

# The B'Tselem Human Rights Report

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The Israeli Information Center for Human Rights in the Occupied Territories

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## Evicted From a Way of Life

On 16 November 1999, B'Tselem field workers Najib Abu-Rokaya and Raslan Mahagna traveled into the West Bank to investigate reports that Palestinians from the village of Tawaneh had been beaten by Jewish settlers in the area of Ma'on. Before reaching their destination, they encountered an unexpected military closure blocking the dirt road toward Tawaneh. Minutes later, several trucks appeared, leaving the area and carrying with them mounds of clothing, furniture, and other personal items.

It soon became clear that an expulsion was in process: hundreds

of Palestinians living in the villages of Mufqara, Tuba, Jinba and others in the South Mount Hebron region were driven from their homes. The residents of the region had been living in caves and shacks for dozens of years, living off the land by farming and shepherding. After the expulsion, the Palestinians lived with their flocks in neighboring villages. Throughout this winter's severe weather conditions many lived in tents, awaiting permission to return to their homes.

On the 21st of January, some 150 volunteers and supporters from B'Tselem and other organizations throughout the country gathered to participate in a solidarity visit to the area of the expulsion. The goal of the outing was to meet with deportees and, on the eve of the Jewish holiday Tu B'shvat, return with them to their homes to plant olive trees together.

The two busloads of activists were stopped en route by several IDF vehicles attempting to undermine the event. Despite these attempts, however, the gathering took place and the activists were allowed to meet with many of the deportees at an alternative location.

The event was widely publicized in the media, particularly over Israeli radio and television. Human rights advocates throughout Israel rallied alongside B'Tselem to increase the



Photo by: Nisreen Alyan

pressure placed upon the government. Organizations such as the Israeli Committee Against House Demolitions organized demonstrations and cultivated popular support, and leading Israeli writers published a petition on the day of the gathering appealing to the government to reverse the expulsion order.

On Sunday 23 January, Ministers Yossi Sarid and Haim Oron broached the subject at the Cabinet's weekly meeting. In response, Prime Minister Ehud Barak directed Deputy Defense Minister Ephraim Sneh to reexamine the expulsion decision. Sneh announced shortly thereafter that the

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## On the Way to Annexation

On October 6th 1999, the High Court of Justice convened to hear a petition opposing the proposed expansion plan for Ma'aleh Adumim, already Israel's largest settlement in the Occupied Territories. Drafted in January 1995 by the Civil Administration for Judea and Samaria, the expansion plan applies to an area of some 1.24 sq. km of expropriated land which would make Ma'aleh Adumim larger in size than Tel Aviv. The political objective of the expansion plan is to incorporate Ma'aleh Adumim into "Metropolitan Jerusalem," extending Israeli sovereignty into Jerusalem's surrounding settlements. This plan is in contravention with international law applying to Occupied Territories.

Since its establishment in 1975 along the municipal border of Jerusalem, Ma'aleh Adumim has

attracted some 25,000 residents. Its high rate of growth is linked to its classification as a high priority development area. Governmental benefits, such as tax breaks and favorable mortgage terms continuously flow into the settlement and its large adjacent industrial zone. Ma'aleh Adumim residents enjoy a high standard of living, modern infrastructure, green areas, advanced educational and cultural institutions, and numerous other services and institutions.

Since Barak took office, settlers have organized against the dismantling of a few newly constructed outposts. Yet, most Ma'aleh Adumim residents are not involved in such activity and do not fit the popular image of Israeli settlers. One need not

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be radical, nor even a product of the right-wing ideological camp, to enjoy the high quality of life which Ma'aleh Adumim offers its residents. Moreover, due to its immense size, twenty-five year history and close proximity to Jerusalem, Ma'aleh Adumim is widely viewed by the public as part of an expanded Jerusalem rather than a settlement.

Contrary to such perspectives, the area on which Ma'aleh Adumim was

established and expanded is not under Israeli sovereignty. It lies in the West Bank, in occupied territory taken from the Palestinian villages of Abu Dis, al-'Izariyyeh, al-'Issawiyyeh, a-Tur, and 'Anata. Other lands expropriated to create Ma'aleh Adumim are property on which the Jahalin and Sawahreh Bedouin tribes once lived.

Ma'aleh Adumim's establishment did not lead to a wave of development, a high standard of living, comfort-

*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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*Architect, Shmuel Groag, & B'Tselem's Executive Director, Eitan Felner present map of proposed expansion plan of Ma'aleh Adumim to foreign diplomats*

*Photo by: Nisreen Alyan*



able conditions, or tax breaks for these Palestinian villages and communities. Rather, the settlement meant loss of grazing and farming land and, in effect, loss of the agricultural way of life. The establishment of Ma'aleh Adumim also denied these villages the land reserves they need for housing, industry, and public institutions. The settlement - with all the "regional services" that it offers - is closed to Palestinian residents of the area, except for those holding a special permit to enter the settlement for work only. The Bedouin who lived in the area also lost their homes and the land on which they were constructed, and were expelled from the area by threats and physical force.

On the eve of the October 1999 High Court hearing addressing opposition to the proposed expansion plan, B'Tselem published its new report: *On the Way to Annexation: Human Rights Violations Resulting from the Establishment and Expansion of the Ma'aleh Adumim Settlement*. The report highlights the political objectives underlying the proposed town planning scheme as well as the detrimental consequences of the settlement on Palestinians in the surrounding area.

The 50-page report uses the case of Ma'aleh Adumim to illustrate how Israel illegally settles its population in occupied territory by violating international law, expropriating land, demolishing houses, and deporting Palestinians. The report reflects the extent to which Israel's settlement policy has created a system of segregation and legalized discrimination. Meanwhile, over the years, the justices of the High Court have provided a cloak of fairness and legality to the establishment of settlements, land expropriation, annexation, and the discrimination accompanying each of

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these acts. In the most recent hearing, the High Court refused to legislate on the proposed expansion plan. B'Tselem issued a press release condemning this decision.

On October 20, B'Tselem conducted a "reality tour" of Ma'aleh

Adumim and its environs for twenty members of the diplomatic community. Several journalists were invited to attend, thereby drawing media coverage to the release of the report and the diplomatic tour (see below). Participants received presentations by architect Shmuel Groag, mayors of surrounding Palestinian villages and B'Tselem staff, focussing on the proposed expansion plan. The diplomats were encouraged to lobby relevant authorities from their respective communities and denounce the human rights violations which result from illegal settlement activity.■

The report may be downloaded from [www.btselem.org/Files/EMadumim.doc](http://www.btselem.org/Files/EMadumim.doc).

## **Ethnic Discrimination against Palestinians Must End**

*Ha'aretz* Newspaper: Wednesday, December 8, 1999  
by Amira Hass

About a month and a half ago, B'Tselem organized a tour for foreign diplomats of the settlement of Ma'aleh Adumim and the Palestinian villages on top of which this community was built and is being expanded. The diplomats were brought to the site of a Palestinian home that the Israeli Civil Administration (CA) had demolished and viewed the shantytown neighborhood of the Jahalin tribe, which was evacuated by the CA from land they had occupied for years and on which a very impressive-looking Jewish neighborhood has now been built. The diplomats traveled along the broad avenues, surrounded by lush vegetation, of Ma'aleh Adumim, which is a well-planned community, and then they were taken to Abu-Dis and Azariyeh, where they had to navigate their way among a disarray of concrete houses and through crowded alleyways and where they took note of the poorly paved roads. First-hand observation informed these diplomats - far more than any statistics can - of the existence of a tremendous gap between the limited development that Israel allows the Palestinians to carry out and the accelerated pace of modern development that is permitted only to Jews — and on the very land that Israel captured in June 1967. One of the diplomats defined the situation in one word: a "disgrace." A second diplomat said that his descriptions reach the highest echelons of his foreign ministry and are included in official reports, although by then, the language is considerably watered down.■

# Human Rights in the Holy City

The status of Jerusalem is one of the more contentious issues in the Israeli-Palestinian negotiations. In addition to its political centrality, Jerusalem is also a focus of public attention due to its religious significance at the dawn of the millenium. This is therefore an appropriate time to take stock of human rights issues in the city.

For many years, B'Tselem has lobbied the Interior Ministry to end the "quiet deportation" by which Palestinians lose residency rights in the city (see volumes 6&7). In March 2000, Minister of Interior Natan Sharansky officially informed the High Court of the Ministry's intention

to end this policy. Palestinian residents of Jerusalem who live outside the borders of the city, whether in the suburbs, elsewhere in the Occupied Territories or in other countries, will no longer lose their rights as permanent residents, even if they live outside of Jerusalem for all their lives. In addition, all those who have had their residency status revoked in the past, due to the former policy of the Ministry of Interior, will receive it back if they live for two years in Jerusalem. B'Tselem welcomed this change in policy, following months of correspondence with Minister Sharansky regarding promises to end the "quiet deportation."

Meanwhile, the problem of health insurance and social welfare benefits remains. All Palestinians in the city are subjected to patently arbitrary investigations by the National Insurance Institute before they receive benefits to which they are entitled. These investigations rely on hearsay and other methods which do not accord with fair procedure. In the meantime, individuals do not receive benefits, sometimes for months at a time while the NII investigates. If as a result of these haphazard investigations, the NII decides that a person no longer lives in Jerusalem, they will lose health insurance and social welfare benefits. As a result of NII poli-

## HOUSE DEMOLITION

**Sarah Khader had few options. She could stay in her apartment or she could move to a suburb outside Jerusalem. The apartment was crowded for her, her husband and their six children, but if they left Jerusalem, they all might lose their residency status. Then her father offered to build a house for her and her sisters on family land. He couldn't get a building permit, so it would mean building illegally, but what else could they do?**

**T**his is the dilemma faced by many Palestinians in Jerusalem. Most of the land adjacent to Palestinian neighborhoods either lack planning schemes or are defined as Green Areas. In both cases, building is prohibited. There is therefore little room for existing Palestinian neighborhoods to expand. Palestinians who attempt to obtain permits to build in these areas - even on land which they own - will be rejected. Palestinians are also unlikely to obtain permits to add on to existing houses, because of the low building percentages allowed in Palestinian neighborhoods.

Living in over-crowded conditions, with no hope of obtaining a building permit, it is easy to understand why Palestinians build illegally. They do so, knowing they will forever live in uncertainty that - after investing their life savings to build - their home may be demolished. Both Jews and Palestinians build illegally. Yet the response of the government is not equal. While Palestinians are responsible for less than 20% of illegal construction, nearly two-thirds of the demolitions are carried out on Palestinian houses. Over the past eight years, the municipality and the Interior Ministry have demolished 198 Palestinian houses. In 1999 alone, 131 people, including 68 children, lost their home.


**H**ow long does it take to demolish a house? It takes a year to build it. Sometimes a hundred years. And there are some houses that have always been there.

How long does it take to demolish a house? Less time than is spent thinking about whether it should have been demolished. How much time is spent thinking about whether to demolish? Less time than the ring of the phone ordering 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....

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 heavens empty and heavy. Is anything being noted down about them in some corner there now?

Leading Israeli author, Yehonatan Shalev  
Davar, June 6, 1998



**Jews Build, Palestinian Homes Demolished**

Low percentages to prevent Palestinians from building in Green Areas

Category	Jews (%)	Palestinians (%)
Building permits obtained	14%	2%
Legal permits obtained	29%	1%
Demolished	44%	64%
Not demolished	56%	35%

**The Demolitions Continue**

House demolitions in East Jerusalem by the Interior Ministry and the Municipality

Year	Number of Houses Demolished
1992	12
1993	15
1994	28
1995	22
1996	18
1997	15
1998	20
1999	25

**I**n 1992, I finished building a house on my land in the Taber neighborhood of Beit Hanina in Jerusalem and my three daughters Sarah Nague and Fazea moved in with their husbands and children.

On November 25 1999 I was at my home in Atarot at 730 am when my daughter Sarah called me. She was crying on the phone nearly hysterical and told me Father come quick and save us the army wants to destroy our house. When I reached the house I approached the Interior Ministry representative who had the demolition order and I told him about the agreement between us and the head residents and the municipality according to which we would not build anymore and they would not demolish while the residents prepare a zoning plan to resolve all building issues. I tried to convince him I pleaded with him not to harm the house. While I was talking to him police officers entered the house and threw out everything that was inside furniture and possessions were thrown out and most items were damaged or broken. The bulldozer started to demolish the house right in front of our eyes. The worker is coming it's already very cold to live in the two tents we erected on the site of the demolished house. So we all stay in the tents by day and at night we divide up the family. My daughter Sarah and her husband and six children and my daughter Fazea and her five children all stay with me. My daughter Nague and her husband and six children stay with my son Jabbar.

What am I supposed to do? They wouldn't give me a permit and they don't take care of our housing needs and when we build houses for ourselves they come and demolish them. In 1995 I paid a fine of NIS 7000 for having built illegally and I also paid NIS 7500 in municipal taxes for the 8 years we've been living in the house. Our house was legal for two purposes. Why couldn't the tax collectors fulfill their duty to the tax payer and find a fair and legal solution for my family? Isn't the city that collected my taxes obligated to find my family decent housing?

In 1998 my land and property was taken from me and now today I'm also persecuted and my house is demolished leaving my family to live in a tent at the dawn of the millennium.

Foad Khader Bishara Khader

A page from B'Tselem's English newspaper, *Injustice in the Holy City*, published in December 1999



cies, thousands of children do not have health insurance.

Meanwhile, nearly one quarter of Palestinian homes in the city are highly overcrowded, with more than three persons per room. Most of the land adjacent to Palestinian neighborhoods lacks planning schemes, building is prohibited and there is little room for existing Palestinians neighborhoods to expand. It is very difficult to obtain building permits in these areas or even to build additions to existing houses, yet those who build without permits live in constant fear that their homes will be demolished. In 1999 alone, the authorities demolished 21 houses, the homes of 131 Palestinians, including 68 children.

The issue of equal access to municipal resources is a problem not previously addressed by B'Tselem. Yet, Palestinians do not enjoy their share of services and infrastructure investments. Some Palestinian neighborhoods are not even connected to a sewerage system, many do not have paved roads or sidewalks. There are few parks in Palestinian neighborhoods, almost no libraries and not one swimming pool. Both national and municipal politicians constantly promise improvements, but continue to blatantly discriminate in allocation of resources. For example, in 1999 only ten percent of the city's Development Budget was allocated to Palestinian neighborhoods, although Palestinians comprise nearly one-third of the city's residents.

Another human rights concern is freedom of movement. While Palestinian residents of Jerusalem enjoy unrestricted freedom of movement, Palestinians from the rest of the Occupied Territories do not have free

access to the city. Because the city was annexed to Israel, any Palestinian wanting to enter East Jerusalem must first obtain a permit. These permits are difficult to obtain, the application process is lengthy and arbitrary, and a Palestinian can be rejected without explanation and without opportunity to appeal.

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**In addition to its political centrality, Jerusalem is also a focus of public attention due to its religious significance at the dawn of the millenium**

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In December, B'Tselem launched a public campaign to increase awareness of human rights issues in Jerusalem for an international audience, not previously exposed to such material.

B'Tselem produced a sixteen-page English newspaper, entitled *Injustice in the Holy City*. The publica-

tion outlines the historical background and contemporary issues facing Palestinian residents of East Jerusalem. It addresses the issues of land confiscation, house demolitions, revocation of residency and social rights, and discriminatory access to resources and services. It also explores restrictions on freedom of movement and access to Jerusalem's holy sites.

The newspaper was distributed through the two leading English-language newspapers in Israel, *Ha'aretz*/*International Herald Tribune* and the *Jerusalem Post*, with a combined distribution of 80,000 copies. Several thousand copies were disseminated through Jerusalem hotels and local and international organizations. In light of the high demand for this publication, B'Tselem will reprint an updated spring edition. Organizations abroad have also organized to produce versions in Dutch, German and French for broader international distribution. ■

## **How long does it take to demolish a house?**

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

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*Leading author, Yizhar Smilanski  
Davar, June 6, 1988*

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## **Palestinian Workers in Israel — Victims of a System of Discrimination**

Since the beginning of the occupation in 1967, Israel has pursued a policy of economic integration with the Occupied Territories, which has resulted in exploitation and the stunting of Palestinian economic development. Perhaps the most conspicuous aspect of this dependence upon the Israeli economy is the high rate of Palestinian workers in Israel — in 1998, 107,300 Palestinian workers from the Occupied Territories were employed in Israel. Throughout the world, foreign workers are subject to discrimination and exploitation due to their inferior political, economic, and social status. The phenomenon of Palestinian workers, however, has resulted from a prolonged occupation that is still in force, with a lengthy ethnic-nationalist struggle as its background. The situation of Palestinian workers in Israel, therefore, is even more difficult than that of other foreign workers.

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### **Israel has pursued a policy of economic integration with the Occupied Territories, which has resulted in exploitation and the stunting of Palestinian economic development**

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The most blatant human rights violations of Palestinian workers in Israel occur in the form of physical violence against those entering Israel to work. The perpetrators of this violence are security forces at check points and border crossings as well as Israeli civilians, usually employers. The violence is most often targeted at

workers who do not have work permits, yet many Palestinians do not meet the criteria for obtaining a work permit and have no other way to earn their living but to enter Israel illegally.

In addition to the nearly impossible criteria set for obtaining the work permit, the General Security Service often coercively denies work permits solely to compel Palestinians to provide information or to serve as collaborators.

Economic and social rights of Palestinian workers are also violated regularly; many Israeli employers pay wages below the minimum wage and refuse to provide severance pay. These types of violations are most widespread in the settlements, where Palestinian workers are routinely discriminated against, particularly relative to Israeli workers.

Another type of violation is the withholding of benefits — until 1994, Israel denied most national-insurance benefits to Palestinian workers. After the Oslo Accords, when the Palestinian Authority assumed responsibility for providing insurance benefits, this injustice continued — wages deducted from

Palestinian workers accumulate in Israel as the PA fails to establish an institution for social insurance.

Lastly, Israel's restrictions on Palestinian movement prejudice the rights of Palestinian workers through the loss of work days, which often result in dismissals. Over the years, closures imposed on the Occupied

Territories by the Israeli government have caused tens of thousands of Palestinian workers to lose their jobs because they were unable to report to work. Closures also prevent Palestinians from reaching Israeli courts to sue for their rights.

In October 1999, B'Tselem released a sixty-two-page report enti-

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### **Palestinian workers in Israel continue to suffer violations of their civil, social, and economic rights**

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tled *Builders of Zion: Human Rights Violations of Palestinians from the Occupied Territories Working in Israel and the Settlements*. In his response to the report, Border Police Spokesperson Peretz Ratson invited B'Tselem to lecture Border Policemen in an attempt to prevent further violence. In November and December '99, B'Tselem staff members gave two lectures to high ranking officers in the border police, and plans are underway to continue this initiative. Also, since the publication of the report, the minimum age required to receive a work permit has been reduced from 25 (for those without children) to 21, making it somewhat easier for Palestinian workers to receive entry permits. These steps are encouraging, but Palestinian workers in Israel continue to suffer violations of their civil, social, and economic rights.

The full report may be downloaded from [www.btselem.org/btselem/files/Eemployment.doc](http://www.btselem.org/btselem/files/Eemployment.doc).■



## **Testimony of Maher Salah Muhammad a-Salul, born in 1971, married with four children, resident of Nuseirat Refugee Camp, Gaza Strip**

I first worked in Israel at a carpet factory in Ashdod in 1991-1992. Then I stopped working in Israel because I was young and single and did not meet the criteria set by Israel. Now, based on my age, I meet the new criteria. In October 1998, I received an entry permit and work in Israel through the employer I worked for in 1991-1992. I went back to work at his factory, which had moved in the meantime to a settlement in the West Bank, in the area of Jenin. My permit allowed me to stay overnight, and I would return to my family once every two weeks.

On Sunday, 21 February 1999, after spending the weekend with my family, I left to return to my job. At the Erez checkpoint, I gave my magnetic card to the soldier, and he ran it through the computer. My card got stuck and the computer started to make a buzzing sound. The soldier said, "You have problems with the Palestinian Authority, and until the PA finishes its search for wanted persons in your neighborhood, you can't enter."

I asked the PA, and the officials there said they had no problem with me. My magnetic card was valid until 8 March 1999, so I thought that, in the meantime, I would renew it. From 21 February to 8 March, I went to the place in the Erez industrial zone where they issue and renew magnetic cards. The Israelis did not let me enter.

I went back on 9 March, and I was allowed to enter. I waited, and when they called my name, they took me to the GSS representative at the site. The GSS agent greeted me warmly and asked what I wanted. I told him that I wanted to renew my magnetic card. He asked what I do, and I told him. He asked if I pray, and I responded that I pray only on Fridays. At which mosque, he wanted to know. I gave him the name. He told me there is a mosque closer to my home and asked why I don't pray there. I explained why. He asked me to give him the names of persons whom I know from the Islamic movement. I told him that I don't know. Then he said, "Give me the

names of persons from Fatah." I told him that I don't know. He asked, "You want to work with us, or don't you?" I told him that I want to work in Israel. He said, "I want you to tell me some small things, like the color of X's car." I said, "You want me to collaborate?" He said, "Don't make a big deal out of it, it's all very simple. You have a family and children, and you need to support them, and work in Israel is preferable to work in the Strip."

He told me there was no need to meet. We only had to exchange telephone numbers and be in touch by phone. I told him that I don't have a phone. At the end, he said, "You want to work, or not?" My identity card was on the table. I took it and told him that I did not want to work that way. He said, "If you change your mind, you know where to find me. I'll be here." I got up and left and on the way out they gave me a small slip to come back in two months. ■



Photo by: Chen Yanai



## Freedom of Speech Under the Palestinian Authority

In November 1999, twenty Palestinian intellectuals released a statement entitled, "Cry of the Homeland," a scathing criticism of the Palestinian Authority for negligence in its negotiations with Israel and corruption and abuse of the Palestinian people. The PA's response was swift and severe.

The PA detained ten of the signatories, holding them without charge. Another two were placed under house arrest. The remaining eight signatories are members of the Palestinian Legislative Council (PLC) and thus enjoy immunity. Yet they were still subject to harassment, as well as violence.

The Legislative Council met to discuss the statement and voted to condemn the statement and to estab-

lish a committee to monitor the behavior of its members. The Council reiterated its right to withdraw individual members' immunity. Nabil Amro, minister of parliamentary affairs and Arafat's advisor, called the statement an incitement. "It is unacceptable to attack the President in such a language and with such irresponsible accusations," he said.

PLC Member Muawiyah al-Masri was attacked in Nablus by three masked men carrying axes and guns. He was beaten and shot in the leg. Jawad Abd a-Saleh, a 68-year member of the PLC, was severely beaten while attending a demonstration at the Jericho prison on behalf of the detained signatories. According to a testimony given to B'Tselem, Abd a-Saleh was asked to enter the prison

and then attacked by six or seven plain-clothed policemen.

Palestinian civil society organized on behalf of the signatories, holding demonstrations and collecting signatures on a subsequent leaflet denouncing the Palestinian Authority's crackdown on its critics. This leaflet provoked additional violence. A stone was thrown into the residence of one of the signatories, Hanan Elmasu, coordinator of Birzeit University's Human Rights Action Project. The stone was wrapped in the statement signed by Elmasu and hundreds of other figures, with a warning to quit her human rights activities.

It is not clear that the acts of violence were part of official PA policy. However, the PA fostered an atmosphere of hostility toward the signatories and did nothing to prevent attacks against them. At least some of the attacks were perpetrated directly by members of the security forces.

This is not the first time the PA has cracked down on its critics. Particularly in the first years after the establishment of the Palestinian Authority, several human rights activists were detained or harassed for their criticisms. In recent years, such blatant intimidation of human rights activists had decreased, giving rise to the hope that the PA had developed an understanding of the importance of freedom of speech. The "Cry of the Homeland" statement represented the first time in which respected members of Palestinian society publicly criticized the PA in such explicit and stinging language. The PA's response indicates that it has yet to internalize respect for freedom of speech.■

### Life Under Two Governments

Overlapping jurisdiction and joint responsibility for human rights violations are buzz words of the post-Oslo period. Ahmad Qattamesh knows the meaning of these terms from personal experience.

In April 1998, Israel finally released Qattamesh from administrative detention after holding him for five years and seven months without charge. Qattamesh, 47, returned to his home in El-Bireh and to his wife and daughter.

In November 1999, Qattamesh was invited to speak at a conference in the Danish Parliament on the subject of Political Prisoners in Israel and Palestine together with B'Tselem's Executive Director. Israel denied Qattamesh permission to leave the West Bank, "for security reasons." As is invariably the case regarding Palestinians denied exit permits, Qattamesh was not provided with an explanation for the rejection, nor granted a right to appeal. Efforts by B'Tselem and others to obtain an exit permit were of no avail, and Qattamesh was unable to attend the conference.

Later that same month, Qattamesh was detained by the Palestinian Authority after signing the "Cry of the Homeland" statement. He was held in the Jericho prison for three weeks, before being released on bail.■



## The Cycle of Bloodshed in Lebanon

Israel's prolonged occupation of South Lebanon has been a much discussed and debated issue on the national agenda. This discussion stems from the opening of peace talks with Syria and Barak's stated intention (with the support of the Knesset) to withdraw from Lebanon by July. However, the gross human rights violations against Lebanese civilians by the Israeli Defense Forces (IDF) and the South Lebanon Army (SLA) is not a topic which is often addressed in Israeli public debate, nor is it often discussed in conjunction with the proposed withdrawal (see Volume 7, Autumn 1994).

In January 2000, B'Tselem published a report on Israel's Violations of Human Rights of Lebanese Civilians which asserts Israel's overall responsibility for protecting human rights in the area of South Lebanon and calls upon the government to take all neces-

sary actions to ensure those rights. The report also emphasizes that since the SLA is subordinate to the Israeli government, Israel is responsible for its human rights violations.

Violations committed by Israel and by the SLA in South Lebanon include prolonged detention without trial, widespread use of torture, kidnappings, expulsion and forcible transfer of residents, restrictions on freedom of movement, forced conscription of residents (including minors), and indiscriminate military attacks leading to the deaths and injuries of hundreds of civilians. These offenses constitute war crimes under international humanitarian law.

The cycle of violence in South Lebanon escalated in January and February 2000, sparked by the death of two Hizbollah fighters killed by the SLA and the death of SLA's second in command, Aqel Hashem, killed by a

roadside bomb planted by the Hizbollah. Human rights organizations throughout the world responded with criticism when Israel began a series of air raids against civilian targets, primarily power stations, violating both international humanitarian law and a 1996 agreement between both sides which explicitly forbids raids directed against civilians. On 31 January, B'Tselem issued a press release calling upon the Israeli government to "break the cycle of bloodshed" and to stop harming the civilian population in South Lebanon.

While the proposed withdrawal from Lebanon is debated in the newspapers and the streets, Lebanese civilians continue to suffer under Israeli occupation. ■

The full report may be downloaded from [www.btselem.org/btselem/files/eLebanon.rtf](http://www.btselem.org/btselem/files/eLebanon.rtf).

### Persons Killed

From the end of July 1993 (beginning of Operation Accountability) to the end of November 1999, the IDF and SLA killed  
**at least 355 Lebanese civilians**

From July 1985 (establishment of the "security zone") to the end of November 1999, the groups fighting against Israel in Lebanon killed  
**Nine Israeli civilians**

From the end of April 1996 (the end of Operation Grapes of Wrath) to the end of November 1999, the groups fighting against Israel in Lebanon killed  
**At least twenty-five Lebanese civilians**

From June 1985 (establishment of the "security zone") to the end of November 1999, the number of IDF and SLA soldiers killed in Lebanon totalled  
**244 IDF soldiers**  
**410 SLA soldiers**

From January 1996 to May 1999, there were killed in Lebanon  
**121 Hizbullah combatants**

From March 1978 (establishment of UNIFIL) to the end of November 1999 the combating sides in South Lebanon killed  
**228 UNIFIL soldiers**

\*the figures in this table were compiled from: Amnesty International and Human Rights Watch reports, UNIFIL reports, reports of the committee monitoring the Grapes of Wrath Understandings, the Israeli press, Israel's Ministry of Defense, and the Hizbullah website

## The Struggle Against Torture Legislation Continues

In September 1999, B'Tselem and the entire human rights movement celebrated the High Court of Justice's courageous decision to prohibit physical means of interrogation by the General Security Service (GSS), otherwise known as the Shin Bet (for details, see volume 7, autumn 1999).

According to the terms of the High Court ruling, "if the State wishes to enable GSS investigators to utilize physical means of interrogations, it must seek the enactment of legislation for this purpose." Thus, following the High Court's decision, the Ministerial Committee for GSS matters, headed by Prime Minister Barak, appointed a committee of senior civil servants to consider legislation in cases of immediate security threat. B'Tselem's Executive Director, Eitan Felner, addressed this committee of Justice Ministry officials and GSS members, presenting a 70-page position paper directly responding to frequently-voiced justifications for the use of force in interrogations.

This 70-page document was formally released early in January 2000 and has been used as a tool for lobbying decision-makers, locally and internationally, to dissuade Israel from authorizing the use of force under any circumstances. The document was distributed to all 22,000 members of the Israeli Bar Association, in addition to B'Tselem's regular audience. Since the High Court decision, B'Tselem has continued lobbying the international community to voice criticism against potential legislation. Following B'Tselem's briefing on the subject, the Deputy Undersecretary for Human Rights of the U.S. State Department warned the Israeli government that

U.S. aid would be jeopardized in the event of its legislation of physical force. B'Tselem also briefed the German and Norwegian Justice Ministers and parliamentarians from Italy, Germany and Holland.

In February 2000, the Israeli government ostensibly abandoned its plans to legislate "special" interrogation methods, in part to avoid the condemnation of the international community. Yet in the meantime, Likud party chairman, Reuven Rivlin, has

independently proposed a bill that would serve to legalize physical force, which is pending in Knesset with 46 supporting signatures. Moreover, in his speech in Knesset of March 14, Prime Minister Barak acknowledged the problematic nature of the recent decision, reiterating that "we are not Holland." Barak stressed his opinion that "minimalist legislation" which explicitly defines the "defence of necessity" in advance and "giving the GSS interrogators instruments in this regard, is logical and proper legislation." ■

### Interrogation Over a Cup of Coffee?

B'Tselem's recent position paper, entitled *Legislation Allowing the Use of Physical Force and Mental Coercion in Interrogations by the General Security Service*, was formally released in January 2000. As the first document of its kind, it addresses all aspects of the use of torture and ill-treatment in interrogations as well as the unfounded arguments raised by journalists and MKs regarding GSS interrogations.

The position paper responds to questions such as:

- ◆ "We are not Holland" - How do other democratic countries cope with terrorism? The American and British approach.
- ◆ Is questioning suspects "over a cup of coffee" the only alternative to torture? Are there non-violent ways to obtain vital information?
- ◆ Is it possible to allow "moderate physical pressure" without it quickly turning into a license to torture?
- ◆ Are there cases in which it is morally justified to torture a person to obtain information that may save lives?
- ◆ By enacting a statute allowing torture in interrogations, won't Israel become the only democratic country in the world to legalize torture?

The position paper can be downloaded from B'Tselem's website at [www.btselem.org/btselem/files/engtorture.doc](http://www.btselem.org/btselem/files/engtorture.doc).



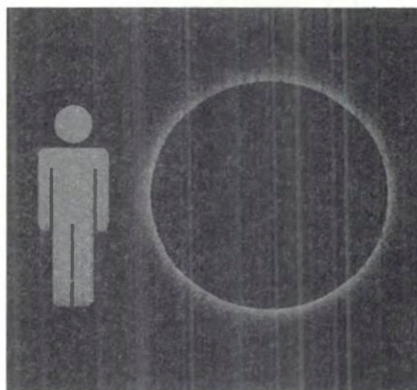
## B'Tselem Turns Ten

On December 10th 1999, coinciding with International Human Rights Day, B'Tselem commemorated its ten-year anniversary. The occasion marked an opportunity to reflect on the organization's successes over the past decade in bringing the human rights agenda to the forefront of Israeli public debate. It was also a time to anticipate the human rights challenges ahead and gather friends and colleagues from different fields of the human rights community, including activists, academics, journalists, diplomats and donors.

The event was held at Givatayim Theater, and included the opening of an art exhibition on the theme of human rights, coordinated by B'Tselem and a professional curator. The exhibition featured the voluntary contributions of Israel's most promi-

nent artists, which were displayed at Givatayim Theater throughout the following month. Approximately 350 people attended the event, and each guest was provided with a catalogue of the art featured in the exhibit and information about B'Tselem.

Speeches were presented by renowned Israeli author Sami Michael,



Logo design: Amir Cohen - idya.com

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**The true celebrations will take place on B'Tselem's closing day, signifying the end of human rights violations in the Occupied Territories**

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Knesset member and B'Tselem's first director Zehava Gal'on, and Palestinian attorney Raja Shehadeh, followed by a musical performance by singer Dana Berger. Despite the day's festive atmosphere, B'Tselem's Executive Director, Eitan Felner, solemnly reminded the audience that the true celebrations will take place on B'Tselem's closing day, signifying the end of human rights violations in the Occupied Territories. ■

## Recent Publications



On the Way to Annexation: Human Rights Violations Resulting from the Establishment and Expansion of the Ma'aleh Adumim Settlement



Israel's Violations of Human Rights of Lebanese Civilians



Builders of Zion: Human Rights Violations of Palestinians from the Occupied Territories Working in Israel and the Settlements



Legislation Allowing the Use of Physical Force and Mental Coercion in Interrogations by the General Security Service



Expulsion of Residents from the South Mt. Hebron Area, October-November 1999

*All of B'Tselem's recent publications are distributed free of charge and can be downloaded from our website: [www.btselem.org](http://www.btselem.org). Please contact B'Tselem if you would like to be added to our mailing list or electronic listserv.*

## Blaming the Victim

Ha'aretz Newspaper:  
Friday, December 17, 1999

By Gideon Levy

*A 15-year-old boy, shot in the head by a border policeman, was left severely disabled. The policeman will not be brought to trial, and the judicial system is cynically placing responsibility for the shooting on the boy and his family.*

Strange, high-pitched sounds - heartrending groans - are heard from the next room: They're changing Jihad's diaper. Afterward, Jihad makes his way back into the living room, assisted by his parents. Jihad is 15. A year ago, he was living a normal childhood in the Jalazun refugee camp, a good student from a poor family - until the afternoon of October 11, 1998. In an instant, his childhood ended, and life for him and his family was turned inside out. The strong, handsome boy in a photograph taken before that day is now paralyzed on one side, incapable of speech, unable to control his bodily functions. A border policeman shot Jihad in the back of the head as the boy was fleeing from an area where stones were being thrown. Whether he threw stones or not, he has a bullet in his head. Regardless of whether it is a rubber bullet or live ammunition, he was shot in violation of orders.

Now, the state is trying to evade responsibility. Jerusalem District Attorney Moshe Lador has decided to close the case file, and not bring the border policeman who fired the shot to trial, "since the investigative material does not contain sufficient evidence to submit an indictment." Tel

Aviv District Attorney Aharon Gal calls the family's suit for damages "malicious," and says that "the plaintiff's injury was caused solely by his own negligence or by negligence on the part of his parents," and asserts that the plaintiff, who spent months in hospitals and rehabilitative institutions, "did not do anything to reduce the damages claimed in the suit." Gal's cynical defense brief must be one of the most insulting documents ever to come out of the Israeli justice system.

Jihad Abu Rabi'a's impoverished family is collapsing under the burden of caring for its crippled child. A narrow path leads up from the alley to their home. Chickens wander about a yard strewn with garbage and heaps of junk. It is a large, extended family. Samir Abu Rabi'a, his wife, Rab'a, and their five children live in one apartment. Samir's brother and his parents live in the other two units. The seven souls who make up Jihad's family share two tiny rooms.

Even for a refugee camp, their living conditions are especially tough. Jihad's father is a sanitation worker who collects the garbage in the refugee camp every day between 4 and 9 a.m. He earns NIS 1,000 a month. Rab'a used to have a job serving tea in the office of Yasser Abed Rabbo at the Palestinian Authority's Information Ministry, but now she devotes all her time to caring for Jihad.

October 11, 1998 was a regular school day. Before leaving the house that morning, Jihad asked his mother if she would buy him a new pair of

tennis shoes. Rab'a promised them for his upcoming birthday. At about 1 p.m., the school bell rang, and the children of the UN Relief and Works Agency (UNRWA) school spilled outside onto the Ramallah-Beit El road. Every day, these children cross the busy thoroughfare to return to their refugee camp, which lies down the slope on the other side of the road. A jeep belonging to the IDF or the Border Police is usually stationed on the side of the road to make sure that the children do not throw stones at the passing cars. The day after the incident, ninth-grader Salim Halil would describe for B'Tselem representative Najib Abu Rokayah what happened

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**Regardless of whether it is a rubber bullet or live ammunition, he was shot in violation of orders. Now, the state is trying to evade responsibility**

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next: "I was on the way home with some other children. I remember that Jihad Abu Rabi'a and Samer al-Asmar were among them. On the way, I saw two youths I didn't know throwing rocks at the Border Police jeep. I know that it was from the Border Police because its color is different than an IDF jeep and it has a blue light on the roof. The rocks were thrown while the jeep was moving. It stopped and first one policeman, and then two more, got out.

"Jihad, Samer and I and some other kids that were with us all hid. Some ran away. I hid behind the restaurant and Jihad was with me. I peeked over the wall and I saw the



soldiers. I thought that they wanted to catch us and I told this to the kids around me. Jihad started to run toward the nearby alley. The distance between him and us was about 30 meters. While we were running to him, the soldiers were shooting at us. We managed to get to Jihad and drag him toward the alley, to the house of a Bedouin family. From there we called for a car to take him to the hospital in Ramallah." Samer later gave identical testimony.

"I know my son," says Rab'a. "He's timid. He wouldn't throw rocks. I always told him — go study, go get an education, and don't get involved in those things." She is the family's most eloquent spokesperson, and shoulders the entire burden of caring for the house and for Jihad.

When Jihad was injured, some children came to tell her what happened. The whole family went to the site of the shooting, and were told that Jihad had been taken to the hospital in Ramallah. At the hospital, they were told that the boy was clinically brain-dead, and some of his classmates had volunteered to go to the cemetery to begin digging the grave. That evening, Jihad was rushed to Hadassah Ein Kerem and underwent surgery lasting four hours. For the next 25 days, he lay unconscious on a respirator in the intensive care unit. Still unconscious, he then spent a month and a half at the Alyn Institute. Next, he was transferred to the rehabilitative institution in Beit Jala, where he stayed for another six months. The first signs of awakening came four months after his injury. At the Ramallah hospital the neurosurgeon, Dr. Druza, wrote that Jihad had been wounded by a live bullet; at Hadassah, they described it as simply a bullet; at Alyn, it was noted as a rubber bullet.

On August 15, Jihad returned home. His mother proudly relates that, not long ago, Jihad immediately identified a neighbor's son in a photo of the Jalazun soccer team in the Palestinian newspaper. Noticing the Hebrew writing in my notebook, Jihad utters an unintelligible sound. Once in a while, his former classmates come to visit. His father, Samir, listens and remains silent, but his face shows his anguish. The UNRWA gives them an especially large amount of assistance due to the gravity of their situation.

Did you know that the policeman who shot your son is not going to be brought to trial?

Rab'a: "We hadn't heard. We don't know anything. Why did they close the case? They'll close the case and we'll remain like this? They should find a solution for us before they close the case. They should give me my son back the way he was

before and then they can close the case. Either they give me my son back, or I'll do something. I'll see to it that someone pays for what they did to my son. What do I have to be afraid of? What — are your sons better than my sons? When an Arab does something to a Jewish child, the whole world is up in arms and refuses to let it go, and when something like that happens to an Arab child, everyone goes right back to their routine."

The father, Samir, breaks his silence: "What are we asking for? Compensation that would enable us to live like human beings. For someone to repay our expenses — the medicines, the diapers, the traveling. I don't have the money to pay for all that. Each trip to the doctor costs me NIS 50. I'm asking for financial help. Words are fine and pretty, but without financial help, the words don't matter." ■

*Since the immediate aftermath of the shooting, when fieldworker Najib Abu Rokayah collected witness' testimonies, B'Tselem has continuously monitored the case of 15-year-old Jihad Abu Rabi'a. Following the State's decision not to bring the case to trial, B'Tselem data coordinators sent letters of protest to the Justice Ministry's Department for the Investigation of Police. B'Tselem's fieldworker brought this case to the attention of journalist Gideon Levy and accompanied him to meet with Jihad and his family. Following the publication of Levy's article in December 1999, B'Tselem received a number of phone calls and letters from Israelis offering financial support to the Abu Rabi'a family. A woman whose husband had died in military service was so moved by the story that, after accompanying a B'Tselem fieldworker to the family's home, she committed herself to making monthly donations to the family until the State assumes responsibility for this reprehensible act.*

## EVICTIION

*continued from p. 1*

expulsion was to remain in effect. Yet the fight to return the residents to their homes continued in the wake of Sneh's decision.

Several of the organizations involved in the issue collaborated to run daily ads in the leading Israeli daily *Ha'aretz*, reminding the public and the government of the number of days since the eviction and calling on the government to take action. On

In the meantime, the tragedy in the South Mount Hebron region continued. On 28 February, the IDF entered the village of Jinba and removed every personal belonging (including food) from the caves of several families who had returned to the area. The next day, B'Tselem issued a report entitled *Expulsion of Palestinian Residents from the South Mount Hebron Area, October — November 1999*, chal-

lenging the various justifications for the expulsion provided by Israeli officials. The report reveals that the true objective of the expulsion was not security-related, but entirely political. OC Central Command Moshe Yaalon stated that it is in Israel's interest for the disputed area to remain in Israeli hands before a final-status agreement is reached, in order to achieve territorial continuity between the settlements

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### Throughout this winter's severe weather conditions many lived in tents, awaiting permission to return to their homes

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Tuesday February 29, representatives of several human rights organizations, including B'Tselem, met with nine members of the Knesset to assess the situation and discuss a future course of action. The Knesset members present expressed their outrage at the blatant disregard for human rights inherent in the expulsion order, and promised to apply consistent pressure to their respective ministers and lobby the government for a reversal of the order. The meeting also resulted in a petition protesting the eviction which was circulated among members of the Knesset, as well as an excursion to Mufqara for all interested Knesset members. Participating Knesset members were from the following delegations: One Israel, Meretz (Democratic Israel), Ha'dash (Democratic Front for Peace and Equality), and Balad (National Democratic Alliance).



*Photo by: Chen Yanai*

*"I wouldn't trade this for anything," Mr. Hamamdeh, 35, said of the cave from which he, his wife, nine children and a flock of sheep were ousted... "My grandfather opened this cave. I was born here. My children were born here. My wife gave birth here. This was our hospital and clinic. If we were sick, we went out to the field, collected herbs and made medicine... I'm used to this, and I'm not comfortable anywhere else."*



of Carmel and Maon and the Green Line (in the Arad valley area). It also appeared that the eviction of the Palestinians was part of an agreement reached between the government and the Judea, Samaria, and Gaza Council when Jewish settlers were evicted from the Maon Farm outpost.

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**"I'm used to this, and I'm not comfortable anywhere else."**

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On the morning of Wednesday, 29th March, petitions were brought before Israel's High Court on behalf of dozens of the nearly 700 evicted Palestinians. Before a packed court room, the 3 judge panel pronounced that those expelled would be allowed to return to their homes and graze their herds on their land. This was presented as an interim agreement to remain in force until an investigation could be conducted by a person appointed by the litigants.

The families that had been expelled welcomed this decision, yet celebrations were tempered by the shadow of five months of suffering. On the afternoon of the decision, B'Tselem issued a press release asking, "Is this the way a state should act? First expel scores of families and then investigate whether the expulsion is justified? Who will compensate the evicted Palestinians for the terrible injustice they suffered?" ■

This case study may be downloaded from:  
[www.btselem.org/btselem/files/emufkara.rtf](http://www.btselem.org/btselem/files/emufkara.rtf)

## B'Tselem Staff

- Eitan Felner, Executive Director
- Najib Abu Rokayah, Fieldworker
- Heidi Altman, Intern
- Nisreen Alyan, Secretary
- Baha Alyan, Archivist
- Shirly Eran, Data Coordinator
- Tomer Feffer, Press Officer
- Tali Gur, Archivist
- Rasha Natur, Archivist
- Tirsta Harif, Financial Administrator
- Noga Kadman, Fieldwork & Data Coordinator
- Heather Lang, Development Associate
- Yehezkel Lein, Researcher
- Noam Lubell, Outreach Coordinator
- Raslan Mahagna, Fieldworker
- Jessica Montell, Development Director
- Zvi Shulman, English Translator
- Yael Stein, Research Coordinator
- Ronny Talmor, Newspaper Editor
- Na'ama Tamari, Secretary
- Lior Yavne, Data Coordinator

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- Victor Lederfarb
- Avishai Margalit
- Ayelet Ophir
- Leon Shelef
- Gila Svirsky

## Staff Changes

- Raslan Mahagna was hired to replace Marwa Jbara-Tibi as fieldworker.
- Researcher Yael Stein returned from a sabbatical in England, where she obtained a Master's Degree in Human Rights from the University of London. She now serves as coordinator of research.
- Press Officer Tomer Feffer now coordinates the public relations unit, supervising the Outreach Coordinator and the Webmaster.
- Researcher Na'ama Carmi and Data Coordinator Iris Giller left B'Tselem.
- Tali Gur and Rasha Natur were hired as Archivists, replacing Suha Diab.

## Participation in Conferences Abroad

B'Tselem sent representatives to the following international conferences and training seminars:

- Study Session, hosted by the International Human Rights Institute in Strasbourg, France.
- Summer course, organized by the Netherlands School of Human Rights Research and the Catholic University of Leuven.
- Training Course for Human Rights Field Officers, organized by PIBOES Network: Professional Capacity Building for Human Rights Field Missions, at the University of Essex.
- Course for Arab Youth Leaders, hosted by the Danish Youth Council in Denmark, and Jordan.
- Conference on civil society and globalization organized by Italian NGO, Roundtable for Peace, in Rome.
- Search for Common Ground conference on new challenges to human rights in the Middle East, in Malta.
- Seminar on the Human Rights Dimension of the Barcelona Process, organized by the Euro-Mediterranean Human Rights Network, in Brussels.
- Conference at the Danish Parliament, hosted by the Palestinian-Danish Friendship Association, in Copenhagen.
- Conference at the Italian Senate, organized by Antigone and Amnesty International, in Rome.
- Conference on Jerusalem, organized by the Italian Network of NGOs for Palestine, in Rome.
- Lisbon Forum 1999, hosted by the North-South Centre.

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

Contributions may be sent directly to B'Tselem.

In the U.S., Canada and the United Kingdom, contributions may be made through the New Israel Fund. Contributions should be marked as donor-advised to B'Tselem and sent to NIF, P.O. Box 91588 Washington D.C. 20090-1588.

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• ICCO (Netherlands) • International Commission of Jurists (Sweden)  
• Joyce Mertz-Gilmore Foundation (USA) • New Israel Fund (Israel) • Federal Department of Foreign Affairs (Switzerland) • CCFD (France) • Norwegian Foreign Ministry

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