

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 16<sup>th</sup> 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.

For individuals holding foreign residencies there remains no mechanism to reinstate their residency status. Take for example the case of Dr. Chazam Nasasra a resident from Beit Fourik in the Nablus district, who in 1980 left to study in the Soviet Union. After the completion of his studies he returned to the West Bank in 1993. In the interim the “Exit Card” with which he had left the Occupied Territories had expired. In the same year HaMoked petitioned the Supreme Court on behalf of Mr. Nasasra with a request that his case appear before the “Committee for Expired Exit Cards” while he was still in the Occupied Territories. The petition included a request that the Committee adopt fair procedures and allow representation on his behalf before the Committee. The Committee for Expired Exit Cards operates an advisory body in the Occupied Territories which examines whether an individual whose exit cards expired while they were away had not transferred their “Center of Life” abroad, allowing them to return and live as legal residents. At the time when the Oslo Accords were signed the petition was pending before the Court and a formal request had been submitted to the Committee. Now, the state claims that the authority regarding registration in the Population Registry rests with the Palestinian Authority (P.A.), and accordingly Israel cannot solve Nasasra’s dilemma. However, in reality the P.A. has no real authority, according to the agreements, to authorize the residency of an individual without permission from Israel. A joint committee that is designed to handle cases such as Nasasra’s convenes very rarely, and deals only with cases where the person departed from the territories in 1986 at the earliest.

During December the case of Nasasra reached the High Court. The High Court judges rejected the petition declaring that the resolution of the problem lies with the P.A. The problem of Nasasra remains unresolved. The key to authorizing his residency remains in the hands of Israel, which is unwilling to grant him citizenship in the country of his birth.

## **Violence Committed by the Security Forces** **Against Palestinians**

The images of violence from the past few months are reminiscent of the first Intifada, when HaMoked was initially established as an emergency hotline for victims of violence. The rise in the number of injuries in the territories has, however, not been reflected in an increase in the amount of complaints received by HaMoked. This stems from a strong prevailing feeling which views victims who suffer at the hands of the IDF, not as individual cases, but as part of the collective struggle and general mobilization. Currently, there is no expectation amongst the Palestinian population that the law-contravening authorities in Israel will investigate the actions of soldiers or settlers in order to achieve justice. Indeed, an IDF spokesperson recently announced that since the outbreak of the Intifada in September 2000, the authorities had only opened one single investigation into a case involving violence. This does not mean however that HaMoked remains without work in this field. Cases that were received over the past few months include incidences of severe police violence in East Jerusalem; excessive force used during night time arrests; confiscation by police of identity documents; heavy shooting on an eye clinic in Hebron and a complaint from a family living in Beit Omer where the IDF has maintained a look-out point on the roof of their house for a number of years. In this case, the family complained of continuous abusive treatment by the soldiers. HaMoked