

# CONFISCATION OF IDENTITY CARDS

The confiscation of an identity card from a resident of the occupied territories seriously impedes his or her ability to lead a normal life. Every resident of the territories aged 16 years and older is required by military order to carry an identity card at all times.<sup>6</sup> A resident of the occupied territories who does not have an identity card on his or her person is committing a felony, and is liable for imprisonment of up to one year.

In the first year and a half of the Intifada, identity cards of residents of the territories were routinely confiscated by a number of authorities. Agents of the Civil Administration taxation department frequently confiscated identity cards, conditioning their return upon payment of debts to the tax authorities. Soldiers confiscated identity cards in order to force residents to perform various tasks, sometimes even as a form of punitive action. In the course of these confiscations many identity cards were lost, causing additional difficulties, loss of time, expenses, delays at military checkpoints, etc. Between the time of its founding, and June 11, 1991, the Hotline received 196 complaints regarding the confiscation of identity cards.

In April 1989, at the joint initiative of the Hotline and Association of Civil Rights in Israel (ACRI), a petition was submitted to the High Court of Justice (HCJ) on behalf of seven residents of the territories who reported to the Hotline that their identity cards had been confiscated and not returned.<sup>7</sup> Following

the petition, the Commander of IDF Forces in Judea and Samaria issued an order designed to regulate the procedures for identity card confiscation.<sup>8</sup> According to this order, a soldier is permitted to confiscate an identity card from an individual under three conditions only:

1. In order to ensure compliance with an order given to the individual to remove a barrier on the road or a blockade which is hindering use of that same road.
2. In order to ensure compliance with an order given to the individual to erase or remove graffiti, flags, or other symbols.
3. In order to ensure that the individual will appear at a specific place and time as ordered by the soldier. In such a case, the identity card is to be returned immediately upon the individual's appearance, and the card's return may not be contingent upon performing any additional task, such as payment of taxes, or any other related action.

Upon confiscating an individual's identity card, the soldier must provide the individual with a document stating that the identity card has been taken. In this document, the soldier must indicate the identifying data of the individual whose card has been taken, the date and the reason for the confiscation, the place and time at which the individual may receive his card, the length of time of the document's validity, and the identifying data of the soldier who has confiscated the card. The order also states that the alternative

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6 Article 4 of the Regulations Concerning Identity Cards and Population Registration (Judea and Samaria) (No. 297) - 1969

7 HCJ 278/89

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8 Order Regarding Security Regulation No. 1276 (Amendment No. 59), May 1989

document is valid for no more than 96 hours, and that during this time the document will be considered the individual's identity card for all purposes. The identity card must be returned immediately upon implementation of the order given to the resident.

The publication of this order and the new procedures did not, however, resolve the issue. The Hotline continued to receive complaints regarding confiscation of residents' identity cards, and of the use of this measure in circumstances that violated the procedures specified by the new order. Confiscations continued to be used, to force residents to sweep roads or to guard against stonethrowing, etc., as well as to pressure families of individuals wanted by the security forces, in an attempt to force the wanted relatives to turn themselves in.<sup>9</sup>

The Hotline and ACRI again petitioned the High Court of Justice in May 1990 on behalf of six residents of the occupied territories whose identity cards had been taken in order to force them to pay taxes. In an announcement of the State Attorney's Office issued in response to the petition, it was stated that the six cards had been returned. With respect to the principle of the matter, the same announcement claimed that the authorities were acting ceaselessly to enforce the orders issued in the wake of the previous petition, and that in fact, the number of complaints reaching the authorities regarding illegal confiscation of identity cards had declined significantly.<sup>10</sup>

The data regarding complaints received by the Hotline of confiscation of identity cards, show that during the period between the first and second petitions

submitted to the High Court, the number of complaints received was in fact higher than in other periods. This suggests that the High Court's orders were not always upheld.

Following the second petition to the High Court the number of related complaints dropped markedly, but remained similar to the number of complaints in the period before the first High Court petition.

A typical case of confiscation of identity cards accompanied by extended bureaucratic harassment is that of family "H" from the village of Silwad. At the end of May 1989, the month in which the new order regarding confiscation of identity cards was issued, the village of Silwad was placed under curfew. At 4:00 a.m., all men over the age of 16 were ordered to appear in the courtyard of the village school. Standing in the courtyard were officers from the Civil Administration who checked to see whether any of those present owed taxes. Six members of "H" family were found to be in arrears; their identity cards were confiscated, and they were placed into one of the school rooms where they were held until 1:30 p.m., when the curfew was lifted. The six were then taken to the offices of the Civil Administration in Ramallah, where they were held until evening. When they were released, their identity cards were not returned. The six returned to the Civil Administration four times to request that their cards be returned, but they were rejected. At the beginning of June 1989, the men approached the Hotline for assistance. The Hotline gave their names to ACRI, which then included them in a list given to the office of the Legal Advisor for Judea and Samaria during the High Court's review of HCJ petition 278/89.

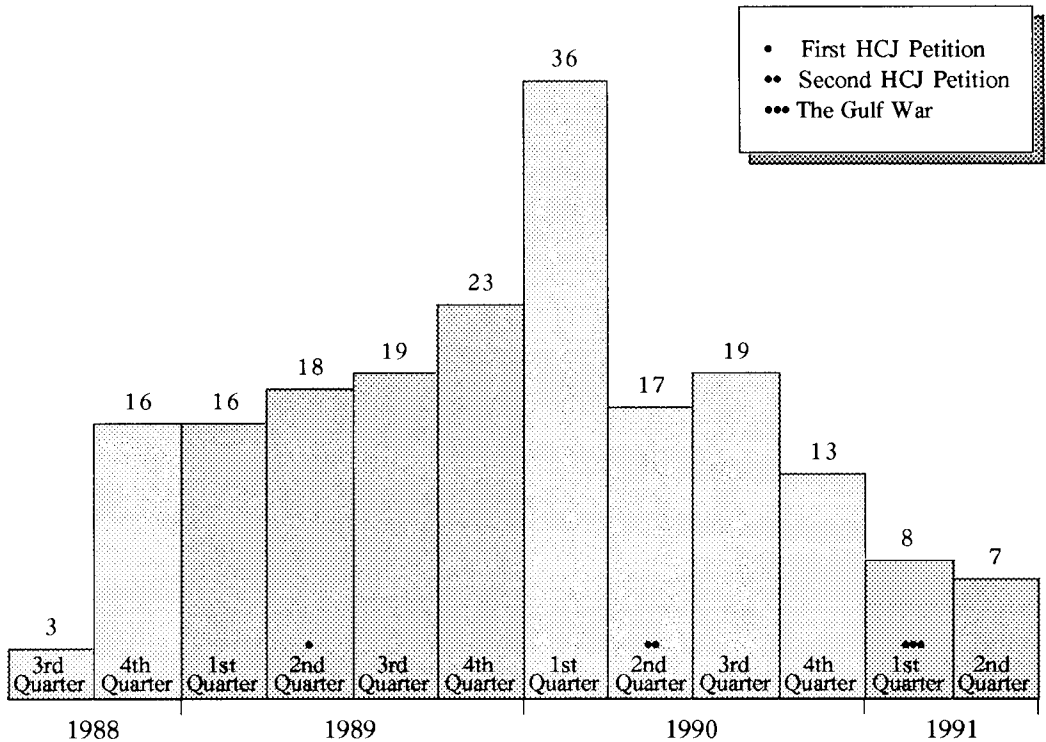
The Legal Advisor's reply, which was not received until September 1989, stated that one identity card had already been returned

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9 See B'Tselem Information Sheet, June 1991

10 HCJ 2237/90, Statement of the State Attorney's Office, September 1990

## Complaints Received by the Hotline Concerning Confiscation of Identity Cards [July 1988 - June 11, 1991]



to its owner, and two others could be retrieved by their owners at the Civil Administration offices in Ramallah. The three remaining cards had not been located. If their owners were to go to the offices of the Civil Administration in Ramallah they would be referred to the regional

office of the Population Registry, where they would receive new cards.

By October 1989, the incident had been resolved, but until that time, for over six months, all six individuals had to live without identity cards. (File No. 720)