

## **Freedom of Movement**

Restrictions on freedom of movement remain one of the central elements of the Israeli occupation. Sanctions have continuously been used against Palestinians involved in political or military activities, such as the issuing of orders preventing their departure abroad. Since 1991, the imposing of closures on the Occupied Territories has constituted a primary source of collective punishment against the population. Closures particularly affect the income of Palestinian workers, through the isolation of various parts of the territories from one another. East Jerusalem is cut off from the remaining parts of the West Bank, the northern area of the West Bank is isolated from the south and all three of these regions remain inaccessible from the Gaza Strip. The closures are especially harmful to Jerusalem, which in the past had been the center of cultural, economic, social and religious activities. The residents of the Gaza Strip are forced to live with the feeling that they are inmates living in a large prison. In 1996, the element of internal closure was added to the format of the general closure whereby individuals were denied the right to leave or enter Palestinian villages or cities. A new version of this has been incorporated by Israel in its attempt to suppress the Al Aqsa Intifada. Area A, consisting of the major urban areas and villages in the West Bank, has been placed under military closures. Physical access to these areas is restricted by the IDF by means of large cement blocks placed across many of the roads. In addition, curfews are imposed on the Palestinian residents for days, sometimes weeks, in order to strengthen the Israeli settlers' sense of security.

### **Huwara Curfew**

On October 5<sup>th</sup> 2000, soon after the outbreak of the Al Aqsa Intifada, a curfew was imposed on the village of Huwara situated along the Ramallah–Nablus Road. The curfew was maintained 24 hours a day and lasted for more than a month. Only during the weekends, between the Sabbath hours when settlers are not driving on the roads, were the restrictions temporarily lifted. The curfew affected every aspect of the residents' lives in the village: the four schools and the kindergarten were closed, as were the villages' three pharmacies, while access to the clinic was permitted on Saturdays only. The harvest of the olive crop, a major source of income for many of the families, was prevented, shops remained closed and the entry of supplies was interrupted. In addition, residents remained exposed to attacks by settlers such as the breaking of windows along the main road, an arson attack on a Mosque and the uprooting and cutting down of hundreds of olive trees.

On November 8<sup>th</sup> 2000, HaMoked wrote to the Military Commander of the IDF forces in the West Bank demanding that the curfew be lifted. The letter noted that the curfew had been intended to secure the safety of Israeli settlers driving through the village from nearby settlements. However, imprisoning one population in order to assure the freedom of movement for another is discriminatory and illegal. HaMoked threatened that should the curfew not be lifted, a petition would be submitted to the Israeli High Court of Justice. A copy of the letter was also sent to the State Attorney's Office.

On November 10<sup>th</sup> 2000, two days after the letter was submitted, the IDF lifted the curfew on Huwara. The military commander's decision was based on a "periodical reevaluation by the IDF established in order to assess the need for a curfew against the damage inflicted on the local population."

## Hebron Curfew

Soon after the start of the Al Aqsa Intifada, the IDF imposed a curfew on the areas of Hebron under Israeli control (H2 zone), effectively confining over 30,000 of its Palestinian residents to house arrest. Children were prevented from attending school and from playing outdoors. Workers were unable to reach their places of employment and the industrial area and factories stood silent. The vital olive crop could not be harvested. Hundreds of private businesses and industries located in the H2 zone were also closed, affecting the entire population and its surroundings. Ambulances were permitted to travel only in critical medical cases, while pregnant women, babies and the chronically ill were forced to go without any medical treatment as clinics and medical facilities remained inaccessible. The curfew continued throughout the month of Ramadan preventing many of the traditional customs associated with this holy time: people were unable to visit gravesites, participate in public prayers in the mosques or partake in the traditional family visits and festive meals during the evenings of Ramadan. Instead, the H2 residents remained enclosed in their overcrowded houses of the old city, forced to pass the time as their frustrations grew, left without income and without knowing what the next day will hold.

As the days passed, the H2 zone remained under curfew with the lives of its residents disrupted beyond normality. HaMoked reacted by sending a letter to the Military Commander of the IDF forces in the West Bank, and the State Attorney's Office, demanding that the curfew be lifted at least during the three days of the Eid al-Fitr festival marking the end of the fast month of Ramadan. HaMoked argued, *inter alia*, that the curfew violated the Military Commander's obligations under international law to ensure the continuation of normal life for all the residents of the area. HaMoked cautioned against imposing the curfew as a form of collective punishment and claimed that a curfew should not be employed as a permanent "solution". The extension of the curfew would only succeed in further harming the residents who had already passed their "breaking point". In response, HaMoked was informed that the imposing of the closure would be periodically reevaluated with no assurance that it would be lifted permanently. On the day the reply was received the curfew was lifted, however two days later it was imposed once again.

On December 25<sup>th</sup> 2000, HaMoked submitted a petition to the Supreme Court, together with a request for an urgent hearing, demanding that the restrictions be lifted at least during the Eid al-Fitr festival, that curfews not be imposed solely for reasons of shooting from Palestinian areas and that Palestinian vehicles not be prevented from traveling in Israeli controlled areas during intervals between curfews. In response, the State submitted an affidavit by the IDF Brigade Commander in Hebron to the Supreme Court describing a "rosy" reality on the ground. According to the affidavit, curfews are imposed for the protection of the population during times of open crossfire, and the restrictions are cancelled within 12 hours of the shooting. The commander also claimed that the curfew was lifted in at least half of the cases where the curfew had been in force (in most cases referring to intervals of a few hours) and that no restrictions were placed on the movement of Palestinian vehicles during periods when the curfew was not in force. The Brigade commander went on to state that he would make a concerted effort to refrain from imposing curfews during festivals. The situation described in the affidavit however did not correspond with the reality witnessed by HaMoked workers who visited the area or with reports received from residents in Hebron. The Supreme Court judges however

rejected HaMoked's petition based on the contents of the affidavit. HaMoked continues to follow up the situation in Hebron to ensure, amongst other reasons, that at least curfews remain within the limitations stated in the Hebron commander's affidavit.

### Departures Abroad

The Oslo Accords stipulate precise regulations for the movement of residents from the Occupied Territories through the border crossings (bridges) into Jordan and Rafah. The apparent intention of the new procedures was to normalize the regulation of departures and to cancel the existing status of the Occupied Territories as 'a closed military zone', with each departure requiring the approval of the commander of the IDF forces. The Oslo Accords also stipulate a specific list of conditions according to which an individual's departure abroad may be prevented: incomplete travel documents, a travel prevention order due to ongoing legal proceedings or suspicion of illegal activities requiring the arrest and investigation of the suspect. Despite these regulations, the IDF in practice continues to view the Occupied Territories as a closed military zone and exploits its hold over the border crossings in order to control the entire population. The legal arguments presented by HaMoked to the High Court are based on the assertion that following the implementation of the accords into law, the status of the Occupied Territories as a 'closed military zone' with regards to departures abroad, is cancelled. This standpoint, however, has yet to be recognized by the Court.

In reality the same practices that have been used for years continue. Many residents from the Occupied Territories continue to be sent back from the border crossings and denied permission to travel abroad. Requests from HaMoked succeed in removing a significant portion of the prevention orders; however, in the majority of cases residents are still prevented from traveling due to 'security considerations' or because of their alleged connection with one of the Islamic parties or banned organizations. The basis for these decisions remains classified, however on more than one occasion it appears that the reason behind the prevention order was either to pressurize the individual into collaborating with the authorities, to serve as a sanctioned punishment, or as a means of showing a resident, "who's the boss".

Based on the experiences of HaMoked, on more than one occasion the General Security Services (GSS) has viewed a request for permission to travel abroad as an opportunity to apply pressure on a resident in order to gain information, to 'recruit' him as a collaborator or to show him their dependence on the local GSS administrator. The GSS also demands meetings between Palestinian residents and GSS agents as a condition for handling some of HaMoked's requests to travel abroad. HaMoked protested against this practice as it acts to exploit the often-urgent need of a person to travel abroad and turns HaMoked, a human rights organization, into a mediator for the Security Services. The protest however had little effect. The GSS described these meetings as an opportunity for the individual to a hearing and to allow the authorities to finalize its security evaluations in borderline cases. The meetings, of course, do not constitute fair hearings. Security materials or evidence held against the person are not shown beforehand and the right to representation by an attorney is also forbidden. The case of R.M., for example, clearly shows the motive behind the meetings. R.M. was awarded the right to a "hearing" in the offices of the GSS in January 2000, which he decided not to attend. In August, HaMoked requested from the authorities to reconsider the order preventing his departure abroad. The response was that the request would not be handled since R.M. did not attend the earlier "hearing".