



11 March 1992

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**Critique of the United States Department of State  
Country Reports on Human Rights Practices for 1991:  
Israel and the Occupied Territories**

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I. Overview

Al-Haq<sup>2</sup> would like to preface this critique by noting that the structure and criteria of the US State Department's *Country Reports on Human Rights Practices* are designed with reference to *citizens* in relation to their own governments. The situation of the Occupied Palestinian Territories is unique in that the population is living under *military occupation*.<sup>3</sup> Some of the problems endemic to this report are a result of equating the situation of the Palestinian population with that of citizens of a sovereign state.

The State Department has produced a report whose combination of factual inaccuracies, omissions, and tone falsely presents an improved human rights situation. An additional problem in the report is the State Department's reluctance to criticize those Israeli policies and practices which violate the international legal standards governing the 24-year-old occupation of the West Bank and Gaza Strip. It is al-Haq's view that the Secretary of State has clearly failed to provide, as mandated by section 116(d)(1) of the 1961 Foreign Assistance Act, a "full and complete" report to the US Congress "with respect to practices regarding the observance of and respect for internationally recognized human rights...." Al-Haq believes that such an account is particularly crucial as Israel is the largest recipient of US foreign aid, and that assistance is legally contingent upon respect for human rights.

During 1991, Israel continued to commit a range of human rights violations, including extra-judicial killing, torture, deportation, administrative detention, house demolition and sealing, land confiscation, infringement of political, religious, and press freedoms, and curfews that were clearly unjustified by security considerations given their length and scope. Four years of especially repressive Israeli measures against Palestinian resistance to the 24-year-old occupation have had a cumulative destructive effect on the physical, economic, political, and social well-being of the Palestinian population. It is this severe damage to the fabric of Palestinian society that the State Department report has failed to convey. In al-Haq's opinion, these actions clearly constitute a consistent pattern of gross violation of Palestinian human rights.<sup>4</sup>

While the cumulative effect of four years of severe measures aimed at repressing the intifada has created a human rights situation that is actually *worse* than during 1990, most of the 1991 State Department report suggests that the situation has *improved*. Equally significant is the failure of the report to further the human rights debate regarding how the Palestinian population can be provided the international protection to which it is legally, morally, and politically entitled.

Al-Haq's critique, which is not intended to be comprehensive for reasons of space, focuses on only three subsections of the State Department's report in order to illustrate its major flaws. Part V of the critique provides additional examples which challenge the credibility of the report.

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<sup>1</sup> This is a revised and lengthened version of a critique distributed to congressional members of the US House Subcommittee on Human Rights and International Organizations on 4 March 1992.

<sup>2</sup> Al-Haq, the West Bank affiliate of the Geneva-based International Commission of Jurists, is a Palestinian human rights organization founded in 1979 by Palestinian attorneys concerned with the protection and promotion of human rights principles and the rule of law.

<sup>3</sup> As the second paragraph of the State Department report notes, this military occupation is governed by, among other things, the 1907 Hague Regulations and the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

<sup>4</sup> Under the 1961 Foreign Assistance Act, the US cannot grant foreign assistance to a government "which engages in a consistent pattern of gross violation of...human rights."

## II. "Political and Other Extrajudicial Killings" (Subsection 1(a))

The misrepresentations in this subsection may be grouped into five major categories: Israeli statements are often presented without comment or evaluation; wording is used which seems to rationalize gross violations of human rights; the human rights situation is measured against Israeli policies or laws as opposed to internationally-accepted human rights standards and norms; critical information which belongs in this subsection is excluded arbitrarily; and conclusions are arrived at based on statements which are only partially correct.

1. This subsection illustrates a problem endemic throughout the report -- the tendency to present Israeli positions on the human rights situation without evaluation or comment. For example, the subsection begins: "Political and extra-judicial killings are not officially condoned by Israel." The statement is made despite the fact that the Israeli authorities have admitted the existence of undercover "special forces."<sup>5</sup> According to the evidence gathered by Palestinian human rights organizations, one of the tasks of these units is to work among the Palestinian population in order to identify and target those defined as "activists." Preliminary estimates based on al-Haq's documentation indicate that of the 106 Palestinians killed by Israeli security forces,<sup>6</sup> their agents,<sup>7</sup> or settlers<sup>8</sup> during 1991, at least 33 were killed by these undercover units.

2. International legal standards, including those proposed by the UN Special Rapporteur on Summary or Arbitrary Executions, forbid "killing carried out by order of a Government or with its complicity, tolerance or acquiescence, *without any judicial or legal process*."<sup>9</sup> As the Israeli undercover units violate Palestinian right to life and due process, those concerned with human rights would have expected, at a minimum, a State Department condemnation of these forces. However, rather than openly criticizing extra-judicial killings or the units themselves, the second sentence in the subsection almost provides a rationale:

In 1991 nonuniformed security personnel are known to have killed 27 Palestinians, many of whom were unarmed but were generally either wanted, masked, or fleeing from authorities after writing graffiti.

The fact that many of the killed Palestinians were "either wanted, masked, or fleeing" seems to be offered by the report as a mitigating factor. In addition, according to al-Haq's documentation, *most* of the Palestinians killed by "special forces" were unarmed.<sup>10</sup>

3. This subsection, like others in the report, often measures the human rights situation in the Occupied Palestinians Territories against Israeli military orders and regulations which themselves contravene international laws and norms, and not against internationally-accepted legal standards. For example, while noting that the "Israeli authorities have acknowledged the operation of special undercover units...,"<sup>11</sup> the sentence continues that the authorities:

...insist that such units observe standard rules of engagement, which narrowly define when

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<sup>5</sup> The existence of these units was confirmed by the Israeli media in June 1991 and written about extensively through the end of August 1991. For further information, see, for example, "IDF Undercover Units Operate in Territories," *Jerusalem Post*, 23 June 1991.

<sup>6</sup> Israeli security forces include the Israeli Defence Forces (IDF), border guards, and police.

<sup>7</sup> Palestinians who collaborate with the Israeli authorities are armed with government sanction.

<sup>8</sup> The Israeli government sanctions the arming of settlers.

<sup>9</sup> Centre for Human Rights, *Summary or Arbitrary Executions*, Fact Sheet No. 11, p. 3; (emphasis added).

<sup>10</sup> Al-Haq's list of 106 Palestinians killed in 1991 does not include Palestinians who initiated an armed clash with Israeli forces or their agents.

<sup>11</sup> Second paragraph of the subsection.

lethal force may be used by security forces and provide penalties for violations.<sup>12</sup>

The phrasing and lack of comment suggest that the State Department judges the legality of these units solely by Israeli law. The Department of State seems to accept without criticism the Israeli evaluation of its own rules governing the use of force. As indicated by al-Haq's documentation -- which is outlined in the first point of Part II -- Israeli security forces have used lethal force against Palestinians for, among other things, demonstrating, stone-throwing, raising a Palestinian flag, writing graffiti, wearing a mask, erecting barricades, burning tires, distributing leaflets, or fleeing when ordered to halt or while dispersing from a demonstration or clash. As al-Haq has previously stated:

[T]hese orders permit the use of lethal force in circumstances where it is neither necessary nor proportionate, and thus constitute illegal force as defined by international laws and norms.<sup>13</sup>

This view is supported by the *United Nations Code of Conduct for Law Enforcement Officials*, which provides the minimal international standards for the use of force by those who exercise police powers:

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.<sup>14</sup>

The official commentary to the Code interprets this to mean that:

The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children.<sup>15</sup> In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender.

Killings by Israeli undercover units are illegal and clearly fall under the definition of "political killings" as summarized by Amnesty International:

[U]nlawful and deliberate killings of persons by reasons of their real or imputed political beliefs or activities, religion, other conscientiously held beliefs or activities, ethnic origin, sex, colour or language, carried out by order of a government or with its complicity.<sup>16</sup>

4. Another important problem in a subsection whose stated topic is extra-judicial killings is the *exclusion* of all non-"special forces" killings by Israeli security forces and collaborators, while at the same time

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<sup>12</sup> Israeli open-fire regulations are not officially published as they are considered "classified" information. The portions of the oral and written regulations that have been made public allow the use of lethal force "as a last resort" against Palestinians "suspect[ed]" of having committed or attempting to commit a wide range of activities deemed illegal by Israeli military orders and regulations. The activities include being a fleeing "suspect," writing graffiti, throwing stones, raising a Palestinian flag, and wearing a mask.

<sup>13</sup> Al-Haq, "The Illegal Use of Lethal Force Against Fleeing Suspects," *Human Rights Focus*, 1 May 1991, p. 2.

<sup>14</sup> This code was adopted by the UN General Assembly in 1979. General Assembly Resolution 34/169 (Doc A/34/36/1979)

<sup>15</sup> According to al-Haq's preliminary analysis of documentation, 47 of the 106 Palestinians killed by Israeli forces or their agents during 1991 -- 44.3 percent -- were 18 years of age or younger. Twenty-eight of the Palestinians killed during 1991 -- 26.4 percent -- were 16 years of age or younger.

<sup>16</sup> Amnesty International, *Political Killings by Governments* (London: Amnesty International, 1983), p. 5.

including Israeli soldiers and "civilians"<sup>17</sup> killed by Palestinians, Palestinians killed for alleged collaboration with the Israeli authorities,<sup>18</sup> Palestinians killed in "private feuds," and Palestinians killed for "crimes against public morality."

The report unjustifiably includes killings which are not committed by agents of the state; this type of crime is not the proper subject of a human rights report. Palestinians killed for alleged crimes against "public morality,"<sup>19</sup> interfactional disputes, and private feuds<sup>20</sup> would be dealt with in criminal courts in countries not under occupation because these types of crimes are not carried out by a government or its agents. These are individual criminal acts which cannot be defined as "extra-judicial" killings. It is also extremely curious that killings of Palestinians who collaborate with the Israeli authorities are included as "political" or "extra-judicial" killings, while Palestinians killed by Palestinian collaborators are not.

Apart from the estimated 33 killings by Israeli "special forces," an additional 73 Palestinians were killed by the Israeli security forces, their agents, or settlers during 1991, according to al-Haq's documentation. Of these, at least 10 were unarmed Palestinians killed by Israeli security forces or their agents while fleeing, distributing leaflets, writing graffiti, wearing a "mask,"<sup>21</sup> and/or burning a tire. An additional 16 unarmed Palestinians were killed by Israeli forces while engaging in non-violent clashes and demonstrations which may have included stone-throwing.<sup>22</sup> These deaths, like those by Israeli undercover units, resulted from the disproportionate, unnecessary, and deliberate use of force and therefore constitute extra-judicial killings. The State Department report addresses, without analysis, some of these killings in subsection 1(g), entitled "Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts."

5. The State Department report is replete with partial truths which, when combined with the many distortions and omissions, present a misleading overall picture of the human rights situation. For example, the final paragraph of the subsection states:

[M]uch intra-Palestinian violence goes unpunished because of problems of law enforcement, including the refusal of Palestinians to cooperate with Israeli authorities.... Sentences given to Israelis for killing Palestinians are generally much lighter than sentences handed down to Palestinians convicted of killing either Israelis or Palestinians.

While it is true that some Palestinians have refused to cooperate with law enforcement officials, the report fails to clarify that this is a result, not a cause, of inadequate and discriminatory Israeli law

<sup>17</sup> The phrase "Israeli civilians" is used throughout the report in apparent reference to Israeli settlers. This distinction is important in that the international legal status of settlers in the Occupied Palestinian Territories differs from that of Israeli civilians who live within pre-1967 Israeli borders. The presence of Israeli settlers in the Arab territories occupied in 1967 is a violation of Article 49 of the 1949 Fourth Geneva Convention, which prohibits the "transfer of [the occupier's] civilian population into the territory it occupies."

<sup>18</sup> Again, in contradistinction to the Palestinian civilian population, the Israeli authorities allow collaborators and settlers to carry weapons. In 1991, five Palestinians were killed by collaborators and five Palestinians were killed by settlers. As in past years, Palestinian collaborators continued to be recruited, trained, sometimes armed, and usually protected by the Israeli authorities; they often assumed "security"-related tasks also carried out by Israeli military and intelligence forces. As such, they are defined as "agents of the state" by international humanitarian law (pursuant to Article 29 of the 1949 Fourth Geneva Convention).

<sup>19</sup> The State Department does not define "crimes against public morality." This may refer to killings of Palestinians alleged to have committed crimes such as rape or to have been involved in drug-dealing and/or prostitution.

<sup>20</sup> The report later includes these killings in its definition of "intra-Palestinian violence."

<sup>21</sup> A masked Palestinian is one whose face is wrapped in a Palestinian headdress (*kuffiyeh*).

<sup>22</sup> Most of the remaining 47 Palestinians were killed by lethal or "non-lethal" force near or in their homes, place of worship, or neighborhoods.

enforcement in the Occupied Palestinian Territories. Moreover, the report does not mention that collaborators who commit crimes against other Palestinians -- if they are tried at all -- receive light sentences, while real or alleged Palestinian violence against Palestinian collaborators is heavily punished.

As an occupying power, Israel is solely responsible for law enforcement in the Occupied Territories; Palestinians have no control over law enforcement in the Occupied Territories. Pursuant to Article 43 of the 1907 Hague Regulations, Israel is obliged to "take all the measures...to restore, and ensure...public order and safety." Israel has been grossly negligent in providing this protection to the Palestinian population, whether the alleged perpetrator was a common criminal, a member of the Israeli military forces, a collaborator, or a settler.

The Palestinian experience with Israeli "law enforcement" in the Occupied Territories is that the system has very rarely been able to provide protection to the population. First, when Palestinians have demanded investigation, prosecution, and/or compensation for human rights violations such as killings, beatings, other forms of torture, and destruction or confiscation of property, the Israeli response has usually been non-existent or inadequate. Investigations, if undertaken at all, are usually superficial: Palestinian eyewitnesses are rarely interviewed; the investigation is commonly conducted internally; the results are rarely made public; and the punishment, if any, is usually light and therefore ineffectual when the victim is a Palestinian from the Occupied Territories. Moreover, al-Haq and other human rights organizations have frequently documented the harassment and intimidation of Palestinians who have complained of abuse from Israeli security forces, their agents, and settlers.

In addition, Israeli "law enforcement" mechanisms in the Occupied Territories, including investigation procedures, structurally discriminate against Palestinians. Access to due process depends on whether the alleged perpetrator is a settler, a soldier, a collaborator, or a Palestinian nationalist. For example, while Israeli settlers from the Occupied Territories are tried in Israeli civilian courts,<sup>23</sup> Palestinians (excluding collaborators) are tried in military courts by military judges.<sup>24</sup> The laws they are alleged to have violated are outlined in over 1,350 military orders regulating almost every aspect of daily life.

Based on past experience, it is clear that there is a strong basis for Palestinian mistrust in a legal system that structurally discriminates against them.

The State Department report fails to acknowledge that the whole system of "law enforcement" in the Occupied Territories falls below the minimum international standards with regard to due process, equal protection before the law, and proportional penalties.

### III. "Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts" (Subsection 1(g))

The misrepresentations in this subsection may be grouped into four major categories: Israeli policy is restated without comment; statistical changes are presented as indicating an overall improved human rights situation; the situation of the occupier is presented as equal to that of the occupied; and clear violations of human rights are obscured.

1. The second sentence in subsection 1(g) presents the Israeli position and draws no conclusions based on human rights standards. It outlines in great detail Israeli open-fire regulations (as apparently provided to the State Department by the Israeli authorities), but fails in performing two critical tasks: (a) to evaluate their legality as measured against international human rights standards; and (b) to comment on whether they are actually followed by Israeli security forces. As noted in Part II,<sup>25</sup> Israeli open-fire regulations allow the

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<sup>23</sup> Over the past 24 years, the jurisdiction of Israeli civilian courts has been illegally extended to settlers and settlements in the Occupied Territories by a number of military orders.

<sup>24</sup> Palestinians who are defined as "residents" of East Jerusalem are, from a legal point of view, in a different category. They are usually tried in Jerusalem criminal courts, although some have been tried in Israeli military courts located in the Occupied Territories or Israel.

<sup>25</sup> See footnote number 12 and surrounding text on open-fire regulations.

use of lethal force in situations where it is clearly not necessary or proportionate and therefore violate international law. In addition, as has been extensively documented by al-Haq and other human rights organizations, the IDF regulations, even as presented in the State Department's report, are routinely violated despite their permissiveness.

2. The second paragraph in this subsection, which outlines "casualties from violence," indicates the report's bias. Leaving aside the statistical discrepancies, there are two issues to be raised:

First, while it is important from a human rights standpoint that a lower number of people were subjected to specific human rights violations, it is clearly more important that structural deterrents were not adopted to prevent the continuation of such violations. For example, although there was an approximate 30 percent decrease in the number of Palestinians killed by Israeli forces during 1991, the number of killings continued to be extremely high. It is also evident that a pattern of illegal and indiscriminate use of lethal force against the Palestinian population continues to exist. A more appropriate indicator of an improved human rights situation is an end to those Israeli policies and practices which lead to death and injury among the Palestinian population. In addition, a statistical decrease in one specific type of violation (in this case killing) should not lead one to believe that the overall human rights situation has improved when it has actually deteriorated.

Second, Palestinian deaths and injuries are only referred to as "casualties of violence" in this section. The State Department report makes no comment as to how these casualties should be evaluated from a "humanitarian law," or human rights standpoint. Moreover, the killings are not even examined as examples of the "excessive use of force," one of the stated topics of the subsection.

3. The second paragraph of this subsection also provides an example of the report's failure to accomplish its mandate to judge governments, not populations; the paragraph equates acts by the Israeli occupation authorities with those of the occupied Palestinian population. As discussed in the previous section, the Palestinian community in the Occupied Territories does not control mechanisms of law enforcement as there is no Palestinian authority. Therefore, under the laws of belligerent occupation, the Israeli authorities are solely responsible for law enforcement in the territories. Al-Haq believes that the Palestinian community should be evaluated against international human rights standards when it is allowed control over the legal mechanisms required for the protection of such rights; no such mechanisms currently exist.

4. The tendency to obscure human rights violations by presenting Israeli statements without ascertaining their veracity is especially unacceptable in the last paragraph of this subsection, which states:

On a number of occasions Israeli security forces forcibly removed from hospitals Palestinian suspects undergoing medical examination or treatment. Israeli authorities state that suspects are only removed from medical facilities when a physician has determined that the patient's medical condition permits him [sic] to be moved. Authorities also note that suspects often seek sanctuary in medical facilities, even when they are not ill or injured but are simply fleeing arrest.

Violations of medical neutrality in the Occupied Territories are well-documented and were a frequent occurrence during 1991. As occurred during previous years,<sup>26</sup> patients were arrested from hospitals without a determination by a physician that their medical conditions allowed this; individuals attempting to help the injured (especially during demonstrations) were prevented from doing so, and sometimes themselves killed or injured; ambulances carrying injured individuals were hindered, turned back, or rerouted; access to medical care was restricted, especially during curfews; and medical facilities were raided

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<sup>26</sup> For further information on past violations of medical neutrality, see relevant chapters in: *Protection Denied: Continuing Israeli Human Rights Violations in the Occupied Palestinian Territories, 1990* (Ramallah: Al-Haq, 1991); *A Nation Under Siege: Al-Haq Annual Report on Human Rights in the Occupied Palestinian Territories, 1989* (Ramallah: Al-Haq, 1990); and *Punishing a Nation: Human Rights Violations During the Palestinian Uprising, December 1987-December 1988* (Ramallah: Al-Haq, 1988).

and subjected to property destruction and/or confiscation.<sup>27</sup>

International legal standards are absolutely clear with regard to the wounded, medical personnel, and health facilities in times of war and military occupation. Article 16 of the 1949 Fourth Geneva Convention states: "The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect." Article 17 obligates the occupying authorities to allow "the passage of medical personnel and medical equipment" on their way to areas of conflict. Article 18 states:

Civilian hospitals...may in no circumstances be the object of attack, but shall at all times be respected and protected by the parties to the conflict.

In reference to the report's statement that "suspects...seek sanctuary in medical facilities," Article 19 of the Convention states that the protection to which medical facilities are entitled "shall not cease unless they are used to commit...acts harmful to the enemy." The article goes on to note:

The fact that sick or wounded members of the armed forces [in this context unarmed] are nursed in these hospitals...shall not be considered to be acts harmful to the enemy.

The Israeli allegations that hospitals are inappropriately used for sanctuary obviously cannot justify the arrest of wounded and sick Palestinians from medical facilities. The State Department's restatement of these allegations obscures the fact that these arrests are violations of international law which should have been condemned.

#### IV. "Freedom of Speech and Press" (Subsection 2(a))

The problems in this subsection may be grouped into two major categories: the presentation of facts without critical comment and the omission of important points.

1. With the exception of the first paragraph, this subsection, which outlines the level of Israeli restriction and harassment with regard to Palestinian freedom of expression -- including censorship, detention of Palestinian journalists, and restrictions on freedom of speech -- is presented with absolutely no comment, analysis, or conclusion. The subsection leaves the reader wondering if the US finds such practices acceptable. For example, the report notes that East Jerusalem newspapers

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.<sup>28</sup>

The report adds that "articles and editorials were routinely expurgated" and even the Arabic translations of articles that had "previously appeared in the Hebrew-language Israeli press were routinely censored...."<sup>29</sup>

The State Department does not comment on how the US views such censorship. In addition, two conclusions are never drawn: First, although East Jerusalem, which was illegally annexed by Israel in 1967, is governed by civil, and not military, law, Palestinian newspapers (as opposed to most publications in pre-1967 Israel) are clearly discriminated against in that they must first submit material prepared for publication to the military censor. Second, the level of censorship is too broad and is not limited to information which

<sup>27</sup> See Al-Haq Affidavit Nos. 91/3468, 91/3470, 91/3442, 91/3199, 91/3125, 91/3100, 91/3102, 91/3109, 91/3113, and 91/3076; and Al-Haq Fieldwork Report Nos. 404/91, 379/91, 306/91, 173/91, 174/91, and 191/91.

<sup>28</sup> Television and radio broadcasts, including Arabic-language programs, are Israeli state-run.

<sup>29</sup> Palestinian reporters working for the East Jerusalem press are also restricted from publishing certain news related to the "security" of the Occupied Palestinian Territories and Israel unless they cite an Israeli news source that has already made the information public. In this context, this can mean that if articles are not completely expurgated, the Palestinian press publishes news a day or more after it has already appeared in the Hebrew-language press.



threatens the "security...and safety of Israel and the occupied territories," as indicated by the fact that stories which appeared in the Hebrew press were often censored in the Palestinian press.

2. Critical omissions can also be found in this subsection. For example, according to the third paragraph:

The display of Palestinian political symbols, such as flags, national colors, and graffiti is prohibited in the occupied territories and is punishable by stiff fines (usually \$150 to \$300 for graffiti) or imprisonment.

The documentation of local and international human rights organizations indicates that Palestinians have been *shot*, and many times killed, while hanging flags and painting graffiti. In addition, those who pay the "stiff fines" for painting graffiti or hanging a flag are not necessarily the individuals responsible, but those who own the property in question or live or work within its vicinity.

Another example of this type of omission is provided in the paragraph which states:

Of the four West Bank and Gaza universities remaining closed at the beginning of 1991, three were permitted to reopen during the year, Hebron and al-Najah in August and Gaza Islamic University in September.

While the Palestinian community is pleased that three more Palestinian universities were allowed to reopen, Bir Zeit, the leading Palestinian university in the Occupied Territories, has remained closed by military order for more than four consecutive years.<sup>30</sup>

The final paragraph of the subsection, which discusses elementary and secondary school closings during the 1990-91 academic year, is particularly important for the following reasons:

First, while the report admits that "on average schools lost about 40 percent of the days scheduled in a normal year..." the first attribution made for these closures are general strikes called by the underground Palestinian leadership, and then reference is made to curfews imposed by the military authorities. The report makes an untenable comparison between strike days and curfew days during 1991. First, far more school days were lost to curfews than to strikes. Second, the situation during curfews is very different from the situation during strikes. During curfews, schools were usually closed, and Palestinians who violated curfews may have been stopped, harassed, beaten, arrested, detained, shot, and/or fined for doing so by Israeli soldiers on military patrol. During strikes, in contrast, schools were often open.

Second, the subsection fails to note that the number of curfew days during 1991 was actually many more than the 34 to 44 days imposed during the Gulf War that are mentioned in the report.<sup>31</sup> Location-specific curfews<sup>32</sup> were frequently imposed during 1991. These curfews, combined with the prolonged curfews during the Gulf crisis and war, were the main cause of the 40 percent loss of school days for most children. For example, as the report itself mentions in the subsection on "Freedom of Movement," a 15-day-long curfew was imposed on the over 100,000 residents of the towns, villages, and refugee camps of the Ramallah district beginning on 1 December. This curfew, in addition to disrupting schooling, commerce, industry, transportation, access to health care, and worker access to East Jerusalem and Israel, also hurt the economic life of the rest of the West Bank, whose different geographical regions are dependent upon

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<sup>30</sup> According to a recent article in the *Jerusalem Post*, "Bir Zeit contributes half the leading delegates to the [current peace] talks." ("Bir Zeit University Closed for at Least Two More Months," *Jerusalem Post*, 1 March 1992.)

<sup>31</sup> While the State Department accepts without question the Israeli government's unsubstantiated security rationale for the length and scope of this curfew in the third paragraph of subsection 2(d), entitled "Freedom of Movement...", this curfew had longterm economic repercussions since irreplaceable school days were lost and most Palestinian farmers lost their winter (citrus and vegetable) harvest.

<sup>32</sup> As opposed to those curfews imposed over the entire West Bank and Gaza Strip.

each other.<sup>33</sup>

#### V. Additional Deficiencies

1. Following is an example of the frequent restatement of Israeli positions:

The intifada, Palestinian massive unrest characterized by violence followed by severe Israeli counter-measures, erupted in late 1987. (fourth paragraph)

The use of the phrase "massive unrest characterized by violence" is an uncritical restatement of the official Israeli government position on the Palestinian uprising. The State Department's inaccurate characterization provides a rationalization for, among other measures, the illegal use of force against the Palestinian civilian population. The Palestinian intifada, which was triggered in December 1987, has largely relied on non-violent activities such as daily half-day commercial strikes, general strikes, boycotts, and demonstrations in order to demand an end to the 24-year-old Israeli occupation. Israeli measures adopted to combat the intifada are aimed at stopping *all forms of protest* against the occupation, no matter how peaceful.<sup>34</sup>

2. When Palestinian or non-Israeli sources are referred to, the report tends to undermine their credibility by using words such as "claim" or "reportedly." By contrast, information on the human rights situation that is obtained from Israeli official sources is strengthened by the use of words such as "assert" or "state."

3. The following is an example of the frequent use of partial truths that significantly misrepresent the human rights situation of the Palestinian population:

Israeli settlers in the territories...are subject to Israeli law, which generally treats them more favorably than Palestinians are treated under military occupation law and administration. (paragraph three)

This statement misrepresents Palestinian life under occupation. In fact, Israeli policies and practices in the Occupied Palestinian Territories, whether in East Jerusalem (which is governed by Israeli civilian law), or the rest of the West Bank and Gaza Strip (which are governed by Jordanian and Egyptian law, respectively, as amended by over 1,350 military orders), are geared toward benefiting the Israeli settler population *at the expense* of the indigenous Palestinian population. For example, Palestinian and Israeli human rights organizations, in addition to members of the Israeli Knesset, have frequently exposed and reported on the exceptional economic<sup>35</sup> and other<sup>36</sup> benefits provided to settlers in the Occupied Territories.

These benefits are provided in a context where at least 65 percent of the land in the Occupied

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<sup>33</sup> Many curfews are accompanied by house raids, tax raids, and destruction of property. The length, frequency, and scope of these curfews suggest that they are often used as a measure of collective punishment, rather than to ensure "public order and safety." While measures such as curfews are allowed under international law if they are necessary and balance the occupier's security requirements with the welfare of the occupied population, measures of collective punishment are absolutely prohibited.

<sup>34</sup> An illustrative example of this are the Israeli measures adopted to repress the organized refusal of many Palestinians -- for example the residents of the town of Beit Sahour (near Bethlehem) -- to pay taxes to the Israeli occupation authorities based on the principle of "no taxation without representation."

<sup>35</sup> For example, export permits, and subsidies of mortgages and agriculture.

<sup>36</sup> For example, the subsidy of the building of settlement homes and settlement infrastructure, including roads.

Territories has been illegally acquired by the Israeli authorities<sup>37</sup> and Palestinian towns, villages, and agricultural lands are encircled and their development and/or growth restricted by lack of town planning schemes or by schemes designed for settlements and settlement expansion.

4. An example of an important omission appears in the sixth paragraph of subsection 1(d), entitled "Arbitrary Arrest, Detention, or Exile," which states that "Family visits to Ketziot Prison began in November 1991." As the report notes, while family visits to prisoners in Ketziot (also known as Ansar III) were supposed to begin in early October 1991, they did not begin for West Bank residents until early to mid-November. The State Department does not mention that those permitted to visit and the visits themselves are extremely restricted. For example, those who wanted to visit had to first submit their names to the International Committee of the Red Cross; the ICRC had to submit these name(s) to the Israeli civil administration;<sup>38</sup> finally, the civil administration informed family members through the ICRC whether the visitor's application had been approved. In addition, while prisoners are allowed family visits once a month, there are prisoners who have not so far been allowed such visits.

Al-Haq would like to note that these restricted visits come after *three and a half years* of no family visits. Conditions at Ansar III detention camp -- which was opened on 17 March 1988 and is located in the Negev Desert near the Egyptian border -- deteriorated during 1991. As has been previously stated by the US Physicians for Human Rights:

prolonged detention, e.g. beyond one month, should not be continued at the Ketziot detention center in the Negev desert...where conditions are harsh and temperatures extreme, and where, practically speaking, family visits are impossible.<sup>39</sup>

Al-Haq and other human rights organizations have repeatedly called for the closure of this facility.

## VI. Conclusion

The State Department 1991 report on the Occupied Palestinian Territories for the most part fails to adequately represent the human rights situation and criticize Israeli practices which violate international human rights standards. In fact, during 1991 Israel continued to commit a wide range of human rights violations: 106 Palestinians were killed by Israeli forces, settlers, or collaborators; at least 3,500 administrative (without charge or trial) detention orders were issued;<sup>40</sup> 8 Palestinians were deported; 47 Palestinian homes were completely demolished, 5 homes were partially demolished, 37 homes were completely sealed, and 25 homes were partially sealed, all for "security" reasons;<sup>41</sup> 223 homes were completely demolished for lack of licenses;<sup>42</sup> at least 2.45 percent of the total land area of the West Bank

<sup>37</sup> Land is acquired by the Israeli authorities under the following pretexts, all of which are sanctioned by a number of Israeli military orders: land acquired for "military purposes;" land acquired as "state land;" land seized as "abandoned property;" and land expropriated for "public use."

<sup>38</sup> The Israeli civil administration is under the authority of the Israeli military occupation forces, and is headed by an Israeli military officer.

<sup>39</sup> Press release of Physicians for Human Rights summarizing some of the conclusions of their report on health conditions at Ansar III, 22 May 1990.

<sup>40</sup> According to Al-Haq Fieldwork unit.

<sup>41</sup> Al-Haq Database unit. House demolition or sealing usually occurs before a "suspect" is tried and after s/he has been arrested or killed. The unnecessary destruction of private property and measures of collective punishment are prohibited under international law.

<sup>42</sup> According to Palestine Human Rights Information Center (PHRIC), *Human Rights Update* (Chicago: PHRIC, 1991 and 1992), Vol. IV, Nos. 1-12. A very low percentage of Palestinians living in the West Bank and Gaza Strip have their building applications approved by the Israeli authorities. For this reason and for cultural reasons Palestinian homes tend to house extended families. Therefore, house demolitions for reasons of "security" or lack of licensing usually affect a large number of people.

(excluding East Jerusalem) and Gaza Strip was illegally acquired;<sup>43</sup> and at least 31,000 fruit and olive trees were uprooted.<sup>44</sup>

Moreover, the cumulative weight of four years of intensified repression has significantly contributed to a deteriorated human rights situation in 1991. Between December 1987 and December 1991, at least 1,051 Palestinians were killed by Israeli forces, settlers, and collaborators;<sup>45</sup> and tens of thousands were wounded; over 15,000 administrative detention orders were issued; 78 Palestinians were deported;<sup>46</sup> 85 percent of a sample of Palestinians detained during the uprising and interviewed by al-Haq were subjected to torture or mistreatment;<sup>47</sup> 364 homes were completely demolished, 71 homes were partially demolished, 232 homes were totally sealed, and 84 homes were partially sealed, all for "security" reasons;<sup>48</sup> more than 1,200 homes were completely demolished for lack of proper licenses;<sup>49</sup> at least 9 percent of the total land area of the West Bank (excluding East Jerusalem) and Gaza Strip was illegally acquired;<sup>50</sup> and at least 128,364 trees were uprooted. In addition, according to al-Haq's estimates, at least 231,700 Israeli settlers are illegally residing in the Occupied Palestinian Territories.<sup>51</sup>

In al-Haq's opinion, these Israeli practices and measures constitute a consistent pattern of gross violation of Palestinian human rights which the US State Department's report on the human rights situation in the Occupied Territories failed to convey.

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<sup>43</sup> According to al-Haq's documentation, at least 127,242 dunums of land were illegally acquired between January and June 1991; PHRIC estimates that an additional 13,295 dunums of land were confiscated between July and December 1991. One dunum equals .247 acres or 1,000 square meters; the land areas of the West Bank (excluding East Jerusalem) and Gaza Strip measure approximately 5,740,000 dunums.

<sup>44</sup> PHRIC, "Human Rights Violations Summary Data: By Month, 1991" (PHRIC: Jerusalem, February 1992).

<sup>45</sup> See, Al-Haq, *A Nation Under Siege*; and Al-Haq, *Protection Denied*. The numbers for 1991 are available in al-Haq's Database unit.

<sup>46</sup> More than 1,300 Palestinians were expelled from the West Bank and Gaza Strip between June 1967 and December 1987.

<sup>47</sup> This is according to an al-Haq study on torture expected to be published in the spring of 1992. The sample, which was regionally representative, was composed of 474 former detainees; 403 of these detainees were subjected to some form of torture or mistreatment.

<sup>48</sup> Al-Haq Database unit.

<sup>49</sup> PHRIC, "Human Rights Violations Summary Data: By Month, 1991."

<sup>50</sup> According to al-Haq's calculations.

<sup>51</sup> This estimate, which includes the West Bank and Gaza Strip, is applicable through June 1991; al-Haq has not yet compiled this information from July through December 1991. For a further discussion of land acquisition and settlement through June 1991, see "Israeli Land Acquisition and Settlement in the Occupied Territories," *Human Rights Focus* (Ramallah: Al-Haq), 20 August 1991.

## Appendix:

### *State Department Country Reports on Human Rights Practices for 1991 Israel and the Occupied Territories*

Whereas almost all other reports in this volume deal with the relationship between governments and their own citizens, this report concerns the practices of the authorities of one country in the exercise of governmental functions in territories outside that country and under military occupation. The lands known as the "occupied territories" (The West Bank, Gaza Strip, Golan Heights, and East Jerusalem) were occupied by Israel in 1967 and have been under military occupation since then.

Israel is not recognized internationally to have sovereignty over any of the occupied territories, but has asserted sovereignty over and annexed East Jerusalem. The West Bank and Gaza are governed under applicable Jordanian, Egyptian, and British law, as modified by Israeli military orders. Israeli law and administration have been extended to the Golan Heights. The United States considers Israel's occupation to be governed by The Hague Regulations of 1907 and the 1949 Fourth Geneva Convention Relative to the Protection of Civilians in Time of War. Israel does not consider the Convention applicable but states that it observes its humanitarian provisions.

Israel governs the West Bank and Gaza through a military-backed Civilian Administration (CIVAD), which is responsible to the Minister of Defense. There are Arab municipalities with both elected and Israeli-appointed mayors. However, municipal and local elections have not been held since 1976. Palestinian political activity is restricted, and Palestinians do not have the opportunity to participate in significant political or economic decisions in 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, which generally treats them more favorably than Palestinians are treated under military occupation law and administration. Economic policies often discriminate in favor of Israeli interests and Israeli settlers in the territories.

Since 1967 Palestinians have protested, often violently, against Israel's occupation. The "Intifada," Palestinian civilian massive unrest characterized by violence followed by severe Israeli countermeasures, erupted in late 1987. It continued in 1991 but at a significantly reduced level. The number of Palestinians killed by Israeli security forces and in intra-Palestinian violence was significantly lower than in 1990. There were also fewer demolitions and sealings of houses and rooms, and the number of administrative detainees at the end of 1991 was less than one-third the number detained at the end of 1990. Nevertheless, the United States remains concerned about human rights abuses resulting from Israeli occupation practices and Palestinian violence.

In 1991, as a result of security concerns prompted by Palestinian support for Iraq during the Gulf war, Israel imposed a 24-hour curfew over the West Bank and Gaza that lasted for over a month. This curfew resulted in economic losses, inability to obtain medical care, and disruptions in the distribution of foodstuffs and other necessities.

In 1991 the Government of Israel announced and began to implement measures intended to reduce some of the restrictions and lighten the burden of occupation on Palestinian residents of the territories. Bridge-crossing formalities were eased, the numbers of permits for new industries increased, and new taxation policies were formulated. By the end of the year, all but one of the occupied territories' six Palestinian universities had been given permission to reopen. In addition, the Government raised to more senior levels the responsibility for approving curfews of over a few hours.

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

##### a. Political and Other Extrajudicial Killing

Political and extrajudicial killing are not officially condoned by Israel.

In 1991 nonuniformed security personnel are known to have killed 27 Palestinians, many of whom were

unarmed but were generally either wanted, masked, or fleeing from authorities after writing graffiti. Palestinians and human rights groups claim that many of these individuals were killed without warning or after surrendering or having been subdued. Israeli authorities have acknowledged the operation of special undercover units whose members circulate among Palestinian activists, but insist that such units observe standard rules of engagement, which narrowly define when lethal force may be used by security forces and provide penalties for violations (see Section 1.g. below). Israeli authorities say that they have charged a Colonel who commanded one such unit, as well as soldiers under his command, for failing to adhere to established procedures and that a number of other cases are under investigation.

Palestinian attacks against Israeli soldiers and civilians in the occupied territories in 1991 resulted in 12 deaths and at least 254 injuries, an increase over such attacks in 1990. Israeli civilians killed four Palestinians in 1991.

During 1991, 140 Palestinians were killed by other Palestinians (compared to 165 in 1990), most often because of alleged collaboration with Israeli security services. Other grounds for such killings were alleged crimes against public morality, interfactional political disputes, and private feuds. Many other Palestinians were wounded, and there were frequent threats and acts of intimidation. Some of these attacks and acts of intimidation were carried out under the direction of the covert leadership of the uprising. However, many of the attacks were by individuals or gangs operating autonomously. Some of the victims were village officials and Arab policemen, and some of the victims were armed. The Palestinian press in 1991 published numerous statements of Palestinian leaders condemning such killings.

Israeli authorities prosecute Palestinians accused of murdering other Palestinians as well as of murdering Israelis, and sentences are severe. However, much intra-Palestinian violence goes unpunished because of the problems of law enforcement, including the refusal of Palestinians to cooperate with Israeli authorities. The Government also prosecutes Israelis accused of killing Palestinians. Sentences given to Israelis for killing Palestinians are generally much lighter than sentences handed down to Palestinians convicted of killing either Israelis or Palestinians.

#### b. Disappearance

There were no confirmed reports of disappearances in 1991.

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

Torture is forbidden by Israeli law, and Israeli authorities say that torture is not authorized or condoned in the occupied territories. Israel Defense Forces (IDF) orders forbid the use of force after the detention of a suspect and the cessation of violent resistance. In 1987 the Landau judicial commission in a secret report specifically condemned "torture" but approved of "moderate physical and psychological pressure" to be used to secure confessions and to obtain information concerning terrorism.

In 1991 international, Israeli, and Palestinian human rights groups published detailed credible reports of torture, abuse, and mistreatment of Palestinian detainees in prisons and detention centers. The practices reportedly included hooding, deprivation of food, sleep, and sanitary facilities; forced standing; confinement in a narrow, small space; slaps, blows and beatings; and threats against the detainee or his family. Most such abuse takes place immediately after arrest and during the first few days of detention and interrogation when detainees are denied access to family members, attorneys, and the International Committee of the Red Cross (ICRC). The ICRC cites this isolation period as an issue of great concern.

Aside from these forms of abuse, a Palestinian human rights organization reported in detail eight credible cases of electric-shock torture in the Hebron military headquarters between April and September 1991. Other allegations of the use of electric shock in Hebron, Bethlehem, and Ramallah (possibly involving the same group of interrogators) were under investigation at year's end.

As a result of the reports alleging mistreatment during interrogation noted above, the IDF in 1991 instituted an internal investigation which recommended, among other things, that IDF personnel no longer be involved in interrogating Palestinians. The Ministry of Justice and General Security Services (GSS, also known as

Shin Bet) began a second investigation, but the results of their efforts have not been made public. IDF authorities report that, of 16 complaints of mistreatment made against IDF interrogators, 8 were dismissed after investigation, 4 are still under investigation, and the findings in the remaining 4 investigations were forwarded to the military prosecutor for decision.

Most convictions in security cases are based on confessions. An attorney is normally 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. Human rights groups point to this prolonged incommunicado detention of security detainees as contributing to the problem of abuse.

If a detainee claims to the court that his confession was coerced, his trial is stopped, and a "trial within a trial" is held to determine if the allegation of coercion can be substantiated. Israeli and Palestinian attorneys and human rights organizations have said they do not know of any case in which a confession was set aside because the court had determined that coercion had been used. Even if the claim is verified, however, evidence obtained as a result of, or information derived from, the confession may still be used against the defendant. According to Israeli authorities, 90 complaints of violence by IDF personnel in detention facilities were investigated in 1991. The results of those investigations are not available.

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

In January Israel deported four Gazans alleged to be leaders of Hamas, a fundamentalist Islamic movement. All four withdrew their appeals to the Israeli High Court when they were denied the opportunity to examine secret evidence against them. In May, after an unsuccessful appeal to the High Court, four other Gazans alleged to be senior Fatah leaders were deported. Deportation orders are subject to judicial review; the High Court of Justice has never overturned a deportation order. The United States considers deportations to contravene Article 49 of the Fourth Geneva Convention.

Administrative detention for alleged security reasons without formal charges continued in 1991. The United States opposes the use of administrative detention and believes that individuals accused of crimes should be brought before a court, presented with the evidence, and be allowed to defend themselves against the evidence. Numbers peaked at approximately 1,400 in February (during the Gulf War) and then declined to fewer than 350 in December. 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, but 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.

Administrative detention orders are issued for a maximum of 6 months and are renewable. Each order is subject to judicial scrutiny, with access by the court to all evidence, including secret evidence. Each detention order must also be approved by the Minister of Defense. Secret evidence is not available to the detainee or his attorney. There are no restrictions on the number of times an administrative detention order may be renewed, but at each renewal a new order must be issued which is subjected to at least the same judicial scrutiny as the original order. Israel claims that administrative detention is imposed only for activity that is both dangerous and serious and that it is not imposed for the expression of political views or nonviolent activity. "Conspiracy" or "incitement to violence" often may include activity which itself is nonviolent but which nevertheless is deemed by Israel as involving participation in a conspiracy leading to violent acts.

District military commanders may order administrative detention without formal charges. An order for detention or renewal of detention may be appealed to 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. Nonsecret evidence may be challenged directly. Rulings by military judges may be reviewed by the High Court, which also may see the secret evidence. According to the IDF, approximately 30 percent of the detention orders appealed in 1991 were reduced or reversed on appeal.

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. In the view of the United States, the transfer of prisoners from the occupied territories to Israel contravenes Article 76 of the Fourth Geneva Convention.

Family visits to Megiddo Prison were suspended during the Gulf conflict and resumed in late September 1991. Family visits to Ketziot Prison began in November 1991.

Any soldier may arrest without warrant a Palestinian who has committed, or is suspected of having committed, a criminal or security offense. Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a statement of charges (although these opportunities are sometimes delayed). Bail is rarely available to those arrested 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 warrant may be issued by a police officer for 7 days and may be extended by a police inspector for an additional 7 days if the investigation warrants extension. For extensions beyond 18 days from the date of arrest, the detainee has to be brought before a military judge, where he is entitled to defense counsel. A military judge may extend the detention for a period of no longer than 6 months from the date of arrest. If there is an indictment during this period, a judge may order indefinite detention until the end of the trial; if not, the detainee must be released.

A detainee has the right to see a lawyer as soon as possible. However, in the cases of security detainees, an officer may issue a written order to delay access to counsel for no longer than 15 days for reasons of security or the efficiency of investigation. Senior officials or judges may extend this period up to 75 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 permit prisoners to be held in isolation from family and from other detainees during interrogation.

Israeli authorities claim that they attempt to post notification within 48 hours; Palestinians assert that families and lawyers are normally notified much later and often 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. A military judge may delay notification of arrest to immediate family members, attorneys, and consular officials under the law for up to 12 days. A military commander may appeal to a judge to extend this period in security cases for an unlimited time.

#### 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. Articles 64 and 66 of the Fourth Geneva Convention govern security offenses that may be tried in military courts. Security offenses are broadly defined by Israel and may include charges of political activity that itself may be nonviolent but which is deemed to involve participation in a conspiracy leading to violent acts. Serious charges are tried before three-judge panels, and defendants are entitled to appeal the judgements of such courts as a matter of right. Charges are brought by military prosecutors, and suspects are entitled to counsel. Lesser offenses are tried before single-judge courts, and the court of military appeals may hear appeals of decisions by those 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 in some cases require court permission. As of December, the military appeals court had heard 563 appeals, about three-fifths of which were accepted. "Acceptance" of an appeal can mean anything from a complete reversal of the prior decision to alteration of the punishment, including either reducing or lengthening the sentence.

The military justice system has opened new courts and added additional judges. Trials are delayed for several reasons: witnesses do not appear; the defendant is not brought to court; files are lost; or attorneys fail to appear. Human rights groups cite these delays as an additional source of pressure on defendants.



to plead guilty in order to avoid serving a period of pretrial detention which could exceed the sentence likely to result from plea bargaining. The IDF reported that the total numbers of prisoners declined during 1991. In December Israeli authorities reported that there were 11,344 Palestinians in military detention centers and regular prisons. Of those, approximately 60 percent had completed their trials and were serving sentences, a higher percentage than in 1990.

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 a few days.

Most military trials are public, although access is controlled and in some cases limited. Consular officers are allowed to attend military court proceedings involving foreign citizens, but there have been delays in gaining admission. Acquittals are very rare in security cases, with about 96 percent of defendants being convicted of the original security charge. Most convictions in military courts are based on confessions. Physical and psychological pressures and reduced sentences for those who confess contribute to the likelihood that security detainees will sign confessions. Confessions are usually recorded in Hebrew, which many defendants cannot read. Israeli authorities state that confessions are made by and repeated to the defendant in Arabic, although they are written down in Hebrew because Israel court personnel often can speak Arabic without being able to write it.

Israeli settlers in the occupied territories accused of security and ordinary criminal offenses are tried in the nearest Israeli district court under Israeli law. These courts are presided over by civilian judges. Procedure 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 crimes against either Israelis or other Palestinians.

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

Military authorities in the occupied territories may enter Palestinian homes and institutions without a warrant in pursuit of security objectives. However, authorization by an officer of the rank of lieutenant colonel is required prior to entry. Forced entries are used in IDF operations and are sometimes accompanied by beatings and destruction of property. Israeli authorities state that forced entry may lawfully occur only incident to arrest when entry is resisted and that limited force may be used only to subdue or restrain those resisting entry or arrest. Arbitrary beatings and destruction of property during searches are punishable violations of Israeli military regulations, and compensation is due to victims in such cases.

Human rights organizations report that such violations often go unpunished. Israeli officials state that over \$225,000 in compensation has been paid in 18 cases.

According to press reports, security authorities demolished 55 houses and sealed 62 for security reasons in 1991, compared to 94 demolished and 87 sealed in 1990. Israeli authorities report 43 demolitions and 58 sealings in 1991. Security forces assert the right to confiscate and then to demolish or seal all or part of the house of a suspect, whether he is the owner or only a tenant, and to do so before a suspect is brought to trial. The final decision to seal or demolish all or part of a house is made by a number of high-level Israeli officials, including the Coordinator of the Civil Administration. 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. 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 High Court of Justice. According to Israeli authorities, almost all demolition orders in 1991 were appealed. Of these, 20 percent in Gaza and about 15 percent in the West Bank were changed, most to sealings. The High Court overturned one demolition order in the occupied territories in 1991.

While Palestinians say that owners of properties that are demolished or sealed are not allowed to rebuild on the same property, Israeli authorities assert there is a formal procedure whereby owners may apply to regional military commanders for permits to rebuild or unseal and that there are a few cases where owners have received relief in this manner. They acknowledge that the process is difficult and complex, because individuals must first regain possession of the confiscated land. The United States believes that the demolition or sealing of a home as punishment of families contravenes the Fourth Geneva Convention. This

type of house demolition or sealing is enforced only against Arab residents in the occupied territories.

Mail and telephone conversations are sometimes monitored. Telephone service to specific areas is sometimes interrupted by the authorities.

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

Casualties attributed to security forces' use of standard, rubber, and plastic ammunition declined in 1991, following the general decline in large-scale demonstrations and the sharp reduction of IDF patrols in Palestinian villages and towns, designed to avoid incidental confrontations with Palestinians. IDF regulations permit the use of standard ammunition only when (1) soldiers' lives are in imminent mortal danger, or (2) when a soldier is detaining a person suspected of a dangerous crime and the suspect attempts to escape after having been duly cautioned in various ways. Only a specific attacker may be fired on, except when facing immediate danger; fire is to be directed at the legs only; and fire may be directed at a fleeing suspect only if a serious felony is suspected, and as a last resort. Soldiers may fire at any fleeing masked person, but may fire standard ammunition only after exhausting other methods such as tear gas, rubber bullets, and warning shots.

Estimates of the number of casualties from violence in the occupied territories vary, but almost all categories of violence declined substantially during 1991. Figures compiled from press, Palestinian sources, and international organizations indicate that a total of 97 Palestinians were killed by security forces in 1991 (78 according to the Israeli Government), compared to 140 in 1990; 4 Palestinians were killed by Israeli civilians, compared to 10 in 1990; and 140 were killed by other Palestinians (183 according to the Israeli Government), compared to 165 in 1990. Estimates from the same sources of the numbers of Palestinians wounded by security forces varies from 841 (1,475 according to the Israeli Government), to over 5,000. Israeli authorities state that during this period 404 Palestinians were injured by other Palestinians. Government sources also report that 1 soldier and 6 Israeli civilians were killed, and 685 soldiers and policemen and 238 Israeli civilians were injured by Palestinians. Press reports indicate that 12 Israeli civilians were killed and 220 were wounded by Palestinians in 1991.

Charges of beatings and physical abuse by Israeli security forces were again made in 1991, but according to the IDF the number of complaints of such incidents declined in compared to the previous year.

The IDF says that it automatically investigates every fatality in the occupied territories. Nonlethal violent incidents are not routinely investigated unless a complaint is made.

Investigations into lethal incidents are lengthy. Human rights organizations state that the IDF does not make sufficient effort to obtain testimony of Palestinian witnesses; IDF officials say that Palestinians usually refuse to cooperate with investigations. According to the IDF, during 1991 three soldiers were tried in military tribunals for causing the death of Palestinians. One was convicted, the indictment of another was rescinded, and the trial of a third was ongoing as of the end of the year.

Human rights groups state that many investigations into killings did not result in disciplinary action, and when disciplinary actions, either administrative or judicial, were brought, punishments were lenient. For example, an IDF colonel convicted in April of giving illegal orders in 1988 to beat Palestinians was demoted to private but not given any prison sentence. In February two General Security Services officers were sentenced to 6 months in prison after being convicted of negligence and reckless indifference to human life for the beating death in 1989 of a Gazan under their interrogation.

On a number of occasions Israeli security forces forcibly removed from hospitals Palestinian suspects undergoing medical examination or treatment. Israeli authorities state that suspects are only removed from medical facilities when a physician has determined that the patient's medical condition permits him to be moved. Authorities also note that suspects often seek sanctuary in medical facilities, even when they are not ill or injured but are simply fleeing arrest.

Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

East Jerusalem is an active center of Arabic publication, including newspapers. No newspapers are published in the West Bank or Gaza, although Jerusalem papers are distributed there. Israeli authorities impose restrictions on the Arabic press, citing broadly defined security reasons.

Publications in East Jerusalem must submit to military authorities for prior censorship all copy relating to the security, public order, and safety of Israel and the occupied territories. Some 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 Israeli press, were routinely censored from the Arabic press.

The display of Palestinian political symbols, such as flags, national colors, and graffiti is prohibited in the occupied territories and is punishable by stiff fines (usually \$150 to \$300 for graffiti) or imprisonment. Palestinians are often required to erase graffiti found by security forces regardless of whether they are responsible for it. Public expression of support for the Palestinian Liberation Organization (PLO), its component factions, Muslim extremist groups (such as Hamas), and other banned organizations is officially prohibited.

No broadcast media originate from the occupied territories, and authorities have jammed inflammatory radio broadcasts from neighboring countries. Palestinian press offices have been censored and restricted on security grounds, and in a number of instances have been closed by Israeli authorities.

At least 18 Palestinian journalists were arrested or detained in 1991 by Israeli authorities on security charges, such as filming in a closed military area. Numerous other journalists were interrogated, press offices were reportedly raided, and occasionally telephones were cut off on security grounds.

A permit is required to import publications into the occupied territories. Imported materials are censored or banned for anti-Semitic or anti-Israeli content, support for the intifada or Palestinian nationalism, or when deemed a threat to security. Possession of banned materials, such as uprising leaflets, is punishable by fine and imprisonment. The IDF periodically designated locales as closed military areas. One significant effect of such action is to exclude journalists not under military escort. Reports by foreign journalists are subject to censorship under a system of self-regulation.

Of the four West Bank and Gaza universities remaining closed at the beginning of 1991, three were permitted to reopen during the year, Hebron and Al-Najah in August and Gaza Islamic University in September.

Secondary and elementary school closings in the 1990-91 academic year varied greatly from region to region, but on the average schools lost about 40 percent of the days scheduled in a normal year, even though the school year was extended 1 month to June 30. Strike days called by the "United National Leadership of the Uprising" (UNLU) or local activists accounted for a substantial number of school days lost, in addition to the 24-hour curfew imposed on all Palestinians in the occupied territories from January 16 to February 19. (Elementary grades were allowed to resume classes on February 19, while the remaining grades were allowed to return in stages over the next 4 weeks.) Israeli authorities continued to close individual schools for short periods, citing security problems emanating from the schools.

#### 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 are banned, including some labor unions viewed as being affiliated with banned organizations such as Hamas or the PLO. Private organizations officially must be registered, though some operate without licenses or interference from Israeli authorities.

Palestinian charitable, community, professional, and self-help organizations were permitted to operate unless their activities were viewed as overtly political or supporting the uprising.

#### c. Freedom of Religion

Freedom of religion is respected in the occupied territories. 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 (although religious schools were subject to the same extended closure as other schools in the occupied territories). Religious publications circulate, subject to the laws for publications detailed in Section 2.a.

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

New security measures adopted in 1991 at the conclusion of the Gulf War seriously hindered Palestinian travel within the occupied territories. In the spring, the authorities required that any Palestinian wishing to enter Israel or Jerusalem obtain a special permit issued by the Civil Administration. Palestinians found in Israel or Jerusalem without such a permit were subject to a fine (usually about \$160) or arrest. Because most main roads in the West Bank pass through Jerusalem, the new permit system effectively divided the West Bank into two parts, with the result that Palestinians from the north could not easily travel to the south, and vice versa, unless they qualified for a travel permit. In addition, Gazans could travel to East Jerusalem and the West Bank only with such a permit. Persons not found eligible to receive permits were adversely affected if they wanted to visit or transit East Jerusalem for religious observances, medical care, or to attend institutions of higher education. Israeli authorities state that while 17,010 special identity cards that prevented access to Israel and Jerusalem were issued in the West Bank in 1991, only 9,078 remained valid at the end of the year. Seventy-two restricted identity cards remained valid for Palestinian residents in Gaza, which authorities expected shortly to exchange for regular identity documents.

Israeli authorities continued to impose frequent curfews and military closures as security controls in 1991. In July the Government announced that in the future only the head of the Civil Administration could authorize curfews of over a few hours' duration.

Citing security concerns linked to Palestinian expressions of support for Iraq in the Gulf War and attacks in Israel by Palestinians from the occupied territories, Israel imposed a 24-hour curfew over the Palestinian population of the West Bank and Gaza from January 16 to February 25. Israeli settlers and settlements in these areas were not included in this curfew but were subjected to the far less rigorous travel restrictions imposed on the Israelis in Israel. While Israeli authorities lifted the curfew every few days for a few hours so that the population could shop for food and other essentials, transportation problems caused periodic food shortages in many areas. Almost all Palestinian educational, commercial, industrial, and agricultural activities ceased during the curfew.

The authorities issued curfew passes for key medical personnel and ambulances, but some Palestinians said they could not leave their residences to apply for these passes. A major Palestinian hospital reported a more than 50-percent decline in the number of women admitted for childbirth during the war.

Another major curfew was imposed December 1-15 on some 100,000 Palestinians in the Ramallah area following the shooting death of an Israeli settler. Authorities lifted the 24-hour curfew for a few hours on several days to allow residents to buy food. On December 15, the authorities replaced the 24-hour curfew with a nighttime (5 p.m. to 4 a.m.) curfew on the major urban centers and declared 150 meters on either side of the roads outside built-up areas to be closed military zones at night. Neither the 24-hour curfew nor the other restrictions were applied to Israeli settlers, who roamed freely in Ramallah and other Arab towns during the period. Israeli authorities state that the curfew and other restrictions were pursuant to their attempts to apprehend the murderers of the settler and were necessary to prevent further violence. Human rights groups assert that the curfew was excessive and constituted collective punishment.

Thousands of Palestinians in the occupied territories travel abroad each year. Citing security concerns, Israel has imposed travel restrictions on some political activists. In addition, Palestinian men between the ages of 16 and 35 who cross the bridge to Jordan generally must remain out of the occupied territories at least 9 months. All Palestinians need exit permits, which require several clearances (including an annual certification of payment of all tax liabilities), in order to travel outside the occupied territories. In August authorities announced changes in bridge-crossing procedures that could make such travel easier. Palestinians have been told that they may obtain bridge-crossing permits from local post offices rather than

having to obtain them from the Civil Administration. In addition, authorities announced that they would reduce the extent of searches conducted on Palestinians crossing the bridge.

There are no obstacles to emigration, except the fear of losing residence permits. Israel sometimes refuses to renew the 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 residence elsewhere or who remain outside the occupied territories for over 3 years are often not permitted to resume residence in the territories. They are permitted to return only as tourists and sometimes are denied entry entirely. Enforcement of the 3-month limit for tourist visas for Palestinians is uneven. Permanent residency permits are usually denied to foreign-born spouses and children born in the occupied territories of nonresident mothers, although they are allowed to reside as temporary residents with renewable permits.

Most Palestinians who were abroad during the 1967 war, or who have lost their residence permits for other reasons, are not generally permitted to return to reside permanently with their families. Israeli officials acknowledge that family reunification is limited for demographic, political, and economic reasons. According to Israeli authorities, in 1991 some 635 family reunification applications were approved for Palestinians to reside in the West Bank and Gaza, and 119 were rejected. Human rights groups and local attorneys report that there are thousands of outstanding applications from prior years which have received no reply from the Israeli authorities. Adjudication of these applications is at the discretion of the CIVAD. Israeli authorities assert that the laws of occupation do not require Israel to permit the return of former Palestinian residents who were abroad in 1967 or who have lost their residency status by protracted absence and relocation of domicile, even if they were born in the territories. In mid-year, Israeli authorities announced that they would accept applications from Palestinians seeking permanent residence if the applicants were able and prepared to make sizable investments in the occupied territories. Restrictions on residence, tourist visas, reentry, and family reunification apply only to Palestinians resident in the occupied territories.

Israeli authorities agreed in June 1990 to allow foreign-born wives and minor children of West Bank residents, who had entered prior to that date, to remain in the West Bank as permanent visitors. (The agreement does not apply to Gaza.)

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

The West Bank and Gaza are ruled under occupation by Israel's Ministry of Defense through a military government and civil administration. Israel does not permit Palestinians to participate in policy decisions concerning land and resource use and planning, taxation, trade, industry, and many other governmental functions. Some Israeli-appointed Palestinian mayors have resigned or stopped working because of the uprising and threats or intimidation by other Palestinians.

Those Palestinian municipalities which have approved town plans are usually allowed to issue building permits within their boundaries. Municipal elections were last held in 1976 in the West Bank, and most mayors elected then were later dismissed or, in some cases, deported on security grounds. Municipal elections have not been held in Gaza since 1946, as they were not permitted by Egyptian as well as Israeli occupation authorities. Palestinians appointed by Israel have filled most vacancies. Some appointed mayors have resigned or stopped working because of the uprising and, in some cases, threats from other Palestinians. East Jerusalem is governed as part of Israel. Arab residents of East Jerusalem are permitted to vote in municipal elections but have largely boycotted them. Accordingly, no Arab resident of East Jerusalem now sits on the city council. In the last municipal election (in 1989), less than 5 percent of Jerusalem's Arab population voted.

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

Israel normally permits international human rights groups to visit the occupied territories. Israel actively cooperates with a number of such organizations, and officials are generally available for meetings on human rights issues. However, some organizations complain that Israel's responses are inadequate, that not all

inquiries receive answers, or that some requests for meetings with officials or access to detention facilities are denied. Many local groups--Israeli, Palestinian, and mixed--are concerned with human rights. Their publications and statements are generally allowed to circulate in the occupied territories as well as to be sent abroad. They are allowed to hold press conferences. During the month-long curfew on Palestinians implemented by Israel during the Gulf War, human rights field workers were denied access to the West Bank and Gaza.

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

Israeli law has been extended to cover most activities of Israeli settlers who live in the occupied territories, while Palestinians live under military occupation law. Under the dual system of governance applied to Palestinians and Israelis, Palestinians--both Muslim and Christian--are treated less favorably than Israeli settlers on a broad range of issues, including equality before the law, the right to residence, freedom of movement, sale of crops and goods, land and water use, and access to health and social services. Israeli settlers involved in security violations have been treated far more leniently than Palestinians guilty of similar offenses. Offenses against Israelis are investigated and prosecuted more vigorously than offenses against Palestinians, in part due to less cooperation from Palestinian witnesses. Israeli agriculture and manufacturing are protected against Palestinian competition from the territories, whereas all markets in the territories are in principle open to Israelis, subject to extensive Palestinian boycotts.

Prior to the Gulf War crisis, Israel distributed gas masks within Israel but not to nearby West Bank and Gaza residents. Israeli settlers in the occupied territories received masks after a protest and, on the eve of the war and in response to a petition, the Israeli High Court ordered the authorities to distribute masks to the Palestinian population, terming the failure to do so "gross discrimination." Israeli authorities acknowledge they were unprepared and state that gas masks were provided to Palestinian prisoners jailed in Israel in those areas deemed by the Government to be potential areas for attack.

#### Section 6 Worker Rights

The applicable sections for West Bank and Gaza Palestinians working in Israel are contained in the country 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 the formation of unions by a group of 20 or more persons from the same trade or workplace, with prior government authorization. Two requests to register new labor unions were filed in the West Bank in 1991; one for the Union of Driving School Teachers and one for the Union of Hebron Municipal Employees. The former was approved, while the latter was rejected, Israeli authorities state, because the local laws in the West Bank do not allow municipal employees to unionize. In 1991, 32 registered unions were operating in the West Bank, in addition to approximately 100 unregistered unions.

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. Since 1979, unions have been permitted to operate under strictly enforced restrictions that, among other things, prevent elections of new union leaders and the opening of branch offices. As a result, only the six unions that existed in Gaza in 1967 operate, out of one office in Gaza City. All six Gaza unions held elections in 1991. No new unions were formed in Gaza in 1991, and no requests to organize were made to Israeli authorities.

Palestinian residents of East Jerusalem are governed by the same law as workers in Israel and are free to establish their own labor unions. 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 both to local unions, some of which are affiliated with a West Bank federation, and to the Israeli Histadrut labor federation.



Israeli authorities, citing security concerns, actively discourage many activities by unions in the West Bank and Gaza. The authorities assert that the West Bank umbrella federations and many individual unions are fronts for illegal political organizations rather than trade unions. Measures taken against trade unions include arrests, administrative detention, searches of trade union premises, and confiscation of union property, according to the 1991 report of the International Labor Organization (ILO) Director General.

Israeli authorities state they do not know of any searches of union offices in the occupied territories in 1991 and that they do not interfere with legitimate union activities. The ILO report states that various organizations, including the ILO, the International Confederation of Free Trade Unions, and the human rights organization Al-Haq, have intervened in cases involving the arrest and detentions of union members or raids on union premises and property confiscation. However, the report says, Israeli authorities have seldom responded to such interventions.

The Government of Israel claims that no legitimate union activities are disrupted and that the actions complained of are intended to prevent illicit political and terrorist activity. The ILO Director General's report, however, complains that Israeli officials usually do not substantiate these claims with concrete, corroborative information, leading it to conclude that in a majority of cases the measures taken by military authorities are excessive and unwarranted.

More than 100,000 West Bank Palestinians, representing a range of blue-collar and white-collar professionals, were members of over 130 trade unions in 1991. 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-Work 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 do not have official contact 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 for approval 30 days before elections. The order authorizes the CIVAD to remove from the lists candidates who have been convicted of a felony, including those sentenced for security-related offenses. The CIVAD has said it will enforce this order by disallowing the election of candidates not approved in advance. Because Palestinian unionists fear that the CIVAD will use the order to exclude those candidates who have served in administrative detention, they refuse to adhere to the order and hold elections at the workplace level without the approval of the authorities. The GFTU has petitioned the ICFTU to intervene with the Israeli authorities to allow federation-level elections and to act as an observer at such elections. No authorized federation elections are known to have occurred in 1991, but the six Gaza unions did hold union elections.

There has been no dissolution of unions by administrative or legislative action. Under prevailing labor law, unions have the right to strike only after submitting a complaint to the CIVAD for mandatory arbitration. One legal strike took place this year in Ramallah, which lasted for 2 weeks. Israeli authorities have not interfered with unauthorized strikes called over strictly labor issues. According to Israeli authorities, the unions supported "strike" calls that were made by the "Unified National Leadership of the Uprising" and nationalist or religious movements.

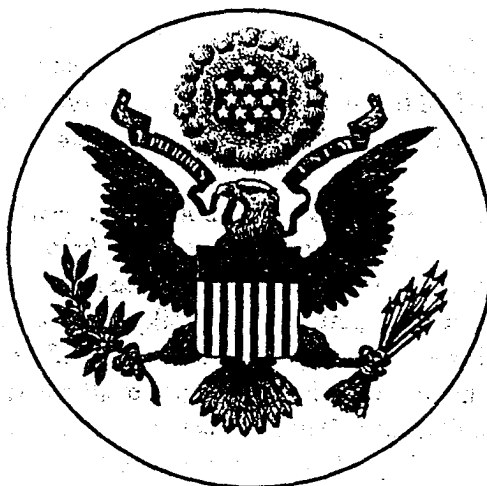
#### b. The Right to Organize and Bargain Collectively

Labor laws applicable in the occupied territories recognize the right to collective bargaining by unions that are recognized. The only legal forum for labor grievances in the West Bank is the CIVAD's military court system. Palestinians view the system as unsympathetic and prefer to use the traditional technique of mediation by community notables.

There are no export processing zones in the occupied territories.

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

*United States Information Service  
American Consulate General  
Jerusalem*



## ***Backgrounder***

State Department Country  
Reports on Human Rights  
Practices for 1991  
Israel and the Occupied Territories

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## OCCUPIED TERRITORIES

Whereas almost all other reports in this volume deal with the relationship between governments and their own citizens, this report concerns the practices of the authorities of one country in the exercise of governmental functions in territories outside that country and under military occupation. The lands known as "the occupied territories" (the West Bank, Gaza Strip, Golan Heights, and East Jerusalem) were occupied by Israel in 1967 and have been under military occupation since then.

Israel is not recognized internationally to have sovereignty over any of the occupied territories, but has asserted sovereignty over and annexed East Jerusalem. The West Bank and Gaza are governed under applicable Jordanian, Egyptian, and British law, as modified by Israeli military orders. Israeli law and administration have been extended to the Golan Heights. The United States considers Israel's occupation to be governed by The Hague Regulations of 1907 and the 1949 Fourth Geneva Convention Relative to the Protection of Civilians in Time of War. Israel does not consider the Convention applicable but states that it observes its humanitarian provisions.

Israel governs the West Bank and Gaza through a military-backed Civilian Administration (CIVAD), which is responsible to the Minister of Defense. There are Arab municipalities with both elected and Israeli-appointed mayors. However, municipal and local elections have not been held since 1976. Palestinian political activity is restricted, and Palestinians do not have the opportunity to participate in significant political or economic decisions in 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, which generally treats them more favorably than Palestinians are treated under military occupation law and administration. Economic policies often discriminate in favor

# Backgrounder

of Israeli interests and Israeli settlers in the territories.

Since 1967 Palestinians have protested, often violently, against Israel's occupation. The "intifada," Palestinian civilian massive unrest characterized by violence followed by severe Israeli countermeasures, erupted in late 1987. It continued in 1991 but at a significantly reduced level. The number of Palestinians killed by Israeli security forces and in intra-Palestinian violence was significantly lower than in 1990. There were also fewer demolitions and sealings of houses and rooms, and the number of administrative detainees at the end of 1991 was less than one-third the number detained at the end of 1990. Nevertheless, the United States remains concerned about human rights abuses resulting from Israeli occupation practices and Palestinian violence.

In 1991, as a result of security concerns prompted by Palestinian support for Iraq during the Gulf war, Israel imposed a 24-hour curfew over the West Bank and Gaza that lasted for over a month. This curfew resulted in economic losses, inability to obtain medical care, and disruptions in the distribution of foodstuffs and other necessities.

In 1991 the Government of Israel announced and began to implement measures intended to reduce some of the restrictions and lighten the burden of occupation on Palestinian residents of the territories. Bridge-crossing formalities were eased, the numbers of permits for new industries increased, and new taxation policies were formulated. By the end of the year, all but one of the occupied territories' six Palestinian universities had been given permission to reopen. In addition, the Government raised to more senior levels the responsibility for approving curfews of over a few hours.

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

### a. Political and Other Extrajudicial Killing

Political and extrajudicial killing are not officially condoned by Israel.

# Background

In 1991 nonuniformed security personnel are known to have killed 27 Palestinians, many of whom were unarmed but were generally either wanted, masked, or fleeing from authorities after writing graffiti. Palestinians and human rights groups claim that many of these individuals were killed without warning or after surrendering or having been subdued. Israeli authorities have acknowledged the operation of special undercover units whose members circulate among Palestinian activists, but insist that such units observe standard rules of engagement, which narrowly define when lethal force may be used by security forces and provide penalties for violations (see Section 1.g. below). Israeli authorities say that they have charged a Colonel who commanded one such unit, as well as soldiers under his command, for failing to adhere to established procedures and that a number of other cases are under investigation.

Palestinian attacks against Israeli soldiers and civilians in the occupied territories in 1991 resulted in 12 deaths and at least 254 injuries, an increase over such attacks in 1990. Israeli civilians killed four Palestinians in 1991.

During 1991, 140 Palestinians were killed by other Palestinians (compared to 165 in 1990), most often because of alleged collaboration with Israeli security services. Other grounds for such killings were alleged crimes against public morality, interfactional political disputes, and private feuds. Many other Palestinians were wounded, and there were frequent threats and acts of intimidation. Some of these attacks and acts of intimidation were carried out under the direction of the covert leadership of the uprising. However, many of the attacks were by individuals or gangs operating autonomously. Some of the victims were village officials and Arab policemen, and some of the victims were armed. The Palestinian press in 1991 published numerous statements of Palestinian leaders condemning such killings.

Israeli authorities prosecute Palestinians accused of murdering other Palestinians as well as of murdering Israelis, and sentences are severe. However, much intra-Palestinian violence

# Background

goes unpunished because of the problems of law enforcement, including the refusal of Palestinians to cooperate with Israeli authorities. The Government also prosecutes Israelis accused of killing Palestinians. Sentences given to Israelis for killing Palestinians are generally much lighter than sentences handed down to Palestinians convicted of killing either Israelis or Palestinians.

## b. Disappearance

There were no confirmed reports of disappearances in 1991.

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

Torture is forbidden by Israeli law, and Israeli authorities say that torture is not authorized or condoned in the occupied territories. Israel Defense Forces (IDF) orders forbid the use of force after the detention of a suspect and the cessation of violent resistance. In 1987 the Landau judicial commission in a secret report specifically condemned "torture" but approved of "moderate physical and psychological pressure" to be used to secure confessions and to obtain information concerning terrorism.

In 1991 international, Israeli, and Palestinian human rights groups published detailed credible reports of torture, abuse, and mistreatment of Palestinian detainees in prisons and detention centers. The practices reportedly included hooding; deprivation of food, sleep, and sanitary facilities; forced standing; confinement in a narrow, small space; slaps, blows and beatings; and threats against the detainee or his family. Most such abuse takes place immediately after arrest and during the first few days of detention and interrogation when detainees are denied access to family members, attorneys, and the International Committee of the Red Cross (ICRC). The ICRC cites this isolation period as an issue of great concern.

Aside from these forms of abuse, a Palestinian human rights organization reported in detail eight credible cases of electric-shock torture in the Hebron military headquarters

# Background

between April and September 1991. Other allegations of the use of electric shock in Hebron, Bethlehem, and Ramallah (possibly involving the same group of interrogators) were under investigation at year's end.

As a result of the reports alleging mistreatment during interrogation noted above, the IDF in 1991 instituted an internal investigation which recommended, among other things, that IDF personnel no longer be involved in interrogating Palestinians. The Ministry of Justice and General Security Services (GSS, also known as Shin Bet) began a second investigation, but the results of their efforts have not been made public. IDF authorities report that, of 16 complaints of mistreatment made against IDF interrogators, 8 were dismissed after investigation, 4 are still under investigation, and the findings in the remaining 4 investigations were forwarded to the military prosecutor for decision.

Most convictions in security cases are based on confessions. An attorney is normally 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. Human rights groups point to this prolonged incommunicado detention of security detainees as contributing to the problem of abuse.

If a detainee claims to the court that his confession was coerced, his trial is stopped, and a "trial within a trial" is held to determine if the allegation of coercion can be substantiated. Israeli and Palestinian attorneys and human rights organizations have said they do not know of any case in which a confession was set aside because the court had determined that coercion had been used. Even if the claim is verified, however, evidence obtained as a result of, or information derived from, the confession may still be used against the defendant. According to Israeli authorities, 90 complaints of violence by IDF personnel in detention facilities were investigated in 1991. The results of those investigations are not available.

## d. Arbitrary Arrest, Detention, or Exile

# Background

In January Israel deported four Gazans alleged to be leaders of Hamas, a fundamentalist Islamic movement. All four withdrew their appeals to the Israeli High Court when they were denied the opportunity to examine secret evidence against them. In May, after an unsuccessful appeal to the High Court, four other Gazans alleged to be senior Fatah leaders were deported. Deportation orders are subject to judicial review; the High Court of Justice has never overturned a deportation order. The United States considers deportations to contravene Article 49 of the Fourth Geneva Convention.

Administrative detention for alleged security reasons without formal charges continued in 1991. The United States opposes the use of administrative detention and believes that individuals accused of crimes should be brought before a court, presented with the evidence, and be allowed to defend themselves against the evidence. Numbers peaked at approximately 1,400 in February (during the Gulf War) and then declined to fewer than 350 in December. 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, but 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.

Administrative detention orders are issued for a maximum of 6 months and are renewable. Each order is subject to judicial scrutiny, with access by the court to all evidence, including secret evidence. Each detention order must also be approved by the Minister of Defense. Secret evidence is not available to the detainee or his attorney. There are no restrictions on the number of times an administrative detention order may be renewed, but at each renewal a new order must be issued which is subjected to at least the same judicial scrutiny as the original order. Israel claims that administrative detention is imposed only for activity that is both dangerous and serious and that it is not imposed for the expression of political views or nonviolent activity. "Conspiracy" or "incitement to

# Background

violence" often may include activity which itself is nonviolent but which nevertheless is deemed by Israel as involving participation in a conspiracy leading to violent acts.

District military commanders may order administrative detention without formal charges. An order for detention or renewal of detention may be appealed to 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.

Nonsecret evidence may be challenged directly. Rulings by military judges may be reviewed by the High Court, which also may see the secret evidence. According to the IDF, approximately 30 percent of the detention orders appealed in 1991 were reduced or reversed on appeal.

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. In the view of the United States, the transfer of prisoners from the occupied territories to Israel contravenes Article 76 of the Fourth Geneva Convention.

Family visits to Megiddo Prison were suspended during the Gulf conflict and resumed in late September 1991. Family visits to Ketziot Prison began in November 1991.

Any soldier may arrest without warrant a Palestinian who has committed, or is suspected of having committed, a criminal or security offense. Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a statement of charges (although these opportunities are sometimes delayed). Bail is rarely available to those arrested 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 warrant may be issued by a police officer for 7 days and may be extended by a police inspector for an additional 7 days if the investigation warrants extension. For extensions beyond 18 days from the date of arrest, the detainee has to be brought before a military judge, where he is entitled to defense.

# Background

counsel. A military judge may extend the detention for a period of no longer than 6 months from the date of arrest. If there is an indictment during this period, a judge may order indefinite detention until the end of the trial; if not, the detainee must be released.

A detainee has the right to see a lawyer as soon as possible. However, in the cases of security detainees, an officer may issue a written order to delay access to counsel for no longer than 15 days for reasons of security or the efficiency of investigation. Senior officials or judges may extend this period up to 75 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 permit prisoners to be held in isolation from family and from other detainees during interrogation.

Israeli authorities claim that they attempt to post notification within 48 hours; Palestinians assert that families and lawyers are normally notified much later and often 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. A military judge may delay notification of arrest to immediate family members, attorneys, and consular officials under the law for up to 12 days. A military commander may appeal to a judge to extend this period in security cases for an unlimited time.

## 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. Articles 64 and 66 of the Fourth Geneva Convention govern security offenses that may be tried in



# Backgrounder

military courts. Security offenses are broadly defined by Israel and may include charges of political activity that itself may be nonviolent but which is deemed to involve participation in a conspiracy leading to violent acts. Serious charges are tried before three-judge panels, and defendants are entitled to appeal the judgments of such courts as a matter of right. Charges are brought by military prosecutors, and suspects are entitled to counsel. Lesser offenses are tried before single-judge courts, and the court of military appeals may hear appeals of decisions by those 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 in some cases require court permission. As of December, the military appeals court had heard 563 appeals, about three-fifths of which were accepted. "Acceptance" of an appeal can mean anything from a complete reversal of the prior decision to alteration of the punishment, including either reducing or lengthening the sentence.

The military justice system has opened new courts and added additional judges. Trials are delayed for several reasons: witnesses do not appear; the defendant is not brought to court; files are lost; or attorneys fail to appear. Human rights groups cite these delays as an additional source of pressure on defendants to plead guilty in order to avoid serving a period of pretrial detention which could exceed the sentence likely to result from plea bargaining. The IDF reported that the total numbers of prisoners declined during 1991. In December Israeli authorities reported that there were 11,344 Palestinians in military detention centers and regular prisons. Of those, approximately 60 percent had completed their trials and were serving sentences, a higher percentage than in 1990.

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 a few days.

Most military trials are public, although access is controlled and in some cases limited. Consular officers are allowed to

# Background

attend military court proceedings involving foreign citizens, but there have been delays in gaining admission. Acquittals are very rare in security cases, with about 96 percent of defendants being convicted of the original security charge. Most convictions in military courts are based on confessions. Physical and psychological pressures and reduced sentences for those who confess contribute to the likelihood that security detainees will sign confessions. Confessions are usually recorded in Hebrew, which many defendants cannot read. Israeli authorities state that confessions are made by and repeated to the defendant in Arabic, although they are written down in Hebrew because Israel court personnel often can speak Arabic without being able to write it.

Israeli settlers in the occupied territories accused of security and ordinary criminal offenses are tried in the nearest Israeli district court under Israeli law. These courts are presided over by civilian judges. Procedure 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 crimes against either Israelis or other Palestinians.

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

Military authorities in the occupied territories may enter Palestinian homes and institutions without a warrant in pursuit of security objectives. However, authorization by an officer of the rank of lieutenant colonel is required prior to entry. Forced entries are used in IDF operations and are sometimes accompanied by beatings and destruction of property. Israeli authorities state that forced entry may lawfully occur only incident to arrest when entry is resisted and that limited force may be used only to subdue or restrain those resisting entry or arrest. Arbitrary beatings and destruction of property during searches are punishable violations of Israeli military regulations, and compensation is due to victims in such cases.

# Background

Human rights organizations report that such violations often go unpunished. Israeli officials state that over \$225,000 in compensation has been paid in 18 cases.

According to press reports, security authorities demolished 55 houses and sealed 62 for security reasons in 1991, compared to 94 demolished and 87 sealed in 1990. Israeli authorities report 43 demolitions and 58 sealings in 1991. Security forces assert the right to confiscate and then to demolish or seal all or part of the house of a suspect, whether he is the owner or only a tenant, and to do so before a suspect is brought to trial. The final decision to seal or demolish all or part of a house is made by a number of high-level Israeli officials, including the Coordinator of the Civil Administration. 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. 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 High Court of Justice. According to Israeli authorities, almost all demolition orders in 1991 were appealed. Of these, 20 percent in Gaza and about 15 percent in the West Bank were changed, most to sealings. The High Court overturned one demolition order in the occupied territories in 1991.

While Palestinians say that owners of properties that are demolished or sealed are not allowed to rebuild on the same property, Israeli authorities assert there is a formal procedure whereby owners may apply to regional military commanders for permits to rebuild or unseal and that there are a few cases where owners have received relief in this manner. They acknowledge that the process is difficult and complex, because individuals must first regain possession of the confiscated land. The United States believes that the demolition or sealing of a home as punishment of families contravenes the Fourth Geneva Convention. This type of house demolition or sealing is enforced only against Arab residents in the occupied territories.

Mail and telephone conversations are sometimes monitored.

# Background

Telephone service to specific areas is sometimes interrupted by the authorities.

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

Casualties attributed to security forces' use of standard, rubber, and plastic ammunition declined in 1991, following the general decline in large-scale demonstrations and the sharp reduction of IDF patrols in Palestinian villages and towns, designed to avoid incidental confrontations with Palestinians. IDF regulations permit the use of standard ammunition only when (1) soldiers' lives are in imminent mortal danger, or (2) when a soldier is detaining a person suspected of a dangerous crime and the suspect attempts to escape after having been duly cautioned in various ways. Only a specific attacker may be fired on, except when facing immediate danger; fire is to be directed at the legs only; and fire may be directed at a fleeing suspect only if a serious felony is suspected, and as a last resort. Soldiers may fire at any fleeing masked person but may fire standard ammunition only after exhausting other methods such as tear gas, rubber bullets, and warning shots.

Estimates of the number of casualties from violence in the occupied territories vary, but almost all categories of violence declined substantially during 1991. Figures compiled from press, Palestinian sources, and international organizations indicate that a total of 97 Palestinians were killed by security forces in 1991 (78 according to the Israeli Government), compared to 140 in 1990; 4 Palestinians were killed by Israeli civilians, compared to 10 in 1990; and 140 were killed by other Palestinians (183 according to the Israeli Government), compared to 165 in 1990. Estimates from the same sources of the numbers of Palestinians wounded by security forces varies from 841 (1,475 according to the Israeli Government), to over 5,000. Israeli authorities state that during this period 404 Palestinians were injured by other Palestinians. Government sources also report that 1 soldier and 6 Israeli civilians were killed, and 685 soldiers and policemen and 238 Israeli civilians were injured by Palestinians. Press reports indicate that 12 Israeli civilians

# Background

were killed and 220 were wounded by Palestinians in 1991.

Charges of beatings and physical abuse by Israeli security forces were again made in 1991, but according to the IDF the number of complaints of such incidents declined compared to the previous year.

The IDF says that it automatically investigates every fatality in the occupied territories. Nonlethal violent incidents are not routinely investigated unless a complaint is made.

Investigations into lethal incidents are lengthy. Human rights organizations state that the IDF does not make sufficient effort to obtain testimony of Palestinian witnesses; IDF officials say that Palestinians usually refuse to cooperate with investigations. According to the IDF, during 1991 three soldiers were tried in military tribunals for causing the death of Palestinians. One was convicted, the indictment of another was rescinded, and the trial of a third was ongoing as of the end of the year.

Human rights groups state that many investigations into killings did not result in disciplinary action, and when disciplinary actions, either administrative or judicial, were brought, punishments were lenient. For example, an IDF colonel convicted in April of giving illegal orders in 1988 to beat Palestinians was demoted to private but not given any prison sentence. In February two General Security Services officers were sentenced to 6 months in prison after being convicted of negligence and reckless indifference to human life for the beating death in 1989 of a Gazan under their interrogation.

On a number of occasions Israeli security forces forcibly removed from hospitals Palestinian suspects undergoing medical examination or treatment. Israeli authorities state that suspects are only removed from medical facilities when a physician has determined that the patient's medical condition permits him to be moved. Authorities also note that suspects often seek sanctuary in medical facilities, even when they are not ill or injured but are simply fleeing arrest.

# Background

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

East Jerusalem is an active center of Arabic publication, including newspapers. No newspapers are published in the West Bank or Gaza, although Jerusalem papers are distributed there. Israeli authorities impose restrictions on the Arabic press, citing broadly defined security reasons.

Publications in East Jerusalem must submit to military authorities for prior censorship all copy relating to the security, public order, and safety of Israel and the occupied territories. Some 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 Israeli press, were routinely censored from the Arabic press.

The display of Palestinian political symbols, such as flags, national colors, and graffiti is prohibited in the occupied territories and is punishable by stiff fines (usually \$150 to \$300 for graffiti) or imprisonment. Palestinians are often required to erase graffiti found by security forces regardless of whether they are responsible for it. Public expression of support for the Palestinian Liberation Organization (PLO), its component factions, Muslim extremist groups (such as Hamas), and other banned organizations is officially prohibited.

No broadcast media originate from the occupied territories, and authorities have jammed inflammatory radio broadcasts from neighboring countries. Palestinian press offices have been censored and restricted on security grounds, and in a number of instances have been closed by Israeli authorities.

At least 18 Palestinian journalists were arrested or detained in 1991 by Israeli authorities on security charges, such as filming in a closed military area. Numerous other journalists were interrogated, press offices were reportedly raided, and occasionally telephones were cut off on security grounds.

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A permit is required to import publications into the occupied territories. Imported materials are censored or banned for anti-Semitic or anti-Israeli content, support for the intifada or Palestinian nationalism, or when deemed a threat to security. Possession of banned materials, such as uprising leaflets, is punishable by fine and imprisonment. The IDF periodically designated locales as closed military areas. One significant effect of such action is to exclude journalists not under military escort. Reports by foreign journalists are subject to censorship under a system of self-regulation.

Of the four West Bank and Gaza universities remaining closed at the beginning of 1991, three were permitted to reopen during the year, Hebron and Al-Najah in August and Gaza Islamic University in September.

Secondary and elementary school closings in the 1990-91 academic year varied greatly from region to region, but on the average schools lost about 40 percent of the days scheduled in a normal year, even though the school year was extended 1 month to June 30. Strike days called by the "United National Leadership of the Uprising" (UNLU) or local activists accounted for a substantial number of school days lost, in addition to the 24-hour curfew imposed on all Palestinians in the occupied territories from January 16 to February 19. (Elementary grades were allowed to resume classes on February 19, while the remaining grades were allowed to return in stages over the next 4 weeks.) Israeli authorities continued to close individual schools for short periods, citing security problems emanating from the schools.

## 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 are banned, including some labor unions viewed as being affiliated with banned organizations such as Hamas or the PLO. Private organizations officially must be registered, though some operate without licenses or interference from Israeli authorities.

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Palestinian charitable, community, professional, and self-help organizations were permitted to operate unless their activities were viewed as overtly political or supporting the uprising.

## **c. Freedom of Religion**

Freedom of religion is respected in the occupied territories. 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 (although religious schools were subject to the same extended closure as other schools in the occupied territories). Religious publications circulate, subject to the laws for publications detailed in Section 2.a.

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

New security measures adopted in 1991 at the conclusion of the Gulf War seriously hindered Palestinian travel within the occupied territories. In the spring, the authorities required that any Palestinian wishing to enter Israel or Jerusalem obtain a special permit issued by the Civil Administration. Palestinians found in Israel or Jerusalem without such a permit were subject to a fine (usually about \$160) or arrest. Because most main roads in the West Bank pass through Jerusalem, the new permit system effectively divided the West Bank into two parts, with the result that Palestinians from the north could not easily travel to the south, and vice versa, unless they qualified for a travel permit. In addition, Gazans could travel to East Jerusalem and the West Bank only with such a permit. Persons not found eligible to receive permits were adversely affected if they wanted to visit or transit East Jerusalem for religious observances, medical care, or to attend institutions of higher education. Israeli authorities state that while 17,010 special identity cards that prevented access to Israel and Jerusalem were issued in the West Bank in 1991, only 9,078 remained valid at the end of the year. Seventy-two restricted identity cards remained valid for Palestinian residents in Gaza, which authorities expected shortly to



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exchange for regular identity documents.

Israeli authorities continued to impose frequent curfews and military closures as security controls in 1991. In July the Government announced that in the future only the head of the Civil Administration could authorize curfews of over a few hours' duration.

Citing security concerns linked to Palestinian expressions of support for Iraq in the Gulf War and attacks in Israel by Palestinians from the occupied territories, Israel imposed a 24-hour curfew over the Palestinian population of the West Bank and Gaza from January 16 to February 25. Israeli settlers and settlements in these areas were not included in this curfew but were subjected to the far less rigorous travel restrictions imposed on Israelis in Israel. While Israeli authorities lifted the curfew every few days for a few hours so that the population could shop for food and other essentials, transportation problems caused periodic food shortages in many areas. Almost all Palestinian educational, commercial, industrial, and agricultural activities ceased during the curfew.

The authorities issued curfew passes for key medical personnel and ambulances, but some Palestinians said they could not leave their residences to apply for these passes. A major Palestinian hospital reported a more than 50-percent decline in the number of women admitted for childbirth during the war.

Another major curfew was imposed December 1-15 on some 100,000 Palestinians in the Ramallah area following the shooting death of an Israeli settler. Authorities lifted the 24-hour curfew for a few hours on several days to allow residents to buy food. On December 15, the authorities replaced the 24-hour curfew with a nighttime (5 p.m. to 4 a.m.) curfew on the major urban centers and declared 150 meters on either side of the roads outside built-up areas to be closed military zones at night. Neither the 24-hour curfew nor the other restrictions were applied to Israeli settlers, who roamed freely in Ramallah and other Arab towns during the period. Israeli authorities state that the curfew and other restrictions were pursuant to

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their attempts to apprehend the murderers of the settler and were necessary to prevent further violence. Human rights groups assert that the curfew was excessive and constituted collective punishment.

Thousands of Palestinians in the occupied territories travel abroad each year. Citing security concerns, Israel has imposed travel restrictions on some political activists. In addition, Palestinian men between the ages of 16 and 35 who cross the bridge to Jordan generally must remain out of the occupied territories at least 9 months. All Palestinians need exit permits, which require several clearances (including an annual certification of payment of all tax liabilities), in order to travel outside the occupied territories. In August authorities announced changes in bridge-crossing procedures that could make such travel easier. Palestinians have been told that they may obtain bridge-crossing permits from local post offices rather than having to obtain them from the Civil Administration. In addition, authorities announced that they would reduce the extent of searches conducted on Palestinians crossing the bridge.

There are no obstacles to emigration, except the fear of losing residence permits. Israel sometimes refuses to renew the 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 residence elsewhere or who remain outside the occupied territories for over 3 years are often not permitted to resume residence in the territories. They are permitted to return only as tourists and sometimes are denied entry entirely. Enforcement of the 3-month limit for tourist visas for Palestinians is uneven. Permanent residency permits are usually denied to foreign-born spouses and children born in the occupied territories of nonresident mothers, although they are allowed to reside as temporary residents with renewable permits.

Most Palestinians who were abroad during the 1967 war, or who

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have lost their residence permits for other reasons, are not generally permitted to return to reside permanently with their families. Israeli officials acknowledge that family reunification is limited for demographic, political, and economic reasons. According to Israeli authorities, in 1991 some 635 family reunification applications were approved for Palestinians to reside in the West Bank and Gaza, and 119 were rejected. Human rights groups and local attorneys report that there are thousands of outstanding applications from prior years which have received no reply from the Israeli authorities. Adjudication of these applications is at the discretion of the CIVAD. Israeli authorities assert that the laws of occupation do not require Israel to permit the return of former Palestinian residents who were abroad in 1967 or who have lost their residency status by protracted absence and relocation of domicile, even if they were born in the territories. In mid-year, Israeli authorities announced that they would accept applications from Palestinians seeking permanent residence if the applicants were able and prepared to make sizable investments in the occupied territories. Restrictions on residence, tourist visas, reentry, and family reunification apply only to Palestinians resident in the occupied territories.

Israeli authorities agreed in June 1990 to allow foreign-born wives and minor children of West Bank residents, who had entered prior to that date, to remain in the West Bank as permanent visitors. (The agreement does not apply to Gaza.)

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

The West Bank and Gaza are ruled under occupation by Israel's Ministry of Defense through a military government and civil administration. Israel does not permit Palestinians to participate in policy decisions concerning land and resource use and planning, taxation, trade, industry, and many other governmental functions. Some Israeli-appointed Palestinian mayors have resigned or stopped working because of the uprising and threats or intimidation by other Palestinians.

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Those Palestinian municipalities which have approved town plans are usually allowed to issue building permits within their boundaries. Municipal elections were last held in 1976 in the West Bank, and most mayors elected then were later dismissed or, in some cases, deported on security grounds. Municipal elections have not been held in Gaza since 1946, as they were not permitted by Egyptian as well as Israeli occupation authorities. Palestinians appointed by Israel have filled most vacancies. Some appointed mayors have resigned or stopped working because of the uprising and, in some cases, threats from other Palestinians. East Jerusalem is governed as part of Israel. Arab residents of East Jerusalem are permitted to vote in municipal elections but have largely boycotted them. Accordingly, no Arab resident of East Jerusalem now sits on the city council. In the last municipal election (in 1989), less than 5 percent of Jerusalem's Arab population voted.

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

Israel normally permits international human rights groups to visit the occupied territories. Israel actively cooperates with a number of such organizations, and officials are generally available for meetings on human rights issues. However, some organizations complain that Israel's responses are inadequate, that not all inquiries receive answers, or that some requests for meetings with officials or access to detention facilities are denied. Many local groups—Israeli, Palestinian, and mixed—are concerned with human rights. Their publications and statements are generally allowed to circulate in the occupied territories as well as to be sent abroad. They are allowed to hold press conferences. During the month-long curfew on Palestinians implemented by Israel during the Gulf War, human rights field workers were denied access to the West Bank and Gaza.

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

Israeli law has been extended to cover most activities of

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Israeli settlers who live in the occupied territories, while Palestinians live under military occupation law. Under the dual system of governance applied to Palestinians and Israelis, Palestinians—both Muslim and Christian—are treated less favorably than Israeli settlers on a broad range of issues, including equality before the law, the right to residence, freedom of movement, sale of crops and goods, land and water use, and access to health and social services. Israeli settlers involved in security violations have been treated far more leniently than Palestinians guilty of similar offenses. Offenses against Israelis are investigated and prosecuted more vigorously than offenses against Palestinians, in part due to less cooperation from Palestinian witnesses. Israeli agriculture and manufacturing are protected against Palestinian competition from the territories, whereas all markets in the territories are in principle open to Israelis, subject to extensive Palestinian boycotts.

Prior to the Gulf War crisis, Israel distributed gas masks within Israel but not to nearby West Bank and Gaza residents. Israeli settlers in the occupied territories received masks after a protest and, on the eve of the war and in response to a petition, the Israeli High Court ordered the authorities to distribute masks to the Palestinian population, terming the failure to do so "gross discrimination." Israeli authorities acknowledge they were unprepared and state that gas masks were provided to Palestinian prisoners jailed in Israel in those areas deemed by the Government to be potential areas for attack.

## Section 6 Worker Rights

The applicable sections for West Bank and Gaza Palestinians working in Israel are contained in the country 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 the formation of unions by any group of 20 or more persons from the

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same trade or workplace, with prior government authorization. Two requests to register new labor unions were filed in the West Bank in 1991; one for the Union of Driving School Teachers and one for the Union of Hebron Municipal Employees. The former was approved, while the latter was rejected, Israeli authorities state, because the local laws in the West Bank do not allow municipal employees to unionize. In 1991, 32 registered unions were operating in the West Bank, in addition to approximately 100 unregistered unions.

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. Since 1979, unions have been permitted to operate under strictly enforced restrictions that, among other things, prevent elections of new union leaders and the opening of branch offices. As a result, only the six unions that existed in Gaza in 1967 operate, out of one office in Gaza City. All six Gaza unions held elections in 1991. No new unions were formed in Gaza in 1991, and no requests to organize were made to Israeli authorities.

Palestinian residents of East Jerusalem are governed by the same law as workers in Israel and are free to establish their own labor unions. 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 both to local unions, some of which are affiliated with a West Bank federation, and to the Israeli Histadrut labor federation.

Israeli authorities, citing security concerns, actively discourage many activities by unions in the West Bank and Gaza. The authorities assert that the West Bank umbrella federations and many individual unions are fronts for illegal political organizations rather than trade unions. Measures taken against trade unions include arrests, administrative detention, searches of trade union premises, and confiscation of union property, according to the 1991 report of the International Labor Organization (ILO) Director General.

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Israeli authorities state they do not know of any searches of union offices in the occupied territories in 1991 and that they do not interfere with legitimate union activities. The ILO report states that various organizations, including the ILO, the International Confederation of Free Trade Unions, and the human rights organization Al-Haq, have intervened in cases involving the arrest and detentions of union members or raids on union premises and property confiscation. However, the report says, Israeli authorities have seldom responded to such interventions.

The Government of Israel claims that no legitimate union activities are disrupted and that the actions complained of are intended to prevent illicit political and terrorist activity. The ILO Director General's report, however, complains that Israeli officials usually do not substantiate these claims with concrete, corroborative information, leading it to conclude that in a majority of cases the measures taken by military authorities are excessive and unwarranted.

More than 100,000 West Bank Palestinians, representing a range of blue-collar and white-collar professionals, were members of over 130 trade unions in 1991. 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-Work 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 do not have official contact 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 for approval 30 days before elections. The order authorizes the CIVAD to remove from the lists candidates who have been convicted of a felony, including those sentenced for security-related offenses. The CIVAD has said it will

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enforce this order by disallowing the election of candidates not approved in advance. Because Palestinian unionists fear that the CIVAD will use the order to exclude those candidates who have served in administrative detention, they refuse to adhere to the order and hold elections at the workplace level without the approval of the authorities. The GFTU has petitioned the ICFTU to intervene with the Israeli authorities to allow federation-level elections and to act as an observer at such elections. No authorized federation elections are known to have occurred in 1991, but the six Gaza unions did hold union elections.

There has been no dissolution of unions by administrative or legislative action. Under prevailing labor law, unions have the right to strike only after submitting a complaint to the CIVAD for mandatory arbitration. One legal strike took place this year in Ramallah, which lasted for 2 weeks. Israeli authorities have not interfered with unauthorized strikes called over strictly labor issues. According to Israeli authorities, the unions supported "strike" calls that were made by the "Unified National Leadership of the Uprising" and nationalist or religious movements.

## b. The Right to Organize and Bargain Collectively

Labor laws applicable in the occupied territories recognize the right to collective bargaining by unions that are recognized. The only legal forum for labor grievances in the West Bank is the CIVAD's military court system. Palestinians view the system as unsympathetic and prefer to use the traditional technique of mediation by community notables.

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