

injured. The soldiers did not rush to evacuate him. One of them suggested to him that he run away, but he remained lying on the ground fearing another trap that would give the soldiers the justification to shoot and kill him. Finally, he was evacuated to the Bellinson Hospital, where he underwent an operation, during the course of which one of his kidneys was removed. He remains in hospital until today.

During the initial period of his hospitalization a prevention order was issued by the IDF preventing him from meeting with an attorney. The hearing for the extension of his detention took place partly in the military court and partly in Aldarabi's hospital room in the presence of the judge and a GSS agent, but without the attendance of attorney Pelleg. The GSS initially instructed the hospital staff not to convey any information regarding the state of his medical condition (except to the patient himself). Only after attorney Pelleg's intervention was the order rescinded.

Torture

HaMoked's work in the area of torture (in addition to its handling of specific cases such as the detainees in the Ashkelon prison) continues. The organization's petition to indict the GSS interrogators responsible for the death of Abdal Samad Charizat by means of violent shaking during his interrogation in the Russian Compound Prison in Jerusalem in 1993 remains pending before the Supreme Court. In December, a hearing in the case was held. The court requested additional explanations from the state for the reasons not to criminally indict any of the interrogators, particularly after the Supreme Court decision in 1999, which banned the use of torture.

Al-Khiam Prison

During the first period of this report HaMoked, in cooperation with other Israeli lawyers and a group of French attorneys who had received legal authorization from the detainee's families, continued in their campaign to free the detainees held in the Al Khiam prison in Southern Lebanon by representing them before the authorities in Israel. An additional petition was submitted to the Supreme Court with a further three hearings being convened by the High Court. Attorney Tamar Pelleg traveled to Paris where she met state officials and representatives from human rights organizations. In return, the group of French attorneys later visited Israel holding a press conference in Jerusalem.

As is known, on the 22.5.2000, following the withdrawal of the Israeli Defense Forces from Southern Lebanon, Lebanese citizens took control of a prison that stands as an infamous symbol of oppressive occupation, and released all the prisoners.

Jerusalem Residency

The Al Aqsa Intifada has once again illustrated the centrality of the issue of East Jerusalem in the Israeli-Palestinian conflict. In the political battle, as well as in the negotiations, both sides constantly view East Jerusalem as a primary religious and national symbol. However, away from the negotiating tables there is another East Jerusalem: the East Jerusalem where Palestinian families are forced to live in conditions of severe overcrowding and poverty. Such conditions constitute a heavy price that these families are forced to pay due to Israel's attempts to strengthen its hold on these annexed

territories. The reality of their day-to-day lives continues to be overshadowed by the ongoing Israeli occupation. Israel continues to view East Jerusalem as an integral part of its sovereign territory and not, as it is defined in international law, as occupied territory. As a result Israel, persists with a policy designed at strengthening its control over the annexed areas, while pushing aside the need of its Palestinian residents. To serve these political-demographic goals, the authorities exploit various laws, including zoning and building, social security, residency and citizenship laws and the various budget allotments for infrastructure development, education, culture and public services. The price of these transgressions are paid for by the individual Palestinian families who find themselves in a daily struggle against an obtuse and alienating system, whose original purpose was to serve and assist the population. However, rather than assisting, the authorities act to make these people's lives insufferable. During the last few months of the year 2000, the services provided by the National Insurance Institute (NII) were made inaccessible after its branches in East Jerusalem were closed for prolonged periods of time due to strike actions and work disruptions initiated by the office workers. This action was taken following the killing of security guards in a NII branch in East Jerusalem.

An important development during the year was the cancellation by the Ministry of Interior of its policy of revoking identity documents, a policy that since 1995 had constituted a primary component of the Quiet Deportation. Credit for the achievement can be attributed to the international community that undertook an active profile in protesting against the policy, the dedicated work of human rights organizations, the principled petition submitted by HaMoked to the High Court, the steadfast commitment by the Palestinians and the willingness to listen expressed by the previous Minister of Interior, Mr. Nathan Sharansky. In March 2000, in response to the petition submitted by HaMoked (in partnership with other organizations) against the Quiet Deportation policy, the Minister of Interior at the time, Mr. Sharansky, announced the introduction of a new policy: the Ministry of Interior will no longer revoke the residency rights of East Jerusalem residents who had transferred their "center of life" to the Occupied Territories or abroad, on condition that the validity of their exit card had not expired while they were abroad. With regards to minors, Sharansky stated that a minor's status would be evaluated upon reaching maturity (18), not taking into consideration the period prior to this. A person whose residency status was revoked following the policy change in 1995 would not have this status automatically reinstated; residency status is to be restored after proving to the Ministry at least two years of continuous residency in Israel. Any individual who had acquired permanent residency status or citizenship of a foreign country is excluded from the new policy, and is liable, as before, to revocation of residency status.

In effect the change signaled a return to the pre-1995 policy regarding the revocation of Jerusalem residency rights. The cruel and unfair policy of revoking the residency rights of individuals who were forced to fulfill the numerous and tedious requirements of the Ministry – was annulled. However, the status of these people remains both fragile and vague, far from what is deserving of residents living in their own city. They are constantly exposed to the possibility of further ill treatment at the hands of the Ministry of Interior, a vulnerability that is emphasized with possible political changes that are very likely to influence policies towards the inhabitants of East Jerusalem.

During the year 2000, a slight improvement in the Ministry's handling of the cases of East Jerusalem was noted. The number of clerks receiving cases from the public increased, while certain requests received responses more promptly than in the past. These changes are largely the result of the active and visible profile, both in Israel and abroad, acting against the discriminatory actions of the Ministry of Interior. Any improvements introduced during the course of the year must be viewed within the context of years of humiliation, degradation and mistreatment. Even today, any East Jerusalem resident who wishes to submit a request to the Ministry is required to stand for hours on the street next to the entrance to the office under the full exposure of the sun (or in rain). Furthermore, in order to assure one's place in the line, individuals are forced to arrive hours before the office opens, even well before dawn. The Ministry's clerks also continue with their draconic demands for documentation verifying a person's "center of life" in Jerusalem, often introducing additional requirements based on new procedures. For example, today it is no longer sufficient to present one's health insurance membership card or documentation verifying treatment from a doctor in Jerusalem. Rather, the clerks now demand an updated print out from the medical insurance company certifying the right to receive medical treatment. An individual who is not working (or who is working without a pay-slip and cannot present proof of employment) is forced to submit an affidavit certified by an attorney or by the court. Photostat copies of documents posted by HaMoked need to be notarized as "certified originals", otherwise they will not be accepted. As a result of these and many other requirements, the residents of East Jerusalem are unable to benefit from many of their rights without the costly help of a private attorney or the intervention of an already heavily burdened human rights organization.

At the same time the residents of East Jerusalem continue to suffer from violations of their social rights by the National Insurance Institute (NII). As with the Ministry of Interior, in order for any court decision to be enforced, the intensive intervention of a human rights organization or private attorney is still required. For example, within the framework of a petition submitted to the High Court, it was established that in accordance with the National Health Insurance Law residents may not be removed from the list of recipients without having received prior written notice and before being awarded a hearing in connection with their case. In a number of cases the intervention of HaMoked was required in order to restore individual's medical rights after their coverage was rescinded without the necessary procedures.

In December 2000 there were further developments in the area of children's health. In 1999, HaMoked submitted a principled petition in partnership with Physicians for Human Rights and the Association for Human Rights, to the High Court. The petition focused on the health insurance rights of children who were born to families in which one parent is a resident of Jerusalem and receives medical coverage and the second a non-Jerusalem resident without medical insurance. Previously, a NII investigation would be carried out in these cases during which time the children's health coverage was suspended. As a result, these young infants at a critical stage in their development were left without any basic medical treatment (besides expensive private medical care) for extended periods of time (until the age of one or even more). The NII accepted the position of the human rights organizations that these children, in terms of the National Health Law, are eligible for medical coverage. However, at the same time they established a restrictive and arduous procedure whereby the mother was required to appear in person at a NII branch immediately after the birth in order to fill out relevant forms. The lengthy lines, long

waiting periods, standard of service and level of consideration from the office clerks at the NII does not differ much from that of the Ministry of Interior. Following a hearing in December 2000 the judges of the High Court stated that, in their opinion, there is no reason why the completion of the necessary papers should not be performed at the hospital together with the “Notification of Birth” form.

The nature of the bureaucratic challenges placed before the Palestinian residents by the Israeli authorities are, as always, best illustrated by a number of concrete examples.

N.A. – Return of Residency?

N.A. was married in 1982 to a Palestinian man with Jordanian citizenship. Owing to the policy of the Ministry of Interior at the time of refusing to grant family reunification to East Jerusalem women who married non-Jerusalem residents, N.A. was forced to leave the city and live with her husband in Amman. Throughout the years, N.A. took vigilant care to protect her Jerusalem residency, visiting the city almost every year and always extending the validity of her exit card. In 1997, N.A. divorced her husband and returned to Jerusalem with her children. In order to receive support from the NII as a divorcee, N.A. was required to approach the Ministry of Interior in order to change her personal details in her identity document. The Ministry of Interior however exploited this opportunity in order to confiscate her identity document and inform her that her residency had been revoked since she had moved her center of life to Jordan.

N.A. and her seven children – all without any official status – were forced to live in severely cramped conditions together with other family members in their house in the old city. In total there were 16 individuals living in a 35 square-meter house in conditions of severe poverty. Furthermore, since N.A. had no official status she was unable to receive any social entitlements or medical insurance for herself or her children.

It took the Ministry of Interior no less than six months before it decided to reinstate N.A. with her residency rights, months during which HaMoked was constantly required to supply an assortment of documents and papers. For example the Ministry demanded to be shown school documents for the two-year old baby and explanations as to why two of her children had been held back a year. Later, the Ministry requested confirmation for when the children began receiving medical attention in Jerusalem. A further request was for all copies of documents to be signed by a lawyer as certified copies. Even towards the end the Ministry insisted on receiving all accounts relating to the family’s household expenses since 1996 in order to evaluate if water and electricity consumption had risen after N.A. and her children returned to Jerusalem. All these and other demands were made, even though it was clear to the Ministry based on N.A.’s entrance/exit records exactly when she had returned to the country, and also after she had sent confirmation of her children’s schooling, medical treatments in Jerusalem, declarations regarding their place of residency, a rental contract and household accounts in the family’s name. About two more months were still required after the Ministry’s final demands had been met (the 1996 accounts), before HaMoked finally received confirmation that N.A.’s residency rights had been reinstated in line with the Ministry’s new policy.

With the return of her residency rights it was assumed that her children who did not appear in the Population Registry would now be hastily included. Nevertheless, this was not to be. Even though the registration of the children was approved (except for one

daughter for reasons that remain unclear) the Ministry of Interior now demanded from N.A. a high registration fee. The Ministry insisted that a charge is required to register children who are born outside of Israel. As a result N.A., who suffers from severe poverty was unable to pay the required amount. A request submitted by HaMoked for exemption from the fee is being treated with the customary slow-pace typical of the Ministry of Interior. In the meantime the children remain unregistered, unable to receive any social and medical benefits.

Yassar Abu-Khalaf : Revoking of residency rights and medical insurance

Yassar Abu-Khalaf is a young Jerusalem resident who recently turned 18 years old. More than two-years ago Yassar was diagnosed as suffering from a malignant growth and started receiving medical treatment at Hadassah Ein Keren Hospital. Seven months later the health services suddenly ceased to finance his treatment after the NII decided that Yasser is not an Israeli resident due to his family having moved to Kalandia, just north of the city's jurisdiction, years earlier. As a result, Yassar was left without the vital medical treatment his condition required. HaMoked succeeded in providing some initial relief for him with the assistance of the media; In January 1999, Gidon Levy, a leading journalist for the daily Ha'aretz newspaper, wrote a highly publicized article highlighting Yassar's dilemma. The story gained widespread media attention, encouraging private donors to contribute towards Yasser's medical fees. In reaction, Haddasah Hospital also renewed Yassar's treatment – with part of the costs being covered by the hospital and the remainder by the family. At the same time the Abu-Khalaf family left their home in Kalandia, moving to a house in Issawieh, within the jurisdictional boundaries of Jerusalem. However, all this was to no avail: at the end of January 1999, the Ministry of Interior now intervened mailing a letter in Hebrew to the family stating that as a result of their prolonged stay in Kalandia, their right to permanent residency status in Israel had "expired". The NII refused to even investigate the family's place of residency, in order to reconsider the status of the family's medical coverage.

The decision to revoke the family's residency rights was in contravention to the Ministry's standing policy at the time regarding the Jerusalem periphery area. The policy clearly stated that if a resident continued to preserve an appropriate connection with the city, steps would not be taken to erase them from the Registry. In response, HaMoked submitted an urgent appeal to the Ministry of Interior. After it failed to respond HaMoked then turned to the State Attorney's Office. In conjunction, HaMoked also entered into a series of intensive communications with the NII in the hope that Yasser's medical treatment would be continued. However, the extreme urgency of the case had little impact in accelerating the bureaucratic procedures of the Ministry of Interior, the State Attorney's Office or the NII. Apparently, even a life-threatening situation did not warrant any special treatment. Finally, in July 2000, HaMoked submitted a petition to the Supreme Court on behalf of Abu-Khalaf. It immediately became clear that when the authorities needed to act promptly they were indeed able to do so. Within four days the NII carried out an investigation at the Abu-Khalaf family house in Issawieh, while the family was present. The NII recognized them as residents of Jerusalem and reinstated their medical insurance rights. In the interim, the Ministry of Interior also reissued Yassar with a new identity card.

The Abu Khalaf Supreme Court petition had an additional consequence: the NII formally announced in writing that it would no longer cease the medical treatment of patients suffering from life threatening illnesses for reasons related to residency investigations.

The Afgani Family: Family Reunification, Health Insurance and the NII

The Afgani couple first submitted a request for family reunification in 1994, more than six years ago. Initially the Ministry of Interior, based on various “security” and “criminal” considerations, rejected the reunification request. Following a petition to the Supreme Court both the General Security Services and the police withdrew their objections to granting the request. Nevertheless the application still failed to receive approval as the State Attorney intervened claiming that the couple’s center of life in Jerusalem had not been proven. For the purpose of its investigation, the Ministry requested no less than 79 documents including rental contracts, household accounts and medical and school certificates. Such demands are not unique to this case but rather typify the burden placed on many East Jerusalem residents by the Ministry of Interior. On March 16th 2000 the State Attorney finally approved their family reunification request and agreed to include their children in the Israeli population registry. The real implication of the approval however is that Mr. Afgani is now integrated into a formal graded framework examining family reunification rights, and only in the year 2005, eleven years after the initial request was submitted, will he possibly be awarded with an East Jerusalem identity card.

This did not mark the end of their troubles. Notwithstanding the fact that the State Attorney recognized the family’s “center of life” in Jerusalem or the extensive evidence presented to substantiate the fact, the NII still remained unconvinced. The result of a NII investigation now concluded that the family does not live within the boundaries of the city. Following a review of the inspection material it remained unclear whether the NII investigator had actually arrived at the specific house or had just reached the general Beit Haninah neighborhood. Despite this, the NII refused to organize an additional inspection and in April 2000, no more than a month after they had received their family reunification approval, the couple was now informed that their names had been removed from the health insurance computer files. As a result neither the wife nor her children were entitled to receive state financed medical care. According to a Supreme Court decision however, an individual’s health insurance cannot be cancelled without a hearing or prior warning. Again, no less than an appeal to the State Prosecutor was required before their medical insurance was reinstated.

Residency in the West Bank

The question of residency in the West Bank continues to fall between the cracks of the ongoing diplomatic process. As in the past the granting of family reunifications are limited to annual quotas, or to individuals belonging to what is termed “the first Supreme Court Population” (Supreme Court decision in 1992 following a petition by HaMoked granting the right to receive Palestinian identity documents to all individuals who either resided in, or received permission to enter into, the Occupied Territories during the period from 1989 until the end of 1992). Individuals submitting family reunification requests are required to wait months, sometimes even more than a year, for approval, and this is just for people who are eligible in terms of previous Supreme Court decisions.