

Refund of Fees Collected Illegally

The painful problem of separated families in the Occupied Territories was an unending source of income for the Civil Administration. High fees were paid for family reunification requests (which were, in general, denied or left without response) and visitors' permits and their extensions. When the right of some families to live in the Occupied Territories with long-term visitors' permits was recognized, the Military Government demanded that these families pay the fees retroactively, for the periods during which one of the family members was in the area illegally. Occasionally, these amounts came to thousands of shekels. In the economic reality of the territories, this policy caused an unbearable burden on the families with already low incomes. This situation caused HaMoked to demand in later arrangements (from the beginning of 1994) limitations on the amount of fees to be collected from the residents. Among other things, it was agreed that fees would no longer be collected retroactively.

In many cases the Civil Administration violated its obligations concerning these fees. Fees were collected retroactively and permits were extended for only one month, while the fees paid were for six month extensions. Correspondence to return these monies did not achieve results, and in November 1995 HaMoked turned to the legal system on behalf of nine families and demanded that the State refund the fees illegally collected. The State admitted that in the majority of cases the fees were not in accordance with the regulations, but refused to refund the money. According to the State, when the authorities in the matter of population registry and visitors' permits were transferred to the Palestinians, the obligations connected to them were also transferred. Accordingly, the complaints of the residents concerning the Israeli government must today be directed toward the PA. The State relied on the law of the implementation of the interim agreement, which determines that Israeli courts will not hear claims against the State (apart from those of Israelis or tourists in Israel) which are based on areas of responsibility transferred to the PA. The hearing of the suit thus focused on the legality of this directive of the interim agreement and its validity concerning the matters of the plaintiffs. In May 1997 the Magistrates Court ruled in favor of the State and HaMoked appealed to the District Court. Under pressure from the judges of the District Court, the State agreed to return the money it admitted had been illegally collected. Concerning the remainder of the suit, the hearing was returned to the Magistrates Court and the State agreed to refund the remaining money.

During 1997 HaMoked treated 129 different cases in the category of residency in the Occupied Territories, of them 25 requests received in the first half of 1997.

During the year, HaMoked successfully solved the problems of 63 of these families. In seven of the cases, Israel refused to permit the requests for family reunification or the return of deportees.