

Instances of incompetent investigations are numerous in the 1998 compensation suits filed by HaMoked against the State for actions of its security forces in the Occupied Territories. This is so in the case of T., on whose behalf HaMoked filed a compensation suit in March. In June 1994, when T. was 19 years old, four IDF soldiers entered the home of his uncle in the Sair village of the Hebron district. The soldiers ordered him to accompany them and they sat him by two military jeeps as a "human shield" to prevent local residents from throwing rocks at them. Afterwards, the soldiers drove him to a remote area where they beat him on all parts of his body, and then ordered him to leave the area by foot. T. limped away, and the soldiers attempted to hasten his departure by throwing rocks at him. He finally reached the road, where he was picked up by a local resident and taken to his home. Nine days after the incident, his attorney contacted the Central Command Advocate General's (CCAG) Office and requested that the military police conduct an investigation. This office announced that an investigation had been ordered. However, in August 1995, it became apparent that the order "was not disseminated." A new order was given to commence an investigation, but in the investigation that was begun no testimonies were taken, not even that of the complainant. The investigation was subsequently closed with the justification that it was impossible to locate the responsible soldiers.

The military police did not even bother to investigate the matter of the Zaid family from the Kalandia refugee camp. In the morning of 2 November 1995, Mrs. Zaid was in the house with her daughters and grandchildren. Soldiers forcibly entered the home and began removing the family members from the house, with curses and pushes. Mr. Zaid, who returned from work, arrived and demanded that the soldiers leave or present a search warrant. The soldiers began beating Mr. Zaid. Even the local UNRWA director arrived, but failed in his attempts to convince the soldiers to leave the home. Only following the intervention of the Israeli police from the Ramallah police station, who also arrived at the home, did the soldiers leave, but not before causing significant damage. The family complained with the Israeli police in Ramallah, which transferred the complaint to the military police. The CCAG Office later told HaMoked that "From contacts with the military police it became apparent that (this) incident was not investigated by them. During 1995 notes on this matter were sent by the police, but no investigative material was attached and no investigation was conducted."

Mounier Karaje, born in 1925, was shot in the head in the center of Hebron on 17 June 1997. An IDF soldier fired a rubber bullet which caused a skull fracture and profuse bleeding, and Mr. Karaje suffers from, among other things, disturbances to his concentration and memory and it was estimated that he now suffers from a 20% disability. This disability prevents Mr. Karaje from working in his occupation as a journalist and continuing his social involvement. Despite the seriousness of this incident and its tragic results, an investigation was not conducted. In the wake of HaMoked's advocacy, the CCAG ordered not an investigation but an "initial inquiry." "At the conclusion of the inquiry," it was noted, "the possibility of commencing a formal investigation will be considered." Today, 1.5 years after the shooting, the CCAG has yet to complete the "inquiry." HaMoked decided not to wait any longer and in October 1998 submitted a compensation suit on behalf of Mr. Karaje.

## Pressing Charges and Compensating the Victims

Even while utilising the channel of compensation suits, HaMoked continues to advocate for the pressing of criminal charges against violent security forces. Occasionally HaMoked is successful in these attempts. One of these successes came in the case of Mahmud Ganim and Ahmed Musa from Alhadar. Ganim and Musa arrived in Jerusalem on 12 August 1997 with valid entry permits. While they were in the Jerusalem neighborhood of Beit Safafa, a jeep halted and the border police officers inside ordered them to get in the jeep. The officer took them to a forest in southern Jerusalem, removed them from the vehicle and severely beat them. They further tied Ganim by his leg to the back of the jeep and began driving as Ganim was dragged from behind. Musa was released by the soldiers while Ganim managed to escape. With their last energies they managed to make it to a nearby road and were taken by a passing car to the hospital. In this incident the military police succeeded in locating the soldiers: Michael Udrenko, Shai Ashtamaker and Nisim Adutler. They were tried in the Jerusalem District Court, found guilty by their own confessions and receiving punishments totalling ten years in prison. In the sentence, considered serious, given on 27 March 1998, the soldiers were sentenced to prison for between 1-1.5 years, and were also given suspended sentences. Their appeal of the "seriousness of the punishment" was rejected in June 1998. HaMoked will file a civil compensation suit in this matter shortly.

In 1995, the court in the city of Ramle refused to send officers of the border police who abused Palestinians to prison. The court sentenced Shlomo Nino, Arnon Meir, Chen Turjeman and Roni Nazuri to six months of public service and suspended sentences. The officers were convicted on the basis of their confessions in the framework of a plea bargain. The officers were tried following an incident in March 1994, during which they halted a car containing four Palestinians and took them to an abandoned orchard, where they abused and severely beat them. The soldiers even sat on the shoulders of the Palestinians and took pictures of themselves in this position! Following the submission of a complaint by HaMoked, the soldiers were located and put on trial. In December 1997, HaMoked submitted on behalf of two of the victims a civil compensation suit against the four soldiers and the State of Israel. It was to be expected that the State would disclaim all responsibility for these actions and argue that all responsibility falls on the officers who acted against regulations, but this was not the case. The State chose to defend the soldiers and compensate the victims from public funds. Even before submitting a letter of defence, the State arrived at a compromise with the victims whereby each would receive NIS 13,500.

In another court verdict from December 1998, the plaintiff received NIS 20,000 following a civil compensation suit filed by HaMoked. The complainant was attacked by border police officers Nasud Ohion and Ben David Krispin on 4 December 1990 and taken to the police station. At the station the complainant, who suffers from an addiction to paint thinner, was tied to a pole and requested that the soldiers pour a bit of thinner on his sleeve so he could inhale the fumes. Ohion poured a large quantity of thinner on him and lit it with a lighter he received from Krispin. The complainant suffered from second degree burns. Krispin was

convicted in a police disciplinary court, his rank was lowered, he was warned and fined. Ohion was sentenced by the court in Jerusalem to six months of public service, given a suspended sentence and ordered to pay NIS 2,000 in compensation to the victim. The suit filed by HaMoked in October 1997 on behalf of the complainant against the State and soldiers ended, as previously noted, in additional compensation of NIS 20,000.

### Proposed Legislation to Deny Compensation to Palestinians

In addition to filing individual compensation suits, HaMoked continued its campaign against the proposed legislation to deny compensation to Palestinian victims of Israeli security force violence. The proposal, which passed its first reading in the Knesset in July 1997, would exempt the State, its security forces and all those acting on its behalf, from responsibility for injuries caused in the Occupied Territories. During 1998 there were several discussions of this proposal in the relevant Knesset committee. HaMoked, in the framework of a wide coalition of human rights organisations, succeeded in enlisting the assistance of international organisations, in addition to leading attorneys in Israel, in objecting to this law. This proposal was also condemned by the UN Committee for Human Rights. At the same time, much pressure was applied on the committee by the government to quickly move this proposal back to the Knesset for its second and third readings. The Minister of Justice Tsachi Hanegbi and Minister of Defence Yithak Mordechai themselves appeared before the committee to support this proposal. Despite the governmental pressure objections to this law arose in the committee, even among Knesset members from the conservative parties, and discussions were frozen.

### **Freedom of Movement**

#### Entry to the Gaza Strip

In 1998 the Gaza Strip continued to be under a severe closure imposed by the Israeli authorities. The "safe passage" arrangements concluded in the Oslo Accords for movement between the West Bank and Gaza Strip have yet to be implemented, and there are no signs that this will occur soon. Exit from the Gaza Strip is most selective and limited: Many do not receive permits from Israel to exit, not even to Israel and East Jerusalem, and there is no entry into Gaza - not even for residents of Israel and East Jerusalem. Limited criteria permit a few visits to Gaza by first degree family members, although these visits entail a complex bureaucratic procedure. The intervention of HaMoked is required not only for exceptional cases, but also for the submission and follow-up on all individual requests. Thus, HaMoked is constantly advocating for a group of women, residents of Israel, who are married to residents of the Gaza Strip. These women receive three month permits to enter Gaza and when the permits are due to expire, HaMoked must recommence intensive advocacy with the Israeli authorities to permit these couples to continue their lives together.