

An additional achievement of HaMoked during the year was of the establishment of the right of a complainant to have access to all the investigation reports and material that the police had opened following their complaint. In May 1999, the Police issued a directive clarifying the right of a complainant to have access to police files, while emphasizing that for this purpose there is no differentiation between the testimonies of witnesses and all other investigation material – including memorandums and police activity reports. The directive was announced following a HaMoked petition to the Supreme Court, requesting to review the report of a police photo identification line-up, in which a complainant identified a female settler who participated in the beating of her children in Hebron in 1995. The police transferred to HaMoked at the time the testimonies of witnesses in the case, but refused to release the report of the identification examination, which was the central piece of evidence in the case. The report of the identification and additional memorandums were released to HaMoked a few months after submitting the petition to the Supreme Court in 1998, while later the above-mentioned police directive was issued preventing in the future refusals to reveal evidence like those encountered in this case.

### **3. Freedom of Movement**

#### **Departures Abroad**

By means of control over the Jordan border crossings, and all other border exits, Israel continues (and in practice - the GSS) to control the lives of the residents of the Occupied Territories. The instructions to deny departure abroad is fed on-line to a computerized system; without advanced notification to the individual concerned. As a result any resident who arrives at a bridge-crossing may find themselves being forced to return home. Experience indicates that the use of the tool of preventing border-crossings is widespread. The resident whose exit is denied is not given any explanation for the decision. Even HaMoked receives the most laconic responses such as; “the resident’s exit abroad will endanger the security of the region” or “Hammas activist”. The information on which the decision to prevent an exit abroad is based remains classified, without any possibility of challenging the claims. Not infrequently, it has appeared that the prevention of a journey abroad was implemented either in order to pressurise an individual to collaborate with the Israeli authorities or as a punitive sanction in order to show a resident “who is the boss”.

For example S.D. from Arabe in the district of Jenin, has apparently been prevented from traveling abroad since 1993, although he was never arrested or brought to trial. In July 1999 he requested to accompany his daughter, aged 10, to a hospital in Amman Jordan, where she was to receive treatment. The daughter suffers from muscular dystrophy and was until then treated in Israel. The treatment however is very expensive and entry into Israel complicated while the language barrier also created complications. When S.D. arrived with his wife and daughter at the bridge, the authorities allowed the wife and daughter to pass, but prevented his exit while issuing him with a “summons” to meet with the GSS. When he arrived at the meeting, after being made to wait, he was informed that the “captain” of the GSS is refusing to meet with him. Following a request issued by HaMoked S.D. received a one-time permit to accompany his daughter to Jordan.

During 1999, the GSS further exploited for the worse, its control over the various border crossings. In a number of cases, HaMoked requested permission for residents to leave for

abroad, but instead of an answer received a request that the resident meet with a coordinator of the GSS. HaMoked was informed that the meeting would be a condition for the continued handling of the request to travel abroad. HaMoked protested against this exploitation of the organization's requests: human rights organizations cannot be a channel for the security services to arrange meetings. This, in addition to the unjust exploitation of a resident's urgent need to immediately leave the country, in order to subject him to an interrogation or (as experience shows) to pressure him to agree to collaborate with the GSS. In response, the Civil Administration asserted that the meetings are requested in order to reevaluate the resident's status as a person prevented from traveling abroad, and allows the resident the opportunity of a hearing in which he may present his version of the information which exists against him. In light of this, HaMoked requested that the hearings should be arranged in a fitting manner: the resident should receive, prior to the hearing, the information that he is supposed to respond to and must have the right to representation during the proceedings. These demands were not answered. The unwillingness of the GSS to administer these hearings in a fair manner casts considerable doubt on the sincerity of the claim that these meetings are meant to grant the resident the right to a hearing in his case.

A rare opportunity for residents to contest the claims of the GSS against them, came about for 25 petitioners who participated in a petition submitted by HaMoked to the Supreme Court in 1997, over the denial of their right to travel abroad. Originally, 81 petitioners were included in the petition, of which the majority have since been omitted (usually after granting permission for them to exit). The exit of a further seven petitioners was approved during the past year. In the case of the remaining 25 petitioners HaMoked requested that the classified evidence, on which the GSS based its decision, be made available to the petitioners. The hearing of the petition has yet to commence. However, at this stage the State has released an itemized summary of information for each of the petitioners, as well as various statements by suspects who mentioned the names of the petitioners. In most cases the information that was revealed was very general and did not relate to any militant activities on the part of the petitioners. The GSS continues to rely, primarily on the classified materials. The justification for these materials to remain hidden from the petitioners is to be decided by the court.

One of the cases that HaMoked handled successfully during the past year concerned, A.G., a young woman from Nablus. A.G. has a heart condition: suffering from heart palpitations and an unstable heartbeat, she is on permanent medication and will most likely require an operation. In autumn she began treatment with a specialist in Jordan, and when she requested to leave for additional treatment in Jordan she was returned from the border. In response to our urgent request to the Legal Advisor's Office in the West Bank, the woman was referred by the office, on the basis of the medical documents, to a cardiologist in the Occupied Territories for treatment. HaMoked urgently turned to the State Prosecutor, alarmed by the fact that the Office had instituted its own opinion instead of the opinion of the doctors who are personally treating her and who had referred her to Jordan for treatment. Moreover, an emphasis was placed on the right of the young woman, who is sick; to choose the doctor she wants to treat her. A.G. received a one-time permit to leave for continued medical treatment in Jordan. When A.G. a month later, required additional follow-up treatment, HaMoked was once again required to turn to the State Prosecutor, and once more A.G. received a one-time permit to exit. At the beginning of the year 2000 the prevention order against A.G. from exiting the country was cancelled, and she can now continue with each of her treatments without having to battle each time with the Israeli authorities.