

2. Violence committed against Palestinians by the Security Forces and the suing for compensation.

Even today Palestinians in the Occupied Territories are not guaranteed the basic rights of human dignity and bodily integrity. The withdrawal of the IDF forces from the central areas of the major Palestinian cities – under the Oslo Agreements – has reduced both the friction between the IDF and the Palestinian population and the number of incidences of reported violence. However, the phenomenon of disrespect of the law by soldiers, policemen and settlers has not changed, and incidents of shootings, beatings and abuse continue in areas where Israel retains a presence, as well as at permanent and temporary roadblocks that are erected by Israel throughout the West Bank and at the various entry points into Jerusalem.

Part of the responsibility for the continuation of this violence falls on the shoulders of the investigating and prosecutorial authorities: particularly the Investigating Branch of the Military Police and the prosecutor of the Central Command of the IDF. Rather than comprehensively investigating incidents of violence, the system of enforcement tends to ignore complaints, to manipulate the facts or to conduct superficial and artificial investigations that fail to produce any real results. These most central services that are meant to protect an individual's rights and personal safety are consequently not available to Palestinians. The military and police authorities that are supposed to actively protect these rights when they are being threatened, are themselves guilty of their violation. With regards to violence committed by settlers – the authorities stand back. The authorities charged with enforcing the law through investigations, instead cover-up transgressors of the law. It is because of this situation that HaMoked since 1994, has acted and advocated for the enforcement of the rights of Palestinians and for accountability for these violations through civil compensation suits.

The compensation suits act to serve a number of goals. The submitting of suits obligates the system to make itself accountable. Authorities that did not set proper guidelines, and failed to enforce, investigate or bring to trial guilty parties are forced to explain their actions and failures in a court of law. For the victim of the violence there exists the element of empowerment: awarding victims the opportunity to realize their rights, and to force the interrogation of the soldiers who abused and attacked on the witness stand. The award of monetary compensation serves to acknowledge the fact that rights were violated. The payment of the compensation is also essential to people who remain handicapped or for bereaved families who are left without a wage earner. Given the present economic condition in the Occupied Territories, these funds are more essential than ever. Finally, it is also possible to hope, that these suits may act as deterrents against similar actions in the future.

The diversity of the suits submitted by HaMoked during 1999, testifies to the wide range of violations experienced by the Palestinians under occupation. The following are a few examples of the petitions submitted.

In the month of February, HaMoked submitted a suit on behalf of a child who is a resident of Beit Lekiah in the Ramallah district. When the child was 8 years old, he accompanied his parents who worked on their agricultural land. The land, despite the fact that it was private agricultural land, served as part of a training area for the IDF. The child lifted an object,

that had apparently been abandoned by IDF soldiers and the object exploded. The child was burnt on his legs and arms, and a fragment of the object penetrated and entered his stomach, the removal of which required an operation.

In March, HaMoked submitted a suit on behalf of a family from the Azirih Al Kab'lia village in the Nablus district. The family had fallen victim to violent demonstrations and disturbances of settlers from the Yitzhar settlement. The family had been on their way from their village to Nablus, when three cars with Israeli number plates blocked their path. Seven settlers exited from the vehicles while shouting, cursing and shooting into the air. They threw stones at the Palestinian cars, totally destroying them. One of the stones hit the left hand of the father, fracturing the hand. The parents together with their two-month-old baby managed to escape from the besieged car, however two infants (two girls aged two and three) remained caught alone in the vehicle. The father hurried back to try and rescue them and found them both terrified, with their hair and clothes covered with broken glass. That same day the family lodged a complaint with the police and later army and police forces arrived at the location of the attack. Despite the facts that it was known that the settlers had left the scene in the direction of the Yitzhar settlement and that one of the injured Palestinians had taken the license number of one of the vehicles involved, the police failed to take any action in order to investigate the incident. HaMoked requested to photocopy the material in the case and received a response that "there is nothing in the case-file to photocopy". HaMoked is claiming in the suit that the reluctance and failure of the police to investigate the incident constitutes in itself a violation of the family's rights, for which they are entitled to compensation. In addition, the lack of action by the police effectively annulled the family's chances to receive compensation for their damages from the settlers.

In the month of June HaMoked submitted a suit on behalf of Dr. Aiyamar Chayot, a dentist from Nablus. In December 1996, Dr. Chayot left Nablus, with a permit issued by the IDF for Tel Aviv in order to collect sophisticated medical equipment for his practice. He wanted to return to his home by bus, from the central bus station in Tel Aviv via Ariel, from where he would proceed to Nablus. However, when it became apparent to the bus driver of the "Dan" Cooperative Transportation Company in Tel Aviv that the passenger is Palestinian, Dr Chayot was ordered to exit the bus. In response to HaMoked's complaint over the bus driver's behavior, the Cooperative justified the actions of the driver, citing a military order issued by the IDF commander in the West Bank, which states "persons who are not Israeli may not travel on Israeli public buses". Following correspondence between HaMoked and the Legal Advisor to the IDF in the West Bank, HaMoked was informed by that office that the military order is no longer valid. However the IDF refused to publish written notification of the cancellation of the order. In this case, HaMoked is suing for the compensation resulting from the humiliation suffered by Dr. Chayott and is requesting that the court issue an injunction instructing the Cooperative "Dan" to allow the entire public use of its services.

In the month of August, HaMoked submitted a suit on behalf of a one year and five month old baby from Beit Olah in the Hebron district, who died because of delays at an IDF roadblock. In 1996 the baby was diagnosed as having leukemia and underwent chemotherapy treatment at the Hadassah Hospital in Jerusalem. At the time of the baby's release, the parents were instructed that he must be returned to the hospital should the infant's temperature begin to rise. Two days later the infant's temperature began to rise. This period was during the peak of the disturbances following the opening of the Old City tunnels in Jerusalem. The parents failed to obtain an ambulance to transfer the baby to the

hospital, but rather found a car with Israeli license plates. When they arrived at the IDF roadblock, the soldiers refused to let them pass, despite the explanations regarding the critical medical condition of the baby. Only an hour later did they open the way for the driver of the car, the mother and the baby. The father was forced to remain behind. Before reaching the hospital the baby stopped breathing. At the hospital efforts were made to revive the infant – but to no avail.

In the same month, HaMoked submitted a suit on behalf of a teacher who is a resident of Ein Yabrud in the Ramallah district. The suit deals with the serious beatings he suffered at the time of his arrest and transfer to administrative detention. The beatings, amongst other things, resulted in damage to his cornea and injury to his eye. Following the submission of a complaint to the Prosecutor of the Central Command of the IDF, HaMoked was informed that the degree of force that the soldiers used against the detainee was, for the most part, reasonable. “ However, certain irregularities were found, which as a result, the Prosecutor ordered that the officer in charge of the force be brought to a disciplinary hearing. The irregularity dealt with the instruction by the officer to nine of his soldiers to beat the detainee at the time of his arrest, while he was handcuffed, eyes covered and lying on the ground”. The officer appeared in a disciplinary hearing and was fined 100 NIS (around \$ 25.00).

During the month of November, HaMoked submitted a suit on behalf of a female resident of the refugee camp Kaldinia, who was shot by IDF soldiers while trying to intervene on behalf of three family members who were being beaten. One of the bullets remains permanently lodged in her neck, causing swelling to her neck and face. Initially the women suffered from severe hoarseness as a result from damage to her vocal cords. Fragments of a second bullet, which penetrated her leg, caused her serious walking difficulties, and today she still suffers from pains in her leg during changes in the weather.

During December, HaMoked submitted a suit on behalf of a female resident from the Chader village, who was beaten by police near the Nablus gate in Jerusalem. The incident occurred while police were removing peddlers from the Nablus Gate area: these actions by inspectors of the Jerusalem municipality together with police intervention resulted in numerous complaints being lodged with HaMoked. The inspectors violently dispersed the peddlers while trampling on and confiscating their merchandise. During the incident the inspectors confiscated the vegetables that the woman had brought to sell and loaded them onto their vehicle. The woman ran after the inspectors and begged for the return of her goods. The police who accompanied the inspectors intervened, brutally pushing her while one of them beat her hand with a baton, breaking the bone.

During the course of the year many compromise agreements were reached in suits that were previously submitted. In this manner, for example, the parents, wife and seven children of a resident from the village Jaba'la, who was shot and killed in 1994 by Border Control Policemen, received 400,000 NIS and the family of a child who was shot and killed in a refugee camp next to Nablus in 1995 received 80,000 NIS. The family of another victim who was killed received 50,000 NIS. A girl who was injured by a “shock grenade” in 1991 was compensated with 30,000 NIS. Two people who were beaten in 1990 by policemen of the Border Control Unit underneath the police station in Newe Yaakov were compensated together with a payment of close to 20,000 NIS. Another complainant received 10,000 NIS compensation resulting from beatings suffered during his arrest and interrogation in 1991.

An additional achievement of HaMoked during the year was of the establishment of the right of a complainant to have access to all the investigation reports and material that the police had opened following their complaint. In May 1999, the Police issued a directive clarifying the right of a complainant to have access to police files, while emphasizing that for this purpose there is no differentiation between the testimonies of witnesses and all other investigation material – including memorandums and police activity reports. The directive was announced following a HaMoked petition to the Supreme Court, requesting to review the report of a police photo identification line-up, in which a complainant identified a female settler who participated in the beating of her children in Hebron in 1995. The police transferred to HaMoked at the time the testimonies of witnesses in the case, but refused to release the report of the identification examination, which was the central piece of evidence in the case. The report of the identification and additional memorandums were released to HaMoked a few months after submitting the petition to the Supreme Court in 1998, while later the above-mentioned police directive was issued preventing in the future refusals to reveal evidence like those encountered in this case.

3. Freedom of Movement

Departures Abroad

By means of control over the Jordan border crossings, and all other border exits, Israel continues (and in practice - the GSS) to control the lives of the residents of the Occupied Territories. The instructions to deny departure abroad is fed on-line to a computerized system; without advanced notification to the individual concerned. As a result any resident who arrives at a bridge-crossing may find themselves being forced to return home. Experience indicates that the use of the tool of preventing border-crossings is widespread. The resident whose exit is denied is not given any explanation for the decision. Even HaMoked receives the most laconic responses such as; “the resident’s exit abroad will endanger the security of the region” or “Hammas activist”. The information on which the decision to prevent an exit abroad is based remains classified, without any possibility of challenging the claims. Not infrequently, it has appeared that the prevention of a journey abroad was implemented either in order to pressurise an individual to collaborate with the Israeli authorities or as a punitive sanction in order to show a resident “who is the boss”.

For example S.D. from Arabe in the district of Jenin, has apparently been prevented from traveling abroad since 1993, although he was never arrested or brought to trial. In July 1999 he requested to accompany his daughter, aged 10, to a hospital in Amman Jordan, where she was to receive treatment. The daughter suffers from muscular dystrophy and was until then treated in Israel. The treatment however is very expensive and entry into Israel complicated while the language barrier also created complications. When S.D. arrived with his wife and daughter at the bridge, the authorities allowed the wife and daughter to pass, but prevented his exit while issuing him with a “summons” to meet with the GSS. When he arrived at the meeting, after being made to wait, he was informed that the “captain” of the GSS is refusing to meet with him. Following a request issued by HaMoked S.D. received a one-time permit to accompany his daughter to Jordan.

During 1999, the GSS further exploited for the worse, its control over the various border crossings. In a number of cases, HaMoked requested permission for residents to leave for