

On 3 December 1997, HaMoked submitted a compensation suit against the State and Captain Levi. The amount of compensation requested is NIS 255,000. The State took upon itself, as usual, the representation of Levi. The respondent's brief submitted by the State is in essence a general denial of the charges.

It appears that often the sole way to enforce the right of the residents of the territories to security of person is through compensation suits due to violations of this right. The enforcement authorities are lenient with the soldiers and police through negligent investigations, reluctance to charge and insignificant punishments for those convicted. On the declarative level the State disavows itself from "soldiers gone bad," but when these soldiers are sued for compensation by their victims, the State represents them and compensates the victims.

#### **4. Freedom of Movement**

##### **Entry to the Gaza Strip**

The "safe passage" arrangements determined in the Oslo Accords between the West Bank and Gaza Strip were not implemented in 1997. The closure of the Gaza Strip includes a ban on entrance into Gaza; this ban also applies to residents of East Jerusalem, wishing to enter Gaza to be with their family members. In March 1996, during the first part of the current closure, it was not at all possible to enter the Gaza Strip.

The division between the West Bank and Gaza Strip is strict and makes meetings between family members most difficult. In June 1997, for example, HaMoked began dealing with the case of Hanan Sheikh Ahmed, a resident of Kalandia who was separated from her husband and 1.5 year old baby living in Gaza. Almost two months were needed to arrange her entrance into the area. Mrs. Sheikh Ahmed first entered Gaza in 1994 and there she married. In May 1996 Israel permitted residents of the West Bank, who were illegally located in Gaza, to return to the West Bank in a secured convoy of buses. Mrs. Sheikh Ahmed took advantage of this opportunity to visit her parents, especially important in light of the deteriorating health of her father. When she attempted to return to Gaza, she was not permitted.

HaMoked's initial correspondence with the Israeli authorities in this matter resulted in the general response that "the aforementioned is forbidden from entering Israel for security reasons." It took further correspondence and numerous telephone calls before a family meeting was permitted in Gaza at the end of July 1997.

HaMoked also treated the case of Said Al Hajagara, a 72 year old resident of the West Bank who was prevented by the Israeli authorities from entering the Gaza Strip to visit his five adult daughters, all married and living in the Jabalia camp with their families. More than two months were required to arrange a permit for Mr. Hajagara to see his daughters, but the story did not end here. When he requested to leave the Gaza Strip for the West Bank, at the end of his permit, he was told by the soldier at the Erez checkpoint to return and die in Gaza. It took an additional three days of intensive contacts to facilitate Mr. Hajagara's return home.

##### **Exit for Abroad**

The Oslo Accords did not alter the status of the West Bank and Gaza Strip as closed military zones, from which entry and exit is dependent on the area military commander.

116 persons turned to HaMoked in 1997 for assistance in leaving for abroad, after their requests were refused or they were turned away at the various border crossing points.

As of the end of 1997, the position of the authorities concerning these 116 requests is as follows: 51 were refused, 9 accepted on condition that the persons obligate themselves in writing not to return to the territories for a defined period of time, 32 requests were accepted and 24 requests are still pending. In addition, the handling of 70 additional requests received by HaMoked prior to 1997 is still ongoing.

In addition, 14 persons who turned to HaMoked before 1997 received permission to leave this year; 2 who submitted requests prior to 1997 received permits to leave for limited periods and 38 requests received earlier were denied.

It should be noted that the vast majority of requests to HaMoked were to leave for Jordan. The position of the authorities concerning exit through the Israeli airport is even stricter than in the past. In general, residents of the territories are not permitted to leave via the airport.

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The case of Farid Abu Dahir has been handled by HaMoked since July 1996, but all attempts to arrange his exit through correspondence with the authorities failed. On 9 July 1997 HaMoked submitted a High Court petition on his behalf.

Farid Abu Dahir completed his doctoral studies in January 1996 at Leeds University in the United Kingdom. His thesis analysed the manner in which the Intifada was covered by the daily Arabic newspapers published in the United Kingdom. Presently Dr. Abu Dahir is a lecturer in the Department of Journalism at Al-Najah University. In addition, Dr. Abu Dahir established a private firm for the collection and distribution of news items, and writes editorial articles in the Palestinian newspapers. To the petition were attached three articles he published in which he called for the advancement of democracy in Palestinian society, criticised the Israeli implementation of the Oslo Accords and analysed the escalation of violence.

Dr. Abu Dahir's desire to go abroad is closely tied to his academic work. His exit was denied in the summer of 1996, when he requested to travel to the United Kingdom for his graduation ceremony at Leeds University. Since then his exit has also been denied when he asked to attend academic conferences to which he had been invited. The justification provided for the prevention of his exit was that it would endanger the security of the region as he is "a Hamas activist." Abu Dahir denies this claim, which also does not fit the independent line exhibited in his articles.

The petition argues that the prevention of Abu Dahir's exit harms two of his legal rights: The rights to freedom of movement and freedom of occupation. These rights have received recognition and increasing protection in court rulings and fundamental laws of Israel. It was further argued that the prevention ignores the needs of the residents of the territories and encompasses a warlike attitude that has continued for more than thirty years. During this period people grew up and developed careers, such that the importance of the right to freedom has increased. The injury of Abu Dahir's right to freedom of movement was done without due process, apparently on the basis of rumours and without providing him an opportunity to appeal and confront the information against him.

In the wake of this petition, the State agreed to a one-time exit of the petitioner. It was also agreed that in the future, all of his requests to leave would be examined in their own right.

### Entry Permits into Israel

51 complaints were received by HaMoked during 1997:

- 1 Entry for purposes of studies
- 47 Entry to visit family members in prison
- 3 Work

As of 1997 HaMoked succeeded in solving 29 of these complaints.

During the year, HaMoked also dealt with 20 complaints received prior to 1997 for the following:

- 10 Entry to visit family members in prison
- 4 Studies
- 5 Divided Families
- 1 Passage from the West Bank to the Gaza Strip in order to enter Egypt

10 of these complaints were successfully treated.

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An especially difficult, but not unrepresentative, case is that of Mrs. Aziza Nasser from the Ramallah district. Her husband and two sons are imprisoned in Beer Sheva and are serving long sentences. Up until the summer of 1996 she would regularly visit them, but at that time was told she was prevented from entering Israel and her requests to participate in the prison visits arranged by the Red Cross were denied. In July 1997 Mrs. Nasser turned to HaMoked and more than three months were required to receive a one-time permit to visit in prison. She was allowed one hour to see her husband and two sons, whom she hadn't seen for more than a year. Following this visit HaMoked once again turned to the authorities and requested a long-term permit for visits. After two more months of advocacy a one-time permit was once again issued. Additional efforts were required to arrange another one-time permit to visit her husband and HaMoked is currently advocating to arrange another visit with her sons.

A special problem arose in the case of Sanaa Gubran. In the wake of HaMoked's intervention she received a periodic permit for prison visits with her husband, but could not use this permit as she is a resident of the West Bank and he is a resident of Jerusalem. Separate days are allotted for visits of West Bank residents with prisoners from the West Bank and other days for residents of Jerusalem with prisoners from Jerusalem. Mrs. Gubran fell between the cracks. HaMoked intervened and successfully arranged her visits.