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ANNUAL REPORT 1993

In 1993, HaMoked advocated on behalf of 1,590 cases which concerned the following matters:

CASES BY SUBJECT
January 1 - December 31, 1993

Subject	Number of Cases	Percentage of Total Cases
Family Reunification	624	39%
Location of Detainees	441	27%
Exit Permits	161	11%
Entry Permits to Israel	95	6%
Entry Permits to West Bank	66	4%
Violence	28	2%
Property Damage	31	2%
Other subjects*	144	9%
Total	1590	100%

* Other subjects include residency registration of children, identity card confiscation, and administrative fines.

1993 reflects more than a 50% increase in cases over 1992 (1005 cases). HaMoked's caseload has steadily increased despite the ongoing closure of the occupied territories by the Israeli government at the end of March 1993 and the signing of the Declaration of Principles between Israel and the PLO in September 1993. HaMoked attributes the increase to the ongoing general needs of the Palestinian population in the territories, particular problems under closure (for example, an increase in the number of entry permit requests into Israel), the lack of changes on the ground for the Palestinian population, and success of HaMoked in its advocacy and policy change regarding family reunification, exit permits, detainee location, and others.

As the table indicates, the two largest categories of cases concern family reunification and location of detainees, a continuation of the trend in 1992, where such cases also constituted over 60% of HaMoked's workload. HaMoked continues to successfully locate the overwhelming majority of missing detainees (see successes below); and to advocate

aggressively on behalf of family reunification cases, following the success in 1992 whereby 56 appeals to the Israeli High Court were resolved by the State Attorney agreeing to grant six-month renewable residency permits. In 1993, HaMoked has 16 pending petitions to the High Court on behalf of Palestinians not included in this agreement and continues its advocacy on their behalf (see below under Major Projects).

HaMoked's increasingly professional approach to its caseload has increased its success rate, as is indicated by the table below:

SUCCESS RATE OF CASES BY SUBJECT

Subject	Resolved Successfully	Still Being Processed	Other Status*
Family Reunification	92 (15%)	513 (82%)	19 (3%)
Exit Permits	105 (65%)	23 (14%)	33 (21%)
Location of Detainees	427 (97%)	4 (1%)	10 (2%)
Entry Permits to West Bank	16 (24%)	39 (59%)	11 (17%)
Violence	0 (0%)	25 (89%)	3 (11%)
Property Damage	2 (6%)	26 (84%)	3 (10%)
Entry Permits to Israel	36 (38%)	38 (40%)	21 (22%)
Other	34 (24%)	81 (56%)	29 (10%)
TOTAL	712 (45%)	749 (47%)	129 (8%)

* Other status indicates one of the following: a) that the case was successfully resolved without HaMoked's intervention; b) that the case was referred to another organization; or c) that the case was closed either by the applicant or by the authorities.

Several points are significant in the table of HaMoked's success rate:

- HaMoked successfully resolved the overwhelming majority of cases concerning the location of detainees (97%). In most cases, HaMoked informed the family of the detainee's whereabouts within 24 hours. Regarding the few outstanding cases, in 1993 HaMoked petitioned the High Court on behalf of West Bank family members of a Palestinian who resided in Jordan and was extradited by Jordan to Israel. The family members received notification from Jordan on the extradition and asked HaMoked to help locate him. After repeated requests to the authorities with little response, HaMoked petitioned the High Court and the State Attorney's office informed of his location before the case was heard. In another High Court petition on behalf of family members of a Palestinian who has been missing since 1990, HaMoked requested to perform blood tests for body identification.

- HaMoked has successfully obtained exit permits in almost 2/3 of its cases (65%) for clients previously denied exit. HaMoked regularly appeals to the Israeli High Court in cases of Palestinians who are denied exit and those who are forced to remain abroad for a prolonged period as condition for exit. Individual Palestinians and other human rights organizations continue to refer cases of exit permit denial to HaMoked because of its success in this matter. A July 1993 announcement by the authorities cancelling the requirement of having to stay nine months abroad for Palestinian men over the age of 25 is seen as a partial victory in HaMoked's fight for freedom of movement (see Major Projects).

- HaMoked does not cease to process a case unless requested by the client, even in intractable cases. As reflected in the chart, HaMoked continues to process cases until successful resolution. In contrast to success in the above areas, far fewer cases of violence and property damage by Israeli civilians and officials end in successful resolution. 25 out of 28 cases from 1993 remain open, awaiting response by the authorities. HaMoked plans to initiate a campaign to advocate on behalf of the unresolved cases of violence by IDF soldiers in 1994.

LEGAL AID PROGRAM

HaMoked used the legal system as a principle source of advocacy. Whenever correspondence with the relevant authorities proved unproductive, HaMoked turned to the courts for resolution. In 1993, HaMoked advocated on behalf of clients in municipal courts, military courts, District Courts, and the High Court. HaMoked petitioned the High Court in 18 cases during 1993, seven of which concern Palestinian residency issues (family reunification). In all of these cases, an interim injunction by the court prevented the expulsion of dozens of Palestinians. The other 11 petitions concerned matters where the behavior of the relevant authorities was inappropriate or aggressive bureaucratic advocacy proved fruitless. These cases involved habeas corpus regarding location of missing persons, exit permit denial, entry permit denial into Israel due to the closure, requests to reinstate residency, request to cease destruction of homes by army fire and compensation for property damage. HaMoked also provided legal advocacy for clients in lower courts, in military courts and in military appeals committees.

In addition to the HaMoked's ongoing daily assistance to Palestinians on a walk-in basis, certain issues continued to dominate its workload during 1993:

The Closure of the Occupied Territories and Outreach Program

The closure of the occupied territories by the Israeli government from the end of March 1993 onwards has exacerbated the already existing problem for Palestinians to enter Israel resulting from restrictions on entry following the Gulf War. More Palestinians than ever are unable to reach or communicate with HaMoked's East Jerusalem office, especially from areas where there is no access to telephone or fax. This new reality has increased the importance of the outreach program HaMoked initiated in 1992 in collaboration with the Israel Section of Defense of Children International.

With the closure continuing indefinitely, HaMoked decided to both initiate activity to protest this action, and to investigate further measures to increase access to HaMoked's services for the vast majority of its clients who are prohibited from traveling to East Jerusalem.

HaMoked initiated a meeting between 28 Israeli and Palestinian human rights groups resulting in an April 21 joint press conference and statement to protest the closure and the subsequent denial of human rights, including the right to work, and the blocking of access to basic needs and services which East Jerusalem provides for most Palestinians from the territories. The closure has served not only to cut off Palestinians in the territories from East Jerusalem and Israel, but also to separate the Palestinians of the northern West Bank from those in the southern West Bank, as the only road connecting these two areas goes through Jerusalem. The further deterioration of economic, social and medical conditions, in addition to the basic rights to work and travel, motivated HaMoked to initiate this protest.

In May, HaMoked petitioned the High Court on behalf of a Gazan doctor prevented by the closure from traveling to Jerusalem where his wife and child live. In 1993, HaMoked has obtained entry permits into Israel for work, medical treatment, and studies for 36 of its clients and is presently processing 38 other requests.

HaMoked continues to receive complaints from outreach workers in the territories as part of the ongoing program with Defense of Children International, and a HaMoked attorney travels weekly throughout the West Bank to proceed with cases. HaMoked is exploring methods to increase outreach and views it as its task to reach this population and process all cases of abuse.

December 1992 Deportations

The December 1992 deportations of over 400 Palestinians accused of membership in Hamas and the Islamic Jihad were permitted by the Israeli High Court of Justice as they lifted the interim injunction which HaMoked and other human rights advocates had received from the court. After the deportation, HaMoked participated in several additional High Court petitions during the first months of 1993 which concerned notification of the deportees' families; the welfare of the deportees; and the right to appeal.

On January 28, 1993, the High Court ruled on the legality of the deportation. The ruling states that the general deportation order, which does not allow an appeal before deportation, is illegal and cannot be used in the future. Yet the High Court ruled the individual deportation orders valid, and did not require the deportees' return. The accumulative pressure from this advocacy contributed to the gesture by the Israeli authorities to bring back the deportees who returned in two groups, one in June 1993 and the second in December 1993. Several deportees who chose not to return remain in Lebanon.

Family Reunification

Due to the harsh regulations concerning legal residency in the West Bank, many spouses (usually wives) and children of Palestinians who were not here during the 1967 census or were born outside the

territories are not considered legal residents. Instead they are only allowed to "visit" their husbands and families on short term visitors' permits issued by the Civil Administration. When these permits expire, visitors are required to exit the territories before requesting another permit.

In 1990, the Association for Civil Rights in Israel reached an agreement with the State's Attorney whereby first degree relatives of Palestinians who entered the territories before June 5, 1990, were entitled to long term visitor's permits, renewable without exiting the territories. In 1992, HaMoked succeeded in extending this agreement to August 31, 1992, thereby allowing thousands of families to remain together without fear of expulsion. The success was the result of HaMoked's aggressive legal advocacy with 56 petitions to the Israeli High Court on behalf of over 350 Palestinian families - as well as the ground breaking coalition with a broad spectrum of Palestinian and Israeli human rights organizations (The Association for Civil Rights in Israel, Al-Haq, B'Tselem, PHRIC (the Palestinian Human Rights Information Center), the Women's Human Rights Project, the Israel Section of Defense of Children International, and the Quakers).

In 1993, HaMoked, supported by the coalition, continued to petition the High Court (16 cases) on behalf of Palestinians not included in the 1992 agreement, and who have been threatened with deportation, and these 16 petitions remain pending. This resulted from meetings with army senior officials where an understanding was reached that the military would not deport those on expired permits if HaMoked would no longer bring High Court petitions. Thus, HaMoked and the coalition brought only emergency petitions where deportation was threatened.

In June 1993, HaMoked succeeded in obtaining the cancellation of a newly imposed 1,000 shekel cash deposit required for visitors' permits for the summer of 1993 (to be returned 21 days after the visitor exits). Up until now, there has been a requirement to sign a guarantee of 5,000 shekels collected if the visitor does not leave at the end of the period. After this new procedure was published in May, HaMoked immediately lodged a protest with the authorities as the burden of a cash deposit would prevent many family visits. The authorities promptly responded with a decision to cancel this requirement.

On August 22, 1993, in a State's Attorney announcement to the High Court to the pending HaMoked petitions, the authorities have offered permanent residency to all those nuclear families covered by the 1992 agreement, with a promise of 2,000 applications granted annually. As important, marriage is now a criterion for granting family reunification, whereas before this announcement the criteria were governmental interest and an undefined humanitarian category. The quota of 2,000 is approximately a doubling of the previous quota, and HaMoked continues to clarify points of this announcement, and is soon expecting official confirmation of the agreement extended to include all those who entered from September 1, 1992 to August 31, 1993. HaMoked continues its advocacy for extension of this period and on behalf of all those family members, nuclear and extended, who are not covered by this agreement. HaMoked initiated a legal document prepared by the coalition regarding the definition of the

family with anthropological background on the concept of the "extended" family in Palestinian society - as distinguished from the Western concept of "nuclear" family - to be included in the criteria for family reunification. This document was submitted to the Israeli and Palestinian delegations to the multilateral peace talks with the recommendation not to define the criteria for the quota of families being granted family reunification by nuclear family standards.

HaMoked is in the process of preparing a comprehensive report on family reunification and visitors' permits. It will continue its advocacy on behalf of residency issues to ensure that all Palestinians are able to conduct a normal family life without fear of separation.

Exit Permits

HaMoked's 1992 report on travel restrictions had found strong indications that permits are denied to punish family members or residents of an area where people have been charged with security offenses, and has been successful in obtaining permits for a majority of clients who have been denied exit, as discussed above.

An unpublished directive has required all West Bank and East Jerusalem young men from age 16 to 35 to remain abroad for at least nine months, regardless of their security record. In 1992, HaMoked petitioned the High Court on this issue, and as a result, the order has been made public for the first time. The Coordinator of Activities in the territories announced and later confirmed in a June 1993 letter to HaMoked, that starting July 18, 1993 "residents of the areas over the age of 25 will be allowed to go abroad without having to obtain a special permit to return to the areas before the end of nine months." Following this partial victory, HaMoked continues its advocacy on behalf of 16-24 year-old males who must still wait nine months before return - and freedom of movement in general for all Palestinians from the territories.

ORGANIZATIONAL STRUCTURE

HaMoked began 1993 with two coordinators, an administrative assistant, secretary, part-time fundraiser, and a part-time attorney. In May of 1993, HaMoked expanded its office staff: the part-time attorney took on a full-time position; and a new part-time attorney was hired. This increase of legal staff, while maintaining the use of its consulting attorney for certain cases, was needed to fill the growing need for legal advocacy by HaMoked on behalf of its clients. With the leaving of its part-time fundraiser, HaMoked hired a new fundraiser in June and added the task of report writing to constitute one three-quarter time position. This enables HaMoked to expand its writing of reports on a more professional level. Thus, HaMoked now has seven staff members.

New Office

HaMoked moved into its new office in May 1993 located at 4 Abu Obeidah Street in East Jerusalem on the same street as the previous office. As HaMoked expanded its work, the old storefront office space became increasingly inadequate. HaMoked renovated the new office, bought office furniture and equipment, and has been able to expand its staff, work area and record keeping, and, consequently, can serve the growing number of clients.

Annual General Assembly

On December 21, 1993, HaMoked held its Annual General Assembly. At the Assembly, HaMoked presented its reports which were approved by the General Assembly and elected its Board of Directors. Also at the Assembly, HaMoked changed its bylaws so that the organization now consists of members who vote at the General Assembly. This was done according to the advice of HaMoked's legal adviser on organizational matters: the law requires an overall governing body consisting of members who meet at the annual General Assembly and elects the Board of Directors.

HaMoked is now governed by two bodies: the Board of Directors which consists of nine members who are elected by the annual General Assembly; and members of HaMoked. These members and supporters include activists in other human rights organizations, academics, women's rights activists, legal professionals, and any other interested persons. Members are eligible to vote at the annual General Assembly. From among its members come HaMoked's approximately dozen volunteers who assist in a variety of support work. The Board meets monthly to discuss HaMoked's ongoing activities and policy, and to evaluate any changes in the human rights situation. HaMoked established this year a Cabinet consisting of five Board members who meet every two weeks for more close follow up and matters which need weekly supervision.

Panel on Human Rights and Peace: Directly following the Annual General Assembly, a panel discussion sponsored by HaMoked was held on "Peace and Human Rights Organizations", with leading Palestinian and Israeli academics, legal scholars, and human rights activists. This discussion of the effect of the peace process on human rights work continues on an ongoing basis.

Changes in Board of Directors

In 1993, Dr. Adel Man'a of Bir Zeit University, Dan Bitan, Administrative Director of the Truman Institute for Peace, and Victor Lederfarb, financial consultant, replaced Board Members Nadia Kieboukina, Hillel Cohen and Assaf Oron.