



מרכז המידע הישראלי לזכויות האדם בשטחים
The Israeli Information Center for Human Rights in the Occupied Territories

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(English Version)

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B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, was founded in February 1989 by a group of lawyers, intellectuals, journalists, and Members of Knesset.
The objective of B'Tselem is to document and to bring to the attention of policy makers and the general public, violations of human rights in the territories.

INTIFADA FATALITIES -- TOTALS

593 Palestinian residents of the territories were killed by Israeli security forces and Israeli civilians from the beginning of the Intifada until the end of ~~August~~ ^{October} 1989, according to data gathered by B'Tselem.

- * Shooting deaths (including plastic and "rubber" bullets): 559. Of these 34 were children aged 12 years or less, and 91 between the ages of 13-16.
- * Non-shooting deaths (beatings, burns and other): 34. Of these 3 were children aged 12 years or less and 3 aged 13-16.

More than 72 people died a short time after exposure to tear gas, of whom 30 were infants. From a medical standpoint it is difficult to determine whether tear gas was the sole and direct cause of death.

During this period, 8 IDF soldiers and 11 Israeli civilians were killed in the territories. 3 of them were infants.

According to data gathered by the Associated Press, 138 Palestinians suspected of collaborating with the Israeli authorities have been killed between the beginning of the Intifada and the end of October 1989.

FATALITIES IN OCTOBER -- ANALYSIS

In October 1989, 30 Palestinian residents of the territories were killed by security forces, and one person was shot to death, apparently by an Israeli civilian.

An additional two residents were killed -- according to testimony in our possession -- by collaborators, and one person fell from a roof while being pursued by Israeli troops.

The number of fatalities increased significantly compared with September 1989, when there were 23 fatalities. The increase was comparable in both the Gaza Strip and West Bank.

5 of the fatalities in October were minors. 3 of them were aged 12 and under, and 2 between 13 - 16.

The great majority of the fatalities (24) were young people between the ages of 17 and 24.

In 13 cases it was reported that the victims were masked or "in the company of masked people."

Two thirds of the fatalities (21) were from the West Bank, and one third (10) from the Gaza Strip.

B'Tselem's data is based on field work, independent investigations, and official Israeli sources, as well as on the data of Palestinian human rights groups such as PHRIC and Al-Haq.

SOLDIERS' TRIALS

Between the beginning of the Intifada and the end of October 1989, 569 Palestinians were killed in the territories in incidents involving Israeli security forces. During this period, the public has been exposed to hundreds of reports of beatings, abuses, and damage to property perpetrated by IDF troops and other security forces in the territories.

In many of these cases, an investigation was begun, and in some of them soldiers have been indicted. Official sources report that as of October 10, 1989, 52 indictments against 86 soldiers had been issued to the military courts. These soldiers were accused of various offenses, including manslaughter, causing death through negligence, assault, criminal physical abuse, conduct unbecoming, theft, and others. In 43 cases the proceedings have concluded: 63 soldiers were convicted and 9 were acquitted. In addition, according to the Judge Advocate General, 500 - 600 soldiers have had disciplinary proceedings brought against them.

This report was compiled as follows: The official data, which included only general information about the indictments, court's decisions, and sentences, without descriptions of the incidents and without names, ranks, or dates, were cross-checked against reports that appeared in the Israeli press. However, it should be pointed out that the press did not report about 25% of the 52 court cases reported by official sources.

In addition, the press reported on only a few dozen out of the hundreds of cases of disciplinary proceedings against soldiers.

B'Tselem would like to thank the staff of the "Tzav Kriah" Information Center for their help in processing the data for this report.

Manslaughter (Shooting)

All of the following cases concern shootings that caused the death of Palestinians. Twelve indictments were issued against six soldiers (non-coms) and seven officers, the highest ranking of them a captain. In ten cases, the charge was causing death by negligence and in two cases manslaughter.

The proceedings in eight cases have been completed, and four cases are still awaiting the court's decision, two of them from 1988.

Two cases ended in acquittal of three officers. Six cases ended in conviction. In two cases, non-coms were given suspended sentences. In the other four cases, three non-coms and an officer were given jail sentences.

The officer, Second Lieutenant Alex Deutsch was sentenced to three months in jail and an additional six months' suspended sentence. This punishment was reduced to 2 1/2 months' imprisonment by the Regional Commander.

One soldier, Sergeant Ilan Arav, was sentenced to two years imprisonment and one year's suspended sentence for causing the deaths of two residents of the territories. An appeal has been submitted which has not yet been heard.

Two soldiers were convicted of manslaughter. Private Ya'akov Tamir was sentenced to a year in jail and two years' suspended sentence but was released after six months on the recommendation of a committee appointed to consider reducing his sentence. Private Eli Yedidya was sentenced to 1 1/2 years in jail and 1 1/2 years' suspended sentence for the same offense.

Beating, Assault, Injury, and Abuse of Palestinian Residents

Thirteen indictments have been issued against 25 soldiers (non-coms), one warrant officer, and nine officers, including a major, the highest ranking officer brought to trial so far.

The charges include manslaughter, criminal physical abuse, assault, aggravated assault, conduct unbecoming, shameful conduct, injury with grave intent, injury in aggravated circumstances, and negligence.

Three of the incidents for which indictments were issued ("Givati I," "Givati II," and "Golani") resulted in the death of Palestinians. Yet in only one ("Givati I") were soldiers charged with manslaughter, and these were later acquitted of that charge.

In eleven cases the trials have concluded and in two cases sentence has not yet been passed ("Givati II", in which two officers and two soldiers were charged, and a case against a soldier accused of criminal physical abuse).

Two trials ended in the acquittal of two officers and three soldiers, and a reprimand for one medical officer. Another medical officer was acquitted in the "Givati I" trial, in which four soldiers were convicted. Eight trials ended in convictions.

Two officers and two soldiers were given suspended sentences. One officer was sentenced to five months in jail, seven months' suspended sentence, and demotion to private. The warrant officer received four months' imprisonment, two months' suspended sentence, and demotion to private.

The punishment of the 17 non-coms who were sentenced to active prison terms ranged between one month and nine months with an average of 4.3 months. Fifteen of them also received suspended sentences, ranging between 2.5 and 9 months. Six were demoted to the rank of private.

The punishment of the four soldiers who were imprisoned (in the "Givati I" trial) was reduced by the Regional Commander and they served only half of the prison terms to which they were sentenced.

Opening Fire in Violation of Orders (without proof of casualties)

Eight indictments have been handed down against eight soldiers who were charged with illegal use of firearms. No officers have been tried on this charge. In three of the cases, proceedings have not been completed. Five trials resulted in convictions.

In one case, a soldier was sentenced to two months' imprisonment. Four others received suspended sentences of from one to six months. In two cases, where damage was caused by the shooting, the offenders were fined NIS 200. One soldier was demoted to the rank of private.

Property Offenses

Seventeen indictments were issued against 24 soldiers and two IDF employees. The charges were causing damage to property, robbery, and theft.

The two IDF employees, who had stolen watermelons from a Palestinian, were convicted of shameful conduct and sentenced to 14 days' actual imprisonment, 2.5 months' suspended sentence, and a fine of NIS 100.

The trials of 22 soldiers have concluded. Only one soldier was acquitted; the Judge Advocate General's Corps appealed the acquittal and the matter is pending. All the soldiers who were convicted received actual prison terms. In one case, in which 4 soldiers were convicted of robbery, they were tried and received, following appeal, prison terms ranging from one year to 45 months, and suspended sentences of between 24 and 27 months. The other 18 soldiers were sentenced to terms ranging from a minimum of 40 days' imprisonment to a maximum, for theft, of six months.

Other Offenses

One soldier was convicted of striking a journalist, making threats and malicious causing of damage. He received a four month suspended sentence and was ordered to pay NIS 1,200 compensation to the injured party.

An officer with the rank of captain, who made a Palestinian sign a false document under threat, was convicted of extortion by threats and conduct unbecoming. He received a five month suspended sentence and was demoted to the rank of second lieutenant.

A soldier who was convicted of trespassing was sentenced to ten days' detention, two months' suspended sentence, and demotion to private.

Court Decisions and Punishments -- Officers and Soldiers

All told, the trials of 56 soldiers and 12 officers have been completed.

Acquittals: 6 officers (50%) and 3 soldiers (50%).

Reprimand: one officer.

Suspended sentence only: 3 officers (25%) and 9 soldiers (16%).

Prison terms: 2 officers (17%) and 44 soldiers (79%).

Senior Officers

Between the beginning of the intifada and the end of October 1989, no officer above the rank of major was tried in a military court for an offense related to events in the territories. In a few cases disciplinary measures were taken against senior officers:

- * Col. G. (as he was called in the press), a brigade commander in the Judea district.
On April 4, 1988, during pursuit, he and his soldiers opened fire from a helicopter at fleeing residents, killing Abed Ziatti from the village of Bani Na'im. Col. G. was severely reprimanded by Deputy Chief of Staff Maj. Gen. Ehud Barak. He was removed from his post and left the IDF.
- * A lt. col. (res.), a battalion commander in the Tulkarm district.
Following an incident in which detainees were stripped naked in an orchard in order to prevent their escape, beaten and had a dog set on them, an investigating committee found that the lt. col. failed to prevent excessive behavior, and he was removed from his post. The commanding officer of the sector at the time was censured.
- * Lt. Col. (later promoted to Col.) Yehuda Meir, Commander of the Nablus District.
In late January 1988 he ordered his troops to round up twelve residents from the village of Hawara and eight from the village of Beita, to beat them, and to break their arms and legs.
In May 1989, in a disciplinary trial, Col. Meir was severely reprimanded by the Chief of Staff. According to an agreement reached with him, he concluded his service in the IDF and took retirement leave. After the IDF's intention to loan him to a state institution fell through, Col. Meir took leave without pay until his retirement with pension in November 1992. A petition to the High Court of Justice by four residents of Hawara, the "Parents Against Erosion" group, and the Association for Civil Rights in Israel to force the IDF to court-martial Col. Meir, is still pending.
- * A colonel, Commander of the Judea Brigade.
Following the recommendation of an investigating committee, the brigade commander was reprimanded for his overall responsibility for events and for the lack of coordination between the IDF and the Border Police during the raid on the village of Nahalin on April 13, 1989, in which five Palestinians were killed and twelve wounded.
- * Lt. Col. Tzion, Commander of the Bethlehem Sector.
Transferred from his post following the recommendation of an investigating committee which examined the events at Nahalin. He was assigned to a similar posting in Samaria.

* In one trial ("Givati I") the verdict clearly suggested the involvement of senior officers in issuing manifestly illegal orders, and in another trial ("Golani") the verdict noted that the orders issued were manifestly illegal. In the former case, the Military Police/CID conducted an investigation and the file was transferred to the Judge Advocate General's Corps. In the "Golani" case, the Association for Civil Rights in Israel asked the Military Advocate General to examine the responsibility of senior officers in issuing orders, and to consider placing them on trial.

The Harshest Punishments

The five harshest punishments meted out by military courts against soldiers for offenses perpetrated in the territories during the intifada:

- * In July 1989, Private Shimon Ben Huta was sentenced to 4.5 years' actual imprisonment and 1.5 years' suspended sentence on ten counts of robbery and looting in Gaza's Sheikh Radwan quarter. Following appeal, the sentence was commuted to three years and nine months' imprisonment and two years and three months' suspended.
- * Private Victor Barel was sentenced to 3.5 years' imprisonment and 1.5 years' suspended for the same offenses. Following appeal, his sentence was commuted to two years and ten months' imprisonment and two years and two months' suspended.
- * Private Alon Salem was sentenced to 2.5 years' imprisonment and 1.5 years' suspended sentence for the same offenses. Following appeal, his sentence was commuted to one year and eleven months' imprisonment and two years and one month suspended sentence.
- * In October 1989, Sgt. (Res.) Ilan Arav was sentenced to two years' imprisonment, one year suspended sentence, and demotion to private, for causing the death through negligence of two Palestinians from the village of Bani Naim during a pursuit. An appeal has been filed.
- * In December 1988, Private Eli Yedidya was sentenced to 18 months' imprisonment and 18 months' suspended for firing a rubber bullet at a range of 20 cm. which caused the death of a resident of Bidu village. Private Yedidya also received an additional three months' imprisonment and six months' suspended for perjury and suborning witnesses.

Disciplinary Trials and Disciplinary Action

The Military Advocate General; Brig. Gen. Amnon Strashnow, reports that 500 - 600 soldiers have faced disciplinary trial since the beginning of the intifada.* "B'Tselem" has asked the IDF Spokesperson for details about the outcome of these proceedings.

In the Israeli press we found reports of only 27 cases in which soldiers or officers faced disciplinary trial or in which disciplinary action was taken. The press did not always report the outcome.

43 soldiers were involved in these cases (including about 20 members of a squad commanders' course who ran amok in Qalandiya in November 1988), as well as 15 officers, including two colonels.

In thirteen cases, those involved were charged with administering beatings and criminal physical abuse. In seven cases the charge was deviation from the orders for opening fire (including three incidents which resulted in the death of Palestinians). Four cases involved theft and damage to property, and the remainder involved desecrating a mosque, throwing a gas grenade into an apartment, and throwing stones.

In six cases, the outcome of the disciplinary hearing was not reported. Where the outcome was reported, the punishments ranged from a reprimand to 35 days' detention, although the average was 18 days' detention for the 31 soldiers who received this punishment.

One officer received 28 days' detention and two officers received 14 days each; six officers were removed from their posts and three were reprimanded.

*In a press conference on October 10, 1989. See, for example, *Hadashot*, October 19, 1989.

Investigation of Cases of Children's Deaths

On October 16, Al Hasmishmar reported the response of the IDF Spokesperson to the "B'Tselem" document on Palestinian children (up to the age of 16) killed in the territories by gunfire, beatings, or the explosion of dud shells between the beginning of the intifada and August 1989.

In his reply, the IDF Spokesperson notes the steps taken by the army (Military Police/CID investigation, disciplinary or military trial, etc.) in every case in which a child was killed.

The following data refer only to 102 cases of killing out of the 120 cases cited by "B'Tselem" in which -- even according to the IDF Spokesperson -- suspicion exists at least of the involvement of the security forces. In 17 cases no Military Police/CID investigation was begun at all, and the IDF Spokesperson does not explain why; 28 additional cases are still under investigation or are being handled by the Judge Advocate General's Corps.

In 27 other cases, the investigation file was closed without any disciplinary or judicial measures being taken. In 25 of these cases it was stated that the soldiers involved had fired or acted in accordance with orders, even though in only 14 of the cases was it determined that they were in life-threatening situations.

In 7 cases, soldiers faced disciplinary trial for deviating from the orders for opening fire. The IDF Spokesperson did not report the outcomes of these hearings. In 6 additional cases of deviation from the rules for opening fire, a censure was entered in the record of the soldier or officer involved, and in 2 cases officers received an administrative reprimand for the same offense.

Indictments were issued in 6 cases. Two soldiers were charged with causing death by negligence, but their trials have not yet ended. The other soldiers and officers were charged with deviating from the rules for opening fire or with illegal use of firearms.

In only one case in which IDF soldiers were involved in the killing of a child in the territories did a soldier receive an actual prison term -- of two months. The other soldiers and officers received either suspended sentences of various durations, reprimands, or censures. In one case a soldier was demoted to the rank of sergeant.

From the Court's Decision in the "Golani" Case

"Shriki, leading a unit of three soldiers, broke into the same house and removed the youth, who was identified by him and the soldiers with certainty as the one who had thrown rocks at them. They caught him -- forcefully, because of his resistance and they even beat him, although the blows were not serious, according to their definition [...] The soldiers in the unit, together with the youth, went to the alley next to the Nasser cinema. There Shriki intended to complete the beatings still due the youth, based on instructions which will be detailed forthwith. When the youth got out of the jeep he tried to escape, Suissa chased him down, and the two fell against a stone wall. At this point the youth sustained an injury to the head -- blood was coming out of the back of it. A mob quickly gathered and stones were thrown at the soldiers -- until Shriki decided to leave the area -- without having satisfactorily finished the job of meting out the beatings deserved by rock throwers.

"Shriki reported beating the rock thrower by radio to Yo'eli, his company commander. The company commander instructed Shriki to stop by to see him in the Gaza district Civil Administration, where the two met. The company commander saw the youth and noticed the blood on his forehead. He ordered him arrested and brought to prison according to the regular procedures. Shriki understood from the company commander that it was up to him to deal with the youth, as is accepted, before bringing him to prison, and on the way decided to stop and go into a grove. At his order the youth was removed from the jeep there, and he and Suissa beat him with clubs on his limbs only.

"Shriki and the rest of the soldiers, as detailed above, clearly state that the youth was not beaten on the head. After a few minutes the youth attended to his needs in his pants, and the soldiers stopped beating him.

"[...] Among other 'tactics for fighting' the uprising which were being worked out at that time in the upper command ranks, was, as has been mentioned: beating those who disturb the peace -- stone throwers and others caught by soldiers -- in order to deter them and their friends from similar actions in the future. This was a punitive measure -- and its purpose was well clarified in every forum -- including a briefing given by the Minister of Defence, to all battalion commanders. In this spirit of straightforwardness, Lt. Colonel Nuriel instructed his officers and soldiers unambiguously as follows:

"A captured prisoner is to be beaten, as has been mentioned, in order to punish him. This instruction is carried out by an officer, someone who has received the order from an officer, or a patrol commander of the rank of non-commissioned officer. There should be no blows to the head or back -- sensitive body parts that were emphasized. The order was actually given to beat them on their limbs, and only with a club. Nuriel explains that a blow from a club is more controlled and less powerful than a blow by hand -- and is easier on the beater as well as the one beaten.

"[...] It seems to us, and we both hope and assume that this will withstand additional judicial review, that Second Lt. Shriki acted within the defined and qualified realm of a command that is not manifestly illegal, that he carried it out with appropriate moderation while attending to the physical well-being of the individual, and thus brought said individual to detention, body intact and fit for imprisonment.

"Obviously, then, Suissa is also deserving of the protection of justice, and we therefore hereby acquit both Shriki and Suissa of all guilt."

Colonel Peled, Nili -- Presiding Judge
Lt. Col. Drori, Shaul -- Judge
Lt. Col. Avrahimi, Yisrael -- Judge

From the Court's Decision in the "Givati I" Case.

"In our view the accused are not exceptional, and they are no different from thousands of soldiers who belong to their brigade. We are of the opinion, therefore, that the behavior of the accused cannot be explained on the basis of their unusual personality. Their failure is the putrescent fruit of not following norms, behavior which matter-of-factly received legitimization and even encouragement from officers and, regrettably, from high ranking commanders.

"[...] As far as we are concerned, there was not the shadow of a doubt that an order given to soldiers to use force and to beat anyone suspected of disturbing the peace, even after this person is caught by our troops and no longer displays any resistance to his arrest, is a thoroughly illegal order.

"We do not accept the distinction also made in this case by high ranking officers that no equivalent judgement can be made between what is permitted by law for disturbers of the peace within the State of Israel and those disturbing the peace in the territories governed by military forces. The same law holds in both cases, and just as it is forbidden to beat someone suspected of disturbing the peace in Israel who shows no resistance after arrest, so must violence be forbidden against a disturber of the peace from the territories who is caught by our forces and does not resist arrest.

"The idea by which an attempt was made to allow violent action against those causing disorder after their arrest by our soldiers, on the grounds that they must be taught a lesson lest they dare behave similarly in the future, is not recognized by law, does not fall within the boundaries of necessary defense, and even contradicts the basic concept that punishment, in a democratic state, is reserved solely for the judicial authority.

"Our tradition does not include the concept of punishment 'on credit' or punishment 'as an advance payment' for punishment that is meted out if a person is found guilty by a certified court.

"[...] We must admit that we wavered and only after great hesitation did we reach the conclusion that the order was manifestly illegal. The starting point as far as we are concerned was that a physical attack on an individual should immediately arouse the feeling in each of us that the matter is forbidden, unless the soldier has a satisfactory reason to think that behind this violence stands a military need which can eclipse the internal imperative of 'forbidden.' Beating a disturber of the peace, who does not act up once he is caught by a soldier and no longer displays any resistance, merely to deter his repeating such behavior in the future, is not a military need and is a purely punitive action. Anyone raised and educated in a state ruled by law know that there is no authority, other than the court's, to punish people who have violated the law.

Regrettably, the accused were not alone in their feeling, or more exactly, in their lack of feeling, that above said order stands the moral imperative of prohibition. We have heard senior commanders, IDF officers, who testified in the court that although this order did not 'sit comfortably' with them, they saw no reason to oppose it given the circumstances of time and place.

"[...] We rule that every one of the accused beat the deceased, who was arrested by them and was in any case considered in the custody of which they the accused were in charge.

"It is exactly this kind of conduct the lawmaker had in mind in declaring in Article 65 of the Articles of War that 'a soldier who hits a man who is in custody for which the soldier is responsible ... his sentence is 3 years imprisonment.' [...] In this case it appears that there is no disagreement that each of the accused did indeed hit the deceased, even in a vigorous and forceful fashion as things appear from this decision."

Col. Dr. Gross, Emmanuel -- Presiding Judge
Major Gilon, Alon -- Judge
Captain Dr. Fuchs, Levi -- Judge

The Hawara Incident -- Testimony

On May 22, 1988 attorney Dan Simon, of the Association for Civil Rights in Israel, visited the village of Hawara and collected the following affidavit.

AFFIDAVIT

I, the undersigned, Jamal Jabar Jamil Odeh, from Kfar Hawara, being warned to tell the truth or face the punishment specified by law if I do not, hereby declare as follows:

1. I am a resident of the village of Hawara in the Nablus region.
2. On the night of January 21, 1988, I was taken, along with 11 others from the village, by IDF soldiers to a field outside the village.
3. The soldiers tied my hands behind my back.
4. Approximately seven soldiers threw me to the muddy ground and began hitting me for 10 - 15 minutes.
5. They beat me with a club and kicked me, very powerful blows.
6. One soldier beat me repeatedly in the legs. They beat me on right arm. Twice they stepped on my head, beat me with a club in the face under my left eye. Two or three times a soldier jumped on my chest. They kicked me in the stomach and my legs. During the beatings one of the clubs broke.
7. When I asked why they were beating me, they answered that they break the arms and legs of stone throwers.
8. I was in such pain that I asked them to shoot me and kill me. In response, one of the soldiers stepped on my head and forcefully twisted my leg.
9. I fainted occasionally for short periods.
10. After the beatings ended I was unable to walk. They took me to a hospital. I couldn't walk for about twenty days after the incident. I still suffer from occasional pains in my right ankle.
11. I am signing this declaration after it was translated into Arabic and read to me by Mr. Yusuf Muhareb.

(-)

Signature of Declarer

RESTRICTIONS ON FOREIGN TRAVEL

With the occupation of the territories in 1967, the West Bank and Gaza Strip were declared closed areas, requiring permission to enter or leave.

A resident of the territories wishing to travel abroad must apply to the internal staff officer of the Civil Administration where he lives and request an exit permit. At the administrative offices, he receives a 'travel form,' and with this form he must go through a series of administrative offices and receive an endorsement from each of them -- in the form of a stamp on the 'travel form' -- that he does not owe money and that he is not wanted by security forces.

The agencies that must endorse the form are: the police, the city or local council, the tax bureaus (income tax, value added tax, and property tax), the civil administration, and the military government.

After the resident has waited in line at each of these offices, and once the awaited stamps appear on the form in hand, he must go to the civil administration, submit the form, and wait for the exit permit. The normal waiting period is three weeks.

When the permit is granted, the person goes to the border station (the majority of those who leave the territories do so via the bridges, a small minority through the border crossing at Rafah, Ben Gurion airport, or the Port of Haifa), and there -- if everything goes right -- the exit permit is signed.

It is not unusual for a person to reach the bridge, the permit with all the required endorsements in hand, only to discover that his name appears in the computer on a list of those banned from leaving, either because someone forgot to erase his name after he paid monies that were owed, or because he belongs to a portion of the population whose exit rights are restricted or denied. In that case he must return in the direction whence he came.

Restrictions for Security Reasons

The Israeli authorities prevent a segment of the residents of the territories from leaving the country. Sometimes not allowing family relations to leave for 'security reasons' serves as a means of pressuring people who owe taxes or those sought by the security forces. Almost daily, "B'Tselem" receives entreaties by residents of the territories -- many of whom need medical attention -- because the authorities will not allow them to leave the country for security reasons.

Restrictions by Age Group

In other cases collective restrictions are placed on specific age groups: Since 1976, young people between the ages of 16 - 25 have been prohibited from going abroad for a period shorter than six months, and since April 1988 a similar order has been in force prohibiting men from East Jerusalem between the ages of 16 - 35 from going to Jordan for less than nine months*.

Restrictions on Settlements

Security forces used to restrict residents of a specific area from leaving the country for some time after terrorist attacks, in order to prevent the people who had committed the act from escaping abroad. But since the beginning of the Intifada, restrictions have been placed on residents of whole settlements as a means of pressuring the populace, and as a sweeping punishment not only when an act of terrorism has occurred.

For the last three months, the authorities have not allowed residents of the village of Battir to go abroad. Until recently there was a similar ban on the residents of the village of Talluza. At the beginning of the summer, dozens of families from these villages had arrived home from the Arab countries and oil kingdoms where they work. At the end of their vacation, they discovered that they were forbidden to return because of the collective ban that had been placed on the entire village. These are people whose children have to return to their studies in schools abroad and who will themselves probably lose their jobs if they do not return within their allotted vacation time.

It should be noted that the ban on a village or region is not published anywhere. Sometimes, the residents only learn of the ban when they reach the bridge, often after they have made arrangements to leave (time off of work, renting out their houses, etc.).

The Association for Civil Rights in Israel (ACRI) petitioned the High Court of Justice on behalf of several residents of Kafr Maleq and Qabatiya after more than a year in which the authorities had not permitted any residents of these villages to go abroad. The court was to debate the case on Sunday, October 22.

* "Restrictions on Freedom of Movement in the Occupied Territories (2), (Hebrew) Publication of the Association for Civil Rights in Israel, 1989, p. 39.

On Thursday, October 19, the exit ban was lifted from Kafr Maleq and Qabatiya. Attorney Dan Simon of ACRI asked, therefore, to add to the petition affidavits from the residents of three additional villages whose residents had been restricted from travelling abroad (Burqin, Dannabe, and Kafr A'bbush). Simon also asked the court to rule on the matter on principle.

Following the petition, the court issued a show cause order requiring the IDF to respond within 30 days and to show cause for the court not to order it to open the villages and to ban collective prohibitions.

From the affidavits attached to the appeal, it emerges that the only way to receive an exit permit from 'closed' villages is by way of a monetary payment to people known as collaborators.

AFFIDAVIT

1. I am a resident of the village of Burqin in the Jenin district.
2. I live in my parents' house. I have four brothers who live outside of the Judea and Samaria area: three in Abu Dhabi and one in Rabat 'Ammun.
3. My mother, who is 72 years old, suffers from problems of the digestive system. My mother needs an operation, and her sons in Abu Dhabi have invited her there to undergo the operation. It is my desire to travel with my elderly mother in order to assist her during the journey and to care for her in the hospital. The operation in Abu Dhabi is cheaper than it would be in Israel, and my brothers will pay for expenses.
4. On October 11, 1989, I petitioned the Civil Administration in Jenin for an exit permit for my mother and myself. An official, who was wearing a military uniform, told me that he would not endorse the permit. He explained that all residents of Burqin were forbidden to leave by way of the bridges. I am aware that this order has been in force since May 1988.
5. I returned to the Administration offices with the same request the next day, October 12, 1989, and as well as on October 13, 1989. I received the same responses regarding the exit prohibition on Burqin residents, and was turned away empty-handed. In all of the above cases, the officials did not ask for our particulars, nor did they check our names in the computer or against any list. The response prohibiting our exit was given on the basis of our being Burqin residents.
6. Many of the villagers are appealing to people known to collaborate with security forces and paying them money to arrange exit permits. I know tens of people who have paid collaborators and have since received exit permits.
7. On October 13, 1989, I paid a known collaborator 40 Jordanian dinars to arrange exit permits for us. The next day he returned the permit forms without the exit permits but did not return our money.
8. On October 15, 1989, I paid 70 Jordanian dinars to another person, also a known collaborator, to arrange exit permits for us. Today, October 23, 1989, we managed to receive exit permits endorsed by the Civil Administration in Jenin.

Who Crosses the Jordan?

Hundreds of thousands of people cross the Jordan River bridges each year:

Many need medical attention in Jordan. The latter's numbers have increased significantly since the beginning of the Intifada, because of the large number of crippled patients requiring follow-up hospital care and rehabilitation.

Most of the residents of the territories keep a bank account in Jordan. They cannot transfer the money through the bank, so they must travel to Jordan to withdraw their money.

Since the closing of the universities in the territories, many young people have been leaving to study abroad.

Many residents of the territories have family members who work in the Arab countries or in the oil kingdoms.

From data provided by the Central Office for Statistics, it is apparent that between the years 1980 and 1986, between 300,000 and 350,000 residents of the territories left annually via the Jordan River bridges. (It should be taken into account that a person who leaves several times is re-registered each time.)

In the first half of 1987, more than 100,000 people left the territories. In the middle of 1987, the Central Office for Statistics discontinued the publication of data regarding the number of residents of the territories going abroad. According to estimates based on the partial data received from the Civil Administration, the number of those going abroad each year since the beginning of the Intifada has fallen to about half of the number leaving in previous years (about 150,000 in 1988, and about 41,000 in the first third of 1989).

Collective Punishment in International Law

Collective punishment is forbidden under international law.

The provisions of the Hague Treaty of 1907 (Article 50) forbid collectively punishing a populace because of acts committed by individuals, when the group cannot bear collective responsibility for those acts.

A similar ban is stressed in the Humanitarian Instructions which are part of the Fourth Geneva Convention of 1949, which the government of Israel has signed. The Convention was devoted to the protection of civilians in opposing countries or in conquered territories. The Fourth Geneva Convention (Article 33) declares that a person cannot be punished for a crime that he did not personally commit. In order to stress and clarify this point, the drafters of the Accords returned to this issue in the continuation of the paragraph and again rejected collective punishment in broad and unilateral manner: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."

The question of the applicability of the Geneva Conventions is a matter of debate*. Nevertheless, the Israeli government has announced that it will voluntarily respect the humanitarian provisions of the Conventions in all matters concerning the territories conquered in 1967**.

The former Attorney General, Meir Shamgar, explained that "the Humanitarian Law mainly affects oppressed people or victims of war but not nations and their special interests therefore, it is always important to look for ways and means to facilitate humanitarian aid to the victims of war without waiting for the development of international law and without the fate of civilians being tied to specific political or legal realities."***

The obligation to uphold the Geneva Conventions was also defined in general order # 30.0133.

* On the debate regarding the applicability of the Geneva Accords, see "The Legal and Administrative System," Studies in Civil Rights in the Occupied Territories (I) (Hebrew), Publication of the Association for Civil Rights in Israel, 1985.

** M. Shamgar, "The Observance of International Law in the Administered Territories," *Israel Yearbook on Human Rights* (Tel Aviv University, 1971) (I), p. 262.

*** Ibid.

