

the house of the family of A.T., who had allegedly detonated himself in a suicide bombing. The soldiers came to the house in the dead of night, ordered the inhabitants of this house and the ones adjacent to it to get out, not allowing them to take any of their belongings, and blew up the house of A.T.'s family. The explosion completely destroyed another house, and serious damage was caused to four others nearby: walls were broken and

cracked in a way that made it dangerous to live in the rooms, etc. Animals in the sheds outside were also injured. Two of the house owners contacted HaMoked, which, on their behalf, demanded that the IDF investigate the incident, pay compensation and make sure that such communal punishment does not recur. As of the end of December 2002, HaMoked has received no response.

**(Cases 18002, 22599)**

## Confiscation of ID Cards

Under the military law that is in force in the Territories, there are three reasons for which soldiers may confiscate IDs: to force the ID holder to remove obstacles from the road, to force the holder to remove a symbol or to make sure that the holder shows up at a certain place and time as demanded. The soldiers must return the ID once the obstacle or symbol are removed or provide some identifying certification until the person reports as required.<sup>41</sup> During the summer, dozens of residents of the Territories contacted HaMoked, complaining that IDF soldiers had taken their IDs, did not return them and did not furnish them with any alternative documentation. In some instances, confiscation was a means to get residents to come to the nearest DCO Office and meet with a GSS investigator or with an IDF officer. IDs were confiscated as a penalty for cutting queues at roadblocks, "insulting" soldiers, taking detours around roadblocks, breaking curfew, or for no reason at all. IDs were taken at roadblocks,

during house searches or after being delayed by IDF patrols.

In some cases, residents are instructed to go to some roadblock at a later time, ostensibly in order to get back the confiscated ID, but the ID is not returned. In most cases, the confiscation is arbitrary, and the holder has no way of reclaiming his or her ID. Since the law requires residents to carry IDs at all times, without this residents are at risk of being arrested whenever they leave their house. In several cases, HaMoked's intervention got the authorities to return the taken IDs.

On December 2, four cars with about 20 men, women and children were driving from Jericho back to their homes in the northern part of the West Bank. After they were not allowed through a roadblock, they tried a dirt road, but were stopped by an IDF patrol. The soldiers confiscated the keys of all four cars and the IDs and passports of the

passengers. Later they returned the keys, and instructed the group to go back to Jericho. The group went to the DCO in Jericho, where they were told that their IDs would not be returned before nighttime. One of the women contacted HaMoked, and about two hours later, after HaMoked intervened, the IDs were returned and permits were secured to allow the group to pass through the roadblocks on their way home. **(Case E607)**

Chances of recovering the ID diminish with every day that goes by. In cases when the ID is not returned, HaMoked demands an investigation and insists that the soldiers who had confiscated the ID illegally should be put to trial.

On July 18, Nablus residents A.A. and A.K. were apprehended for two hours by IDF soldiers who were staying at a house that was occupied by the army not far from where the two live. Their IDs were confiscated. Around a week later, A.A. and A.K. contacted HaMoked, which raised the case with the Civil Administration, but the IDs could not

be traced. HaMoked then approached the West Bank legal advisor the Central Command advocate, demanding to investigate the confiscation and return the IDs. As of the date of this report, no response has been received. **(Cases E192, 17945/6)**

In the numerous cases when IDs are not returned to their owners, the latter have no choice but to seek new IDs from the PA, in a long, tedious, and expensive process. Residents applying for a new ID must first inform the police, publish an notice in the press, make a sworn statement in court, submit an application to the Palestinian Ministry of Interior, undergo security checks and get Israel's approval. The procedure takes more than a month and costs about the current equivalent of 20 days of subsistence in the Territories. In addition to individual assistance, HaMoked has contacted the Military Attorney General with a demand to clearly instruct soldiers on the ground about the circumstances in which they are authorized to confiscate IDs, and to make sure that these instructions are enforced. As of the date of this report, no substantive response was received.



Civil

## Legal Action

The policy of the authorities in charge of enforcing the law, which in the case of personal injuries fluctuates between negligent investigation and none at all, rules out any genuine inquiry into the death and injury of thousands of residents.

Israeli courts are thus the only option left for Palestinian residents of the Territories to uncover the truth. The failure of the

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41 Ordinance concerning Security Provisions (Judea and Samaria) (No. 378), 1970, Article 91c.