it may have been possible to apprehend them without killing. In a number of cases, these squads also killed or wounded bystanders or individuals mistakenly identified as wanted persons.

The government of Israel acknowledges the operation of the special undercover units and that some abuses occurred. It asserts, however, that the units operate under the same rules of engagement as all other IDF units in the occupied territories (see Section 1.g. for a description of these rules) and that all deaths caused by undercover or other IDF units, as well as allegations of abuse, are investigated.

In November a Nazarene district court awarded damages to a Palestinian who was injured and to the family of a Palestinian who was killed as a result of a 1988 undercover operation in the West Bank. The judge ruled that the undercover squad had used excessive force under the circumstances.

In 1992 one IDF lieutenant colonel in an undercover unit was convicted of negligent conduct (giving an inappropriate order to open fire) and given a 1-month suspended sentence. The officer also was dismissed from his post. In a separate case, a lieutenant was brought to trial on charges of causing the death of one Palestinian and the wounding of another in 1991; proceedings were still in progress as of late 1992. According to the government, there were 34 investigations of actions of border police undercover units between January and October 1992. In 24 cases, the State Attorney's office decided that opening fire was justified under the circumstances; the remaining 10 cases are under investigation.

Palestinian attacks against Israeli soldiers and civilians in 1992 resulted in 23 deaths, while estimates of Israelis wounded range from 322 to 700, an increase over the number of such attacks in 1991. Most deaths were by knifing or gunfire, while most injuries were by stone throwing.

During 1992, 182 Palestinians were killed by other Palestinians (compared to 140 in 1991), most often because of alleged collaboration with Israeli security services, disputes between political factions or street gangs, or personal feuds. Of these killings, 149 took place in Gaza; in the West Bank, on the other hand, this phenomenon diminished significantly. As in previous years, some Palestinian

leaders appealed for an end to such killings.

Israeli authorities prosecute Palestinians accused of killing other Palestinians as well as those accused of killing Israelis, and although there is no capital punishment, sentences are severe. Palestinians suspected of killing alleged collaborators have been a principal target of undercover unit operations.

The government also prosecutes Israeli civilians accused of killing Palestinians, though sentences given to Israelis are generally much lighter than sentences handed down to Palestinians convicted of killing either Israelis or Palestinians. In March an amendment to Israel's penal law provided greater discretion in sentencing for cases of self-defense or necessity where a defendant has used excessive force. Palestinians raised concerns that this might result in unjustifiably lenient sentences for Israeli settlers who use force. No actual cases were reported by year's end. (For further discussion of killings, see Section 1.g.)

b. Disappearance

There were no confirmed reports of disappearances in 1992.

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

In 1992 international, Israeli, and Palestinian human rights groups offered detailed accounts of widespread abuse, which they claim in some cases amounted to torture, of Palestinian detainees. According to numerous reports, hooding, forced standing or tying up in contorted positions, blows and beatings, confinement in a small space, deprivation of sleep and food, and threats against the detainee's family were common practice in interrogation facilities. The Israeli human rights organization B'Tselem charged that death threats were also made by interrogators in about a third of the cases they surveyed in 1991. In 1992 there were no reports of electric shock torture during interrogation, of which there were credible accounts in 1991. The government has not made public the results of an Israeli police investigation of this practice.

Israeli law forbids torture. Israeli authorities say that torture is not authorized or condoned in the occupied territories but acknowledge that abuses occur and are investigated. In 1987 the Landau Commission specifically condemned "torture" but allowed for "moderate physical and psychological pressure" to be used to secure confessions and to obtain information; a classified annex to the report defining permissible pressure still has not been made public.

The Ministry of Justice established a division in 1992 to investigate allegations of abuse by police and Shin Bet officers, including ill-treatment of detainees during interrogation. The Ministry of Police investigated 12 complaints against policemen in 1992; 1 case was dismissed, 2 resulted in either criminal charges or court martial, and the remaining 9 cases are still under investigation or legal examination.

Charges of beatings and physical abuse by Israeli security forces continued. The IDF says that it investigates automatically every fatality but does not routinely investigate non-lethal violent incidents unless a complaint is made. According to the IDF, indictments have been handed down against 35 soldiers for acts of wrongdoing carried out in the territories. Of these, it says 23 resulted in convictions, 1 case was dismissed, 1 soldier was acquitted, and 10 trials have not yet been concluded.

In May the International Committee of the Red Cross (ICRC) took the unusual step of releasing a public statement on the treatment of Palestinian detainees under interrogation, concluding that "means of physical and psychological pressure are being used that constitute a violation of the Geneva Convention" and that numerous representations to the Israeli government on this subject over a period of years had brought about "no substantial or lasting improvement." In response, the government said the ICRC's public statement was "inconsistent with the tradition of cooperation and understanding between the ICRC and Israel." It further stated that the Israeli Supreme Court is reviewing interrogation procedures and that high-level government authorities are also examining them. The government stated that between 1 January and 12 November, 59 complaints were made against Shin Bet interrogators for alleged mistreatment of detainees during detention. Of these, 47 have been investigated to date, and 12 are currently under investigation. The government did not make public the results of these investigations.

As of 15 December, five Palestinians had died in custody either during the period of interrogation or shortly thereafter. In three of these cases, autopsies showed that an aggravation of preexisting conditions (such as asthma or heart trouble) brought on by mistreatment during interrogation caused death. The other two cases apparently were suicides.

Most convictions in security cases are based on confessions. Although Israeli military regulations provide for the right to counsel as soon as possible, an attorney is nor-

mally not allowed to see a client until after interrogation is complete and a confession, if obtained, has been made. The ICRC is not allowed access to detainees until the 15th day after arrest. Detainees frequently tell judges that confessions were coerced. In such cases, a trial-within-a-trial may be held and interrogators summoned to testify. Israeli and Palestinian attorneys and human rights groups were unaware of any case in 1992, however, in which a confession was disallowed as evidence because this procedure was followed.

d. Arbitrary Arrest, Detention, or Exile

Any soldier may arrest without warrant a person who has committed, or is suspected of having committed, a criminal or security offense. Persons arrested for common crimes in the occupied territories are by regulation provided the opportunity for bail, access to an attorney, and a statement of charges; these provisions are usually honored in practice, although they are often delayed. Bail is rarely available to those arrested for security offenses. The vast majority of arrests are for security offenses.

Persons may be held in custody without a warrant for 96 hours, and then must be released unless a warrant is issued. A police officer may issue a warrant for two periods of 7 days each. For extensions beyond 18 days from the date of arrest, the detainee must be brought before a military judge, where he is entitled to defense counsel. In 1992 Israeli authorities shortened this period to 8 days for minors and those accused of less serious offenses (such as stone throwing). A military judge may extend detention for 30-day periods up to a total of 90 days from the date of arrest. Further renewal of detention may be made by the military appeals court.

While Israeli military regulations hold that a detainee has the right to see a lawyer as soon as possible, in the cases of security detainees an officer may issue a written order to delay access to counsel for up to 15 days for reasons of security or the efficiency of investigation. Higher ranking officials or judges may extend this period by up to 75 more days for the same reasons. In practice, security detainees are usually denied access to a lawyer during the initial investigation for periods of 7 to 15 days. Israeli regulations also permit prisoners to be held in isolation from family and from other detainees during interrogation.

Israeli procedures provide for immediate notification of arrest to family members, with some exceptions for security reasons. Notification may be delayed by up to 12 days in

security cases by order of a senior officer. Government officials assert that postcards are given to detainees immediately upon arrest and in addition the names of those arrested and the place of detention are listed at CIVAD district headquarters throughout the West Bank and Gaza. The ICRC, by agreement, is notified within 12 days. Israeli authorities state that they attempt to post notification of arrest within 48 hours; Palestinians assert that families and lawyers are normally notified much later and generally locate the detainee through their own efforts. The ICRC attempts to help by passing on to families (by telephone) the information it receives from Israeli prison officials.

District military commanders may also order administrative detention without formal charges. Detainees may appeal detention orders or renewal of detention before a military judge. In appealing detention orders, detainees or their attorneys, while not having access to secret evidence, may question security service witnesses concerning the general nature of that evidence. The High Court may review rulings by military judges and may examine secret evidence.

As of the end of the year, Israeli officials reported 520 Palestinians held in administrative detention. This figure represents a substantial increase in the number of administrative detentions in the wake of the 14 December abduction and murder by Hamas activists of border policeman Nissim Toledano. After that incident, Israeli security arrested over 1,500 Palestinians, some of whom were placed in administrative detention. Before the kidnaping and murder of Toledano, administrative detention for security reasons without formal charges was used somewhat less frequently than in 1991. The number of administrative detainees ranged from the high of 520 in December to a low of 203 in October, as compared to 350 at the end of 1991. Detention periods are for a maximum of 6 months and are renewable.

Administrative detention involves no formal charge or trial, and evidence used at hearings frequently is declared secret and not releasable to either the detainee or his attorney. Israeli officials state that administrative detention is used only when IDF legal advisors have determined that there is sufficient evidence to detain a person and that the evidence has been corroborated by two sources. They assert, however, that the evidence cannot be presented in open court because to do so would compromise the method of acquiring the evidence, which is often provided by

informers whose lives would be jeopardized if their identities were known. Human rights monitors respond that administrative detention is often used when evidence against a suspect would not stand up in court.

As of October, approximately 10,150 Palestinians were incarcerated in Israeli prisons and detention centers. Of those, approximately 60 percent had been tried and were serving sentences, 38 percent were awaiting charges or completion of trial, and 2 percent were detained administratively, i.e., incarcerated for a specific period of detention without formal charge or trial.

The authorities continued to transfer detainees and prisoners out of the occupied territories to detention facilities in Israel, especially to the Ketziot camp in the Negev desert and Megiddo prison near Afula. Palestinians sentenced to "less serious" offenses are usually detained at IDF-run facilities in Ketziot and Megiddo while those charged with "more serious offenses" are consigned to prison service facilities. Family visits to Megiddo and Ketziot prisons, begun in autumn 1991, continued in 1992. Palestinian prisoners staged an 18-day hunger strike in September-October to protest prison conditions. In response, the government accepted a number of the strikers' demands regarding improvements.

In January, following the killing of several Israeli civilians by Palestinians, the government issued orders to deport 12 Palestinians, none of whom was suspected of the killings but who were alleged to have incited violence. All 12 orders were subsequently canceled, and the Palestinians in question were sentenced to administrative detention instead.

On 17 December Israel deported 415 Palestinians associated with the Hamas and Palestinian Islamic Jihad fundamentalist organizations to Lebanon. The government declared this a temporary measure intended to deal with a series of Hamas attacks on Israeli soldiers and the kidnaping and murder of an Israeli border policeman, and stated that the deportees will be allowed to return after 2 years. Although the Supreme Court rejected a last-minute appeal of the deportation order, further appeals regarding the legality of the deportations were pending at the end of the year. The IDF has established a military appeals commission to review appeals of the deportation orders; as of the end of the year, no individual appeals had been filed. The IDF announced that 10 of the deportees had been deported by mistake and preparations were under way to allow them to return, possibly to face trial.

e. Denial of Fair Public Trial

Palestinians accused of nonsecurity offenses are tried publicly in local courts by Palestinian judges appointed by Israeli officials, except where jurisdiction has been transferred by military order. Since the beginning of the uprising, regular local law enforcement has deteriorated seriously. Many Arab policemen and judges have resigned, and Palestinian courts have functioned sporadically.

Palestinians accused of security offenses are tried in Israeli military courts. Israel broadly defines security offenses which may include charges of nonviolent political activity, such as membership in outlawed organizations.

Serious charges are tried before three-judge panels, and defendants are entitled to appeal the court's judgments. Charges are brought by military prosecutors, and suspects are entitled to counsel. Lesser offenses are tried before single-judge courts. The Court of Military Appeals may accept appeals of decisions by the military courts based on the law applied in the case, the sentence imposed, or both. The right of appeal does not apply in all cases, and appeals sometimes require court permission. In practice, it is extremely rare for Palestinians tried for security offenses to be acquitted, though their sentences sometimes are reduced through the appeal process.

Trials are routinely delayed for a variety of reasons: witnesses (including Israeli military or police officers) do not appear; the defendant is not brought to court; files are lost; or attorneys fail to appear. These delays create an additional source of pressure on the defendant to plead guilty to avoid serving a period of pretrial detention which would exceed the sentence likely to apply as the result of a plea bargain. In cases involving minor offenses, such as stone throwing, a "quick trial" may be held, in which a charge sheet is drawn up within 48 hours and a court hearing scheduled within days. In October the IDF reported that approximately 60 percent of detainees had finished their trials and were serving sentences, the same percentage as in 1991.

By law, military trials are public, although access is limited. According to Israeli officials, exceptions are rare. Consular officers are allowed to attend military court proceedings involving foreign citizens, but there have been delays in gaining admission.

Most convictions in military courts are based solely on confessions, though Israeli authorities say that some additional corroborating evidence (such as having the ac-

cused reenact the offense) is required. Physical and psychological pressures (see Section 1.c.) and the probability of reduced sentences for those who confess contribute to the likelihood that security detainees will sign confessions. Confessions are usually recorded in Hebrew, the court language of record, which many defendants cannot read. Israeli authorities say that confessions are taken and repeated to the defendant in Arabic, and defendants are encouraged to write confessions in Arabic, even though they usually are recorded in Hebrew; they note that Israeli court personnel often speak Arabic but cannot write it.

Crowded facilities and poor arrangements for attorney-client consultations in prisons hinder effective legal defense efforts. Palestinian attorneys report that appointments to see clients are difficult to arrange, and that prison authorities often fail to produce clients as arranged, resulting in delayed consultations. In addition, prison authorities often limit the time available to meet with clients.

Israeli authorities in 1992 passed military order 1369, allowing them to sentence to 7 years' imprisonment any person who does not respond to a special summons which is delivered to him or to a family member or is posted in the Civil Administration office nearest his home address. The special summonses are typically issued to Palestinians wanted by the authorities for serious security offenses.

Israeli settlers in the occupied territories accused of security and ordinary criminal offenses are tried in the nearest Israeli district court under Israeli law. Civilian judges preside over these courts, and standards of due process and admissibility of evidence are not governed by military occupation law. Settlers convicted in Israeli courts of crimes against Palestinians regularly receive lighter punishment than Palestinians convicted of comparable crimes against either Israelis or other Palestinians.

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

Military authorities in the occupied territories have the authority to enter private Palestinian homes and institutions, including hospitals, without a warrant on security grounds. However, authorization by an officer of the rank of lieutenant colonel is required before entry. Forced entries are used in IDF operations and are sometimes accompanied by beatings and destruction of property, including foodstuffs. Undercover units (see Section 2.a.) have occasionally engaged

in destructive and violent behavior during searches, as well as harassment of families of wanted Palestinians. Israeli authorities state that forced entry may lawfully occur only incident to arrest when entry is resisted and that beatings and arbitrary destruction of property during searches are punishable violations of military regulations. Government officials acknowledge that damage may result at times from the units' activities; 15 allegations about such behavior were reportedly filed in 1992 with the Judge Advocate General's office and are in various stages of investigation. Government officials say that, in cases in which there is evidence that damage was done illegally or was "unreasonable," Palestinians are entitled to file claims for compensation.

As of 15 December, the security authorities had demolished 12 and sealed 33 houses for security reasons, a decline from the 55 homes demolished and 62 sealed in 1991. Security forces may demolish or seal the home of a suspect, whether he is the owner or only a tenant, before any trial is held. The final decision to seal or demolish a house is made by a number of high-level Israeli military officials, including the coordinator of the Civil Administration. The Minister of Defense must review the decision, although his signature need not appear on the final notice. Israeli authorities assert that they demolish or seal only rooms or houses occupied by Palestinians known to have actively participated in a murder or caused serious physical injury, though the accused generally does not own the property. Owners of houses ordered to be demolished have 48 hours to appeal to the regional IDF commander, and final appeals may be made to the Supreme Court. A successful appeal generally results in converting a demolition order to sealing. When a house is demolished, the Israeli authorities confiscate the land on which it sits and the house owner is not allowed to rebuild or even remove the rubble.

Israeli authorities say there is a formal procedure whereby owners may apply to regional military commanders for permits to rebuild or unseal, but this is rarely done. In September the government permitted several dozen buildings in the West Bank to be unsealed, all of which had been sealed for at least 5 years.

The security services sometimes monitor mail and telephone conversations. The authorities sometimes interrupt telephone service to specific areas.

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

Even though throughout most of the year the number of large-scale demonstrations declined and the government relaxed some restrictions, casualties attributed to the IDF's use of force rose in 1992. IDF regulations permit using live ammunition only when soldiers' lives are in real and immediate danger, to halt fleeing suspects, or to disperse a violent demonstration. According to IDF policy, after firing a warning shot, soldiers are to direct fire at the legs only and at a fleeing suspect only if they suspect a serious felony and have exhausted other means of apprehending the suspect. In practice, however, uniformed soldiers, police, and undercover units used live fire in cases other than those described above (see Section 1.a.) and often shot suspects in the upper body and head. Uniformed soldiers, police, and undercover units also injured many bystanders, including children, by live fire, rubber bullets, or beatings, while pursuing suspects.

Estimates vary of the number of casualties from violence in the occupied territories. Figures compiled from press, Palestinian, international organization, and Israeli government sources indicate that, as of 31 December, security forces had killed a total of 158 Palestinians, compared to 98 in 1991. Estimates of the numbers of Palestinians wounded during the same period vary from 1,914 to several thousand. Palestinians had killed 23 Israeli soldiers and civilians in 1992, and estimates of the number of Israelis wounded ranged from 322 to 700.

On a number of occasions Israeli security forces forcibly removed from hospitals Palestinian suspects undergoing medical treatment or prohibited Palestinians needing medical care from crossing roadblocks or going out during curfews in order to obtain medical attention.

SECTION 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The authorities impose some restrictions on freedom of speech. The display of Palestinian political symbols, such as flags, national colors, and graffiti, for example, is punishable by stiff fines (usually \$150-300 for graffiti), or imprisonment. Security forces often force Palestinians to erase graffiti found on their property, regardless of whether they are responsible for it. Israeli authorities prohibit public expressions of support for the Palestinian Liberation Organization (PLO), its component factions, Muslim extremist groups (such as Hamas), and other banned

organizations.

East Jerusalem is an active center of Arabic publication, including newspapers. There is only one weekly paper published elsewhere in the West Bank or Gaza, although Jerusalem papers are distributed there.

The Israeli authorities impose restrictions on the Arabic press, citing security reasons. Publications in East Jerusalem must submit to the military authorities for prior censorship all copy relating to the security, public order, and safety of Israel and the occupied territories. Many reports and editorials related to the uprising and Palestinian political goals were permitted, but articles and editorials were routinely expurgated. Arabic translations of news stories related to the uprising, which had previously appeared in the Hebrew-language press, were routinely censored from the Arabic press.

Israeli authorities permitted the Palestinian press service to resume its daily facsimile report in September but closed one press office, Aseel, in Jerusalem in October. In May Israeli authorities took away the license of the East Jerusalem periodical *al-Tijl al-Arabi* due to alleged ties with the PLO. As of 1 October, Israeli authorities had arrested or detained at least 22 Palestinian journalists on security charges, such as filming in a closed military area.

A permit is required for publications imported into the occupied territories. Imported materials may be censored or banned for anti-Semitic or anti-Israeli content or support for Palestinian nationalism. Possession of banned materials, such as uprising leaflets, is punishable by fine and imprisonment. The IDF periodically declared all or parts of the West Bank and Gaza closed military areas, one primary effect of which was to exclude journalists, except under military escort. Foreign journalists' reports are subject to censorship under a system of self-regulation.

No broadcast media originate from the occupied territories. The authorities have jammed radio broadcasts considered inflammatory from neighboring countries, but Jordanian radio and television is broadcast throughout Israel and the occupied territories.

In April Israeli authorities permitted the reopening of Bir Zeit University, the last Palestinian university to remain closed by military order as of the beginning of 1992. The Arab Studies Society reopened in late July after a 4-year closure. Secondary and elementary school closings in the 1991-1992 academic year varied greatly from region to region but on the average were less frequent

in the West Bank and about the same in Gaza compared to the previous year. Israeli authorities continued to close individual schools for short periods, citing security problems emanating from the schools. In addition, strike days called by Palestinian activists caused students to lose an average of 2 or 3 days per month.

b. Freedom of Peaceful Assembly and Association

Military orders ban public gatherings of 10 or more people without a permit. Political parties and other groups, including some labor unions viewed as political, are banned. Private organizations must be registered, though some operate without licenses. Israeli authorities permitted Palestinian charitable, community, professional, and self-help organizations to operate unless their activities were viewed as overtly political or supporting the uprising. In the second half of 1992, the Israeli authorities were more lenient in enforcing some of the restrictions on Palestinian contacts with the PLO and permitted many public gatherings to discuss the peace process.

c. Freedom of Religion

Freedom of religion is respected in the occupied territories, and no group or sect is banned on religious grounds. Muslim and Christian holy days are observed, as are Jewish holy days in Jerusalem and the settlements. All faiths operate schools and institutions. Religious publications circulate subject to the laws on publications described in Section 2.a. Authorities periodically restricted access to the Haram al-Sharif in Jerusalem (which houses the Dome of the Rock and the al-Aqsa mosques) by male worshippers under a certain age for security reasons.

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

Security measures adopted in 1991 continued to hinder seriously Palestinians' freedom of movement inside the occupied territories. Any Palestinian wishing to enter Jerusalem or Israel is required to obtain a special permit the Civil Administration issues. Gazans must have a permit to travel to Jerusalem and the West Bank. Any Arab resident of the territories found without such a permit is subject to a fine (usually about \$160) or arrest. Because most main roads pass through Jerusalem, the permit system effectively divided the West Bank into two parts, with the result that Palestinians from

the north could not travel to the south without special permission, and vice versa. Permits to enter Jerusalem were valid for periods varying from a few hours to 3 months, and were denied for a variety of reasons including security concerns and nonpayment of taxes. Similar restrictions were not applied to Jewish settlers in the occupied territories. The permit system, by inhibiting the free movement of goods and people, contributed to deteriorating economic conditions in the occupied territories and disrupted patterns of religious, educational (some students experienced problems in traveling to universities), cultural, and family life.

Israeli authorities also continued to issue "green" identity cards, identifying the bearer as a security risk and precluding travel in or through Jerusalem, as well as travel abroad. Green cards generally were valid for 6 months, renewable indefinitely. Israeli authorities issued over 1,800 green cards between January and September; some 11,000 were in circulation as of October. The issuance of such cards, like administrative detention, is a form of punishment without formal charge or trial. The Israeli authorities have stated that they consider the issuance of green cards a necessary security tool to deter acts of violence by certain persons who have spent time in jail or who are considered risks by security officials. Officials assert that there is an appeals process once a Palestinian has received a green card. According to Israeli authorities, 309 appeals against issuance of green cards were lodged between 1 June and 1 December. Of these, 124 appeals were upheld, leading to the revocation of the cards and the reissuance of standard identity cards.

The Israeli authorities continued to impose curfews and military closures as security controls. Curfews were more frequent in villages and refugee camps than in urban areas and were imposed less frequently in the West Bank during the second half of the year. The nighttime curfew in Gaza, imposed in the early days of the intifada, continued to be in effect. In addition, various parts of Gaza were put under curfew for periods of from 5 to 9 days during the prisoners' strike in October and again during periods of increased violence later in the year. In the first 6 weeks of 1992, the Ramallah area was under nighttime curfew (following a 24-hour curfew during the latter half of December 1991) after the shooting of a settler.

Such prolonged curfews had a burdensome effect on the population and were criticized by some human rights groups as a form of collective punishment. These curfews do

not apply to Israeli settlers. Thousands of Palestinians in the occupied territories travel abroad each year, though Israeli authorities imposed travel restrictions on certain political activists. In addition, Palestinian men between the ages of 16 and 35 who cross the bridge to Jordan must remain out of the occupied territories for at least 9 months. All Palestinians need permits, which require several clearances, to travel outside the occupied territories.

Palestinians with valid permits frequently were turned away from crossing the Allenby Bridge to Jordan, however, often with the explanation that they did not have the required clearances from security or other authorities.

Obstacles to emigration include difficulties in obtaining a travel permit and the fear of losing residency. Israeli authorities sometimes refuse to renew laissez-passers of Palestinians from the occupied territories who live or work abroad on the grounds that they have abandoned their residence, even though they may not have acquired foreign citizenship. Palestinians who obtain foreign citizenship ordinarily are not allowed to resume residence in the occupied territories; those who acquire the right to reside elsewhere or who remain outside the occupied territories for over 3 years are often not permitted to resume residence. They are permitted to return only as tourists and sometimes are denied entry entirely.

Most Palestinians who were abroad during the 1967 war (estimated to be one-fourth of the Palestinian population at that time) or who have lost their residence permits for other reasons are not permitted to return to reside permanently with their families. Permanent residency permission is usually denied to foreign-born spouses and children born in the occupied territories of nonresident mothers, although they are generally allowed to reside as temporary residents with renewable permits.

Israeli authorities limit family reunification for demographic, political, security and economic reasons. Restrictions on residence, tourist visas, reentry, and family reunification apply only to Palestinians resident in the occupied territories.

Israeli authorities say they dealt with 867 family reunification applications between January and September, of which they approved 514. According to human rights groups, thousands of applications submitted over the years received no response. Adjudication of applications is at the discretion of the Civil Administration and the Ministry of Interior. Residents may not apply for family

reunification while their family members are in the occupied territories on visitors' permits. According to human rights groups, visitors' permits were extremely difficult to obtain between January and June, when the summer visiting season began. In November the Israeli government confirmed that the Ministry of Defense has approved requests to remain in the territories by approximately 1,000 immediate family members (spouses and minor children) of Palestinian residents. The family members will be granted temporary residence permits renewable every 6 months. The agreement now applies to immediate relatives present in the occupied territories as of 31 August; the agreement does not resolve requests for permanent residency, however, and it does not apply to immediate relatives arriving in the territories after 31 August.

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

The people of the occupied territories do not enjoy this right. Israel's Ministry of Defense rules the West Bank and Gaza, under occupation, through a military government and civil administration. The government of Israel does not recognize the right of Palestinians to participate in policy decisions concerning land and resource use and planning, taxation, trade, and industry. Negotiations, including the subject of elections, between Israelis and Palestinians are ongoing for the establishment of an interim self-governing authority which would enable Palestinians to have greater control over policy decisions. Israeli authorities permit some Palestinian municipalities, whose town plans they have approved, to issue building permits within their boundaries. Municipal elections were last held in 1976 in the West Bank and under British Mandate authority in 1946 in Gaza; Israeli authorities later dismissed most of the mayors elected in the 1976 elections and exiled some on security grounds. Palestinians appointed by Israel have filled most vacancies.

Palestinian residents of East Jerusalem are permitted to vote in municipal elections but have largely boycotted them. In the last municipal election in 1989, less than 5 percent of Jerusalem's Palestinian population voted. No Palestinian resident of East Jerusalem sits on the city council. East Jerusalem is governed as part of Israel.

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

Many local groups—Israeli, Palestinian, and mixed—are concerned with human rights. Israeli authorities permit these groups' publications and statements to circulate in the occupied territories, and they are allowed to hold press conferences. Some human rights workers encountered administrative obstacles in 1992, such as being denied permits to enter Jerusalem, where their offices are located, or being issued green identity cards (see Section 2.d.). One of the authors of a 1991 report on electric shock torture, for example, was given a green identity card shortly after the report's release and has not been allowed to return to his Jerusalem office since.

Israel normally permits international human rights groups to visit the occupied territories. Israel cooperates with a number of organizations, and officials are generally available for meetings on human rights issues. Some of these organizations, however, have had their requests for meetings with officials or access to detention facilities denied.

SECTION 5 *Discrimination Based on Race, Sex, Religion, Language, or Social Status*

Israel has extended Israeli law to govern most activities of Israeli settlers who live in the occupied territories; Palestinians live under military occupation law. Under the dual system of governance applied to Palestinians and Israelis, Palestinians are treated less favorably than Israeli settlers on a broad range of issues, including applicability of the right to due process; residency rights; freedom of movement; sale of crops and goods; water use; land tenure, ownership, and seizure issues; and access to health and social services. Offenses against Israelis are investigated and prosecuted more vigorously than offenses against Palestinians.

Some Israeli agriculture and manufacturing are protected against Palestinian competition from the territories, whereas all markets in the territories are open to Israelis. Any export of goods from the territories requires a permit. A general permit was issued for the export of goods into Israel, but an individual permit is required for fresh fruit, vegetables, pickled olives, olive oil, almonds, raisins, fruit tree saplings, gas canisters, and animals.

Significant disparities exist between the personal income taxes levied on Palestinians as compared to the taxes levied on Israeli settlers. Despite tax reforms that took effect in

the occupied territories in January, the minimum taxable income applied to Israelis and Palestinians differs markedly: while an Israeli pays no tax if his monthly income is below about \$1,000, Palestinians pay taxes on any monthly income in excess of about \$250. Corporate tax breaks available to Israelis in the settlements are not available to Palestinians.

Palestinian women living under military occupation face similar human rights problems as do Palestinian men in their contact with Israeli authorities. Women tend to be less frequently involved in clashes with Israeli soldiers than are men, and so fewer of them are incarcerated (approximately 70 at the end of 1992). Within Palestinian society, there is some discrimination and domestic violence against women. Women often work outside the home and are prominent in many professions, including medicine, law, and teaching. In 1992 Islamic fundamentalists used violence, including torture and killing, against Palestinian women accused of prostitution or collaboration with Israeli authorities.

SECTION 6 *Worker Rights*

The applicable sections for West Bank and Gaza Palestinians working in Israel are contained in the report for Israel.

a. The Right of Association

The labor law in the West Bank is Jordanian Law 21 of 1960, as amended by military orders. It permits workers to join unions without government authorization. It also permits formation of unions by any group of 20 or more from the same trade or workplace, with prior government authorization. While trade unions are not required under existing labor law in the West Bank to be registered, a union that is not registered cannot legally be a party in litigation or labor contracts. During 1992, no new unions were registered by the authorities. Israeli authorities have registered 32 unions out of approximately 90 unions functioning in the West Bank.

The labor law in Gaza is Egyptian Military Order 331, which supplements the prior British Mandate labor law and which has been amended by Israeli military orders. It allows the organization of unions on a workplace or craft basis; however, the Israeli authorities barred unions from operating in Gaza until 1979. Since 1979, unions have been permitted to operate under strictly enforced restrictions that, among other things, prevent election of new union leaders and opening of

branch offices. Some unions held elections illegally in 1991 and 1992. As a result, only the six unions that existed in 1967 function in Gaza; all operate out of one office in Gaza city.

Palestinian residents of East Jerusalem are governed by the same law as workers in Israel and are free to establish their own labor unions. The Israeli authorities officially bar East Jerusalem unions from joining the West Bank trade union federations, though this restriction has not been enforced. Individual Palestinian workers in East Jerusalem may belong to both local unions, some of which are affiliated with a West Bank federation, and to the Israeli Histadrut labor federation.

The Israeli authorities occasionally inhibit union activities in the West Bank and Gaza, citing political and security concerns. The International Labor Organization's (ILO) Director General's 1992 report notes that "there is considerable and convincing evidence of continuing harassment and obstruction of trade unions and their officials by the military occupation forces, ranging from arrests and administrative detention to other more petty forms of harassment such as interrogation, refusal of permission to travel abroad, and the refusal of telephone and fax facilities." However, the ILO report noted that raids on trade unions, accompanied by the confiscation of files and other assets, were virtually nonexistent.

An estimated 100,000 West Bank Palestinians, representing a full range of blue-collar and white-collar professionals, were members of approximately 90 trade unions and professional associations in 1992. The great majority of West Bank unions belong to either the General Federation of Trade Unions in the West Bank (GFTU) or the General Federation of Trade Unions in the West Bank-Workers' Unity Bloc (WUB). The GFTU participates in meetings of the International Confederation of Arab Trade Unions (ICATU), although it is not formally affiliated. Both the GFTU and the WUB have applied for membership in the International Confederation of Free Trade Unions (ICFTU). The West Bank unions are independent of the government of Israel and are not affiliated with the Israeli Histadrut labor federation.

Military Order 825 of 1980, officially applied in the West Bank and unofficially in Gaza, requires that Palestinian unions present lists of candidates for union office to the Civil Administration (CIVAD) for approval 30 days before elections. The order authorizes the CIVAD to remove from the lists any candidates who have been convicted of a felony,

including those sentenced for security-related offenses. Despite this restriction, nearly half a dozen West Bank trade unions held elections in 1992 without reported interference from the Israeli authorities. Preparations for general elections of the GFTU got under way during the year, likewise without Israeli interference.

Like all organizations in the occupied territories, Palestinian labor unions are subject to disciplinary measures for engaging in political activities. All meetings of 10 or more non-Israeli citizens in the occupied territories must have prior CIVAD approval. During 1992 unions were able to conduct meetings without reported interference. There was no dissolution of unions by administrative or legislative action.

Strikes are legal, and several took place in various factories and public institutions in 1992, some as a result of disputes with management or nonpayment of wages. No Israeli interference with these strikes was reported.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by Jordanian or Egyptian law. The CIVAD does not record collective agreements because it does not recognize some unions and union leaders. However, most union-employer agreements are honored without interference from the authorities; approximately 60 are currently in force in the West Bank. According to the ILO Director General's report, 7 labor committees, consisting of from 3 to 5 members each in businesses employing more than 20 workers, have been formed to mediate labor grievances. The Center for Trade Union Rights, headquartered in Bethlehem, is

also active in conducting labor courses and working with many different trade unions on labor-related issues.

There are no export processing zones in the occupied territories.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in the occupied territories.

d. Minimum Age for Employment of Children

A 1978 military order raised the minimum working age in the West Bank and Gaza to 14, though this order is not effectively enforced, and underage labor is used in the agricultural sector and in some West Bank and Gaza factories.

e. Acceptable Conditions of Work

There is no minimum wage provision in the West Bank or Gaza. In the West Bank, Jordanian law allows a maximum workweek of 48 hours, except for certain hotel, food service, and cinema employees, whose workweek is 54 hours. In Gaza, Israeli authorities amended this law to provide for a 45-hour workweek for day laborers and a 40-hour week for salaried employees. There is no effective enforcement of maximum workweek laws. The Ministry of Labor's Office of Inspection Services is charged with enforcing health and safety standards in the West Bank and Gaza, and claims to have undertaken a small number of inspections. Health and safety conditions in some factories do not meet industry standards established by international labor union organizations.