
Freedom of Movement

- “1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.”** (Article 13)
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“Collective penalties and likewise all measures of intimidation or of terrorism are prohibited” (Article 33, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949))

During the past six months, Israel has intensified its use of collective punishment, leading to the increasing infringement of the rights of Palestinian residents of the West Bank and Gaza Strip to freedom of movement. In the West Bank, the imposition of curfew, in addition to the closure, the roadblocks and the siege, has become more frequent. Curfew, imposed for days and weeks at a time on Palestinian communities invaded by the IDF, has turned the homes of residents to prison cells within the penal colonies that their cities and their villages have become since the beginning of the present Intifada. The Gaza Strip, whose Palestinian residents are imprisoned due to the closure and the annulment of guaranteed passage to the West Bank, has been split in two, and passage between north and south is impossible.

The collective punishment has also been manifested in policies relating to individual permits which West Bank residents need every time they have to leave or enter the area. Since the IDF invasion of the PA territories in the West Bank, the already strict criterion for acquiring exit permits to Jordan and entry permits into Israel have become more draconian. Almost no visitation licenses to the territories and permits for travel between the West Bank and Gaza Strip have been granted since the beginning of the present Intifada, and the provisions for Israeli women married to Gaza residents to remain in Gaza, and visitation by Israeli family members have been frozen. These limitations have led to the almost complete derogation of the right to freedom of movement in the territories and an infringement of other basic rights, such as the right to health and to receive medical care, the right to education, the right to earn a living wage, and the right to freedom of worship.

Curfew

West Bank cities and villages entered by IDF forces during the invasion of PA territories were placed under full curfew until the IDF leaves the area. The situation was particularly grave during Operation Determined Path, when some 800,000 West Bank residents were forbidden from leaving their homes for two weeks. IDF forces have been in the Palestinian cities since the month of June, and the curfew has been lifted in most places for a number of hours every day, but even then leaving one's home is not a sure thing, since sometimes the curfew is reinstated earlier than expected, and residents who were not home at the time are exposed to the danger of being shot by soldiers. Following attacks on Israelis either in the Territories or in Israel the curfew, in most instances, is reinstated for a number of days. The curfew disrupts the course of life in every place it is imposed: women in labor cannot reach hospitals; pupils cannot attend school; workers cannot go to their daily jobs; garbage is not collected from the streets; and food does not reach the pantries. HaMoked's demands of the military to lift the curfew based on the needs of the residents in areas where help was requested received no response.

In 2000, HaMoked dealt with the prolonged curfew on the village of Hawara in the Nablus District. After HaMoked submitted a number of requests to the IDF and threatened to file a petition to the HCJ, the curfew was lifted.¹⁹ During Operation Defensive Shield, the village was under full curfew almost every day. Beginning in May 2002, the curfew was lifted daily for no more than two hours. The village mayor reported to HaMoked the severe infringements of village residents' rights resulting from the curfew: the father and husband of a woman in labor were shot to death while trying to transport her to the hospital; some 2,500 pupils could not attend school with any regularity; and the village stores were unable to run their businesses. HaMoked demanded that the IDF commander in the West Bank lift the curfew or minimize it by increasing the time it was lifted to enable residents to transport the sick, conduct their studies, and run their businesses properly. The West Bank legal advisor is currently being looking into the matter. **(File 15236.2)**

Evacuation of the wounded, the sick, and women in labor to hospitals was very difficult during the IDF invasion of the PA territories. The curfew and the presence of soldiers in the streets led to a freeze on all travel in private vehicles. Ambulances were also not immune to shooting and delay. HaMoked processed 25 requests in this area.

¹⁹ 2000 Annual Narrative Report, HaMoked: Center for the Defense of the Individual, p. 3.

On the afternoon of 13 April, A.A. was shot in the head while standing on the steps of his home in the A'skar refugee camp. He was evacuated to the al-Huda mosque where attempts were made to take him to the hospital. From 17:45, when the request was received by the emergency hotline, until 21:00, it was not possible to evacuate him, despite the many efforts made to coordinate with the Civil Administration. An ambulance, whose arrival was coordinated with the IDF, arrived at 20:10 to the entrance of the camp, but was shot upon by soldiers. Following additional contacts with the army, the ambulance arrived at the mosque at 21:10 and A.A., together with a sick child from the area, were loaded on board. However, the soldiers, who had previously delayed the entrance of the ambulance into the camp, now delayed its exit. HaMoked again appealed to the Civil Administration, and only at 21:50 was the ambulance permitted to continue towards the hospital. **(File e42)**

The siege on West Bank communities has led to a severe shortage of basic foodstuffs, medications and medical equipment. The prolonged curfew made it very difficult to transport humanitarian aid. The emergency hotline coordinated with the Civil Administration the transport through IDF roadblocks of humanitarian aid to besieged communities.

Residents of the Israeli village of Zalafeh, responding to a rumor about lacking equipment, purchased for the al-Dabaj neighborhood in Jenin gloves and masks for handling corpses and ritual burial objects necessary of preparing corpses for burial as required in Islam. For four days, the emergency hotline mediated contact with the Civil Administration in order to enable the passage of the equipment truck. After the arrival of a Palestinian truck was arranged, the equipment was transported to an IDF roadblock from the Israeli truck to the Palestinian truck, and the equipment reached its destination. **(File e52)**

Siege

Already at the end of 2000, the IDF began using siege against Palestinian communities in the occupied territories. The siege is achieved using physical blocks – ditches, cement blocks, piles of earth, and fences – in addition to roadblocks staffed by soldiers and tanks. Sometimes, the IDF acts in violation to its obligation to the HCJ and does not even leave one approach road open to the besieged community. The presence of IDF forces in cities and villages following Operation Determined Path, led to a further deterioration of the situation, since each time the curfew was lifted, the siege was tightened. The damages caused by the siege were even more severe in small communities dependent on larger ones for food supplies and essential services. With no doctor, school, sources of employment or food stores, and with no regular supply of water, the siege paralyzes the course of civilian life.

The al-Mawasi area, home to some 8,500 Palestinians, is a Palestinian enclave in the southern Gaza Strip, surrounded by the lands of the Gush Katif settlements. Since the residents of al-Mawasi are dependent on urban centers in Gaza for medical, financial and educational services, and also socially and culturally, their access to the area was arranged for in the Agreement on the Gaza Strip and the Jericho Area of 1994. On May 12, the IDF imposed a curfew on al-Mawasi. The curfew was lifted a week later, but the siege continued. On 16 May HaMoked received a request for help regarding a group of women, men and children who arrive everyday to the roadblock at the entrance of al-Mawasi in the hope of returning home and working their land, wait their until evening, and are returned to Khan Yunis.

HaMoked appealed to the legal advisor of the Gaza Strip, and subsequently to the State Attorney's Office. HaMoked's intervention led to an easing of travel conditions in the area. Women, youths under age 14 and males over 55, were permitted to leave al-Mawasi. On an individual level, the entrance of some 120 residents was arranged for, including a woman who had just given birth and was unable to reach home, a father of five who works in Khan Yunis and could not transfer his salary to his family there, and a farmer whose crop was in danger of wilting, since his lands had not been irrigated. In addition, HaMoked acted on behalf of some 200 high school students who were scheduled to take their matriculation exams in Khan Yunis. **(File 17845)**

Roadblocks

A Palestinian resident who succeeds in avoiding the punishments of curfew and siege, still cannot avoid the army roadblocks posted across the West Bank and the Gaza Strip. Some are permanent; mostly those at the entrances to Israel and the areas of Jewish settlement, and some are positioned in different places for varying lengths of time – surprise roadblocks. Some are staffed by soldiers, some have tanks posted and some are empty. The roadblocks have infused new meaning in the concept “way,” which is no longer a measure of the physical distance of the road that leads from place to place, but the number of roadblocks

erected along the journey. Each roadblock creates hours-long delays, and exposes Palestinians to severe abuses by soldiers whose decision as to who will or will not pass is ultimately arbitrary. Only in extreme cases are roadblocks perceived by the Israeli public as violations of human rights: when they cause a delay in passage of the sick and women in labor or in cases of indiscriminate shooting at Palestinian vehicles which ends in death. Yet even in these cases, Israel has been unwilling to accept full responsibility for the soldiers' deeds. The few investigations which have been opened were superficial and in most cases, without results. The only way to bring the State to acknowledge the injustice and to lead it to compensate those wronged or injured is by turning to judicial intervention.



Civil

During the night of 14 March 1996, J.H., in her ninth month of pregnancy, felt that she was close to giving birth. Due to her age, a hospital birth was necessary. The nearest hospital to her village of residence was in Hebron, and since the phones in the village had been disconnected and it was not possible to call an ambulance, the couple set out in their neighbor's car. When they reached the entrance to Hebron there was a surprise roadblock manned by soldiers who denied their request to pass, even though the nearby hospital was approximately a five-minute ride away. When J.H.'s water broke, the couple returned to the women's clinic in the village. At the time, the doctor was in Jordan, and a worker in the clinic assisted in the birth. The child was born with no heartbeat and was not breathing. All attempts at resuscitation failed. The military police, which investigated this complaint, did not carry out an in-depth investigation and did not locate the soldiers who had detained J.H. at the roadblock, since no documentation of surprise roadblocks in the area was found. The investigation file was closed, and in March 1999 J.H. and her husband, through HaMoked, sued for compensation for the denial of medical care to J.H. and her baby. In January of this year, the compromise agreement reached between the parties received the status of a ruling, and the couple was awarded an NIS 25,000 compensation payment. **(File 10079)**

Cases of death and injury are just part of the picture of suffering created by the roadblocks. Waiting from morning until night, physical and verbal violence, deflation of tires, collecting "tolls" in the form of cigarette packs and cans of soft drinks, are the daily lot of Palestinian residents.

On 20 March in the afternoon hours, some fifty Palestinians were detained at a roadblock at the entrance to the Tunnels Road between Bethlehem and Jerusalem. They were forced to get out of their cars, their identity cards were confiscated, and they were told that they would be left there until at least morning. The soldiers ridiculed them, humiliated them with "get up / sit down" exercises, and acted violently towards them. An older woman who tried to speak to their hearts was pushed and fell, and at least one young man was beaten. Among those detained were also employees of al-Haq who made contact with HaMoked. Following HaMoked's inquiry with the Civil Administration, and after approximately an hour and a half, an IDF officer arrived at the roadblock and brought the acts of humiliation and beating to an end, returned the identity cards that had been taken and permitted the people to return home. The woman who fell was taken to the hospital. **(File e9)**

Exit Permits

Since the beginning of the occupation, travel abroad for Palestinian residents of the Occupied Territories has been conditioned on approval by IDF commanders in the West Bank and Gaza Strip. This control has often been taken advantage of as a punitive tool or as a tool for pressuring people into collaboration. Many residents who have tried leaving through the Allenby and Rafah border crossings have been returned upon arrival since they have been assigned a no-exit status. All they could do then was to wait, at least for six months, the time allocated by the army for submitting a new exit request, wait several more months for an answer, and hope that this time it would be positive and not conditional upon a meeting with a General Security Services (GSS) agent. In most cases, a negative answer is not substantiated and so, even after many months of uncertainty, the resident remains with no options of appealing the decision that denies his right to exit the territories.

The IDF invasion of the PA territories brought about a change in the number of requests received by HaMoked relating to exit permits, and in the related circumstances. On the one hand, the number of new requests has declined, and those persons whose requests are already being handled by HaMoked and are now due to be again submitted to the authorities have requested to wait until the rage has abated, due, among other things, to a fear that even if their request to leave is approved, it will be hard for them to return. On the other hand, the new requests received have been from residents whose situation requires immediate exit, such as receipt of medical care or fulfillment of the Moslem precept of pilgrimage to Mecca (the Haj).



HCJ

A.H. moved to Jordan in 1972, and from then on returned almost every year to the West Bank. In February, A.H. tried returning to Jordan with two of her eight children, but the authorities denied her passage. For an entire month, A.H. went back and forth between the District Coordinating Office (DCO) in Hebron, where she was told that there was nothing preventing her departure, and the Allenby Bridge, where she was turned back for security reasons. For all of this time, A.H. lived with relatives in Jericho, for lack of a better option. Moreover, her husband, who remained behind in Jordan, suffers from a chronic disease and is dependent on her help. At the beginning of March, her children returned home to Jordan, but she was still unable to cross the bridge. A.H. contacted HaMoked on 3 March and on the same day, her demand to be allowed to return home was dispatched. The army replied that A.H. had a no-exit status, and in order to continue processing the request, she must present medical documents regarding her husband. The medical documents were transmitted, but no answer was received. HaMoked then submitted a request to the State Attorney's Office, but received no answer from there as well. Therefore, on 3 June, HaMoked appealed to the HCJ. On 9 June the IDF allowed A.H. to return to her husband and children in Jordan. (**File 17217**).

Even when delaying exit from the Occupied Territories prevented a woman from receiving medical care that could have saved her life, the authorities were in no hurry to respond, and only the threat of appealing to the HCJ motivated them into action.

A.Q., age 68 from Nablus, suffers from a severe liver infection that could be fatal. There is no medical care for this problem in the Occupied Territories, but such care is available in Jordan. In November 2001, A.Q. went to Jordan, received preliminary care, and was summoned again for treatment in February 2002. When she reached the Allenby Bridge in February, she was told that her exit was prohibited by the GSS despite the fact that she had never been arrested or summoned for interrogation. HaMoked made a request to the authorities on her behalf, and when no response was received, on 19 March contacted the State Attorney's Office. This also did not lead to any progress in A.Q.'s matter. On 31 March, HaMoked informed the State Attorney's Office that it planned to appeal to the HCJ. Within 20 minutes HaMoked received a fax from the West Bank legal advisor's office, permitting A.Q.'s exit once she presented her summons from the hospital, and an affidavit regarding her place of stay in Jordan. The required documents were transmitted within two days, but three more weeks passed until A.Q.'s exit to Jordan was approved. (**File 17207**)

The religious precept of pilgrimage to Mecca (Haj), is one of the most important precepts of Islam. Due to the enormous number of people wishing to fulfill this precept, the Saudi Waqf (in charge of Islamic religious affairs) holds a lottery for those wishing to be eligible. Only those whose name is selected are granted a permit to travel to Mecca, usually after a wait of several years. Residents of the Occupied Territories whose names are selected in the lottery wait an additional period for permission from the IDF, which does not hesitate to violate their right to freedom of worship and to prohibit them from traveling abroad.

Four people who were prevented from leaving the Territories in the past and whose affairs were previously handled by HaMoked were selected in the lottery this year, granting them the possibility of making the pilgrimage to Mecca. Immediately after letters of invitation were received from the Waqf, HaMoked approached the authorities. The response was delayed for approximately one month. When the last possible date for leaving to Mecca approached, HaMoked submitted a request to the State Attorney's Office. The response received granted permission to two of the four applicants. (**File 31250**)

Entry to Gaza

When the Palestinian Authority entered Gaza in 1994, the IDF prohibited the entry of Israeli residents to the PA territories there. The closing of the Gaza Strip led to the cutting off of family, economic and cultural ties between two parts of a single society. Two exceptions to the prohibition, achieved following intervention by HaMoked in 1995, relate to Israelis married to Gaza Strip residents in the framework of the "divided families procedure" and to visits by Israelis to relatives living there.

Divided Families

The prohibition on entry of Israeli residents to the territories of the PA in the Gaza Strip caused great adversity to families in which one member of the couple is Israeli and the second is a Gaza Strip resident. The former is prohibited from residing in Gaza due to the prohibition on entering, and the second is prohibited from entering Israel due to the closure. The goal of the "divided families procedure" was to protect the right of these families to live together. The procedure provides for Israeli spouses and their children to remain in Gaza, through visitation permits that can be renewed once every three months. To renew the permit, the Israeli spouse must go to the Erez checkpoint.

In January, the validity period of visitation permits was reduced to one month, a reduction that placed a heavy burden on the families. In most cases, the Israeli spouse is a woman who has children and babies in her charge, and must make the trip from her home to the Erez checkpoint, placing herself in danger of chancing upon one of the violent incidents that occurs on the Gaza Strip roads. HaMoked placed a request with the legal advisor of the Gaza Strip, demanding that the previous situation be restored – three-month permits – and asked that open-ended visitation permits be issued for Israeli spouses and their children in order to minimize the danger to which they are exposed every time they must travel to the checkpoint.

In April, the IDF completely froze renewal of visitation permits. Women who were in Israel at the time could not return to their husbands and children, and women who were present with their families in Gaza became law-breakers and risked having their requests for permit renewal rejected in the future. Cancellation of the procedure was immediate, and was neither substantiated nor was it instigated by any significant change in the situation in the Gaza Strip. It appears that this act, which constitutes collective punishment and a serious violation of the rights of members of divided families, was an additional attempt to increase pressure on the civilian population. On 16 April HaMoked submitted a request to the State Attorney's Office to reinstate the divided families procedure. On 15 May it was reinstated.

A.D., a 50-year-old resident of Israel, has been married to a Gaza Strip resident since 1967. The couple has 11 children, including two girls who live at home and attend elementary school. Her sister, S.D., also a resident of Israel, married a Gaza Strip resident in 1976 and has 7 children. The two sisters received visitation permits in an orderly fashion once the divided families procedure took effect. On 20 March A.D. and S.D. exited the Gaza Strip to visit their mother in Jerusalem, but following the cancellation of the divided families procedure in April, they were unable to return to their husbands and children. Following efforts by HaMoked to renew the procedure, the sisters returned to their families at the end of May. (File 17763, 17768)

Renewal of the divided families procedure was no remedy for women who remained with their husbands and children during the period that it was frozen. When their permits expired, they were liable to be fined or temporarily deported from the Gaza Strip. Dozens of women caught in this position turned to HaMoked for help. At first, the IDF was unprepared to accommodate the request not to punish these women. Only a second appeal by HaMoked to the Gaza Strip legal advisor yielded a commitment that women who remained in the Gaza Strip and whose permits expired would not be punished and that their permits would be renewed.

W.S., a 47-year-old Jerusalem resident, married a Gaza resident in 1980. Her first request to HaMoked regarding arrangement of a visitor's permit for the Gaza Strip was in 1995. Her permit expired this year when the divided families procedure was annulled. On 15 May, immediately following reinstatement of the procedure, W.S. hurried to the checkpoint to renew her permit, due to a fear that any delay would lead to imposition of a fine or deportation. She was delayed there from the afternoon until ten at night, when it was decided, due to the intervention of HaMoked, to give her a visitor's permit only until 19 May. But at that point W.S. fainted and was taken to Barzilai Hospital in Ashkelon. Upon her release, she was taken to Jerusalem. HaMoked wrote a harsh letter to the IDF demanding that W.S.'s permit be renewed. Five days later, her permit was renewed and she returned to her family. (File 8830)

Family Visitation

From the time that the Gaza Strip was closed to residents of Israel, the State of Israel, taking Islamic custom into consideration, allowed Arab Residents of Israel to enter the Gaza Strip during the holidays. Thus was an opportunity provided for meetings between family members who had not seen one another for a long period, due to the closure and the prohibition on entering Gaza. After the Al Aqsa Intifada broke out, this practice was halted, except for the few hundred Israeli residents permitted entry for E'id al-Fiter in 2000. Following intervention of HaMoked, the conditions forbidding the entry of Israelis during the Moslem holidays were not eased.

As E'id al-Fiter of December 2001 approached, HaMoked made a request to the Israeli authorities to return to earlier times and to instate rules that would ease the situation and would allow Israelis to visit their relatives during the holiday. The response of the Gaza Strip legal advisor was that this year no easing of the conditions would be implemented, and only "... individual requests of a humanitarian nature... would be considered on their merit." The DCO, responsible for issuing visitation permits, interprets "humanitarian nature" in the most narrow way: the request of a person with a first-degree relative who resides in the Gaza Strip and suffers from a serious illness, who can prove this with a medical document not more than two weeks old, or a request to attend the funeral of a first-degree Gazan relative. But even when a request that

complies with these terms was submitted, the granting of a permit was not assured, and only a request to the State Attorney's Office motivated the IDF to answer in the affirmative.

In April 2001, A.B., an Israeli resident born in Gaza, turned to HaMoked, after his request to visit his mother in the Gaza Strip, whose health is failing, was turned down. Following intervention of HaMoked, A.B. was permitted to enter the Gaza Strip. In early February of this year, A.B. again turned to HaMoked, since his mother was scheduled for complicated surgery. The DCO at the Erez checkpoint did not approve the request, even though the visit involved a first-degree relative facing a dangerous medical procedure. HaMoked wrote to the State Attorney's Office and on the day of his mother's surgery, A.B.'s entry was permitted. **(File 15758)**

HaMoked's requests to the State Attorney's Office sometimes even led to the approval of entry permits to Gaza that did not fulfill the strict conditions of "humanitarian nature."

The daughter of the A. family is married to a resident of the Gaza Strip and lives there. When she was scheduled to give birth to her first child, the couple requested HaMoked's assistance in arranging for them to visit her. HaMoked's request led to the approval of their entry and they ultimately visited for a short while both with her and with their eldest granddaughter. With the approach of E'id al-Fiter this year, the couple asked again to visit their daughter and granddaughter. The daughter, who was still nursing, was again pregnant, and the doctor prescribed rest. The request was rejected, since there was no urgent medical matter. HaMoked then submitted a request to the State Attorney's Office, leading to the approval of a visit with their daughter during E'id al-Fiter. **(File 15629)**