

The B'Tselem Human Rights Report

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Israel's High Court Outlaws Torture: A Watershed for the Human Rights Movement

After hearings which dragged out for over a year and a half, the High Court of Justice issued a unanimous ruling in September, outlawing all forms of physical force in interrogation. The Court, in an extended panel of nine judges, accepted petitions submitted by the Association for Civil Rights in Israel,

HaMoked: Center for the Defence of the Individual and the Public Committee Against Torture in Israel.

This is one of the most important decisions made by the High Court during the nation's history.

This is truly a victory for which the human rights movement can be proud

Courageously, and without bowing to enormous pressure from the security establishment and sectors of the public, the Court, in a decision written by Court President, Aharon Barak, categorically stated that:

"[t]he GSS does not have the authority to "shake" a man, hold him in the "Shabach" position [tied in a painful position, a sack covering his head and subjected to loud music], force him into a "frog crouch" position and deprive him of sleep in a manner other than that which is inherently required by the interrogation."

The true test will be the implementation of the decision. The GSS must honor the letter and spirit

of the decision, and immediately cease torturing Palestinian detainees. B'Tselem will continue to gather testimonies from those released from interrogation; in the past, GSS agents have used prohibited methods of interrogation and later denied it in court.

There is no issue on which B'Tselem has been more active than the struggle against torture. In 1991, B'Tselem was the first organization to document the interrogation methods of the GSS and to label them torture. Since that time, B'Tselem has published a total of eight reports on the subject and made two appearances before the UN Committee Against Torture.

The Court's ruling can be seen as a victory for all the attorneys and organizations who exposed these practices, brought hundreds of individual cases to court, and mobilized local and international public opinion against Israel's use of torture. While the decision comes too late for the tens of thousands of Palestinians who have been tortured, it is likely to save thousands of others from similar treatment. This is truly a victory for which the human rights movement can be proud. ■

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Thirsty for Water

On the Ein Arik hillside, young girls carry empty plastic bottles on their routine trip to the local water source at the outskirts of their village. Underlying the social, pastoral atmosphere is a growing sense of panic about the future. The water level is unseasonably low, following a winter with little rain. The mouth of the stream is littered with garbage and health inspectors have declared the water unsafe for drinking. Yet, it is the only free water available. The prices demanded by black-market water dealers have risen in response to the shortage, and obtaining permits from the Israeli authorities to drill new wells is virtually impossible. Today the girls return uphill to their families with bottles full. But what will happen when the day comes that they return empty-handed?

Over the past winter, rainfall in the West Bank amounted to some 220 millimeters, whereas the normal average rainfall is 537 millimeters. This decline has significantly reduced water resources, primarily among the Palestinian villages that are not linked to a running water system (unconnected villages). The West Bank has some 180 unconnected villages, in which close to 300,000

B'Tselem is an Israeli non-governmental organization founded in 1989 to provide information to the Israeli public and the international community about human rights violations in the Occupied Territories. B'Tselem publishes reports, engages in advocacy efforts, conducts public education and serves as a resource center on all matters concerning human rights in the West Bank and Gaza Strip.

The B'Tselem Human Rights Report is published periodically to apprise readers of human rights conditions in the Occupied Territories. The newsletter reviews new human rights developments, as well as B'Tselem's recent activities and publications.

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Ahmad Abu Zahara from Yatta, near Hebron, searches for water

persons live (about twenty percent of the West Bank's population). Another group suffering from the drought is the 20,000 Bedouins living in the West Bank. Rainfall, collected in containers during the winter months, serves as the primary source of water for both these populations' household needs. Nearby springs provide additional sources of water. However, the recent drought has significantly reduced the amount of water flowing in these springs and in some instances, has dried them up completely.

In addition to these two sources of water, Palestinians rely on buying water from private dealers. Even those households connected to the water infrastructure do not receive a steady supply during the summer months, due to Israel's allocation policies. These households will also need to buy water. The residents pay a black-market price determined by the severity of the water shortage and the distance of their house from the water source. Last summer, the price fluctuated between fifteen and thirty shekels per cubic meter of water - five to ten times higher than the price paid for running water from the national infrastructure, placing a heavy financial burden on poor Palestinian families.

Meanwhile, the neighboring Jewish settlements have unlimited access to inexpensive, running water for household use, irrigation and recreational purposes. The severe water shortage faced by Palestinians is not simply a matter of resource scarcities; rather, it is a direct response to discriminatory allocation practices. Mekorot, Israel's water authority, cuts the water allocated to Palestinian towns during the

summer months in order to meet the increased consumption of water in Israel and the Jewish settlements. Other reasons for the shortage include bureaucratic obstacles related to drilling new wells; quotas on the quantity of water drawn from wells; the poor condition of the

The severe water shortage faced by Palestinians is not simply a matter of resource scarcities; rather, it is a direct response to discriminatory allocation practices

water-system network, which causes high levels of leakage; and theft of water from the network by Palestinians, mostly farmers. All of these actions prevent Palestinians from receiving sufficient water to meet their needs, and create structural inequality in division of shared water sources.

By giving preference to the Israeli settlements over the Palestinian residents vis-a-vis supply of water in the Occupied Territories, Israel blatantly violates the prohibition on discrimination and the principle of

equality. This principle is unequivocally stated in the Hague Regulations, the Fourth Geneva Convention, and the International Covenant on Economic, Social and Cultural Rights to which Israel is party.

Water, as the most basic and vital resource for human existence, is a right guaranteed in the Universal Declaration on Human Rights. It is vital for human life itself and for personal health and hygiene. The water shortage faced by Palestinian residents of the Occupied Territories gravely affects their health and welfare. The consequences include, in part, an increase in infectious diseases as a result of poor hygiene and the use of unclean water, and improper treatment of patients at home and in hospitals, which at times becomes life-threatening.

In September 1998, B'Tselem published a report that documents and analyzes the critical aspects of the water-shortage problem and presents personal testimonies

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Testimony of 'Aish Abdallah a-Razem, born in 1974, married with one child, resident of the al-Qasareh neighborhood, Hebron

My house is 30-35 meters from the Kiryat Arba Jewish settlement. I obtain water from the same water tower that supplies Kiryat Arba, some 400-500 meters from our house. Over the past two months, even when there is water from the pipes, it comes out very slowly, and there is not enough pressure for the water to reach the tanks on the roofs. The water only comes to the tap in the yard. At times, the settlers totally close the flow of water to us, and then we open it, and it goes back and forth like that. The gardens of Kiryat Arba are located about ten meters from our house. These gardens have sprinklers that water the vegetation around-the-clock. We and the gardens receive water from the same source, and we do not even get enough for household use. The settlers get enough even for watering. ■

Creating A Culture of Human Rights

Some 67% of Israeli society believe that the human rights principles applying to Jewish residents of Israel should also apply to Palestinians of the Occupied Territories.

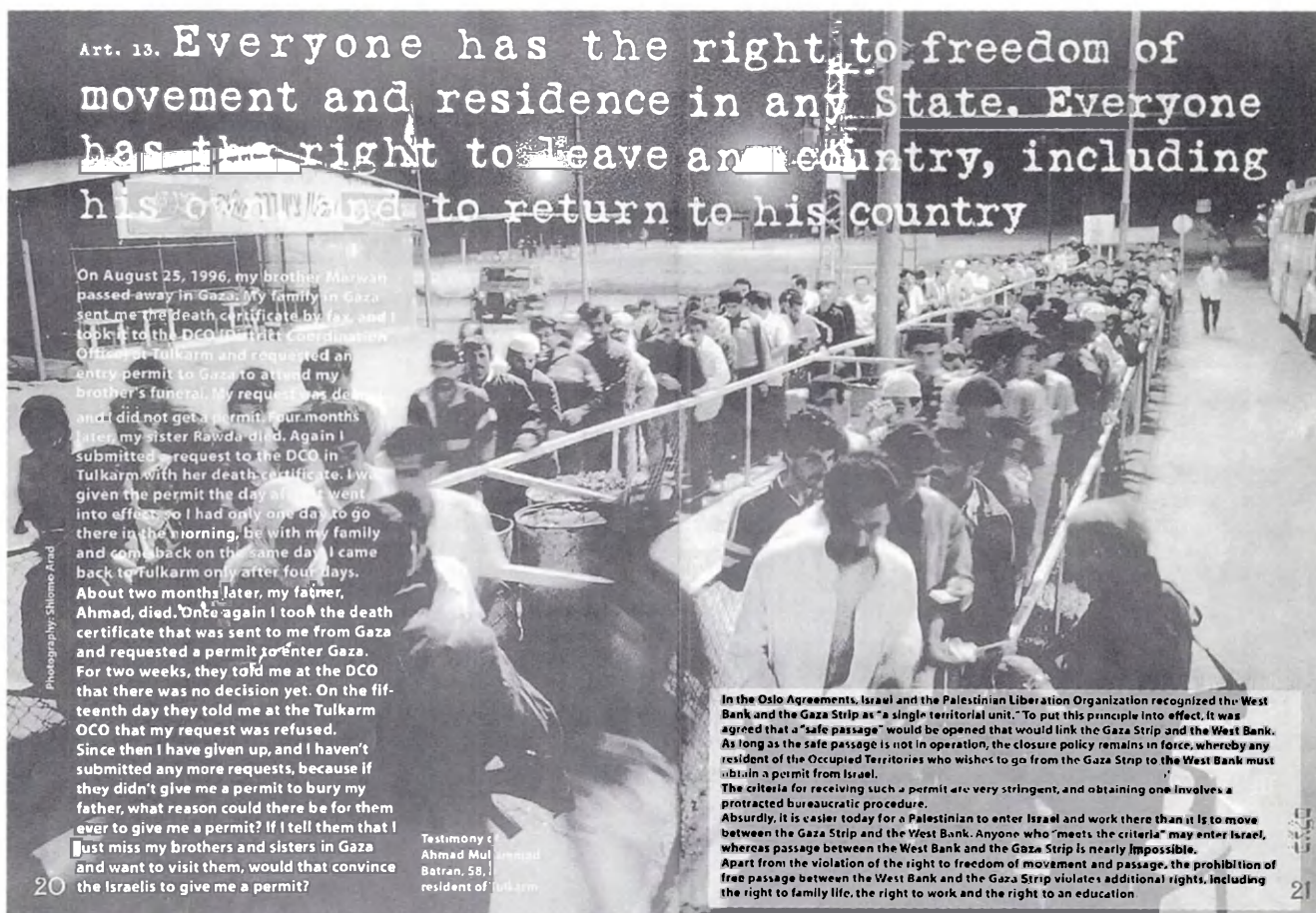
This encouraging statistic is one of the findings of B'Tselem's recent public opinion survey - the first systematic study ever taken to gauge Israeli attitudes and familiarity with human rights principles. A leading polling firm was commissioned to conduct phone interviews among a representative sample of Israel's

adult population. The questions addressed knowledge about the scope of human rights violations in the Occupied Territories, views of

A large number of those who support theoretical equality simultaneously support policies which violate human rights only when directed towards Palestinians

various government policies that violate human rights, and familiarity with the Universal

Declaration of Human Rights and its principles. Contrary to our expectations, a majority of the Israeli public expressed support for human rights in a number of areas. However, a large number of those who support theoretical equality under the law for Jews and Palestinians simultaneously support use of certain policies which violate human rights only when directed towards Palestinians. It is clear that B'Tselem has much work to do in the area of human rights education. The organization has recently



Art. 13. Everyone has the right to freedom of movement and residence in any State. Everyone has the right to leave any country, including his own, and to return to his country

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 in Tulkarm Coordination Office in 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 Mujahid Batran, 58, resident of Tulkarm

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.

A page from B'Tselem's first Human Rights Quarterly

initiated an ambitious project designed to generate commitment to human rights among mainstream Israeli society. The findings of the public opinion survey will serve as a platform for planning various components of this project.

In December 1998, B'Tselem spearheaded its initiatives in this area by publishing the first issue of its Human Rights Quarterly. This introductory issue was devoted to the fiftieth anniversary of the Universal Declaration of Human Rights, contrasting the principles enshrined in the Declaration with the reality in the Occupied Territories. It featured full-page photographs from some of the most respected Israeli and Palestinian photographers, juxtaposed with testimonies and statistics regarding human rights violations in the

Occupied Territories. The quarterly was distributed to 250,000 Israeli households as an insert to the weekend edition of leading national and local newspapers. B'Tselem also published an English version of the first issue, which was distributed in the Ha'aretz-International Herald Tribune. The

mass distribution of this publication received unprecedented expressions of support and interest from sectors of Israeli society not previously exposed to such materials. B'Tselem continues to produce and widely distribute the Hebrew newspaper on a quarterly basis. ■

Individuals moved by B'Tselem's reports invariably ask, what can I do? In the past, there was very little an individual could do to advocate for human rights in the Occupied Territories. In 1999, as part of its strategy to create a culture of human rights in Israel, B'Tselem began to engage in outreach among the Israeli public to actively involve them in human rights advocacy. B'Tselem has already established human rights chapters in Jerusalem and Tel Aviv, as well as a student club, ADAM, at the Hebrew University of Jerusalem. These groups, together with individual volunteers from throughout the country, take part in public education and advocacy campaigns. Over the past two months, a total of 200 Israelis have become involved in B'Tselem's activities.

“Rubber” Bullets – Not a Child’s Game!



In November 1998, B'Tselem launched a public campaign against the use of “rubber” bullets, challenging the popular misconception that they are a humane method of dispersing demonstrations. Coinciding with the release of its report, *A Death Foretold: Firing of “Rubber” Bullets to Disperse Demonstrations in the Occupied Territories*, the campaign was designed to engage the public

in advocacy against the use of “Rubber” bullets in circumstances that are not life-threatening. The campaign featured eye-catching newspaper advertisements, colorful brochures and rubber balls (which have the same meaning as

member received a rubber ball and a fact sheet highlighting the deadly effects of this ammunition. The campaign received significant attention from the public, as well as the local and international press. Of notable consequence, newspapers in the region have since adopted the terminology “rubber-coated metal bullets”, instead of “rubber bullets”. ■



rubber bullets in Hebrew), distributed by B'Tselem volunteers to the general public in central locations. As part of B'Tselem's lobbying efforts, each Knesset



B'Tselem Monitors Human Rights in Lebanon

For many years, Israel has occupied a portion of south Lebanon. International organizations have documented the blatant and prolonged human rights violations of the region's inhabitants resulting from this occupation:

◆ Over 40 Lebanese citizens are currently being held in detention centers inside Israel, most of whom were kidnapped from Lebanon. Half are serving prison terms, while the other half are held without trial in administrative detention, as bargaining chips for the release of IDF soldiers (see Newsletter, volume 6; summer 1998).

◆ Approximately 130 Lebanese are held in Al-Khiam prison, in south Lebanon, which is operated by the South Lebanon Army, under Israeli responsibility. This prison operates outside of any legal framework and prisoners are tortured and kept in harsh conditions.

◆ In the war taking place in South Lebanon between local resistance organizations and the IDF and the SLA, the IDF fires missiles and conducts air raids, causing civilian deaths and casualties, in addition to extensive property damage.

◆ In its control of the "security zone", the IDF conducts (directly or through the SLA) other activities which harm the civilian population, including evacuation of villages, house demolitions, restrictions on movement, and damage to infrastructure and agriculture. Occasionally, the IDF also engages in forms of collective punishment, such as damaging infrastructure, outside of the "security zone" as well.

These human rights violations are entirely absent from Israeli public consciousness. Israel's presence in Lebanon receives widespread media coverage and is the focus of public debate. However, this debate focuses exclusively on Israeli interests, primarily IDF casualties and attacks against northern Israel. Even the peace groups calling for an immediate and unilateral Israeli withdrawal from Lebanon do not acknowledge the price Israel's occupation has had on the civilian population in Lebanon.

To date, B'Tselem only responded to isolated incidents in southern Lebanon (see Newsletter, volume 6; summer 1998). However, the gravity of the human rights situation as well

as the absence of other Israeli organizations calling attention to humanitarian issues in south Lebanon prompted B'Tselem to consider systematic attention to these problems. The organization has recently expanded its traditional definition of "occupied territory" to include south Lebanon and will now routinely monitor Israel's practices in the region, educate the Israeli public and advocate for respect for human rights in south Lebanon.

Unlike the West Bank and Gaza Strip, south Lebanon is inaccessible to Israelis, making it difficult to gather reliable information. Instead of independent fieldwork, B'Tselem collects information from various sources, including Israeli lawyers, the Israeli authorities, testimonies of IDF soldiers who served in Lebanon, international human rights organizations, and the Israeli, Lebanese and international media. In the future, B'Tselem will publish regular information on human rights violations committed by Israel in Lebanon, as it has done over the last decade regarding human rights in the West Bank and the Gaza Strip. ■

Families Torn Apart

Marriage within the extended family is widespread among Palestinians of the Occupied Territories. This marriage pattern continues even though many families were separated by the 1948 and 1967 wars. As a result, tens of thousands of Palestinians from the West Bank married Palestinians who live abroad, many as refugees.

Most countries, including Israel,

enable immigration of close relatives of citizens for the purpose of family unification. In the Occupied Territories, however, there is no such right. For years, Israel approved Palestinians' requests for family unification infrequently and according to undisclosed criteria. The bureaucracy for handling requests for family unification has been

convoluted, prolonged, secretive, and replete with harassment and high financial cost.

As a result, tens of thousands of Palestinians have been compelled to live apart from their spouses, leaving their children to live for long periods without one of their parents. Many

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Oslo: Before and After

The 1993 Oslo Accords stipulate that Israel and the Palestinian Authority must exercise their powers "with due regard to internationally-accepted norms of human rights". Have human rights conditions for Palestinians improved since the signing of the Accords?

B'Tselem's comparative study, *Oslo: Before and After*, which was released in May, reveals a mixed picture. The report concludes that Israeli policies that violate basic human rights are still enforced but that these policies are, in many cases, applied on a lesser scale since fewer Palestinians currently reside under direct Israeli control. The Palestinian Authority, created under the Accords,

also systematically violates the rights of Palestinians through capital punishment, torture, mass arrests, and restrictions on freedom of expression.

B'Tselem's report compares the six-year period prior to the Accords, to the six-year interim period defined by the Accords that ended this past May. While in the latter period, serious human rights violations like killings, detentions and punitive house demolitions have declined, the underlying Israeli policies remain unchanged. The IDF Open-Fire Regulations have not been revised and lethal gunfire is still directed at persons who do not pose a life-threatening danger. Although

there has been a decrease in the absolute number of Palestinians tortured, the methods of torture remain the same, as does the legitimization of these methods by the legal system.

Israeli policies which have intensified in spite of, or as a result of the Peace Accords include discrimination in planning and housing policies in Area C of the West Bank and in East Jerusalem, expansion of Jewish settlements, and restrictions on movement.

These discriminatory practices continue to impact the daily lives of most Palestinians, while simultaneously choking their economic development. ■

| OSLO: BEFORE & AFTER Human Rights Violations | Before 1987-1993 | After 1993-1999 |
|---------------------------------------------------------------------|---------------------|--------------------|
| Persons killed: | | |
| Palestinians by Israelis | 1162 | 364 |
| Israelis by Palestinians | 160 | 258 |
| Houses demolished or sealed by Israel: | | |
| as punishment | 897 | 28 |
| 'administrative' (no permit) in searches for wanted persons | 1576 | 803 |
| | 123 | 33 |
| Deportations by Israel | 481 | 0 |
| Days of closure on the Occupied Territories by Israel (WB/Gaza): | | |
| PA figures | 111/64 | 49/10 |
| Israeli government figures | 311/134 | 183/299 |
| Capital Punishment: | | |
| PA death sentences | N/A | 25 |
| PA executions | N/A | 3 |
| PA Deaths while in custody | N/A | 20 |

Partners in Injustice: a Case Study of Violations by Israel and the Palestinian Authority

Two Israeli hikers, Ohad Bachrach and Uri Shahor, were murdered on 18 July 1995 in Wadi Qelt, a nature reserve between Jerusalem and Jericho in the West Bank. The events that followed the murders demonstrate the complicated nature of the post-Oslo human rights picture.

Israeli security forces arrested and interrogated Jamal al-Hindi, a Palestinian from Qalqilya, on suspicion of involvement in the murders. After a month of interrogation by Israel's General Security Service (GSS), which included prolonged periods of sleep deprivation, forceful shaking and other forms of abuse, al-Hindi confessed to taking part in the murders and incriminated three other Palestinians: the cousins Shaher and Yusef a-Ra'i and Khader Abu 'Abareh. Al-Hindi later retracted his confession, extracted under torture, and was able to prove that he had been working in two Israeli settlements on the day of the murder. Israel never charged him with the murders and subsequently released him.

Immediately following al-Hindi's confession, the Palestinian Authority arrested the a-Ra'i cousins. After ten days of detention without charge, they were brought before the Palestinian State Security Court and charged with damaging Palestinian interests, disturbing the peace process, and distributing political pamphlets. No mention was made of the Wadi Qelt murders. In a fifteen minute midnight trial, the

a-Ra'is were charged, tried, convicted and sentenced to twelve years' imprisonment at hard labor (seven years' imprisonment and five years' probation).

This speedy trial was apparently motivated by the PA's desire to avoid extraditing the a-Ra'is to

The human rights violations surrounding this case are indicative of larger problems associated with the "war against terror" in the post-Oslo period

Israel. According to the Oslo Accords, the PA lacks jurisdiction to prosecute the a-Ra'is for the murders, as Wadi Qelt is under complete Israeli control. Instead, the Oslo Accords obligate the PA to extradite any suspects to Israel. The

Pressure by Israel and the United States to fight terrorism, has only exacerbated the PA's abuse of individual rights

only exception to this requirement is in those cases where the suspects are already in custody for other crimes. Various PA officials have categorized extraditing Palestinians to Israel as a form of collaboration with the enemy. In order to avoid the political price of extradition, the PA chose to sacrifice the individual rights of the a-Ra'is by trying and convicting them on ambiguous charges.

The third Palestinian incriminated by al-Hindi, Khader

Abu-'Abarah, has not been arrested. Yet he, as well as the a-Ra'is, are on the Wye Memorandum's list of thirty wanted individuals whom the PA is obligated to arrest. The rhetoric surrounding this list — as well as the wording of the specific allegations — suggests that the list is intended to

ensure detention of the thirty, without regard to whether they are convicted in a court of law which affords them due process.

While the murders took place over three years ago, many of the consequences are still manifest today. Yusef and

Shaher a-Ra'i remain in a PA prison, serving a long sentence imposed during a rapid and patently unfair trial. Jamal al-Hindi suffers a thirty-percent psychological disability as a result of the torture by the Israeli GSS and has filed a civil suit against the State of Israel and the GSS to receive compensation. Khader Abu 'Abareh still fears that he will be arbitrarily detained given the inclusion of his name on the Wye "wanted list", which

is likely the result of the false confession of Jamal al-Hindi, extracted through torture.

The human rights violations surrounding this case are not isolated incidents, but rather are indicative of larger problems associated with the "war against terror" in the post-Oslo period. Gross violations characteristic of this period include, systematic torture by the GSS and routine detentions following brief summary trials by the Palestinian Authority's State

Security Court. Pressure by Israel and the United States to fight terrorism, in the absence of concurrent pressure on the PA to respect human rights, has only exacerbated the PA's abuse of individual rights.

Cooperating Against Justice, a joint report by B'Tselem and LAW: the Palestinian Society for the Protection of Human Rights and the Environment, examines the Wadi Qelt case, while analyzing its broader implications. In addition to criticizing Israel and the PA for their human rights abuses, the report holds the United States accountable for its role in encouraging these violations. ■

PA Implements Death Penalty

In 1995, the Palestinian National Authority began to issue death sentences. While a total of 25 death sentences have been issued, it is only in the last year that executions have been carried out.

In August 1998, Ri'ad and Muhammad Abu-Sultan were executed for killing two brothers three days earlier. In February 1999, Colonel Ahmad 'Atiya Abu Mustafa was convicted of raping a six-year old boy, for which he was sentenced to 15 years imprisonment. Yet Abu Mustafa was also sentenced to death on separate charges of "inciting the public against the Palestinian

Authority." He was executed two hours after the trial.

In these cases, as in previous ones, the State Security Court passed its sentence after a brief summary trial. Defendants were not allowed to present a defense, were deprived of the right to proper legal representation, or were given insufficient time to prepare their defense.

B'Tselem wrote to Yassir Arafat and other members of the Palestinian Authority urging them to abolish the death penalty, and to ensure that every defendant receives a fair trial and due process. ■

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The Quiet Deportation Continues . . .

On 22 April 1999, the Israeli High Court of Justice heard a petition concerning the legality of Israel's policies with regard to residency rights of Palestinians in East Jerusalem. The petition was filed on behalf of fifteen families by five human rights organizations and the hearing centered on whether Israel had, in fact, changed its residency policy. While the State denied that there was any change in policy, human rights organizations claim that since 1996, the Ministry of Interior has aggressively revoked the residency of hundreds of Palestinian Jerusalemites.

For the past several years, B'Tselem has monitored the 'quiet' deportation, a process in which Palestinian residents of East Jerusalem lose their right to live in the city (for details, see Newsletter; volume 6, summer 1998). While numerous appeals to the Supreme Court have achieved modest victories, the Ministry continues to force families out of Jerusalem.

Revocation of residency denies a

Palestinian of both the ability to move freely within Israel as well as the right to social welfare entitlements. The National Insurance Institute (NII) is responsible for providing social welfare benefits to all residents of Israel and East Jerusalem (including workers compensation, unemployment and health related support). However, rather than acting to advance social policy and provide health insurance, NII acts to achieve the same objective as the Ministry of

Regardless of the city's political future, the individual rights of all Jerusalem residents must be respected

Interior: to encourage residents of East Jerusalem to leave the city.

The NII is predisposed to suspect that every Jerusalem Palestinian applying for a benefit does not actually reside in the city, and is, therefore, not entitled to it. As a result, the NII investigates the vast majority of claims submitted by East

Jerusalem residents, who do not receive the requested benefit or health insurance until the NII completes its investigation, which often takes many months. As a result of current NII policy, Physicians for Human Rights estimates that some ten thousand Palestinian children in East Jerusalem are not covered by health insurance.

While the High Court deliberates, the practice of revoking the residency status of East Jerusalem Palestinians continues. In 1998 alone, 788 residencies "expired". New Minister of Interior, Natan Sharansky, has made statements sympathetic to the plight of East Jerusalem Palestinians. B'Tselem will lobby the new Minister to act upon his pronouncements.

Meanwhile the coming year will bring heightened attention to Jerusalem. Millions of tourists and pilgrims are expected to visit the city for the millenium. B'Tselem will engage in advocacy to inform Christian communities around the world about human rights issues in Jerusalem. Jerusalem is also one of the final status issues which are to be resolved in the coming year.

Since the annexation of East Jerusalem in 1967, government and municipal policies have been targeted towards perpetuating a demographic and geographic status quo that will preempt any challenge to Israeli sovereignty in East Jerusalem. Thus, the basic rights of Palestinians, who constitute 30 percent of Jerusalem's population, are sacrificed for political-national considerations. Regardless of the city's political future, the individual rights of all Jerusalem residents must be respected. ■

In September 1998, B'Tselem and HaMoked published a follow-up joint report on the issue of residency rights in East Jerusalem. *The Quiet Deportation Continues: Revocation of Residency and Denial of Social Rights of East Jerusalem Palestinians* examines recent developments with respect to the Interior Ministry's policy, addressing subjects that were not reviewed in the previous report, including registration of children and family unification. It also features a detailed examination of how the National Insurance Institute (NII) operates in East Jerusalem, including the means by which it determines which East Jerusalem residents are entitled to allotments, as well as the consequences of its policy. The report contains a special section on health insurance, which has been the responsibility of the NII since the State Health Insurance Law went into effect in early 1995.

Israel's longest held administrative detainee released

On 18 July, Usama Barham, Israel's longest held administrative detainee, was finally released. His release followed the High Court of Justice's acceptance of an agreement reached between Usama's attorney, Tamar Peleg-Sryck, of HaMoked: Center for the Defence of the Individual, and the State.

Thirty-six year-old Barham, from Ramin in the Tulkarem district, was never charged with any offence, yet he was detained for nearly six years, since 17 September 1993. During this period, IDF military commanders issued thirteen orders extending his detention. The only explanation ever provided to justify Barham's detention was that he "is a member of the Islamic Jihad and endangers the security of the region." All evidence supporting this claim was classified, preventing Barham from refuting the allegation. In letters to Dr. Anat Matar, of Tel-Aviv University, and in three High Court appeals, Barham explicitly rejected the use of violence, including violence by the Islamic Jihad, and denied that he is a member of the organization. The High Court rejected his appeals.

Barham was the last of the long-term administrative detainees featured in B'Tselem's 1997 report, *Prisoners of Peace*. After a multi-organization campaign, all

eleven of these detainees are now home with their families. However, as of August 18, Israel still held forty-five Palestinians in administrative detention. The longest of these is 'Iman Dararmeh, who has been held for over four years. Israel has also administratively detained some twenty Lebanese for periods of up to eleven years.

B'Tselem estimates that, since the beginning of the intifada, Israel has issued some 21,000 administrative detention orders against approximately 5,000 Palestinians.

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B'Tselem calls on Israel to immediately release all administrative detainees or bring them to trial for any criminal offenses they are suspected of having committed. ■

Imagine if there were no wars 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, how he sees himself as better than others. I don't know what the difference is between people.

From the correspondence of Usama Barham with Dr. Anat Matar, an Israeli lecturer in philosophy.

Staff Changes

Noam Lubell was hired to fill a new position of Outreach Coordinator. This position involves establishing a volunteer network for B'Tselem's campaigns, and human rights chapters throughout the country.

Ronny Talmor left B'Tselem's Board and re-joined the staff as newspaper editor and research coordinator.

Researcher Yuval Ginbar has left B'Tselem to pursue a doctorate at Essex University.

Two new researchers have been hired: Yehezkel Lein and Naama Carmi.

Heather Lang was hired to fill a new position of Development Associate, which involves maintaining international contacts and seeking new sources of funding.

Former intern, Lior Yavne, was hired as a new Data Coordinator.

Suha Diab was hired as an archivist.

WATER

continued from p. 3

illustrating the human dimension of the population's distress. *Disputed Waters: Israel's Responsibility for the Water Shortage in the Occupied Territories* focuses on the means by which Israel's water policy discriminates against Palestinian residents of the Occupied Territories. It examines the water shortage from various aspects, including the historical background, changes in the wake of the peace process, patterns of water consumption of

Palestinians in comparison with those of Israelis and Jewish settlers, and water rights in international law. B'Tselem has worked with the local and international media to generate attention to the human impact of the severe water shortage in the region.

In July B'Tselem coordinated a public event to distribute water among Bet Furiq villagers. This village of 8000 residents, situated in the Nablus district, is not connected to a water system. The event was targeted towards generating media attention to the water situation in the West Bank and enlisting public

support towards changing Israel's discriminatory water policy. B'Tselem invited a number of its supporters along with two leading Israeli singers to participate. The event succeeded in attracting extensive media attention to the water shortage in the West Bank by leading Israeli newspapers, radio and television. Of notable consequence, several days after the activity, the head of the Civil Administration announced that fifty more Palestinian villages will be connected to the water system over the next year. ■

B'Tselem Advocates at the UN

Israel is a signatory of both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (CESCR). In 1998, for the first time, it submitted reports to the two responsible UN monitoring committees, reviewing the extent to which it has complied with the terms of the ICCPR and CESCR. Yet, in both reports, Israel made minimal reference to the Occupied Territories despite their clear applicability to the Covenants. When the committees convened to

review the reports, B'Tselem was present to fill in the gaps, revealing the extent to which Israel has failed to meet its obligations in the Occupied Territories.

In July, B'Tselem's Executive Director, Eitan Felner, attended the UN Human Rights Committee session in Geneva, responsible for monitoring compliance with the ICCPR. There, he presented an alternative report by B'Tselem and the Association for Civil Rights in Israel and briefed Committee members on the human rights

situation in the Occupied Territories. In November, B'Tselem submitted a similar report to the Committee on Economic, Social and Cultural Rights and sent researcher, Yehezkel Lein, to attend the Committee session in Geneva. Both reports effectively conveyed the myriad ways in which Israel violates the rights of Palestinian residents of the Occupied Territories. The Committees' Conclusions and Recommendations honored B'Tselem's credibility by including substantive attention to virtually all of its concerns. ■



Twenty billboards, reading "all human being were created with dignity (B'Tselem)," were displayed throughout Israel, a donation from the Rapid billboard company.

Captive Corpses

A joint report released in March by B'Tselem and HaMoked: Center for the Defence of the Individual examines Israel's policy of withholding the bodies of Palestinians killed in attacks performed against Israel. The report finds that, since 1994, Israel has routinely refused to return these bodies to their families for burial in what amounts to a policy of collective punishment. In addition, the report details the poor treatment these bodies receive in the hands of the Israeli authorities: they are often buried in a disrespectful manner without clear identification, and relatives are denied the right to visit the graves.

In the past, Israel's policy of

returning or withholding bodies of Palestinians was implemented arbitrarily, yet, since 1994, there has been a shift toward withholding all bodies. *Captive Corpses* documents

Bodies are buried in a disrespectful manner without clear identification, and relatives are denied the right to visit the graves

twenty-four cases of Palestinian bodies that are currently being held by Israel. The primary victims of this policy are the families, who are denied positive proof that their loved one is in fact dead, and are deprived of a site where they can mourn the death.

The various security justifications for withholding the bodies are unpersuasive. The effectiveness of

withholding bodies in efforts to deter attacks has not been determined, and clashes between mourners and the IDF are unlikely since most funerals take place in areas from which the IDF has withdrawn. It is also unlikely that these bodies will be effective in negotiating the return of IDF soldiers. Whatever the motive, this policy contravenes both fundamental norms of international law concerning the rights of civilians under occupation and the prohibition against collective punishment.

Captive Corpses concludes that returning bodies of Palestinians to their families would not jeopardize Israeli security interests and would constitute a humanitarian act consistent with international laws to which Israel is party. ■

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- Christian Aid (UK) • DanChurchAid (Denmark) • Department of Foreign Affairs & Trade & AusAid (Australia)
- EZE (Germany) • Ford Foundation (USA) • ICCO (Netherlands) • International Commission of Jurists (Sweden)
- Joyce Mertz-Gilmore Foundation (USA) • New Israel Fund (Israel) • Norwegian Foreign Ministry
- Federal Department of Foreign Affairs (Switzerland)

B'Tselem thanks the following volunteers from abroad:

Ronit Avni (Canada), Faisal Bhabha (Canada), Jacob Feeley (USA), Inbali Iserles (England), Eric Kapenga (USA), Shaya Lyon (USA), Arturo Marzano (Italy), Christina Pfestroff (Germany), Barbara Tschernia (Denmark), Annete Wunder (Germany).

Families

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maintain a truncated family life, spending time with their spouses only during short visits. Some spouses remain in the Occupied Territories "illegally" after their visitor's permits expire, living an underground existence, forever fearful of fines and deportation. Only by abandoning their homes, parents, and homeland and moving elsewhere can these

Palestinians live legally with their spouses and children. This is precisely the objective of Israeli policy: to alter the demography of the Occupied Territories by encouraging Palestinian families to leave.

In August 1993, Israel agreed to grant 2,000 requests for family reunification each year. This quota is woefully inadequate; there are currently 13,000 requests pending for family unification in the West Bank.

Together with HaMoked: Center

for the Defence of the Individual, B'Tselem published *Families Torn Apart: Separation of Palestinian Families in the Occupied Territories*. HaMoked is the leading organization dealing with family reunification, and initiated the strategy of aggressive High Court advocacy. This advocacy won long-term visitor's permits for thousands, enabling them to live together legally in the Occupied Territories. Thousands of other families, however, remain **divided**. ■

Memo from the Director: New Government – Same Society

The year was 1994 - March of that year to be precise - and Israel was coping with the aftermath of Baruch Goldstein's massacre of 29 Palestinians in the Tomb of the Patriarchs in Hebron. For days on end, Israeli television broadcast the proceedings of the Investigation Committee on the Massacre, headed by then-President of the Supreme Court, Justice Meir Shamgar. Soldier after soldier gave testimony about the orders they were given regarding opening fire on Israelis about to commit violent acts against Palestinians. It became increasingly clear that the occupation had bred a state-sanctioned disregard for the lives of Palestinians, reflected in the virtual absence of law-enforcement vis-a-vis Israelis — in most cases, settlers — that commit violent acts against Palestinians.

The climax of the investigation was a lengthy testimony given by then-IDF Chief of Staff, Ehud Barak. The testimony was one of the most articulate statements ever made by Barak and anyone watching the brilliant manner in which he responded to the questions could envision a day when he would be seated in the Prime Minister's Office. During the testimony, Barak insisted that there was a clear and consistent policy of law enforcement on these matters. When Judge Abd a-Rahman Zou'abi, in response, held up a B'Tselem report issued at the time about law enforcement of Israelis in the Occupied Territories, Barak answered promptly: "I haven't fully read it."

This was not the first time that

Barak was confronted in public with the findings of a B'Tselem report. In 1993, during a session of the Foreign Affairs and Defense Knesset Committee, Barak was questioned by

Barak's past record does not bode well for human rights in the Occupied Territories

Meretz MK Naomi Chazan about the worrisome figures provided by B'Tselem indicating a significant increase in the number of Palestinian civilians killed by Israeli soldiers. Barak replied that "the increase exists only in the minds of those who make the claim." He then presented completely different figures than

The geopolitical situation may have changed in the Middle East as result of the Oslo Accords, but Israeli society remains virtually the same in its attitudes towards Palestinians

those of B'Tselem and added: "often those who supply the numbers are biased." Barak's statement caused an earthquake in our organization. While policymakers frequently disagree with B'Tselem's conclusions, this was the first — and last — time that a senior Israeli official had questioned the accuracy of B'Tselem statistics, thereby calling the organization's credibility into question. A few days later, after B'Tselem provided further evidence to back the figures that MK Chazan had quoted, the IDF spokesperson publicly admitted that the figures that

Barak had presented in the Knesset Committee were, in fact, incorrect.

Barak's past record does not bode well for human rights in the Occupied Territories. As a young officer in the most elite unit of the Israeli army, Barak was personally responsible for an assassination operation of Palestinians in Beirut. As Chief of Staff, he devised the creative idea of deporting

Palestinians for a fixed period of time, in order to circumvent their right to appeal the deportation. One might argue that as chief soldier, Barak was obligated to place security above all other concerns, whereas as a statesman, he would be able and even obligated to address legal and humanitarian concerns as well. Yet, since turning in his army uniform, Barak has not shown a great concern for the basic rights of the Palestinian population. During his posting as Foreign Minister in 1996, in a meeting with representatives of the Palestinian Authority's donor countries, Barak proposed a list of measures the PA could take against terrorism, including arrests, trials, imprisonment and house searches. He then added: "Arafat can do what leaders of other Arab countries do" (*Ha'aretz* 29/2/96).

The messages chosen by Barak during his election campaign may also be suggestive of what sort of conduct can be expected. Throughout the campaign, Barak said nothing about the need for reconciliation with our neighbors. He did not mince words, however, when talking about

his bottom line in the final status negotiations with the Palestinians: no concessions regarding a united Jerusalem as Israel's capital, no concessions about keeping the Jordan River as Israel's security border, no return to the '67 borders, and no withdrawal from settlement blocks on the West Bank.

Unlike Shimon Peres in the 1996 election campaign, who gave a vision of hope about a new Middle East and fruitful cooperation between Israel and the Arab world, Barak played the well-known tune of security. Day after day, the TV campaigns featured the heroic triumphs of Barak during his long military career. The ads featured the assassination operation mentioned above as proof of Barak's courage,

crediting Barak for delivering "justice" to the terrorists involved. The message is clear: In Israel today, state-sanctioned assassinations are something for a potential Prime Minister to boast about.

This is precisely what is most worrisome about Barak's campaign - not what it says about himself, but what it says about Israeli society. Barak's landslide victory indicates that his campaign strategy indeed struck a chord with the priorities and concerns of the Israeli public. Barak's success was not simply a vote of non-confidence for Netanyahu. With the advise of savvy political advisors responsible for the election of Bill Clinton and Tony Blair, Barak understood what Peres failed to comprehend: the geopolitical

situation may have changed in the Middle East as result of the Oslo Accords, but Israeli society remains virtually the same in its attitudes towards Palestinians. As a society, we continue to suffer from what may be called the "syndrome of the abused child" - stuck with the belief that we remain, as always, the victims, without realizing that we have become victimizers. This mentality continues to inform our basic attitude toward the Arabs in general and Palestinians in particular. Therefore, we cannot yet foresee electing a Prime Minister prepared to acknowledge that we have committed great injustices to the Palestinian people. Hopefully, by the next elections we will have progressed in this regard. ■

Recent Publications

Disputed Waters: Israel's Responsibility
for the Water Shortage in the Occupied
Territories



Oslo: Before and After –
The Status of Human Rights in the
Occupied Territories

Death Foretold: Firing of "Rubber" Bullets
to Disperse Demonstrations in the
Occupied Territories



Families Torn Apart:
Separation of Palestinian Families in the
Occupied Territories

The Quiet Deportation Continues:
Revocation of Residency and Denial of
Social Rights of East Jerusalem
Palestinians



Cooperating Against Justice: Human
Rights Violations by Israel and the
Palestinian National Authority following
the Murders in Wadi Qelt

Captive Corpses



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Participation in Conferences Abroad

- Development Director, Jessica Montell, participated in the Vienna Plus 5 meeting in Ottawa, Canada organized by Human Rights Internet.
- Eitan Felner attended the Fifth Consultative Meeting on Core Human Rights in the Middle East and North Africa organized by Search for Common Ground in Helsinki.
- Chair of the Board, Edy Kaufman, represented B'Tselem at the Huridocs General Assembly held in Tunis.
- Jessica Montell was invited by the Brazilian government to a conference on Human Rights in the 21st Century, where she presented a paper on "Activating Information: Generating Commitment to Human Rights in Israel."
- Eitan Felner attended Celebrations of the 50th anniversary of the Universal Declaration of Human Rights, organized by the French Government and UNESCO and the conference about Human Rights Defenders, organized by Amnesty International and FIDH.
- Eitan Felner participated in the Third General Assembly of the Euro-Mediterranean Human Rights Network in Stuttgart.
- Tirtsa Harif, Financial Administrator, attended the constituent assembly of the International Observatory on Palestinian Affairs (IOPA) in Geneva.
- Data Coordinator, Noga Kadman, attended the Fifth NGO Conference on Solidarity and Cooperation in the Mediterranean Region.



B'Tselem depends entirely on contributions from organizations and individuals to make its work possible.

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