

HaMoked has still not succeeded in receiving a final decision as to whether the GSS has sufficient information in their hands to again prevent R.M.'s departure or if he is permitted to travel.

An additional concern for HaMoked is the problem of prolonged delays before receiving responses from the authorities. This is in contravention to a longstanding agreement achieved through the Supreme Court whereby the waiting period for replies from the authorities was to be no more than two months. However, in the case of Y.G., a resident from Kalkilia, two years were required before a response was received. Y.G. is a lecturer at the Al-Najakh University in Nablus and needed to travel to Jordan to participate in academic conferences and events. An appeal that was submitted on his behalf in May 1998 was only answered in February this year after repeated requests were made to the Prosecutor for the IDF forces in the West Bank. In response, HaMoked was informed that his departure is prevented due to his "support of the Hamas organization." HaMoked protested the decision; it is inconceivable that an individual's freedom of movement be restricted based solely on his identification with a political organization, as opposed to posing an actual security threat to Israel. Within two weeks the authorities altered their version, concluding that he now not only supported but also was also active within the Hamas organization.

Further individuals refused permission to travel during the first half of 2000 include a 49-year old woman who wished to celebrate the annual Hajj festival together with her brother and sisters in Jordan. Her request was denied, "based on her identification with the Palestinian Islamic Jihad organization". A second woman was prevented from visiting her imprisoned son in Egypt because he is "active in the military wing of the Hamas" and due to "security considerations" her departure was prevented. Finally, a resident of Hebron was prevented from visiting his family in Jordan because he is "the father of a wanted Hamas activist" and is liable to exploit a journey abroad for aversive security purposes.

Entry into the Gaza Strip

The Oslo accords repeatedly call for the need to view the West Bank and the Gaza Strip as a single territorial unit. These declarations, even before the outbreak of the Al Aqsa Intifada when the "safe passage" was still open, were mainly meaningless phrases as many of the residents living in these two areas were still prevented from traveling freely between them. Access to the "safe passage" was conditional on the possession of an Israeli issued magnetic card, which can be withheld by Israel based on its own security considerations. An agreement involving the escorting of buses had made it possible for a number of these people to travel between the two areas, many others however were denied even this option. At the same time residents of East Jerusalem still require special permits in order to enter into the Gaza Strip. HaMoked remains very active in this area, particularly in assisting individuals who are denied entry permission.

Many people turn to HaMoked for assistance in gaining entry permits for a wide array of reasons including visiting parents, brothers, sisters or other family members, participating in conferences or lectures, trade purposes etc... – all of which constitute basic requirements of a normal life. Amongst others, in 2000, HaMoked handled cases involving a groom who was denied permission to enter Gaza in order to attend his own marriage ceremony (even though all his family members were allowed permission to

enter) and a 17-year old high school boy whose family requested to celebrate the Al Adchah festival together with the mother's family in Gaza. In the latter case, all the family members except the boy were given permission. In order to allow for his entry, HaMoked was required to submit a request to the Prosecutor of the IDF commander in Gaza.

Jerusalem Residents "Trapped" in the Gaza Strip After the Outbreak of the Al-Aqsa Intifada

HaMoked has for many years been active in providing assistance to Jerusalem women who are married to Gazan residents and who live together with their spouses and children in the Gaza Strip. Their right to stay in the Gaza Strip is made possible by means of special permits that are issued for periods of three months. Following the outbreak of the Al Aqsa Intifada, the offices at the Erez Crossing (Gaza Strip – Israel), responsible for the issuing of these permits and extensions on existing permits, were closed.

Furthermore, due to incidences of shooting in the area, passing through the Erez Crossing had become dangerous, especially along the major roads. As a result many of these women were unable to extend their permits and were forced to remain in their homes in the Gaza Strip with permits that had expired. When many of these women, during days of relative calm, finally managed to reach the offices in order to extend their permits, they found themselves being placed under police investigation for "illegal stay in the Gaza Strip". Following HaMoked's intervention, including turning to the State Attorney's Office, an agreement was reached whereby the permits would be extended retroactively. It was also agreed that in extreme cases it would be possible to extend the permits' validity without the woman having to appear in person with her children at the offices at the Erez Crossing.

Entry into the Gaza Strip for the Eid al-Fitr Festival

Every year prior to the Eid al-Fitr Festival, it was customary for the IDF to allow Palestinian families from the West Bank and Jerusalem to enter the Gaza Strip. This year HaMoked was informed that due to the disturbances and the closure, entry into Gaza would not be permitted. HaMoked turned to the State Attorney's Office and the Military Advocate General's Unit (Gaza Strip Division) with a request to reconsider the order and to allow the religious and community leaders and their families to enter for the period of the festival. The respective letters highlighted the fact that religious leaders are to be respected and treated in accordance with the related principles mentioned in Article 46 of the Hague Treaty and Article 27 of the Fourth Geneva Convention. HaMoked went on to state that it believes there are no existing security considerations justifying the prevention of family visits during the festival "...other than as a measure of collective punishment." The letter noted that, "...people throughout the world this week are celebrating Christmas, Chanukah or Eid al-Fitr in the company of their families. For residents of the Gaza Strip however, this celebration is prohibited by denying their families and relatives the right to enter."

The initial response from the IDF arrived two days after HaMoked's appeal was sent, falling already on the first day of the festival. The reply stated that it had been "decided not to allow Israelis to enter into the Gaza Strip during these days" (referring to Palestinians with Israeli citizenship). The request in HaMoked's letter regarding the entry of Palestinians from the West Bank into the Gaza Strip remained unanswered.

Later that same day HaMoked received an additional letter from an IDF representative, declaring that the authorities had decided to allow Israelis to enter the area based on individual security checks. HaMoked, in response, requested to know from what time entry into the Gaza Strip would be possible and received an answer that a response would be sent later. The following afternoon (the second-day of the three-day festival) HaMoked was notified that all entry into the Gaza Strip was prohibited.

Detainee Rights

The Tracing of Detainees

Locating detainees during the year 2000 continued to be one of the most valuable services provided by HaMoked to the Palestinian population living in the Occupied Territories. Despite the fact that legislation and a Supreme Court ruling explicitly requires it to do so, Israel persists in refusing to inform the families of detainees about the detention and in withholding information regarding the whereabouts of the detainee. In such circumstances, the families of Palestinian detainees remain dependent on organizations such as HaMoked in order to obtain any relevant details. The locating of several detainees and prisoners everyday has become a regular activity for HaMoked's human rights workers. In response to most of its requests HaMoked receives relatively accurate and timely replies from the IDF. However, in others, HaMoked has encountered cases of inaccurate information, bureaucratic red tape and severe cases of disregard. Examples include incidents where those responsible for locating detainees are suddenly unobtainable. Of even greater concern is the recent phenomenon of disappearing detainees at the Megido prison. The GSS operate an interrogation facility in Megido, where the interrogation of detainees is administered with the use of collaborators. In certain cases where the IDF 'failed' to locate detainees for a number of days, it later became apparent that they had been held in these GSS interrogation areas. Furthermore, the IDF in response to HaMoked's requests conveyed false information with regards to the detainee's presence in the prison. A complaint was submitted to the Chief Prosecutor of the IDF, in response to which HaMoked was informed that an investigation had been carried out and certain lessons had been learnt. The Prosecutor also reported that no evidence had been found to substantiate the claim that information had been withheld intentionally from HaMoked.

After the outbreak of the new Intifada the number of requests HaMoked received to trace missing detainees multiplied. On a number of occasions where the IDF was unable to locate the detainees, HaMoked was required to submit preliminary petitions to the High Court Division of the Justice Department. One particularly severe case was that of the case of A.H., a resident of Hebron, who was seriously injured when explosive material that he was allegedly carrying exploded. The IDF informed HaMoked that A.H. was not in the custody of any of the branches of the Security Services including the GSS. Following various rumors that he was being held at the Socolov Hospital in the city of Ber Sheva, HaMoked contacted the hospital with a detailed request regarding the possible whereabouts of A.H. The authorities however responded that there was no one hospitalized there fitting this description. After turning to the State Prosecutor it was announced that A.H. was at the time being treated at the Socolov Hospital. It later