



## HaMoked Annual Activity Report for 2019

During 2019, Israel continued to systematically violate the human rights of Palestinians in the occupied territories (oPt), further entrenching its hold of the West Bank (including East Jerusalem), and maintaining the devastating closure of the Gaza Strip. Within Israel, the political stalemate created an atmosphere of uncertainty, and exacerbated anti-democratic, racist rhetoric from the highest-ranking government officials. Israel's civic space continued to shrink, as human rights organizations and activists faced an onslaught of rhetorical and physical attacks from ultra-nationalists, often with the facilitation and support of government officials. Attacks against HaMoked primarily targeted our work against collective punishments of Palestinians, and manifested through provocations at our court hearings and efforts to cut-off our funding.

Despite this difficult climate, in 2019 HaMoked assisted 5,098 Palestinians to realize their basic rights, with a high overall success rate. We conducted strategic litigation to challenge discriminatory laws and policies, generating precedents with a positive impact for many thousands of rights-holders. Below is an overview of our activities and achievements during the year.

### Overview of Activities

#### Freedom of Movement

##### [Challenging increased restrictions on Palestinian access to the lands trapped behind the Separation Wall](#)

This year we witnessed a severe deterioration in Palestinian access to the so-called "Seam Zone" – the West Bank lands trapped between the Green Line and the Separation Wall, and a big increase in demand for HaMoked's assistance. We assisted 243 Palestinians to contest denials of Seam Zone permits, and challenged new access restrictions as they emerged.

- We challenged the military's outrageous assertion that privately-owned plots of land under 330 square meters are "too small to require cultivation", and therefore do not justify issuing a Seam Zone permit. HaMoked submitted 20 petitions to the Jerusalem District Court and the High Court of Justice (HCJ) on behalf of landowners whose requests for permits were rejected on these grounds. At one hearing, the [High Court criticized this](#)

[policy](#), stating that it does not give due consideration to Palestinian land owners' rights. We are awaiting a ruling on the principled level.

- We [petitioned the HCJ against the military's routine lengthy delays](#) in opening the Magen Dan agricultural gate along the Separation Wall. These delays force farmers to wait for long periods (up to 5 hours) until soldiers come to open the gate. While waiting, the farmers have no protection from the elements or access to food and water. This petition has yet to be heard.
- [We demanded](#) that the military remove a concrete block it had placed at the Qaffin agricultural gate at the height of the olive harvest, barring farmers from transporting out the harvest yield. In November, a day after HaMoked submitted a petition on the issue, the military removed the block.

### Facilitating travel abroad

HaMoked provided assistance to 88 Palestinians who were barred from travelling abroad, demanding they be allowed to leave their country and realize their right to education, healthcare, family visits, and more. Two examples illustrate the impact of HaMoked's assistance in such cases:

- In one case, [following HaMoked's petition](#) a PhD student from the Hebron district was allowed to return to his studies in Algeria, after he was repeatedly prevented from leaving – and following an attempt to pressure him to collaborate with the Israeli security forces.
- In another case, [HaMoked's interventions compelled the military](#) to reverse a travel ban it had issued against a young academic from Nablus, who later traveled to Germany to attend a masterclass for short-story writers.

### Preventing deportations

HaMoked's persistent interventions brought about the release of three Palestinian men from an Israeli prison for illegal aliens, and protected them from the authorities' attempts to deport them.

- In September, [our interventions finally resulted in the release of Ma'an Abu Hafez](#), who was detained for over 2.5 years pending deportation to Brazil. Born in Brazil to a Palestinian father and a South American mother, Ma'an moved to the West Bank with his family when he was three years old. A combination of personal circumstances and Israeli policies rendered him without legal status in the West Bank, and he was arrested following a chance encounter with Israeli security forces in February 2017. Having finally secured his freedom, we are now working to ensure Ma'an has residency status in the West Bank – his only home since childhood.
- In October, our interventions brought about the release [of stateless East Jerusalem journalist Mustafa al-Haruf](#) from the same prison for illegal aliens, where he was held for over 9 months. Born in Algeria to an East Jerusalem family, Mustafa has been living in Jerusalem since he was 12. His family's attempts to legalize his status failed due to the Ministry of Interior's bureaucratic obstacles, and the now 32-year-old Mustafa remains stateless. While in detention, he was separated from his wife and infant daughter, both of whom hold permanent Israeli residency. Israel attempted to deport Mustafa to Jordan

– a country to which he has no ties – but the Jordanian authorities refused to accept him. HaMoked has submitted a new family unification request on behalf of Mustafa and his wife, and continues to demand that he be granted legal status in his home city.

## Advocating for Residency Rights in East Jerusalem

During 2019, HaMoked continued to lead the fight against Israel’s “Quiet Deportation” of Palestinians from East Jerusalem, and challenged the discriminatory Citizenship and Entry into Israel Law, which bars thousands from holding residency status in Jerusalem, where they live with their families. We assisted 324 families to register their children, reinstate revoked residency or obtain a family unification status, alongside important achievements in our strategic litigation:

- We submitted a principled petition to the Jerusalem District Court [demanding that residency status be given to the children of East Jerusalemites who are undergoing a status reinstatement procedure](#). In a November hearing, the court expressed its agreement with our arguments in the case. We are awaiting a final judgment.
- The High Court issued its judgment in our principled petition to improve the waiting conditions at the East Jerusalem bureau of the Ministry of interior, [stating that the petition had resulted in improved conditions at the building](#), and expressing its dismay at the authorities’ lack of concern and inaction on the issue over the years. We will continue to monitor conditions at the bureau.
- HaMoked’s petition resulted in an arrangement allowing Palestinians who live in Israel or East Jerusalem pursuant to family unification procedures, and hold temporary status in the country, [to regularly travel through Ben Gurion Airport](#).
- We submitted [a series of 14 petitions](#) demanding that the Citizenship and Entry into Israel Law no longer apply to Palestinian women and men ages 50 and 55 years or older, respectively, who live in Israel or East Jerusalem pursuant to stay permits or temporary residency. The law bars Palestinians from receiving residency status in Israel in the framework of family unification requests, and its official purpose is security-related. However, Palestinians over the age of 50 or 55 pose no security threat according to the assessment of Israel’s own security forces. HaMoked therefore argued that the law unnecessarily denies people in this group stable residency status and social rights. The petitions are pending before the High Court.

## Detainee Rights

Throughout the year, HaMoked traced 3,684 Palestinians in Israeli detention and informed their families of their whereabouts; helped family-members [apply for permits to visit their loved ones in Israeli prisons](#); and [submitted complaints on behalf of detainees who suffered violence and abuse](#) at the hands of the Israeli security forces.

## Minors in Detention

HaMoked documented violations and advocated for the rights of Palestinian minors in arrest, interrogation and detention:

- We visited dozens of detained Palestinian minors in Israeli prisons to take affidavits about their experiences during arrest, interrogation and detention. The affidavits informed our monitoring efforts and our principled litigation on the subject.
- In March, we submitted a principled petition to the HCJ demanding that detained Palestinian minors be allowed to maintain regular telephone contact with their families. Following a hearing in July, [the Court rejected the petition](#) on the grounds that it should have been submitted to a district court, and on behalf of an individual prisoner. HaMoked has since submitted five individual petitions to two district courts on behalf of detained Palestinian minors, in an effort to force a principled discussion of this harmful policy.

## Combatting collective punishment

HaMoked raised a principled voice against the use of home demolitions as a collective punishment of the family-members of Palestinians who commit fatal attacks against Israelis. Though the HCJ refused to hold a discussion regarding the legality of the policy as a whole, HaMoked argued in 12 cases that such demolitions are a violation of international humanitarian law, and of the basic legal principle whereby a person cannot be punished for acts committed by others.

Separately, HaMoked challenged the introduction of a new form of collective punishment, and [prevented the Ministry of Interior's attempt to deport a woman from Jerusalem](#) as punishment for an act allegedly committed by her son. In January, the Jerusalem Court for Administrative Affairs upheld the precedential ruling of the Appeals Tribunal in HaMoked's case, which stated that the woman's permit to live with her family in Jerusalem cannot be revoked due to her son's suspected violent act. This precedent will serve to protect others, in future, from attempted deportation from Jerusalem, as punishment for acts committed by their family members.

## Looking Forward

The annexationist agenda of the Israeli government, bolstered by the Trump Plan, poses a challenge to all those working for universal human rights in the oPt. HaMoked will push back against this agenda, and will continue to provide vital paralegal and legal assistance to thousands of individuals, and to conduct strategic litigation to change government and military policy to increase respect for basic rights.