

The boy lost consciousness. The violent officers hurriedly got into their vehicle in order to get away from the area. The brother and cousin blocked the vehicle and luckily an additional officer arrived and ordered the two border police officers to report to the nearest police station, to which the UIP investigators quickly arrived and took statements from the officers and the victims. The boy was hospitalized, where his numerous cuts were stitched. The conclusions of this investigation have yet to be received by HaMoked.

File number 10056

In June of 1996, in the early morning hours, a 19 year old complaintant was caught by the border police officers in the building sites on the outskirts of Jerusalem. The complaintant did not have an entry permit into Israel and was there in order to earn his livelihood. Immediately while his identification card was being inspected, he was beaten and then put on a jeep. The trip began and with it the harsh blows. After approximately 20 minutes of travelling through a forest empty of people, the officers took him out of the jeep and began to beat him with sticks while he was laying-at their command-on a rock, with his hands and legs spread. At first the commanding officer stayed in the jeep and watched, but he later joined them in beating the complaintant on all parts of his body with a stick. One of the sticks broke on the body of the complaintant. The complaintant lost consciousness. He was found by a Bedouin, who took him to his tent and gave him water. He later arrived at the hospital for treatment and discovered that his money was gone. The four officers were caught, and on 20 November 1996 charges were brought against them in court in Jerusalem.

5. Compensation

During 1996, HaMoked submitted 41 compensation suits, of them 24 petitions to court and 17 petitions through administrative means.

Compensation and Returned Money which was Paid in 1996

File number 8385

In the early morning hours of 29 June 1995, IDF forces surrounded the neighborhood of the complaintant, announced a curfew and ordered all the residents of the neighborhood to immediately leave their homes. The young males were arrested. The women and children were removed to an area far from the neighborhood. The soldiers uprooted all the trees in the neighborhood and exposed the body of a wanted person. Then began the demolition off two of the homes in the neighborhoods, one of which was that of the complaintant. The house was completely destroyed with all of its contents while the complaintant, still in her pajamas, was in a remote area and not aware of what was occurring. The owners of the houses were not given any advance warning and they were not permitted to remove any objects from the homes prior to their destruction. Afterwards, the complaintant lived with her family members in a tent supplied by the Red Cross.

The Military Attorney's Office announced that the entire action was intended to capture several wanted persons and as it was an urgent military action, needed to protect human lives, it was not possible to give advance warning of the planned demolitions: "...the destruction of homes was not intended to kill Tahar Kapisha (the wanted person), but to prevent damage and danger to the fighters who were hiding in homes in the area."

Compensation for the destruction of the home was received in August 1996.

The IDF refused to pass on to HaMoked the security investigation which was conducted concerning this incident.

File number 632.3

In April 1989 three residents of the Dahaisha Refugee Camp were shot to death. Amad Karaka was shot on 15 April 1989, Naser Alkasas on 16 April 1989 and Rupida abu Laban on 17 April 1989.

HaMoked dealt with and is currently dealing with two of these cases of death: The matter of Rupida is currently in court.

The matter of Naser Alkasas:

In a letter from the Military Attorney from 13 April 1990, it was noted that "...the deceased and additional youths were throwing stones at IDF soldiers. During the attempts to calm the situation, several of the youth and soldiers met face to face. The deceased threw a stone toward the soldiers and began to run away. In light of the fact that one of the soldiers, an officer at the rank of captain, felt threatened, he fired a plastic bullet at the legs of the deceased, who was injured and ran from the place. In light of the circumstances of the event...the attorney has decided to close the investigation file without taking any legal actions against the soldier who fired" (our emphasis). The problems with this decision may be seen in the two different versions of when Naser Alkasas ran away.

A witness to the event argued that Naser Alkasas was shot in his back on the left side, and not in his legs. It should be noted that this event occurred as Naser and his friends were returning from a consolation visit to the Karaka family, whose son was killed the previous day.

On 30 October 1995, the Complaints Officer at the Ministry of Defence wrote to HaMoked that "from a reading of the investigative evidence gathered in this matter, it is apparent that the deceased was killed while he was in a group of youth which threw rocks at IDF soldiers. However, and without admitting our responsibility in the event, we are prepared...and solely out of humanitarian considerations, to pay compensation in the amount of NIS 15,000.

In the wake of additional correspondence and contacts, a check in the amount of NIS 25,000 was sent.

Naser Alkasas was 16 years old at the time his death.

File number 2646 + 2785

On 22 December 1991, a group of soldiers conducted a search in various homes in the Kalandia Refugee Camp. In two of the homes, the soldiers stole money during the search. On the same day, the two families complained about the theft at the nearby army camp.

In addition, they filed complaints with the police and the Civil Administration.

One soldier was convicted of the theft.

"Two additional soldiers were not made to pay compensation as in reality they did not steal but received part of the amount which the first suspect admitted to stealing," wrote the Central Command Attorney to HaMoked on 7 February 1993. Only part of the money stolen was returned to the families. In 1996 the entire amount was returned to the families.

File number 4063

In 1991, the complainant was detained and sentenced due to his membership in an illegal organization. Three days after his arrest soldiers arrived at his family's home, conducted a search and confiscated his Jordanian passport.

The Assistant to the Legal Advisor of the Civil Administration wrote to HaMoked on 8 August 1993 that "...the passport was not found in the Hebron region and was apparently not transferred by the soldiers to the Civil Administration. It is not possible today, given the length of time that has passed, to examine the validity of these contentions...and it is not possible to check with the security forces, given the high turnover rate on the ground."

On 21 November 1993 the same assistant to the legal advisor wrote: "...possibly the fact that it is not possible to locate the passport of your client demonstrates the defective manner in which the residents of the region act, in which they complain about acts perpetuated against them after a long period of time following the event? Or they find a way to finance their own negligence by unfounded complaints?"

In a letter from 28 July 1994 from the Office of the Legal Advisor it was noted "...his passport was not located...and there is no evidence that it was transferred to the Civil Administration...we do not find cause to compensate your client." The request for compensation was denied an additional time on 10 January 1995.

In November 1995 a petition was filed with the court in Jerusalem. In June 1996 compensation was received.

File number 6777 + 1324

On 25 February 1990, soldiers in Hebron broke the windshield of the car of the complainants. A complaint was submitted by one of the complainants with the Hebron police on that same day. The police transferred the complaint to the UIP. A UIP officer interrogated the complainant close to the time of the event, but in September 1991 the Central Command Attorney notified HaMoked that the event was not investigated by the UIP and despite this, the first request for compensation was rejected with the argument that the damage to the cars was due to "the throwing of rocks of local people."

On 1 December 1996, compensation was received from the Ministry of the Defence.

File number 1246

On 20 January 1990, soldiers arrived at a home to arrest one of the family members. The soldiers conducted a thorough search of the home and then left.

After they left, the family discovered that two gold bracelets had disappeared.

The police refused to accept the complaint. With the intervention of HaMoked, the complaint was filed with an investigator of the UIP, but the Military Attorney decided to close the file as "the operational material was not saved

after the search and accordingly...it is not possible to discover the suspects of the theft..."
In August 1996, a check was received from the Ministry of Defence, "without admitting responsibility."

File number 6984

In November 1994 the family members of the complainant worked in picking olives in their grove and in the end the olives were loaded on a vehicle, on their way to a warehouse. This vehicle also contained the olives of neighboring groves. Officials of the Agricultural Authority halted the vehicle and confiscated both it and the olives, as the driver did not have a sending certificate.
In March 1996, a check arrived for the complainant from the Olive Authority, which covers only the cost of the confiscated olives. HaMoked insists that the Olive Authority also cover the other costs and the losses caused to the complainant due to the confiscation.

File number 1257

On 19 January 1990, soldiers arrived at the yard of the complainant and beat his twelve year old son. The father, who tried to stop them, was also beaten and later required medical treatment in a hospital. The mother of the child and his sisters were also beaten.
The State Attorney's Office appointed an investigating officer. In May 1991 HaMoked was notified that the file was closed as the soldiers involved were not located.
In a letter from 12 February 1996 from the Unit of Complaints in the Ministry of Defence, it was noted that "the complaint...was thoroughly examined...and we did not find anything which points to the responsibility of the IDF in the incident."
The check for the complainant was received in June 1996.

File number 3375

The complainant, a resident of the West Bank, is married to a resident of Jordan. In the early 1990's there was no family reunification policy concerning persons in this situation. In 1992 HaMoked petitioned on his behalf to the High Court, a petition which would assist hundreds like him on the West Bank. A primary arrangement was reached at the end of 1992, by which the non-resident spouses would be permitted to remain on the West Bank through a visitation permit which would be renewed every six months.
However, the Civil Administration did not honor this agreement in the case of the complainant and when she left the West Bank for Jordan to visit her parents, she was not permitted to return.
A primary inquiry with the Israeli Civil Administration in this matter was sent on 23 August 1993. In a telephone response, it was noted that she would be permitted to enter but on 25 October, when she attempted to do so, she was not allowed to cross the bridge into Israel. The woman entered the West Bank only in December 1993.
In June of 1996 a check from the Ministry of Defence was received by the woman.

File number 6254

In April of 1994, soldiers set themselves up on the roof of the home of the complainant in Hebron. The soldiers were on the roof both during the day and at night and only in February 1995 were the owners presented with a legal order for use of the roof. The soldiers created a difficult

situation, making noise, littering, urinating from the roof, breaking water containers and more. In addition, they used electricity taken from the home of the complainant.

On 5 November 1995, the Military Prosecutor wrote in the name of the Central Command Attorney that "...in light of the discomfort created...due to the presence of the soldiers on the roof, the army has taken various steps to lessen the damage as much as possible...the soldiers stationed on the lookout point receive instructions concerning the behavior expected of them..."

In 1996 a check was received to cover the damage to the water containers and the army's part of the use of electricity. The family is not willing to receive money from the army for the use of their roof.

File number 6151

On 26 April 1994, four soldiers and an officer arrived at the land of the complainant and cut down eight olive trees. The complainant is a farmer whose livelihood depends on the produce of the land. The complainant was not told of the intention to harm the trees and he was also not told the reason for doing so. In March 1995 a letter from the Complaints Officer of the Civil Administration was received which explained that the trees were chopped down for "military purposes."

According to an estimation made by an army evaluator, the Civil Administration was willing to compensate the complainant in the amount of NIS 1,500. HaMoked sent an estimation of its own.

In September the complainant received a check for NIS 10,500.

File number 811

On 23 July 1989 a Jewish settler and soldiers entered a family home in search of a woman who, according to them, had thrown a stone at the settler. The entrance into the home was accompanied by the beating of all family members, including women and elderly. The soldiers fired at the father of the family and injured him in the leg. The man required extensive medical treatment due to this injury. One of the women of the family, also beaten, was pregnant and on the next day she was hospitalized due to a miscarriage. An investigation was begun and in October of 1991, an attorney with the Central Command announced that despite their efforts, it was not possible to locate the soldiers who were supposedly involved in the incident.

In May of 1996 HaMoked received a check for the complainants with a letter noting that compensation was made "without admitting the responsibility of the IDF in the incident."

File number 2044

The complainant was arrested on 14 April 1991 by soldiers from a unit stationed near his home, and was tried for possessing an illegal placard. He was released from prison on 24 April.

On the night he was released, three soldiers from the unit which had arrested him arrived at his home and conducted a violent search during which they broke various objects and confiscated papers. The complainant was not at home at the time, so the soldiers told the family to pass on to him their threats. It must be noted that at this time HaMoked received numerous complaints concerning soldiers from this unit.

On 17 July 1994, an attorney of the Central Command wrote that despite various examinations, it was not possible to locate the soldiers involved, "and recently we have been informed that the file...has been lost..."
In 1996 a check was received from the Ministry of Defence.

File number 2731

A resident of the West Bank was legally in Israel for work purposes and held an entry permit into Israel. Despite this, the police arrested him for illegal entry. After two days he was transferred to the Civil Administration in the city of Ramallah and obligated to sign a form promising payment of a fine or the conduct of a trial. Only then was he released. HaMoked immediately turned to the authorities in this matter, but received no reply. In the meantime, the man was not able to work - the Civil Administration explained to him that a new work permit and permit to remain in Israel would be given to him, if at all, only after he pays the fine. With no other alternative the man paid the fine and received a new permit.

In September 1993 a letter from the Legal Advisor of the Civil Administration was received by HaMoked which explained that while the man did possess a valid permit to work and be in Israel, he "was arrested in the center theater, where he was not permitted to be" (the intention is to a movie theater in Tel Aviv).

The amount of the fine was returned to the complaintant already in 1993. However, HaMoked demanded that the man receive compensation for false arrest.

The Ministry of Defence wrote to HaMoked in April 1995 that the demand to compensate the complaintant was rejected as he "was arrested in the central movie theater, where he was not allowed to be."

In October 1996 a check arrived from the Ministry of Defence.

File number 1242

The complaintant, a resident of Hebron, and his family suffered from a series of harrassments and brutal behavior by IDF soldiers for a month, from 19 December 1989 and onwards. During this time, one of the family members was beaten so hard by the soldiers that he required hospitalization. HaMoked turned in the beginning of 1990 to the Attorney of the Central Command with a demand to investigate these events.

In the beginning of 1991, the Attorney of the Central Command replied that he is "attempting to locate the proper direction in this investigation."

In July 1991, HaMoked turned to the State Attorney in order to finally receive the findings of the investigation.

The attorney for the Central Command wrote that "Examinations have been made...in order to see whether the subject has been investigated, but we have not succeeded in locating findings attesting to the conduct of an investigation in this subject...today I have decided to attempt and examine this matter...Upon receipt of the findings of this examination I will notify you."

On 20 November 1991 the attorney wrote "...it is not possible today to locate the soldiers involved in the searches which were conducted in the home of the complaintant."

In July 1996, a check for the complaintant was received.

File 550

For an entire year, from 1988-1989, the family members of the complainant suffered from brutal behavior of soldiers who often arrived at their home, conducted violent searches for a wanted family member and broke everything in their path.

The father of the family was arrested three times in order to induce him to turn in his son.

At the demand of HaMoked, a military investigation committee was formed. As the findings of this investigation were not received by May of 1991, HaMoked petitioned the High Court on behalf of the complainant in order to receive these findings.

In June 1991, HaMoked was notified that the file on this case was finally located.

In July 1991 the Attorney of the Central Command wrote to HaMoked that there was no support for the claims of the complainant against IDF soldiers, and at the same time there were suspicions against other arms of the security forces.

In 1996 a check for the complainant was received from the Ministry of Defence.

File 205

On 14 November 1988, soldiers burst into the home of the complainant in Hebron and beat family members, including six year old Tahani and eight year old Bilal. The complainant's wife was also beaten, although she explained to the soldiers that she was pregnant. She had a miscarriage before the soldiers' eyes. On 3 May 1989 the Attorney for the Central Command wrote that "the complaints have been transferred to the Central Commander so that he may appoint an investigative committee in the matter."

On 3 September 1991, the Attorney for the Central Command wrote: "The examination which I conducted...did not succeed in locating the actions taken in this matter."

In the beginning of 1992, the complainant requested that HaMoked discontinue its treatment of his complaint as his attempt to leave for Jordan had been refused by the authorities, and he feared the reaction of the army.

In 1994, when HaMoked began dealing with the issue of compensation, the complainant expressed his desire to continue treatment.

In December 1996, compensation was received by the complainant.

File number 4254

The complainant is a herder. On 4 April 1993, a military vehicle approached the area in which he was located, and he and the two children with him ran away in fear. The military vehicle ran over three sheep and injured others. The vehicle was marked with a large "B19."

The complainant filed a complaint with the Civil Administration and the police.

On 18 October 1993, an officer from the traffic police wrote to HaMoked that a file has been opened and a copy was sent to the army on 25 June 1993.

On 24 November 1993, the Central Command Attorney wrote that "It was not possible to know if a military vehicle was involved in the incident..."

In an additional letter from 29 March 1994, the Central Command Attorney wrote "...no documentation of an accident involving a military vehicle in the relevant time and place was located...Accordingly, it is not possible to find even

the beginning of a lead for the conduct of an effective investigation...It is obvious that in this situation, it is unreasonable to conduct an investigation of all vehicles in the State of Israel or the army which answer to the description provided by your client...the marking B19 is not unique to specific vehicles..."

On 11 April 1994 the attorney wrote "I am of the opinion that the investigation in the relevant case has been completed."

On 26 June 1995, a letter from the Complaints Unit of the Ministry of Defence was received which read: "...the file which was opened in the wake of the complaint of your client was closed as the offender was not located, and the Command Attorney also closed the file under similar circumstances...we reject your demands."

The check was received from the Ministry of Defence in June 1996.

File number 4217

On 17 June 1993, residents of a Jerusalem neighborhood were burning weeds and garbage. Border police officers arrived at the place to discover the source of the smoke. At this time the officers beat the head of an eleven year old boy on a rock fence. The front teeth of the boy were broken.

The UIP commenced an investigation and in the end they decided not to try the officer due to his lack of guilt.

In 1996 the police decided to compensate the child.

File number 2942

On 17 April 1988, a military force arrived at the home of the complainant in order to arrest his son. The elderly father attempted to prevent the arrest, and an officer shot him with a rubber bullet which injured his right eye. The man lost his sight in the injured eye. The man's left eye was also injured and he suffered from facial trauma. The elderly man was hospitalized in the wake of this injury.

The complaint was received by HaMoked in 1992, which immediately began to deal with it.

In July of 1993, when no relevant answer had been received by the military authorities, HaMoked turned to the State Attorney with a request to order the military attorneys to send HaMoked the findings of the investigation.

On 10 May 1994, the Military Attorney wrote that "The available details are not enough to warrant the opening of an investigation, especially given the amount of time which has passed since the event."

The check was received in 1996.

File number 2476

In 1989 the IDF established an observation point on the roof of the home of the complainant. The soldiers were located at the observation point during various times. The soldiers went up to the roof through the home of the complainant, at all times of the day and night. During the treatment of this case, a debate was conducted concerning the legality of the observation point, as it was first established without an order; the army notified that the observation point was legal as the soldiers did not use it all the time. HaMoked demanded the opening of an investigation concerning the crass behavior of the soldiers, but the appointed investigator did not locate the soldiers involved.

Compensation was paid for the use of the roof, damages caused by the soldiers and the breaking of the finger of the complainant by the soldiers during an argument.

File number 3106

The complainant held a valid work permit when he was arrested by soldiers who argued that his permit was forged. He was held for two days and in the end was told to pay a fine for illegal staying in Israel or to stand trial for this offence.

HaMoked turned to the authorities and announced that the complainant will stand trial.

A trial date was never given. The complainant - who in the meantime did not receive an additional permit - paid the fine and returned to work in Israel.

The police sent a check in 1996.

File number 737

In 1989 a team of border police officers detained Palestinians in a Jerusalem neighborhood. The officers demanded that two of the Palestinians undress in the street so that they could be searched. The complainants refused and were subsequently beaten, stripped and forced to sit, get up and walk around. HaMoked demanded that an investigation be conducted, and officers were convicted.

In 1995 HaMoked filed a compensation suit and in 1996 compensation was awarded.

File number 113

In 1988 soldiers entered the home of the complainant, rudely woke the family members, beat the young and locked the adults in a room. The complainant, a former police officer, called the police, who refused to come as "soldiers were involved."

In 1991 the IDF concluded its investigation and ordered that the case be closed as the incident occurred "during the implementation of a search for wanted persons and no evidence was found to support the claim that family members were beaten."

HaMoked demanded to examine the investigation material (which was received in 1994!) which included only a summary report-superficial, general and incompetent.

In 1996 compensation was received by the complainant.

File number 8010

The complainant, handicapped and in a wheelchair, left in a car with his permanent assistant for medical examinations in Israel. This occurred in 1995. Both the complainant and the driver had entry permits for Israel, but did not have one for the car. At the IDF checkpoint soldiers confiscated the identity cards of the two, who were forced to pay a fine.

For six months the handicapped complainant was not able to receive his identity card and was also not able to obtain a new one. Without an identity card, the Civil Administration did not agree to give him entry permits into Israel for medical examinations and treatment. With the intervention of HaMoked, he was given a new identity card and awarded compensation.

File number 2630

In 1991, the complainant was injured by rubber bullets fired by border police officers in the Old City of Jerusalem and was transferred to a hospital for treatment.

In 1993 the investigation file was closed with the argument that there was no evidence for a criminal act by the officer.

HaMoked appealed the decision to close the file. The appeal was denied, with the argument that the shooting was justified.

In 1995 a petition was filed with the court.

In 1996 compensation was awarded.

File number 7803

In 1995 the complainant went to the canteen of the detention center in Jerusalem in order to purchase goods for his daughter living in an area under curfew, and was requested to push his identity card under the door so that he could be listed in line; this was the standard procedure of the canteen at this time. The identity card was never found.

In 1996 the police noted that this procedure has been cancelled and compensation was awarded to the complainant.

File number 1131.2

In 1989 the complainant was shot in a street of Hebron with rubber bullets by soldiers. HaMoked immediately demanded that an investigation be conducted.

In 1991(!) the investigation had yet to be commenced.

In 1996 compensation was given to the complainant.

File number 4513

The complainant, a resident of the West Bank, went abroad in 1991 but when he attempted to return, his entry was prevented by the authorities.

The family turned to HaMoked at the end of 1993.

HaMoked examined the situation with the authorities and found that the reason for the prevention his entry was an "administrative error."

The complainant returned to his home in the West Bank at the beginning of 1994.

In 1996 he received compensation.

File number 4677

In 1993 soldiers established (without a legal order) an observation point on the roof of a family home in the Kalandia refugee camp. The behavior of the soldiers was hurtful and degrading. A complaint was filed with the police two days after the establishment of the observation point.

Ten days later, HaMoked sent a complaint to the Central Command Attorney concerning numerous additional events examples of the behavior of the soldiers. The attorney justified the observation point as an operational need.

In April 1995 a compensation suit was filed in court and in 1996 the court awarded damages to the complainant for the holding of the roof until 1993.

The roof is still being held by the army. HaMoked continues to treat this case.

The amounts of money paid in the aforementioned cases ranges from NIS 300 to NIS 180,000.

It must be noted that the filing of a compensation suit is the last stage in the treatment of HaMoked of a complaint.

6. Freedom of Movement

The first half of 1996 was characterized by a drastic reduction in the little freedom of movement which had previously been permitted in the territories. At the end of February, at the beginning of the wave of attacks, the existing closure of the territories was strengthened and all existing entry permits into Israel were cancelled. Even the