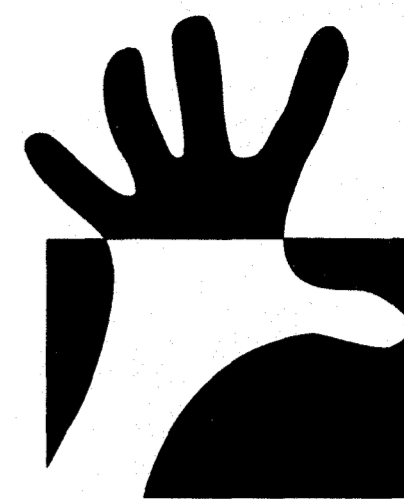


HAMOKED..



Newsletter of HaMoked: Center for the Defence of the Individual

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

HaMoked (formerly called the Hotline) is an Israeli organization founded in 1988 to defend human rights in the occupied territories. In its five years of activity, HaMoked has provided assistance to over 4,000 Palestinian victims of violence, human rights abuses and bureaucratic harassment. HaMoked registers complaints and pursues them through administrative and legal channels until the matter is successfully resolved. In addition to its individual assistance, HaMoked advocates for human rights at the policy level.

Closure of the Occupied Territories

At the end of March 1993, the Israeli government sealed off the West Bank and Gaza Strip, preventing entry of Palestinians into Israel and East Jerusalem. When it became clear that the closure was to continue indefinitely, causing severe hardship for the Palestinian population, HaMoked initiated a meeting between Israeli and Palestinian human rights groups.

The initiative resulted in a joint news conference at one of the two main military checkpoints which blocks West Bank traffic from entering East Jerusalem. Twenty-eight human rights and development organizations signed a joint statement protesting the blocking of access for Palestinians to basic needs and services and the denial of their right to work. The statement noted that a large number of Palestinian medical, educational and religious institutions are located in East Jerusalem,

which is now closed to West Bank and Gaza Palestinians. The closure does not affect the mobility of Israelis, who can travel freely across the Green Line.

In addition to the joint action, HaMoked filed an appeal to the Israeli High Court of Justice on behalf of a Gazan doctor prevented by the closure from traveling to Jerusalem where his wife and daughter live.

As most Palestinians are now unable to reach its East Jerusalem office, the closure makes it extremely difficult for HaMoked to provide its services. Currently, Palestinians need access to a phone or a fax machine in order to receive assistance. HaMoked is investigating measures to continue its activities in spite of the closure, including the use of field workers to meet with people in the territories in need.

Family Reunification Victory Leaves General Situation Unsatisfactory

HaMoked has good reason to be satisfied with the outcome of its multiple appeals to the Israeli High Court of Justice in the matter of "illegal" residents of the occupied territories married to legal residents (reported in Newsletter #4). HaMoked's 350 client families, and thousands of others in similar situations, will now be able to continue living together in their West Bank homes.

Between the end of 1991 and May 1992, HaMoked appealed to the High Court on behalf of 350 Palestinians whose family members were denied legal residency and threatened with expulsion. Wives, husbands and children of legal residents, these people had entered the West Bank on visitors' permits which were now expired. As reported previously, the court granted temporary injunctions preventing their expulsion. Before the cases were heard, the State Attorney agreed to grant six-month renewable residency permits to all people who entered the territories by August 31, 1992. As this covered all its appellants, HaMoked withdrew its 56 appeals.

Spouses and minor children of legal residents who entered before this cut-off date are now allowed to remain in the

territories as long term "visitors," paying over 300 shekels a year to renew their permits. Contrary to previous Israeli policy, the agreement is not limited to wives joining husbands, but applies to non-resident husbands as well. While these families no longer fear expulsion, neither have they been granted family reunification. Israeli policy regarding Palestinian residency remains unchanged: only "exceptional cases" will be granted legal residency, and being a spouse or child of a legal resident is not an exceptional case. According to the State Attorney, denying family members residency in the territories does not disrupt family life, as the family can choose to live together abroad. In the words of a previous High Court ruling, "family reunification is not an automatic right, but a specific compassionate action by the Israeli authorities, based on humanitarian considerations."

A June announcement in the media that the Israeli government would grant 5,000 family reunification requests to Palestinians as a gesture in the current peace process has so far not born fruit. However, in July, the Coordinator of Activities in the territories announced that all those covered under the above

cottinued on next page

agreement were now eligible to apply for permanent residency. Those, however, entering the territories after August 31, 1992, and extended family will still be subject to the above policy which views these cases as "unexceptional".

HaMoked welcomes the solution to the specific problems of those first degree family members who entered the territories before the August 1992 cut-off date, but remains thoroughly dissatisfied with the continuing government policy of denying the overwhelming majority of family reunification requests. Newly married couples, families recently returned (after August 31, 1992) and extended family (such as siblings and elderly parents) are not covered by any agreement and still risk expulsion.

In September 1992, HaMoked initiated a broad cooperative effort of Israeli and Palestinian human rights organizations advocating on behalf of family reunification. In addition to HaMoked, this cooperation consists of Al-Haq, the Association for Civil Rights in Israel, the Alternative Information Center, B'tselem, DCI-Israel, PHRIC (the Palestinian Human Rights Information Center), the Quaker Legal Aid Office and the Women's Human Rights Project.

HaMoked will continue to strive in cooperation with other human rights groups for full official recognition of the basic right of families to live together in the location of their choice.

Expulsion Prevented

HaMoked's rapid response prevented the deportation-in-progress of Hakam Muhammad Ata Abdel-Ghani, a young Palestinian man denied legal residency. Hakam, who was born in Tulkarem in the northern West Bank, left in 1981 at the age of 15. As he had since lost his residency, he returned to the West Bank on March 10, 1993 on a two month visitor's permit. In May 1993, HaMoked requested that his permit be extended in order to process his request for returned residency. This request was refused and Hakam and his father were summoned to the Civil Administration and told that Hakam must exit.

On May 15, Hakam's father informed HaMoked that his son had been picked up by a military jeep and was being expelled. On behalf of HaMoked, attorney Andre Rosenthal appealed to both the Legal Adviser and the State's Attorney in an attempt to delay the expulsion, and when this failed rushed a hastily written appeal to the High Court. The High Court granted an interim injunction preventing the expulsion before the jeep reached the border at the Allenby Bridge. No further action can be taken against Hakam until the High Court hears his case.

1,000 Shekel Cash Deposit Required For Visitors' Permits Cancelled

In May 1993, the Civil Administration in the West Bank published procedures for 1993 summer visitors with a new requirement of a 1,000 shekel cash deposit (to be returned 21 days after the visitor exits) in order to obtain a visitor's permit. Up until now, Palestinian residents had to sign a guarantee for

5,000 shekels collected if the visitor did not leave at the end of the period. HaMoked viewed the new 1,000 shekel cash deposit as an untenable burden that would prevent family visits, and immediately protested to the authorities who promptly cancelled this requirement.

HaMoked Opposed Deportations - December 1992

HaMoked, as well as several other human rights advocates, conducted an all-night legal effort to stop Israel's largest deportation of Palestinians from the territories. This effort succeeded in temporarily delaying the deportation, yet ultimately Israeli human rights advocates were unable to prevent this action.

On the night of December 16, 1992, the Israeli government began the deportation of over 400 Palestinians from the West Bank and Gaza Strip who were suspected of membership in the Hamas and Islamic Jihad organizations.

Despite a blanket press censorship, human rights advocates learned of the deportation-in-progress and appealed to the High Court. At 2:00 a.m. the High Court granted an interim injunction which halted the buses carrying the deportees on Israel's northern border with Lebanon and prevented the military from carrying out this plan in secrecy.

HaMoked's appeal to the High Court was filed by attorney Andre Rosenthal who argued that the deportation was a violation of due process: none of the deportees were formally charged, tried by a court of law, nor found guilty. The deportees were not even notified that they were being deported until after the fact. Furthermore, deportation from occupied territory is a violation of international human rights

conventions, including the Fourth Geneva Convention to which Israel is a signatory.

A special sitting of seven High Court Justices imposed a show-cause order, requiring the government to provide legal justification for its action within 30 days. However, a majority of five Justices lifted the interim injunction, thus allowing the deportation to proceed.

In the month following the deportation, HaMoked participated in several additional High Court appeals regarding various aspects of the deportations. These appeals concerned the welfare of the deportees; the authorities' responsibility to notify the families of the deportees; and the process of appeal.

On January 28, 1993, the court ruled that the collective deportation order was illegal and cannot be used in the future. However, the individual orders remain valid. Thus the High Court did not require the State to return the deportees. Instead each deportee was to be allowed to consult with a lawyer and was granted the right to appeal.

The deportees rejected the process of appeal after the fact and refused to participate in the individual appeals committee. It is clear that a resolution of this issue will come through political channels rather than through legal and human rights efforts.

HaMoked Special Report

Exit Permits for Palestinians Traveling Abroad

During the past five years, hundreds of residents of East Jerusalem and the West Bank who wish to travel abroad have approached HaMoked for assistance after being refused exit. An analysis of HaMoked's 1991 caseload, conducted by a team of volunteers, revealed that some seventy percent of those refused exit were allowed to leave after HaMoked appealed their cases. Often permission was granted only after a considerable delay, resulting in particular hardship for those people wishing to leave for urgent medical treatment, family crises or celebrations, school exams or other time bound reasons.

In its report, which was distributed to government officials, the media and HaMoked supporters, HaMoked also found strong indications that exit permits are denied in order to punish members of a family or residents of a region where people have been charged with security offenses. In a number of cases the authorities have proposed "deals" to applicants: offering permission to travel in exchange for collaboration.

An unpublished directive has required all West Bank and East Jerusalem young men from age 16 to 35 to remain abroad for at least nine months, regardless of their security record. Those wishing to travel for shorter periods have inevitably encountered bureaucratic delays and have often been refused.

HaMoked currently has a petition before the High Court regarding exit permits conditional on spending years abroad. As a result of this petition, the High Court required the State's Attorney to provide HaMoked's attorney with a copy of the sweeping directive requiring young men to remain abroad for nine months. This secret order has now been made public for the first time.

Media reports in June that the directive would be modified and restricted to a maximum age of 25 as part of the ongoing peace talks have proven to be true. The Coordinator of Activities in the territories announced on Israel Radio in Arabic, and later confirmed by letter to HaMoked, that from July 18, 1993 "residents of the areas over the age of 25 will be allowed to go abroad without having to obtain a special permit to return to the areas before the end of nine months."

HaMoked is satisfied that conditions have been eased for this age group, but sees this as only a partial victory, and will continue to demand that all residents of the occupied territories be afforded the basic right of freedom of movement. This includes discontinuation of the practice of requiring young men aged 16-24 to stay abroad at least nine months, and cessation of the pressure to collaborate in exchange for exit permits.

Letter from the Chair

Dear Friends,

Five years have passed since we established the "Hotline for Victims of Violence" under the auspices of Sovlanut. We soon became an autonomous organization and changed our name to reflect our broader goal of protecting the human rights of individual Palestinians: "Hotline for the Defence of the Individual."

Five years - half a decade - of violence and counter-violence: barrages of stones met with plastic bullets, hand grenades and, all too often, live ammunition. The accompanying features of chases, searches, arrests, individual and collective punishments like curfews and closures, as well as the horrors of ever mounting daily loss of life have become routine. Under these circumstances it is hardly surprising that the Hotline (now HaMoked) has become a permanent feature within the human rights community.

During our five years of activity, HaMoked provided assistance to over 4,000 Palestinians. At the policy level, HaMoked's advocacy in cooperation with other groups effected changes in such areas as indiscriminate confiscation of identity cards and detention without notification of families. The nature, scope and pattern of our activities have markedly changed over the five years, as indicated in the accompanying table. In 1992, HaMoked's caseload increased 35% as compared to the two previous years, with an increasing emphasis on administrative violations such as residency issues and travel restrictions. This by no means indicates a decrease in incidents of violence. On the contrary, the pervasiveness and social legitimacy afforded the use of violence makes individual cases extremely difficult to resolve. By contrast, HaMoked's success in redressing administrative violations results in increasing requests for this kind of assistance.

HaMoked has become an increasingly professional operation, resulting in a greater success rate. We now have a highly competent staff, a devoted group of volunteers, and a deeply committed and active Board. This team, together with the generous and ongoing support of numerous funding organizations and individual friends make our work possible. I take this opportunity to thank you all.

I wish to conclude with the fervent hope for an improvement in human rights in our region and movement toward a just and stable peace.

Lotte Salzberger

HaMoked's Five Years of Activity

Years	Type of Complaint (as Percentage of Year's Total)								Total Cases
	Violence	Property Damage	Location of Detainees	Residency Issues	ID Cards	Exit Permits	Entry Permit	Other	
1988 July-Dec	24 %	19 %	29 %	0 %	5 %	5 %	0 %	18 %	373
1989	17 %	11 %	40 %	0 %	8 %	11 %	1 %	12 %	921
1990	10 %	5 %	31 %	1 %	11 %	30 %	3 %	9 %	747
1991	10 %	4 %	21 %	26 %	4 %	22 %	4 %	9 %	748
1992	3 %	2 %	11 %	49 %	1 %	18 %	6 %	10 %	1005
1993 Jan-May	3 %	2 %	31 %	34 %	1 %	17 %	4 %	8 %	420

Organizational News

■ Name Change

The Hotline now uses its Hebrew name HaMoked in English and Arabic as well. This will alleviate the confusion generated by three names in the three languages, as well as contribute to HaMoked's name recognition.

■ New Office

For the past four years HaMoked was located in a small storefront office which, as it expanded its activities, became increasingly inadequate. In May 1993, we moved into a new office which provides increased space for staff, clients and record keeping. The new office at 4 Abu Obeidah Street is 50 yards down the road from the previous office, facing the Hakawati Palestinian National Theater.

■ Changes in the Board

Rachel Wagshal, a nurse by profession, replaced Adi Talmon as HaMoked treasurer. Following the retirement of Nadia Kirboukian, Hillel Cohen and Assaf Oron, three additional members joined the Board: Dr. Adel Man'a of Bir Zeit University, Dan Bitan, Administrative Director of the Truman Institute and Victor Lederfarb, Financial Consultant.

■ New Attorney

In May 1993, a new attorney joined HaMoked. Ms. Taghreed Jahshan, a resident of Jaffa, is a graduate of Haifa and Tel Aviv Universities. An experienced civil rights attorney who has worked for several human rights organizations, Taghreed currently devotes Sundays and Tuesdays to HaMoked.

■ Foundations Supporting HaMoked in 1992 and 1993

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

Contributions to support HaMoked may be sent directly to its Jerusalem bank account: Account number 452939, Branch 638, Bank Mercantile Discount, Salah Eddin Street, East Jerusalem.

In the United States, Canada and Britain, tax exempt donations can be made through the New Israel Fund. Checks should be made out to the New Israel Fund and marked as donor advised to HaMoked. In the U.S.: P.O.Box 91588, Washington DC, 20090-1588; in Canada: 40 Dundas St. W., Suite 231, Box 29, Toronto, Ont. M5G 2C2; in Britain: c/o Vivian Wineman, David Wineman Solicitors, Craven House, 121 Kingsway, London WC2B 6N.

Board of Directors

Dr. Lotte Salzberger - Chairperson
 Rachel Wagshal - Treasurer
 M.K. Naomi Hazan
 Judge Eli Natan
 Tamara Barnea
 Daniela Talmon
 Dan Bitan
 Dr. Adel Man'a
 Victor Lederfarb