

בְּתֵסֵלֶם
רָבִיר

B'TSELEM QUARTERLY FOR HUMAN RIGHTS

IN THE OCCUPIED TERRITORIES

FIRST ISSUE, DECEMBER 1998

**50th ANNIVERSARY OF THE
UNIVERSAL DECLARATION
OF HUMAN RIGHTS**

FROM THE EDITORS

This week, the world is marking the 50th anniversary of the Universal Declaration of Human Rights, which was passed by the General Assembly of the United Nations on December 10, 1948. The Declaration was framed in the dark shadow of the horrors of World War II and the genocide of the Jewish people by the Nazis, as the international community arrived at the realization that individuals must be protected from oppression and persecution, and that the freedom of the individual from fear and want must be ensured – in order that, as the preamble to the Declaration states, “man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression.” The Declaration is the first international document on the inalienable rights of all the members of the human family, and together with the Covenant for Civil and Political Rights and the Covenant for Economic, Social and Cultural Rights, it constitutes the first comprehensive agreement reached by all nations regarding the rights and freedoms of all human beings.

This is the first issue of a quarterly that will be published by **B'Tselem**. Its aim is to increase the awareness in Israeli society of the state of human rights in general and human rights in the Occupied Territories in particular. Future issues will be dedicated to various topics with which **B'Tselem** is engaged, in the hope of making available information, promoting dialogue and exchanging ideas with readers.

This issue is dedicated to the 50th anniversary of the Universal Declaration. There are 30 articles in the Declaration, some of them declarative, most of them practical. Apart, perhaps, from the article prohibiting slavery, the State of Israel violates each and every one of the Declaration's provisions in its behavior toward the Palestinians in the Occupied Territories.

We have decided to focus upon 14 articles and to present a summary of the state of affairs since the outbreak of the Intifada on December 9, 1987. The photographs – contributed by Israel's finest photographers – were not selected to be provocative or to horrify. Although some of them make for difficult viewing, as some of the prose makes for painful reading, both the pictures and the texts reflect and symbolize harsh, but quite common, phenomena.

B'Tselem is committed solely to the protection of human rights, according to criteria determined by international law, of which the Universal Declaration of Human Rights is a cornerstone. Although **B'Tselem** sees the Jewish settlements in the Occupied Territories as a violation both of international law and of the human rights of the Palestinians, the organization makes no distinction between a violation where the victim is a Palestinian and a violation where the victim is an Israeli, as long as the violation is committed by the authorities in the region.

Although violations of the human rights of Palestinians in the Occupied Territories far outnumber those against Israelis, **B'Tselem** believes that the administrative detention of an Israeli resident of Kiryat Arba is as thoroughly illegitimate as the administrative detention of a Palestinian from Hebron.

For this must be remembered:

Human rights accrue inalienably to every human being by virtue of the fact that he or she belongs to the human family.

Human rights are the possession of all human beings equally and in perpetuity.

Human rights are inalienable: it is as impossible to lose them as it is to cease to be a human being.

Human rights are indivisible and not amenable to ranking: a human right cannot be taken away because it is “less important” or “inessential.” Human rights are interdependent and all of them are parts of a complete whole.

The basic human rights are not suspended in the face of war, conquest or terror. On the contrary: these emergency situations are times of trial in which an enlightened society must be supremely vigilant in maintaining human rights.

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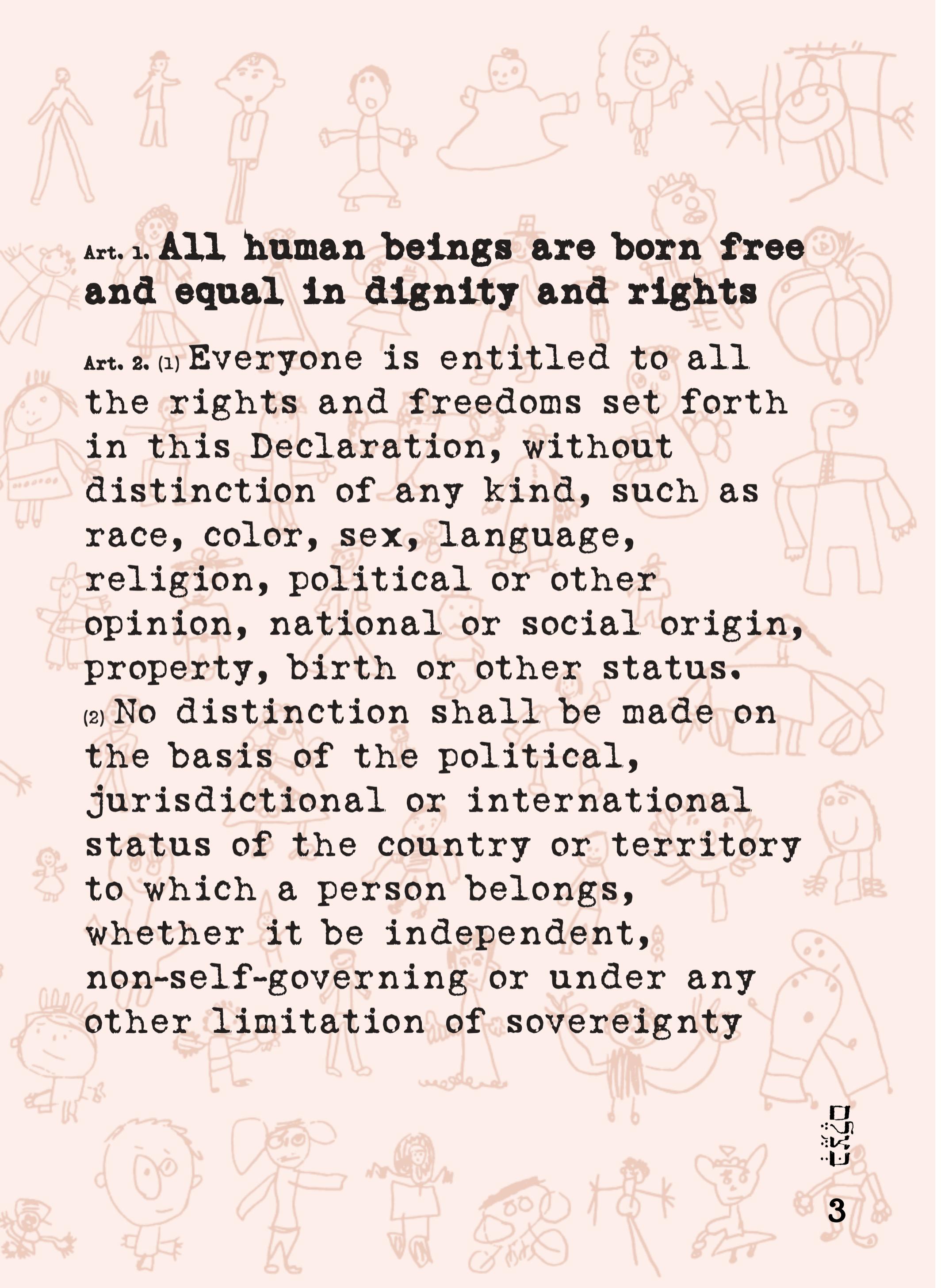
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The designer, Corinne Avidani, would like to offer special thanks to all the photographers, who so generously contributed of their experience and their work.





Art. 1. All human beings are born free and equal in dignity and rights

Art. 2. (1) Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) No distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, non-self-governing or under any other limitation of sovereignty

Art. 3. Everyone has the
liberty and security



Photography: Alex Levac

right to life, of person

From the outbreak of the Intifada, 9.12.87, until the middle of November 1998, 1,648 human beings were killed in the Occupied Territories: 1,463 Palestinians, 178 Israelis and 7 foreign citizens.

1,333 Palestinian civilians and 18 members of the Palestinian security forces were killed by the Israeli security forces; 112 Palestinian civilians were killed by Israeli civilians, most of them settlers.

91 Israeli civilians and 87 members of the Israeli security forces were killed by Palestinians, 17 of them by the Palestinian security forces.

305 of those killed were children below the age of 17. 300 Palestinian children, four Israeli children and one child who held foreign citizenship.

Art. 5. No one shall be sub inhuman or degrading

Shabah is to sit with a sack on your head on a small child's chair. The front legs of the chair are shorter than the back legs, so the chair is at an angle. Your hands are crossed and tied behind your back to the backrest of the chair, and there are shackles on your ankles, too. The shackles are made of metal. Sometimes the shackles really press on the bone, and sometimes the policeman chains you up so that the moment you move your hands there is pain

Illustrative photo: Oded Avidani

"... and then there was another night without sleep and then a night of interrogations, and again, and again... Night after night, for weeks... In the head of the prisoner being interrogated a sort of strange fog developed: his spirit was tired to death; he stumbles and he desires only one thing: to sleep, to sleep a bit, not to get up, to lie there, to rest, to forget... Anyone who has felt this desire knows that neither hunger nor thirst can equal it... I have met prisoners who signed what they were ordered to only to get what the interrogator promised them... Undisturbed sleep."

From Menachem Begin's autobiography, "White Nights: The Story of a Prisoner in Russia," Dvir Publishers

Based on materials from official sources, human rights organizations and lawyers, B'Tselem estimates that between 1,000 and 1,500 Palestinians are interrogated annually by the GSS. About 85 percent of them – that is, at least 850 people – are subjected to methods that constitute torture.

jected to torture or cruel, treatment or punishment

Then they put a sack over my head and took me away. The sack stank of urine, vomit and who knows what. Once I saw a policeman urinate on the sack... They took me straight to the *shabah*... There's also a *shabah* tied to a pipe standing up. There's a perpendicular pipe and a horizontal pipe. As they see fit, they tie you up in a way that is comfortable or not. I was at the standing *shabah* 12 hours or more each time - usually from 4:00 in the morning until night time, sometimes from noon. If you fall asleep you get slapped or kicked. Sometimes the policeman pours water over you... If you want to go to the bathroom, they don't always let you. Once I had to urinate in my clothes. Every four or five days I would get four hours of sleep... At first they interrogated me once or twice a day. From the beginning they started out with threats and curses. They wanted information from me about the Popular Front. Because I hadn't done anything, I had nothing to tell them. They told me to squat balanced on my toes but I refused. I would fall on the floor. They kicked me and beat me but I kept on refusing. Every time I refused to do what someone told me they hit me. If I refused to sit down or stand up the interrogator would hit me. One time I refused to squat on my toes. "Nadav" and "Cohen" were there. I went into the room and he said to me: Squat. I said: I don't want to squat. He started cursing me. I cursed him. I was standing up. "Cohen" pushed me down to the floor. I was handcuffed behind my back, and they squashed my chest with their knees... Almost all of them used this method. The result of all this was that I have a crack in my spine. They also use *qasat a-tawla*. They put you on the floor - when you are kneeling - with your back to a table and they put your bound hands behind you on the table. They link the handcuffs to another set of handcuffs and pull, and the interrogator sits next to you and presses on your back with his arm, or he sits on the table and presses with his legs. Sometimes another interrogator raises your chin, and then you feel like your insides are exploding. You sit like that for two or three hours, while they ask you questions. There is "sport": they sit you down by the back of a chair while you are handcuffed behind. One interrogator pulls you so that you lean backwards and can't sit up straight. After half an hour you begin to vomit. They used this every day. The shaking: they shook me when I was standing up. "Nadav" and "Cohen" and "Dori" would shake me. They grabbed my shirt and pushed and pulled me maybe ten times. Twice I fainted from being shaken. Once by "Nadav" and once by "Dori." Sometimes they would shake me three or four times a day. On other days they did not shake me at all. When I fainted, they revived me and there was someone there - maybe a medic. They took a short break and then they started using various methods again. Almost everyday I underwent shaking, *tawla* and "sport." Your body is finished, destroyed. Your whole body hurts. Your head aches and it's impossible to think for lack of sleep - you feel dizzy. Everyone thinks about what's important to him in this situation. As far as morale goes, I felt fine, I felt that I was managing to withstand all these things and that I wasn't letting them win. After about a week or ten days I began to feel really sick. I began to vomit. At first they said they weren't worried about my condition but only that the floor was getting dirty. I also vomited in court. I vomited for two years.

Extract from the testimony of 'Abd a-Rahman Khader al Ahmar, born 1967, a resident of the Deheisheh refugee camp. In November 1995, he was arrested and held in administrative detention. Three months later, he was handed over to the Shin Bet General Security Service for Interrogation. His interrogation lasted 53 days, after which he was put in administrative detention for another year, which was extended for five months, and then for an additional four months. No charges were ever filed against him, and he never stood trial. Al Ahmar was released in May, 1998. He is still in need of medical treatment but refuses to accept it from Israeli doctors.

Art. 6. Everyone has the everywhere as a person

"I'm frightened all the time that something bad could happen to me or my brothers because we don't have any papers that say we exist. I'm even afraid that somebody will separate us from our mother and maybe arrest our parents because they are living here illegally. I don't feel safe. I feel like I am a person with no identity, no name and no address. I feel like I can't be part of life. I exist at the level of the dead."

From the testimony of Muhammad Sami Darwish, 17. In 1978 his parents went to live in Saudi Arabia, where he was born in 1981. In November 1994 members of the family came back to live in the part of Kalandia that is within the Jerusalem city limits, and his mother submitted a request for family reunification for her husband and her children. As long as the request is not approved, the children who were not born in Jerusalem have no identity card numbers. In December 1996 the mother's identity card was revoked.

Photography: Moshe Shai

right to recognition before the law

THE QUIET DEPORTATION

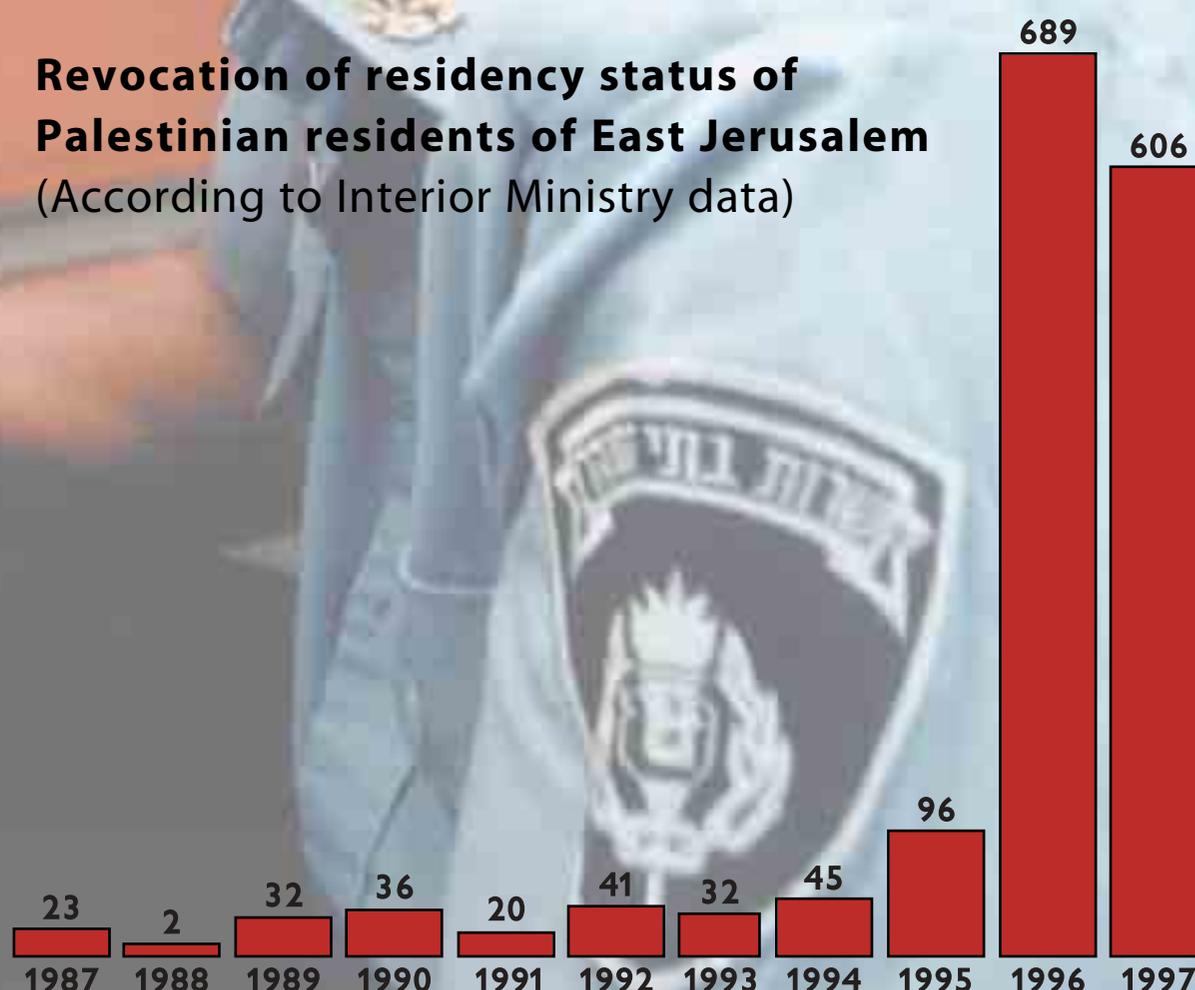
In 1967, Israel annexed East Jerusalem and another 64,000 dunams (16,000 acres) in its environs.

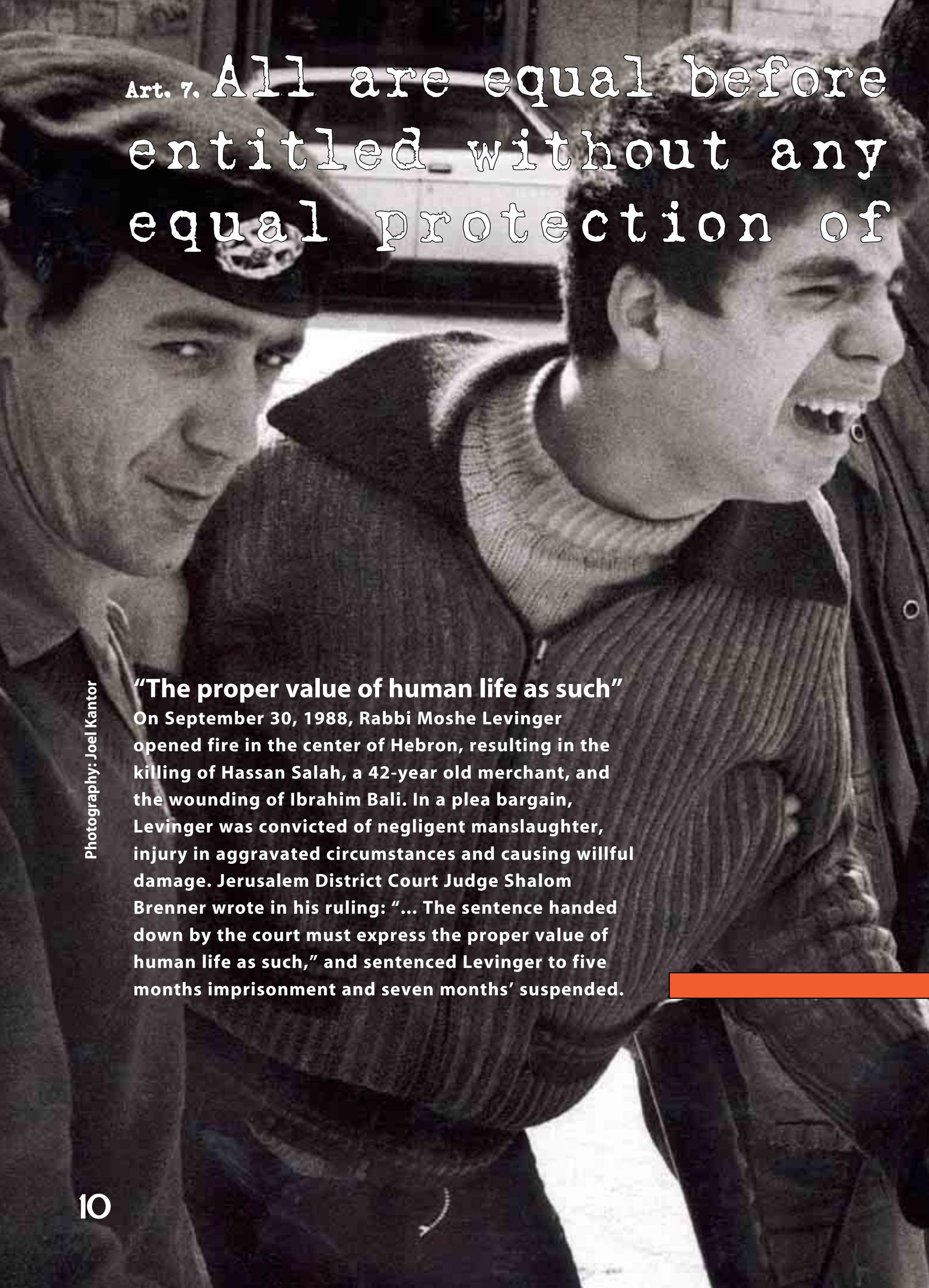
The status of the Palestinians resident in the annexed territory was determined by the Entry to Israel Law, even though they did not “enter Israel,” but rather Israel “entered” to them. Their status was designated “permanent residents,” although the “permanent” was highly doubtful.

Israel “encouraged” the departure of Palestinians by expropriating land on a massive scale, withholding building permits, creating a severe housing shortage, denying requests for family reunification, neglecting the infrastructure and more.

In recent years, Israel has revoked residency status to thousands of Palestinians who were out of the city for a certain period, invoking the same Entry to Israel Law, giving them 15 days to leave Jerusalem.

**Revocation of residency status of
Palestinian residents of East Jerusalem**
(According to Interior Ministry data)





Art. 7. All are equal before
entitled without any
equal protection of

Photography: Joel Kantor

“The proper value of human life as such”

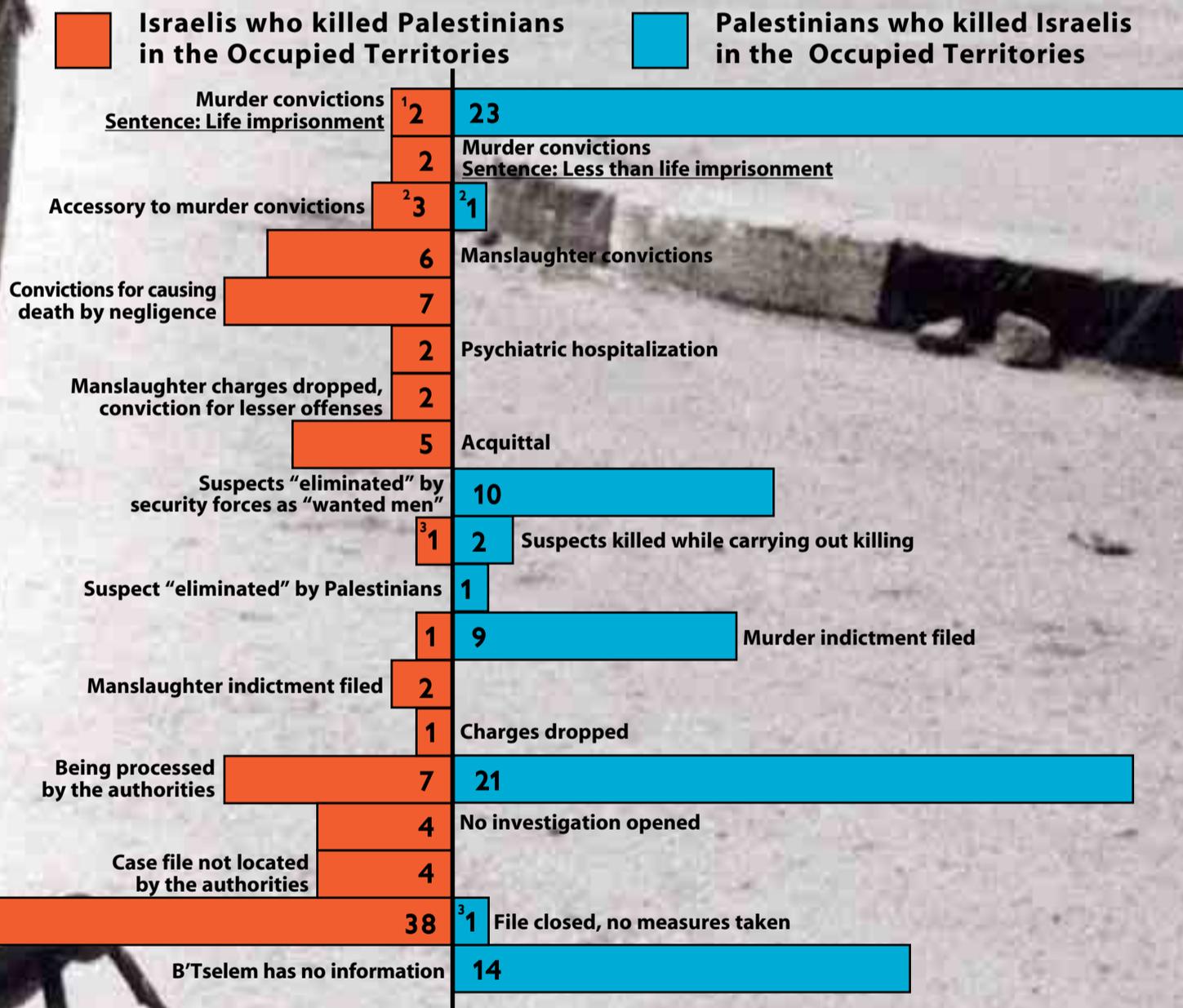
On September 30, 1988, Rabbi Moshe Levinger opened fire in the center of Hebron, resulting in the killing of Hassan Salah, a 42-year old merchant, and the wounding of Ibrahim Bali. In a plea bargain, Levinger was convicted of negligent manslaughter, injury in aggravated circumstances and causing willful damage. Jerusalem District Court Judge Shalom Brenner wrote in his ruling: “... The sentence handed down by the court must express the proper value of human life as such,” and sentenced Levinger to five months imprisonment and seven months’ suspended.

the law and are discrimination to the law

Is everyone equal before the law?

From the outbreak of the Intifada on December 9, 1987 until November 15, 1998, Palestinians killed 90 Israeli citizens in the Occupied Territories, among them four children under the age of 17. During the same period, Israeli citizens, most of them settlers, killed 112 Palestinians, including 23 children under the age of 17.

The following chart illustrates the way the law enforcement and justice authorities have dealt with the various incidents*



* 9 cases are being dealt with by the Palestinian Authority: 5 suspects have been tried and convicted, 2 have been arrested, one investigative file has been opened and in another case Israel has submitted a request for the suspect's arrest.

¹ Both sentences were commuted by the president, in one case to 13 years in prison and in the other to 15 years.

² Sentence for the Palestinian: life imprisonment. Sentences for the Israelis: two were sentenced to 10 years in prison and were amnestied by the president, and the third was sentenced to 5 years in prison.

³ Baruch Goldstein, who murdered 29 Palestinians.

Art. 9. No one shall be arbitrary arrest,

למאססה הנכבשה איום דב
קופים כל אני אמת על מצב המאססה ויוני מן ארבע שבועות מדין
איק לוי דמרה אזהר מניינש גמ של נכבש וילעים מתוקים
כמו סוכר
חברת היקרתי צנת אני מקושי אצדתי מ חולת בשלום
ונייפה שמחה של הילול באונוכריי חברתי הנחמדה קבלתי
אג כימכתה שלך ורבוט מליי בתלים סוכים לוי אשכח אותך
כל החיים שלי ויוט לוחמת במדקרה נשג העוול ואני מקווה
שאפיה אבק נוחם נשג הבסע וריצוול
חברתי היקרתי אני כופה ולייק ועדומה לפניי סימן שיליה
שפולרתי מהי כיוא סמט העוול וכימלחמות וליי אויב
משוקרי כי אני לוי חושב כמו סל אבם חושב אני כל
כנען אומר לעבתי שבעולם דמך יופר מפי ויש מקום
לכל אבם ויש אובל מספיק לכל היסורים כן חסר
לחלק כל הפהקים בשוויון אני אומר מי יש לו
מליאורו פולרתי ויאלול אצוה ומי יש לו מאב
עולרתי גמ מי סוכר כן יש מעיות כמוק הנפש שלנו
למאל אוני אומר מי יש לו ביש גאובל לכל יים ויש
לו פכנסה לכב ערל עבר מדיון בחיים אום יונחנו
נאיע למיסדנה כלות אין כופצוי מלחמות ויון סוגות
אליו ארבהתי
אני שואל עצמי יש עבדה אעמה ויש הרבה בסל
בעולם ואם בני אופו לוי נשג נשג וליי נשג מלחמות
וכל המאמרים תרביייה בכוננה העוקרה כל אבם
יחייבה מדין וליי יפיה חסר לוי עבר
חחסיי אום אין מלחמות ונלנו במצדק הפכוני אין
דחיים פשתנה תפניה אובל מליייה חיים מליייה תיידים
מליייה ארבהתי אני לוי יופע אין כליאם לי
נפש לשלש לשלש על אבם אומר איק כיוא יכאנה
בעצמי אכנוא סוכר מן כיואדים אני לוי יופע איק
פלי וקררה אני לוי יופע מיה הפכפכוני כין בני כליאם

Imagine if there were no wars here in the Middle East the way life would change. It would be a land full of life, full of tourists, full of love. I don't know how a person has the soul to rule over another man, how he sees himself as better than others. I don't know what the difference is between people

Ussama Jamil Barham, 34, a resident of the village of Ramin, was arrested over five years ago and since then he has been in administrative detention, without having any charges pressed against him and without being told of what he is suspected. Dr. Anat Matar, a lecturer in philosophy at Tel Aviv University, has "adopted" Ussama Barham. She, her spouse and their two children correspond with him and are in touch with his family. This is an extract from one of Ussama Barham's letters to the Matar family.

From Dr. Anat Matar's letter to the Minister of Defense:

Recently, the administrative detention of prisoner Ussama Barham was extended by six months. Barham has been under administrative detention for exactly five years, and all that is claimed against him – without any charges having been submitted to the court – is that he is an activist in the Islamic Jihad movement.

[...] This year's theme in the school system is "human dignity." It is very difficult for me to educate my children to abstract values of this sort, and to transmit to them the democratic character of the state of Israel, when in fact the state is holding prisoners without trial, some of them for years. This is especially hard when an individual is held for five years without trial. This is scandalous by any standards – not only those of a few "bleeding hearts." It is inconceivable that a person should be held in prison for years without any defined charges against him, without any possibility of defending himself against the situation, and without even allowing his lawyer to see the collection of rumors that has led to this state of affairs. ... I am certain that Barham's release will not do one whit of harm to the security of the state. But if he is not released immediately, Barham must be brought to trial without further delay. Talk of democracy, justice and law must not become a mere collection of tired platitudes, light years away from the true situation.

The full reply of the Minister of Defense, via A. Barak, in charge of private queries:

We would like to inform you and bring to your attention that the above is under administrative detention because his activities endanger the security of the region. Recently his case was heard by an appeals committee which authorized the continuation of his arrest.

subjected to detention or exile

At the end of November 1998 Israel held 79 Palestinians in administrative detention without trial



Photography: Micha Kirshner

הַיְחָדָה

13

**Art. 10. Everyone is entitled
and public hearing by an
determination of any cri**

“In the Classified”

(a tragicomedy in six acts)

The Date: 8.8.94
The Place: Ketziot Military Detention Center
The Occasion: Hasan Fataftah’s appeal on his administrative detention
**The Players: A military judge
Advocate Alon Bachar for the prosecution
Advocate Leah Tsemel for the defense**

(Act I)

Advocate Leah Tsemel: What are the suspicions against him?

Prosecutor: That's in the classified information

Adv. Tsemel: Why was his detention requested?

Prosecutor: In the classified.

Adv. Tsemel: I request you give some answer.

Prosecutor: I can't detail more than what's written in the order.

(Act II)

**Adv. Tsemel: How many pieces of information were brought
before the [military] commander? How many events?**

Prosecutor: In the classified.

Adv. Tsemel: I request an answer in the non-classified [information].

Prosecutor: I request in the classified.

Adv. Tsemel: I request the gentlemen to answer.

Prosecutor: Less than 100, not more than 50.

**[The judge rejects the attorney's request to declassify certain
information]**

(Act III)

**Adv. Tsemel: What is the nature of the information, I request in the
non-classified.**

Prosecutor: In the classified.

Adv. Tsemel: Are we talking about violent or military activity?

Prosecutor: I can't respond.

in full equality to a fair impartial tribunal, in the minimal charge against him

(Act IV)

Adv. Tsemel: Do the activities attributed to him involve violence?

Prosecutor: I will answer in the classified, and the area I will answer in the classified. I won't detail.

Adv. Tsemel: Where does he live?

Prosecutor: El-Bireh. I won't answer to whether his activities are in El-Bireh

(Act V)

Adv. Tsemel: In the questions, is there information regarding the future, for God's sake?

Prosecutor: In the classified.

Adv. Tsemel: Are all the pieces of information about conducting or planning [violent activity]?

Prosecutor: I will not answer that, because that implicates the sources of information.

Adv. Tsemel: Why was the detainee detained?

Prosecutor: Because the accumulation of NSM [Negative Security Material] allowed the order.

Adv. Tsemel: In what sense was it allowed?

Prosecutor: There are security considerations from which an order is issued. And against the appellant, negative material accumulated which met the criteria for administrative detention, and the criteria are decisive security considerations.

(Act VI)

Adv. Tsemel: What political activities of the Popular Front can you count since July 1993.

Prosecutor: In the classified.

Adv. Tsemel: I request a response, and here there's no justification.

Prosecutor: There's Popular Front activity that's open activity, there's activity which belongs to the classified information. At this stage I cannot recall which of them are open and which are classified. I request to examine and present the material in the classified.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE: Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, therefore, The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each State. (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are

prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

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Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right to equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

בצלם

Art. 12. No one shall be sub
interference with his

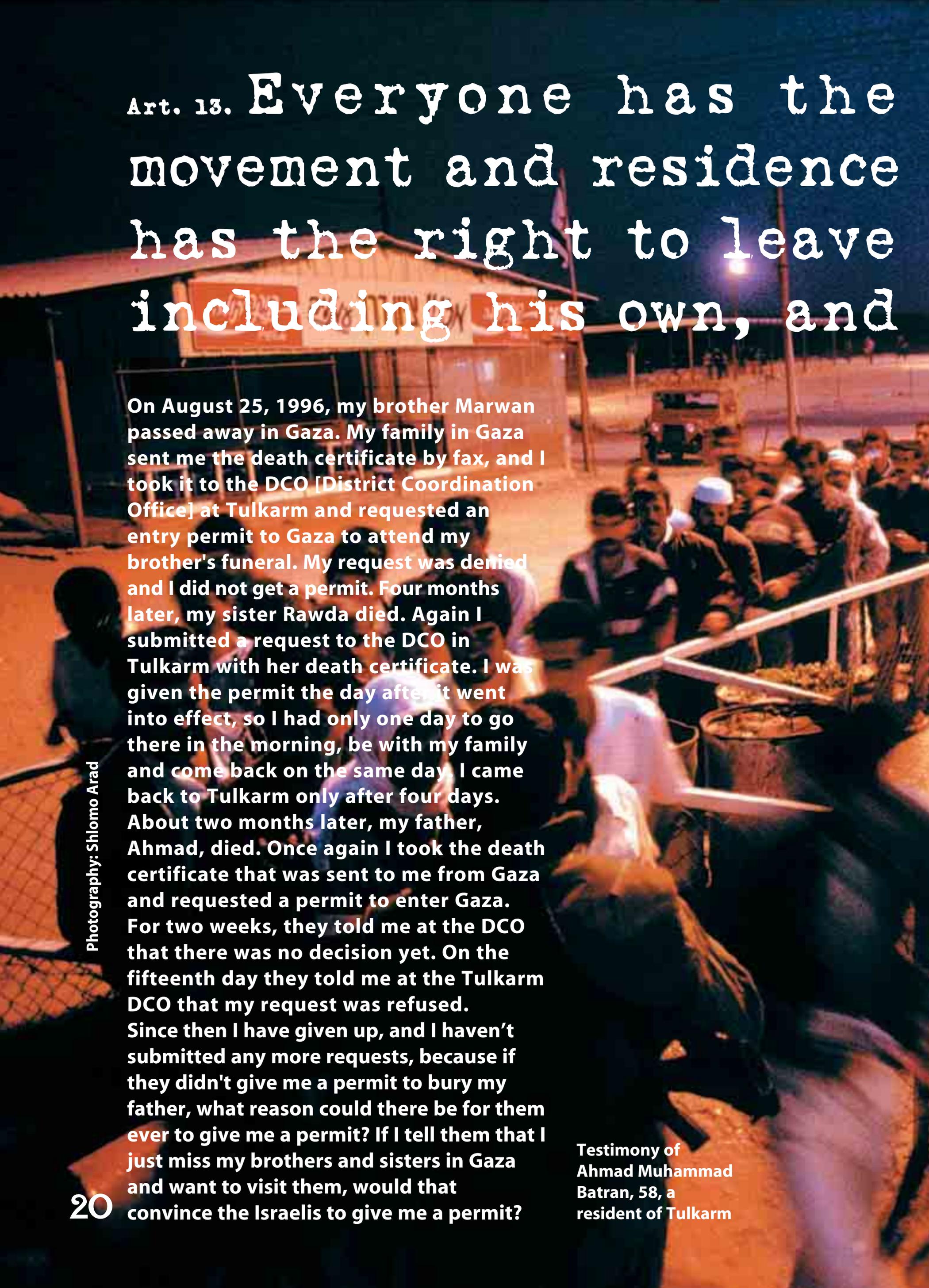


Photography: Awad Awad

jected to arbitrary privacy, family or home

On Sunday, June 29, 1998, I woke up in the middle of the night and I saw soldiers surrounding me and my wife in our bedroom. More than 15 soldiers and five security men and two dogs. I got up and slammed the door shut with my foot. I screamed: What are you doing here in my bedroom? My wife was very frightened, she is only 16 and a half. They said they had a search warrant, and they started to search. In fact, they didn't search, they just took everything, every dress or shirt in the closet, and put it next to the dog's nose so it could smell it. We were married 20 days ago, and we bought a new living room set 12 days ago. They demolished it. In the end, they told me: You're under arrest. They took me and held me under interrogation until the following afternoon. They did not torture me physically. In the interrogation they claimed I had weapons, and the next day they took me to court and extended my remand for eight days. After the eight days, I was released on bail of 1,000 shekel. In fact, they had nothing to prove against me but they caused me huge damages, they came into the bedroom where I was with my bride, and that is contrary to all custom. This is a great injury.

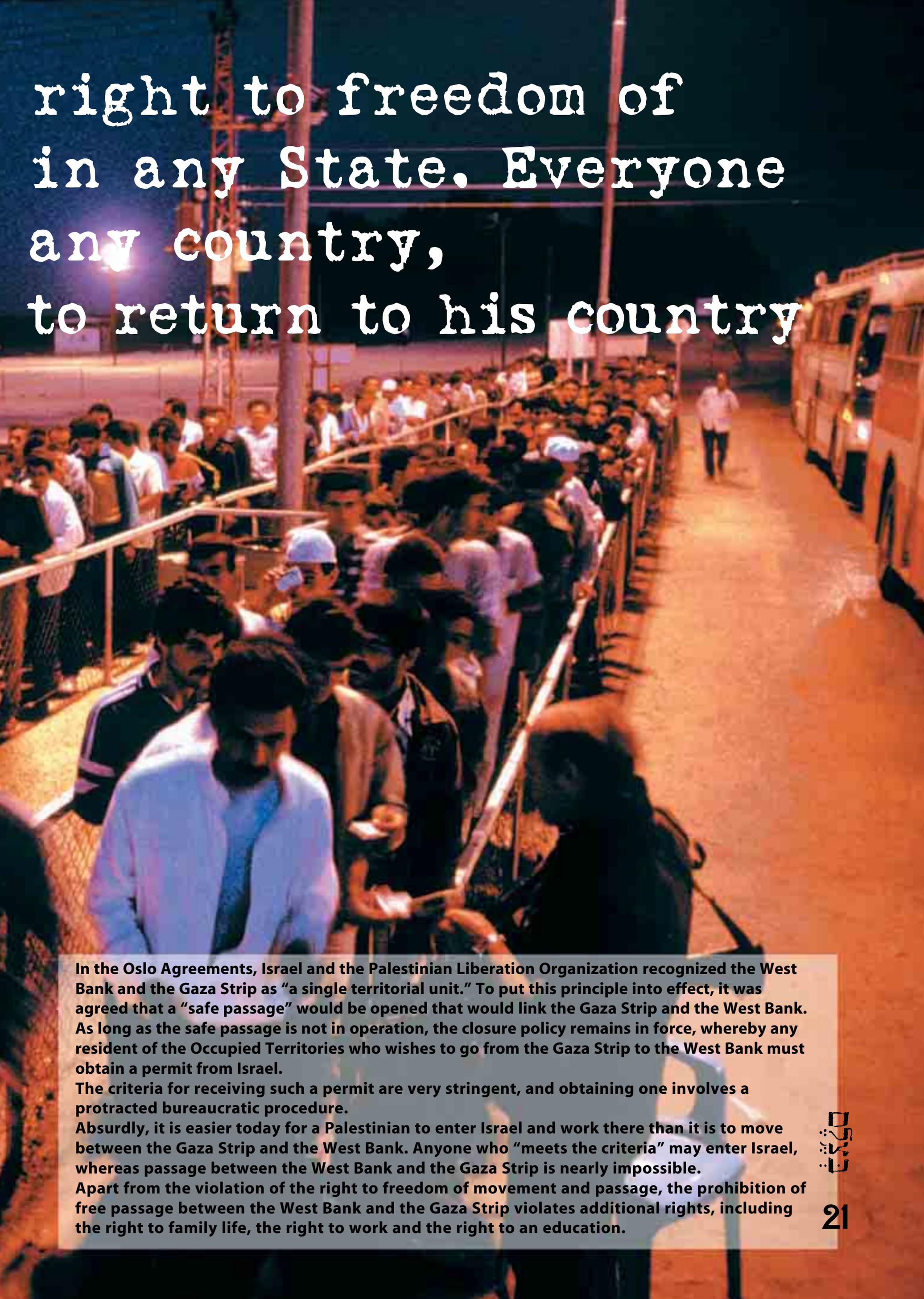
Muhammad Khalil a-Dabai, 23, a resident of the Shuafat refugee camp



Art. 13. Everyone has the movement and residence has the right to leave including his own, and

On August 25, 1996, my brother Marwan passed away in Gaza. My family in Gaza sent me the death certificate by fax, and I took it to the DCO [District Coordination Office] at Tulkarm and requested an entry permit to Gaza to attend my brother's funeral. My request was denied and I did not get a permit. Four months later, my sister Rawda died. Again I submitted a request to the DCO in Tulkarm with her death certificate. I was given the permit the day after it went into effect, so I had only one day to go there in the morning, be with my family and come back on the same day. I came back to Tulkarm only after four days. About two months later, my father, Ahmad, died. Once again I took the death certificate that was sent to me from Gaza and requested a permit to enter Gaza. For two weeks, they told me at the DCO that there was no decision yet. On the fifteenth day they told me at the Tulkarm DCO that my request was refused. Since then I have given up, and I haven't submitted any more requests, because if they didn't give me a permit to bury my father, what reason could there be for them ever to give me a permit? If I tell them that I just miss my brothers and sisters in Gaza and want to visit them, would that convince the Israelis to give me a permit?

Testimony of Ahmad Muhammad Batran, 58, a resident of Tulkarm



right to freedom of
in any State. Everyone
any country,
to return to his country

In the Oslo Agreements, Israel and the Palestinian Liberation Organization recognized the West Bank and the Gaza Strip as "a single territorial unit." To put this principle into effect, it was agreed that a "safe passage" would be opened that would link the Gaza Strip and the West Bank. As long as the safe passage is not in operation, the closure policy remains in force, whereby any resident of the Occupied Territories who wishes to go from the Gaza Strip to the West Bank must obtain a permit from Israel.

The criteria for receiving such a permit are very stringent, and obtaining one involves a protracted bureaucratic procedure.

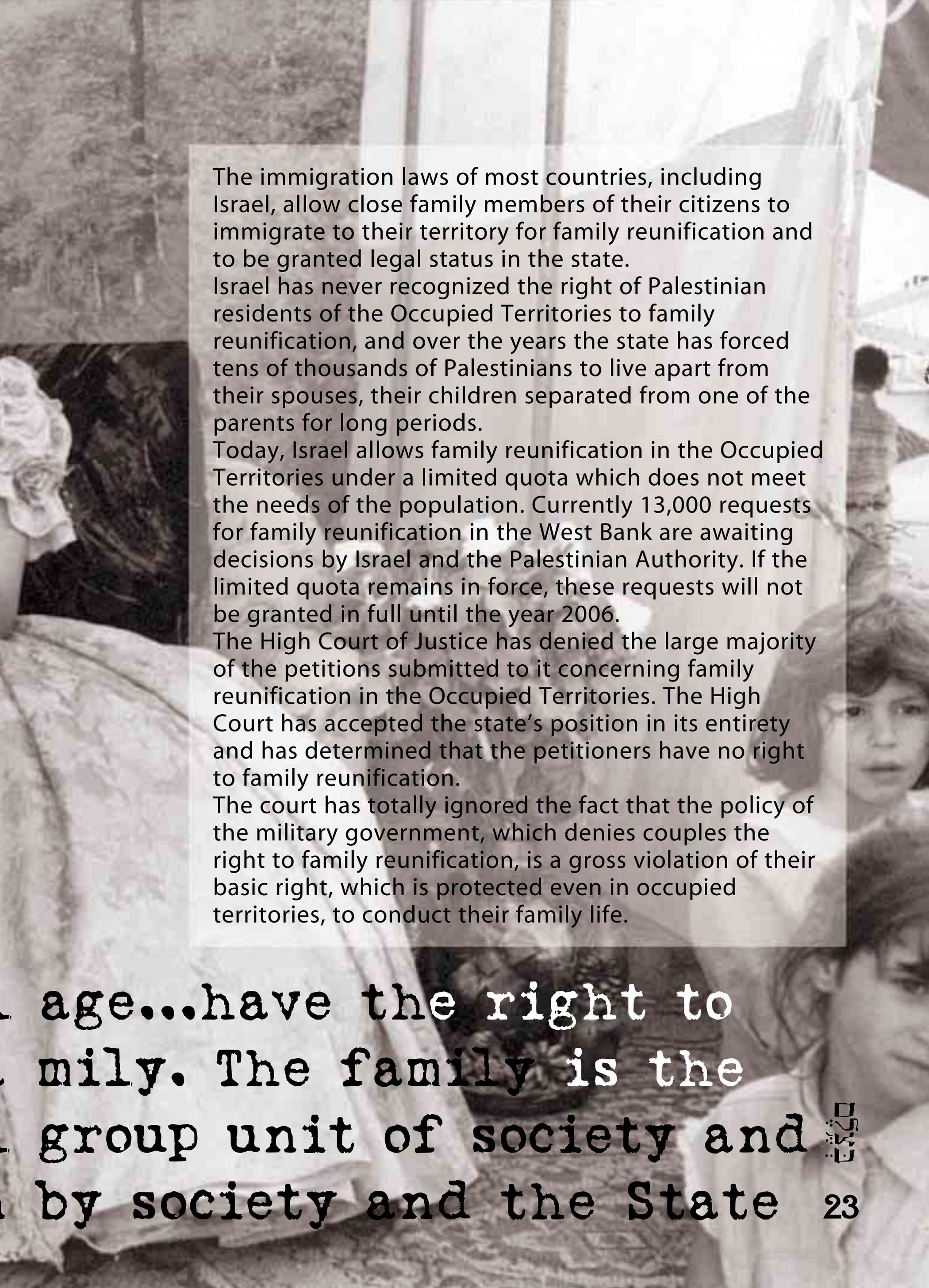
Absurdly, it is easier today for a Palestinian to enter Israel and work there than it is to move between the Gaza Strip and the West Bank. Anyone who "meets the criteria" may enter Israel, whereas passage between the West Bank and the Gaza Strip is nearly impossible.

Apart from the violation of the right to freedom of movement and passage, the prohibition of free passage between the West Bank and the Gaza Strip violates additional rights, including the right to family life, the right to work and the right to an education.



Photography: Miki Kratsman

Art. 16. Men and women of full
marry and to found a fa
natural and fundamental
22 is entitled to protection



The immigration laws of most countries, including Israel, allow close family members of their citizens to immigrate to their territory for family reunification and to be granted legal status in the state.

Israel has never recognized the right of Palestinian residents of the Occupied Territories to family reunification, and over the years the state has forced tens of thousands of Palestinians to live apart from their spouses, their children separated from one of the parents for long periods.

Today, Israel allows family reunification in the Occupied Territories under a limited quota which does not meet the needs of the population. Currently 13,000 requests for family reunification in the West Bank are awaiting decisions by Israel and the Palestinian Authority. If the limited quota remains in force, these requests will not be granted in full until the year 2006.

The High Court of Justice has denied the large majority of the petitions submitted to it concerning family reunification in the Occupied Territories. The High Court has accepted the state's position in its entirety and has determined that the petitioners have no right to family reunification.

The court has totally ignored the fact that the policy of the military government, which denies couples the right to family reunification, is a gross violation of their basic right, which is protected even in occupied territories, to conduct their family life.

age...have the right to
family. The family is the
group unit of society and
by society and the State 23

Art. 17. Everyone has the right as well as in association shall be arbitrarily

S. Yizhar

How long does it take to demolish a house?

It takes a year to build it. Sometimes a hundred years. And there are also houses that have always been there.

How long does it take to demolish a house? How much time is spent thinking about whether to demolish it? Less time than the phone call that ordered the demolition.

One shove and it's gone. A hole gapes in the familiar landscape and the family that had substance and a name and an address and human beings of all ages and relationships – has in the blink of an eye become an example: the punished. And this, too, was the thinking behind the demolition. It did not think about people but about all kinds of abstract concepts: inciters, punished, deterred, and all the rest.

And then the abstract arises and demolishes the real. And the living become a concept.

At night, no one sees where the destroyed family has gone. No one knows what they are doing now. And where they are sitting now – in some corner, uprooted with their possessions, under empty, heavy heavens.

Is anything being noted down about them in some corner there now?

Davar, June 6, 1988

From the outbreak of the Intifada until 15.11.98, Israel demolished at least 451 houses and completely sealed at least 294 as a punitive measure in the Occupied Territories. At least 62 houses were partially demolished and at least 118 partially sealed. The houses belonged to families of security suspects, sometimes even before their guilt had been proven in court. In some cases the suspects were killed and the family home was demolished after their death. As a result about 4,500 innocent people were left without a roof over their heads. In virtually every petition in this matter, the High Court of Justice approved the house demolition.

In addition, since 1987 Israel has demolished at least 2,000 Palestinian houses in the Occupied Territories, on the grounds that they were built without a building permit. For several decades, Israel has refused almost every request by Palestinians to build houses on their own land in the Occupied Territories. Having no alternative, thousands of Palestinians are forced to build without a permit. Israel demolishes tens and hundreds of houses every year. Over 10,000 Palestinians have been left homeless as a result. In contrast, in the Jewish settlements hundreds of structures have gone up without permits. These structures have not been demolished and the authorities have granted retroactive permits for the illegal buildings.

to own property alone
with others. No one
deprived of his property



**Art. 25. Everyone has the right
adequate for the health...
family, including...medical
hood are entitled to special**

At least ten infants died during the past three years after they were delayed at roadblocks and denied medical treatment

On Saturday, August 22, 1998, at about 2:00 p.m., I was changing the diapers of the triplets who were born to me on May 12, 1998. I finished changing Luai and Narmeen, and I turned to Qussai, the third baby, and I saw that he had thrown up and his face was covered with vomit. I called an older woman, my neighbor Um Abed, to look at the baby who looked ill and his responses were not alert. He was breathing and moving, but he was weak. Um Abed suggested that I take the baby to the hospital. I immediately rushed out of the house with the child. Opposite our house there were two Israeli army jeeps full of soldiers. I went over to them and told them that my son was ill and that I wanted to take him to the hospital. The soldiers told me they had no orders to let me through, and that I couldn't go out because there was a curfew in our neighborhood. The soldiers told me to go back into the house because there was a curfew and I was not allowed to go out. They said: *Ruhi al-beit* – "Go home." I stayed outside and waited for them to let me pass. After I waited for about an hour, I left the soldiers, went around behind them to another street where I stopped a local car that was passing by. The driver stopped and took me and my son to the Alia Hospital.

At the hospital, my son Qussai was pronounced dead. He was three months and ten days old. In the death certificate, they wrote that the cause of death was acute pneumonia. We went home to wash the baby and put him in a shroud.

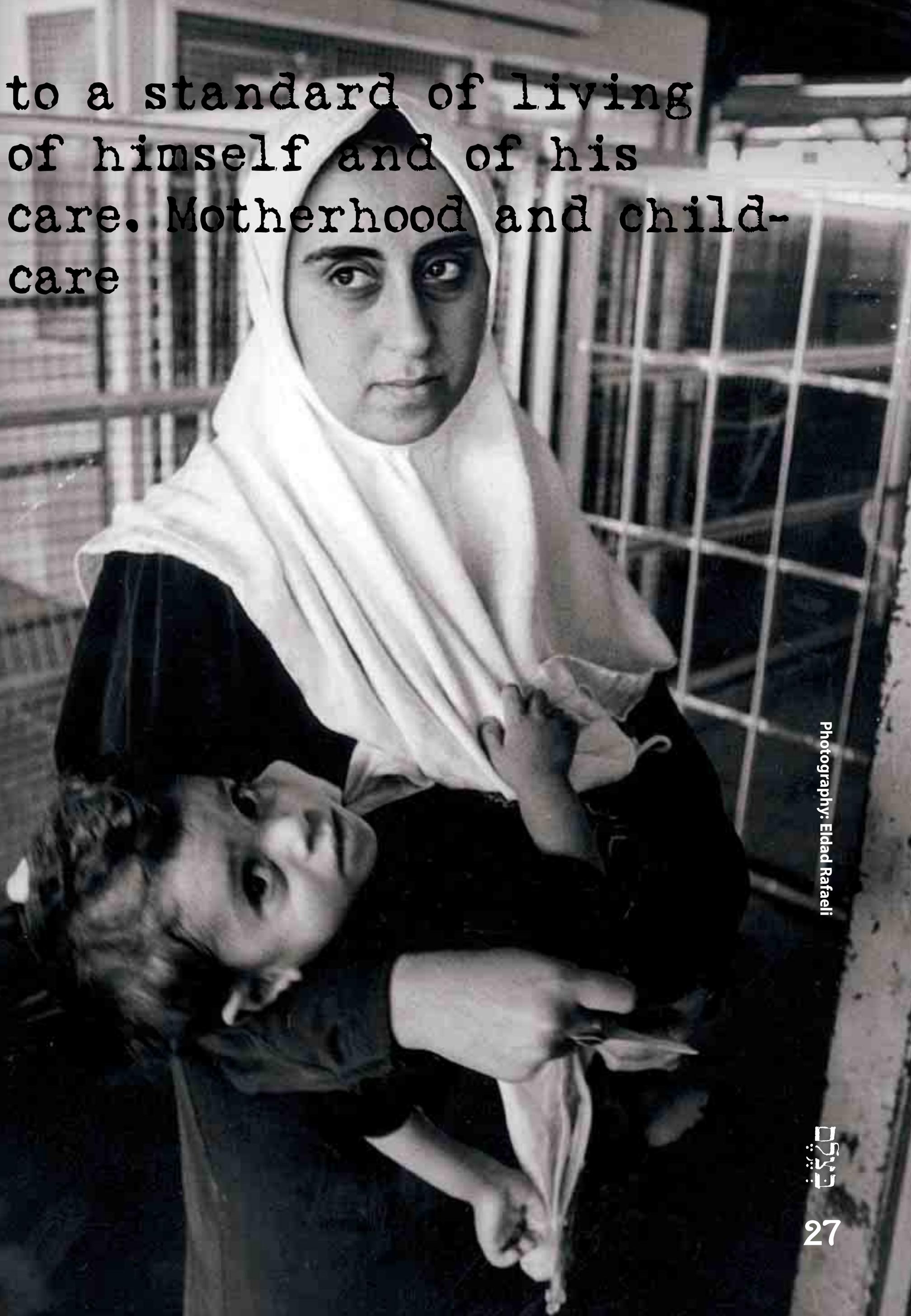
Shireen Toufiq al Haddad, a resident of Hebron, mother of the infant Qussai

At about 7:00 p.m. I set out with four other members of our family for the cemetery near Shuhada Street in the center of town. We got to the Israeli roadblock near the Jabar's family house inside Hebron, on a road that leads in one direction to Kiryat Arba and in the other to the Tomb of the Patriarchs. At the roadblock they stopped us and took our identity cards. We were five men in the car with the baby's corpse. Although we explained and pleaded they told us to go home.

We went back and we decided to bury the child on our farmland, which is about a kilometer away from our house.

We buried the baby and went home.

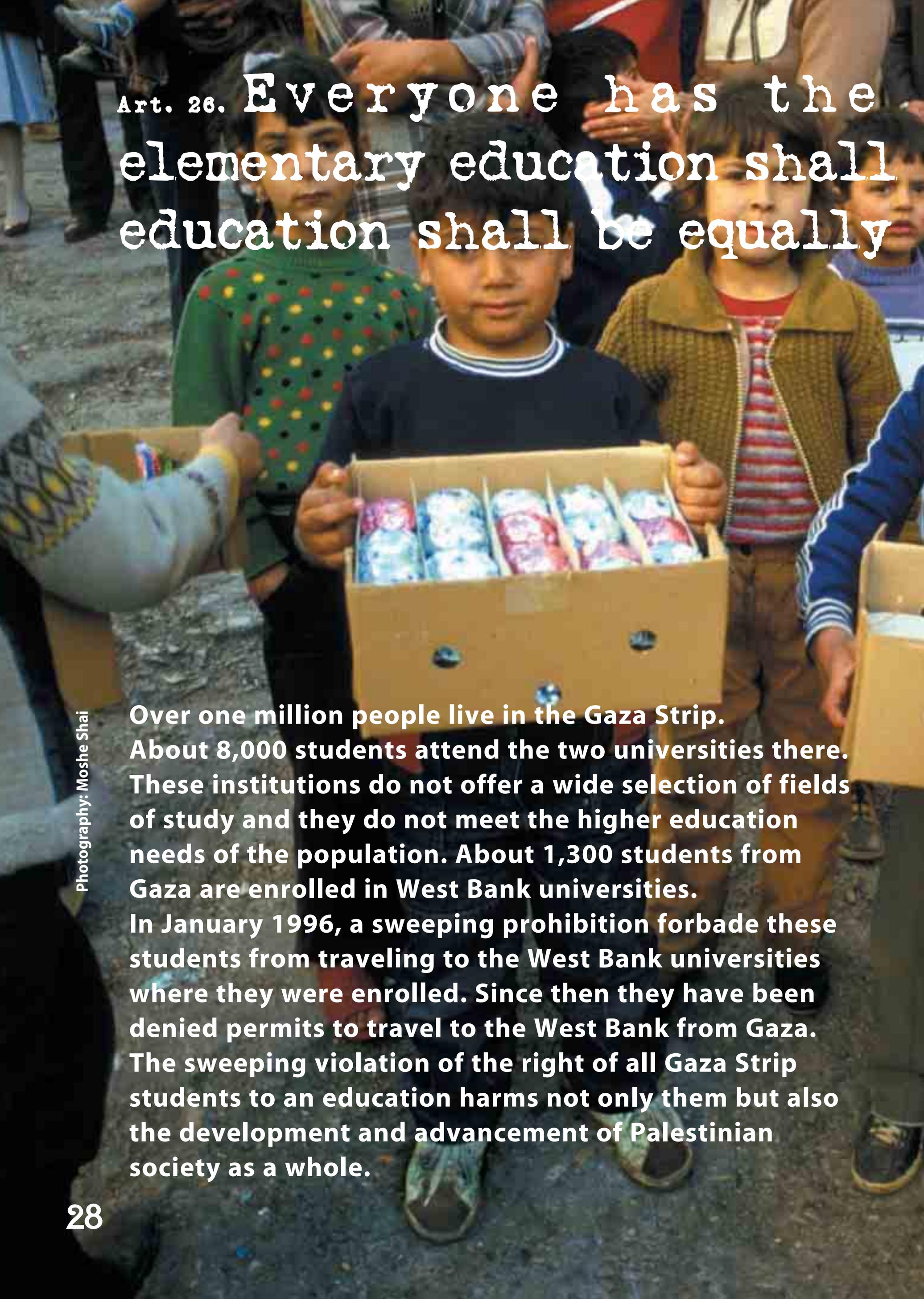
to a standard of living
of himself and of his
care. Motherhood and child-
care



Photography: Eldad Rafaeli

הצילום

27

A photograph of a group of children in a crowd. In the center, a young boy in a dark blue sweater with white trim is holding a cardboard box filled with colorful, wrapped items, possibly candy or small gifts. He is looking directly at the camera. To his left, a girl in a green sweater with colorful polka dots is looking towards the camera. To his right, a girl in a brown jacket over a red and white striped shirt is looking towards the camera. Other children are visible in the background, some looking towards the camera and others looking away. The scene appears to be outdoors, possibly at a market or a community event.

Art. 26. Everyone has the elementary education shall education shall be equally

Photography: Moshe Shai

Over one million people live in the Gaza Strip. About 8,000 students attend the two universities there. These institutions do not offer a wide selection of fields of study and they do not meet the higher education needs of the population. About 1,300 students from Gaza are enrolled in West Bank universities. In January 1996, a sweeping prohibition forbade these students from traveling to the West Bank universities where they were enrolled. Since then they have been denied permits to travel to the West Bank from Gaza. The sweeping violation of the right of all Gaza Strip students to an education harms not only them but also the development and advancement of Palestinian society as a whole.

right to education;
be compulsory; higher
accessible to all



Art. 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein

René Cassin

THE FIGHT FOR HUMAN RIGHTS

(Excerpts from a speech)

It was the fundamental aim of Hitlerism to stamp out the Jews, but their destruction was also part of an attack on all that the French Revolution stood for: Liberty, Equality, Fraternity and Human Rights. Hitler's racialism was essentially an attempt to destroy the principles of the French Revolution.

It was under the inspiration of the Rights of Man that the Jews of the 19th century, in their several countries, began their fight for freedom. There is, then, a direct link between the problems of Human Rights and the destruction of the fruits of Hitlerism.

[...] One of the great stumbling blocks in the way of Human Rights is the question of national sovereignty. I was at the League of Nations in 1933 for the Bernheim case. Bernheim, a Jew, had been the victim of a violation of the Treaty of Upper Silesia. How did Germany, how did Hitler and Goebbels justify this? Germany's defence was "Every man is master in his own house. You have no business to inquire what we do with our socialists, our pacifists or our Jews. You have no right to pry into our affairs. This is a sovereign State."

That was the situation which led to the Second World War. The same is true today: The Great Powers are still saying "Every man is master in his own house. You have no right to know what I am doing with my own citizens." You can see how difficult it is to uproot a principle which derives undeniably from practical reality, since the independence of States is in itself a desirable thing, something people will fight for.

The right of nations to govern themselves is accepted as the natural order of things. Why should we fear that any country protects its interests too vigorously? Our anxiety is justified in that there comes a moment when the State says: "For the purpose of my development, I propose to set my own rules, as I think fit, and if I destroy men in the process, that is no concern of yours."

But it is very much **our** concern. World progress cannot be built on the ashes of human suffering. That is the aim of Human Rights.

[...] We must not despair, but, on the contrary. It took 2,000 years for the State of Israel to be reborn; far less time will be necessary before the Declaration of Human Rights, national at the beginning of the 19th century, international in the mid-20th century, is at last effectively put into operation and becomes a reality.

It would be a splendid thing if the Jews, after having suffered more massacres, persecutions and misery than any other race, were the first to go to the aid of oppressed people of every race, country and social class, to restore to them the dignity of men enjoying the protection of the law.

"The Fight for Human Rights" was published by "World" in January 1969

René Cassin, 1887-1976, President of the European Court for Human Rights, President of "Alliance Israelite Universelle," professor of civil law at the University of Paris, an expert in international law who dedicated his life to the protection of human rights.

Cassin was selected by the delegates to the United Nations Commission on Human Rights to compose the first draft of the Universal Declaration. This draft contained most of the rights that were later set forth in the final document.

René Cassin's commitment to human rights and his contribution to the Universal Declaration were recognized in 1968 with a Nobel Peace Prize.



Photography: Miki Kratsman

בִּזְעֵם

מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)

"בִּזְעֵם" مركز المعلومات الاسرائيلي لحقوق الانسان في الاراضي المحتلة

B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories

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