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לשנת 2017
לשנת 2017

מדינת ישראל



שם תיק: דו"ח מחלקת המדינה על זכויות האדם בשטחים

מזהה פנימי: חצ-10/8673

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תאריך הדפסה: 28/11/2017

כתובת: 2-120-1-10-7

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ב"ח ממונה על כבוד
א"ר
20.4/1985

שגרירות ישראל - וושינגטון

ס.ד.ס. ס.ד.ס.
דפים... 1.97
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המס' 430

ממנכ"ל, מצפ"א, מע"ת, רמ"ח קש"ח. בניו יורק

BRIEFER: AMBASSADOR RICHARD SCHIFTER
ASSISTANT SECRETARY OF STATES
FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS.

TOPIC: "THE 1985 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES"

Q Thank you. Magda Abu-Fadi, Middle East Affairs News Service. Mr. Ambassador, there are reports from the territories occupied by Israel that indicate that administrative detention is a cruel form of incarceration, denying prisoners basic human rights, particularly since the applicability of administrative detention is rather fluid and wide-ranging. And according to your report, it says, "In security cases, the law also provides for possible restriction on the choice of defense counsel." However, there are documented reports as well that Arab prisoners -- Arabs held under administrative detention -- have been coerced into signing confessions under duress that were written in Hebrew, which they may not have understood fully. Now is that -- does that fly in the face of what the US considers justice and fair play? Is there a double standard there?

SEC. SCHIFTER: Is there a double standard where?

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MR. POPE: In the back.

Q Continuing on the question of Israel and occupied territories, first of all, I'm still not too clear as to exactly how you are dividing the countries. You say Israel and the occupied territories in one section, then the occupied territories in another section.

SEC. SCHIFTER: Okay, it should be really separate. One deals with Israel within the '67 boundaries; the other one beyond that.

Q What criteria do you use, my question is, in terms of this area? There's been many acknowledgements by officials -- and I can give precise examples -- just today in the Christian Science Monitor, the military administrator admitted to about a dozen administrative detentions in Israel proper. Again, there's no mention of it in your report over the year period 1985, and there's not been a year where there hasn't been administrative detentions. If you compare the reports on South Africa and Israel, there's a wide disparity on very similar cases, and some of my colleagues here in the room have already brought these up to your attention, and there are many more that can be brought up. For example, there's no mention of the kind of racism that's implicit in the fact that the Jewish National Fund has 93 percent of the land that you yourself have pointed out. They are not allowed to sell it to non-Jews. And so that pretty much limits the Israeli-Arab movements in that land. That's one example; I don't want to carry on. But what criteria do you use for your reports in this specific case? Thank you.

SEC. SCHIFTER: What you have to understand is that, first of all, anyone who is interested and has a particular point of view will rely on certain information and will assume that certain information is credible, which to others may be questioned. We try our very best to examine the facts and try to assemble the information on the basis of the information that comes to us, in this particular case, from our consular general in Jerusalem.

We also try, in 1,440 pages, to have a more or less uniform standard throughout the world in terms of what it is that you put into 1,440 pages. Obviously -- as a matter of fact, somebody asked me that very question yesterday -- one can write on human rights violations, one could, instead of 1,440 pages, write 30,000 pages on human rights violations. And then obviously one would be much more elaborate. What we try to do is to come to some conclusions as to how much detail you get into, and then try to be reasonably uniform about setting, describing human rights violations throughout the world. We can't always succeed in that, but we're trying.

מושרד החוץ-מחלקת הקשר

ושהיא מיושנת.

5. מצידו שיפטר נסה להעמיד עצמו בשותף ולא ביריב ואין ספק
שהוא דבר מתוך דאגה אמיתית לענייניו ומתוך רצון בן
לטייע לנו. אולם, כאמור, התפקיד עושה את שלו.
דובק-

פפ: שהח, מנכל, ממנכל, אליאב, ארבלו, ארבלו, ארבלו, ענוג, אירא,
מצפא, ורד, ששח"ם, מתאששח"ם, ד/מרבו, ממד



משרד החוץ-מחלקת הקשר
שמוך

מחלקת חוץ

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זכויות האדם.

הגדרנו את הדברים כבשלנו 737 כי חשבנו שוו הודמנות נאותה
לנצל ההודמנות של חוסר שביעות הרצון האמריקני ממסקנות הדו"ח
למען תיקון הפרוצדורה של בדיקת הנתונים והעובדות לפני
הפרסום ולא לאחר מעשה.

אנו מאד ממליצים שתנסו להגיע להבנה כניל.
אגב, כידיעתכם בעבר כך נהגו האמריקנים שאמנם לא הראו לנו
הדו"ח, אך דאגו לפחות לאשר הנתונים שהיו בידיהם גם עמנו.
לא תמיד קיבלו תיקונינו ופרסמו את אשר רצו אך: לאחד הפרשה
המפורסמת של הגנ' ג'ונסון שכוכר פירסמה מידע שהמציא לה
ידידה הפלשטינאי והסיפור על עריפת הראש בדו"ח של אשתקד, אין
וה מוגוס לחזור ולהגיע להבנה על בידור מוקדם.
מצפ"א.

תפ: שהח, מנככ, ממנככ, מצפא, אליאב, ארבלו, ארבלכ, ורד

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כחו מונופ ה
כחול אבן

מדינת ישראל

משרד החוץ
ירושלים

תאריך: י"ח באדר א' תשמ"ו

-שמר-

27 בפברואר 1986

מספר:

מא/20.4/13/1986

אל : הגב' יעל ורד, יועץ לשה"ח
אל"מ יואל זינגר, רע"נ דבל"א, מפ"ק פצ'ר

מאת : מנהל ארב"ל 3, משה"ח

הנדון: דו"ח מחמ"ד על זכויות אדם - 1985

רצ"ב הפרק המתייחס לאיו"ש ואזח"ע מתוך הדו"ח הנ"ל.

אודה אם תעבירו לנו הערותיכם המפורטות לדו"ח הנ"ל, לצורך מגעי שגרירותנו
בושינגטון.

אני מצרף כמו כן לידיעתכם ההערות של מחלקה זו לדו"ח, כפי שהועברו לשגרירותנו.

ב. ס. ר. כ. ה.
משק מלמד

העתק: אל"מ פרדי זך, ס/מתאס הפעולות לאיו"ש ואזח"ע,
משהב"ט, תל אביב.

SECRET

THE OCCUPIED TERRITORIES

The territories which Israel has occupied since 1967 consist of the West Bank, East Jerusalem, the Golan Heights, and the Gaza Strip. The West Bank and Gaza remain under military government. Israel regards East Jerusalem and the Golan Heights as subject to Israeli law, jurisdiction, and administration.

The United States holds the view that Israel's presence in all these territories is that of an occupying power. The United States regards Israel's administration as subject to the Hague regulations of 1907 and the 1949 Fourth Geneva Convention concerning the protection of civilian populations under military occupation.

Israel declares that the Fourth Geneva Convention does not apply to the West Bank and Gaza, but that it voluntarily observes most of the Convention's provisions in these areas. Major differences have arisen in regard to the applicability of these provisions in East Jerusalem and the Golan Heights, the introduction of civilian settlers, and the use of collective punishment. Israel declares that it enforces Jordanian law in the West Bank and British Mandatory regulations in the Gaza Strip. In addition, Israel has issued over 1,000 military orders altering or overriding portions of these laws and uses some British Mandatory ordinances and Ottoman Empire laws on the West Bank.

The complex human rights situation in the occupied territories is largely the result of the fact that since the 1967 war and in the absence of a peace settlement, the territories remain under military administration and there is friction between occupation authorities and the Palestinian population which opposes Israeli control. Among the symptoms of friction are active resistance to the occupation, including episodes of violence, sometimes encouraged by outside extremist groups. Friction also arises from security measures taken by Israel to counteract terrorist acts and threats of terrorism, and to counter other kinds of activities which the Israeli authorities assert endanger security. Another cause of friction is the introduction of civilian Israeli settlers, although settlement activity has slowed. Establishment of new settlements was limited to six by the National Unity Government agreement in late 1984. In 1985 three of these were officially dedicated, one in the Golan Heights and two in the West Bank. Frictions are exacerbated by some Israeli political elements who advocate annexation or permanent Israeli control of the territories as well as by the refusal of the principal Palestinian organizations to recognize the State of Israel.

Israel implements its policy in the West Bank and Gaza through civil administrations. These were created in 1981 under the control of the Defense Ministry, and are staffed by military as well as civilian personnel. Israel's national police, border police, security service, and the Israel Defense Forces (IDF) all have a role in the administration of the occupied territories. The national police, which includes local Palestinians in its ranks, is seldom the target of criticism. However, there are frequent complaints by West Bankers and Gazans about the actions of the other organizations.

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Civil Administration authorities have attempted to reshape local politics, particularly by blocking the influence of the Palestine Liberation Organization (PLO) and by trying to promote an alternate leadership. Israel permitted municipal elections in 1972 and 1976, but after 1980, citing security considerations, postponed further elections and removed numerous elected and appointed officials in the West Bank and Gaza. Threats and intimidation by extremist Palestinians have also inhibited the development of a visible, moderate local leadership. The present Israeli policy is to support the installation of acceptable, non-PLO Palestinian mayors who have local and Jordanian support in place of Israeli military appointees. A new Arab mayor of Nablus took office in December, and there is discussion of installing other Arab mayors.

Israel has allowed the establishment of four universities in the West Bank and one in Gaza where none existed before, but has restricted activities of student and faculty members which it regards as threatening to its security. Israel permits criticism of its policies by the East Jerusalem-based Arabic press but has often censored articles and editorials and restricts the circulation of Arabic publications in the West Bank and Gaza. One Arabic newspaper and one press service were ordered closed during the year and one Jewish settler newspaper was temporarily banned. Broad restrictions on speech and assembly apply in the occupied territories.

Arab and Jewish residents suffered from a marked increase in violent acts in 1985. One or another faction of the PLO as well as a variety of PLO dissident groups claimed responsibility for nearly all acts of violence against the IDF or Israeli civilians. Much of the violence, including the increased use of homemade bombs, knives, guns, and Molotov cocktails, appears, however, to have been spontaneous and local.

Complaints of settler violence continued throughout the year, including unauthorized armed patrols and physical harassment. Israel prosecuted and convicted Jewish settlers for a variety of illegal acts. Twenty-five Jewish settlers were convicted of offenses including membership in a terrorist organization, murder, conspiracy, and other charges in 1985 and were given sentences ranging from 4 months to life imprisonment. Two IDF officers are currently being tried for their alleged roles in terrorism against Arabs.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killing is not condoned by the Israeli Government. There have been, however, deaths and serious injuries as a result of both terrorist acts and IDF security enforcement measures. A military government spokesman said in October that 660 terrorist incidents had occurred in Israel and the occupied territories since January 1985.

At least 2 unarmed Arab residents of the occupied territories were killed and 17 wounded by IDF soldiers enforcing security regulations. Members of the IDF also killed at least 4

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residents of the occupied territories and wounded at least 5 in armed confrontations. Attacks by Arabs took the lives of at least 4 IDF soldiers, 5 Jewish civilians (in addition to 4 who were killed in Israel) and 4 Arabs, while at least 7 IDF soldiers, 40 Jewish civilians, and 16 Arabs were wounded. During 1985, two Palestinians who had been missing for some time were found dead at the site of explosions.

b. Disappearance

Israeli authorities neither sponsor nor condone disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Israeli law and there is no evidence that torture is condoned by the Israeli authorities. Israeli border and national policemen have been convicted of abusive use of force against Arab prisoners, and the Israeli Supreme Court has ordered the withdrawal from evidence of confessions by West Bankers on the grounds that they appeared to have been obtained by force.

Palestinian prisoners at a number of West Bank and Israeli prisons conducted hunger strikes throughout the year protesting conditions. The head of occupied territories prisons said inmates at Jenin prison spend 23 hours a day in 30 square-meter cells holding 14 people each. In 1984 Israeli courts convicted two former officials of Farah prison of having abused prisoners. Based on affidavits collected from former prisoners between May 1982 and May 1984, a report prepared by the West Bank organization Law in the Service of Man, and published by the the International Commission of Jurists, alleged in January that prisoners at Farah prison are systematically abused. Israel denied the charges of systematic abuse.

d. Arbitrary Arrest, Detention, or Exile

Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a clear statement of charges. Individuals may be held in administrative detention without formal charges for up to 18 days. The normal detention period after the filing of charges is 60 days before trial. This period can be extended by a Supreme Court judge for an additional 3 months, and this extension may be renewed at the end of the 3 months.

Persons detained for security investigations are not permitted bail and initially are denied access to an attorney or other outside contact, including consular officers. In some cases, officials have declined initially to confirm a person's detention to consular officers. This denial of notification of arrest to any third party can, under Israeli law, be extended for up to 15 days. It is unclear whether detainees are informed of the specific charges against them. Many of those released from such detention without charges claim ignorance of the reasons for their detention.

A sizable number of Arabs are often detained after terrorist incidents or the dispersal of demonstrations. Such detentions usually do not result in formal charges and are not prolonged. Persons arrested during demonstrations are tried in military courts on security grounds. The security forces

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can and do detain individuals without prompt notification of their relatives and apparently without the use of warrants.

In May, Israel released 1,150 prisoners, including 879 who had been convicted of security offenses (alleged terrorists, their accomplices, and contacts), in exchange for 3 Israeli military personnel who had been captured in Lebanon. Some of the approximately 400 security prisoners who were released in the occupied territories as the result of this exchange were later rearrested on new security charges. Thirty-one of those released in the occupied territories were served expulsion orders alleging that they were not bona fide residents of the territories. The Government of Israel permitted 10 of the 31 to remain in the territories after they proved to the satisfaction of the Israeli courts that they were pre-1967 residents of the West Bank. Twenty-one others were expelled, drawing a rare public rebuke from the International Committee of the Red Cross (ICRC), which had helped negotiate the original exchange agreement. The ICRC disagreed with the Israeli interpretation of the residency requirements as established in the agreement. Israel maintained that those who had reentered Israel illegally had forfeited their residency rights; the ICRC disagreed.

In August, after a 5-year hiatus, the Israeli Government revived 6-month administrative detention and deportation from the territories. The United States has indicated its belief that these measures are likely to foster further tensions and that they are inconsistent with the Fourth Geneva Convention. Since that time, approximately 100 Palestinians have been placed under administrative detention. Administrative detention must be confirmed by a military judge. The hearing is confidential and the detainee and counsel are not automatically given access to evidence cited as grounds for the detention. Six West Bank Palestinians were deported for alleged security offenses. Where the deportees appealed, the Israeli Supreme Court upheld the deportation orders.

In 1985 at least 25 Arabs were placed under new or renewed orders restricting them to their town of residence for 3 months or more. Such restrictions involve no formal charges and are ordered by regional military commanders without judicial review. Many of those so restricted are political activists, persons who are outspoken critics of Israeli policies, or PLO supporters.

More than 10 West Bank towns and at least 10 refugee camps were placed under curfew at least once during 1985. Complaints about other forms of collective punishment and humiliating treatment at the hands of the security forces, such as the holding of groups of Arab men in town or village squares for long periods, rose sharply in 1985, especially during August and September. Some soldiers were disciplined for improper use of force and for stealing from those they had stopped for questioning or search.

There is no forced labor in the occupied territories.

e. Denial of Fair Public Trial

Jordanian law, as modified by Israeli military orders, remains in force in the West Bank for most criminal and civil matters. British Mandatory law, as modified, prevails in Gaza. The judicial application of these laws, except in

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security cases, land acquisition, or where jurisdiction has been transferred by military order, has been left in the hands of an Arab judiciary, which acts independently of Israeli authority. Residents of the occupied territories accused of nonsecurity offenses receive public trials in local courts in East Jerusalem and the Golan Heights. Israeli law applies

Persons suspected of having committed security offenses are not precisely defined under Israeli law, are normally tried in Israeli military courts with a military judge presiding, and are defended by counsel. Israeli residents of the occupied territories accused of security offenses are tried by military court but by the Israeli district court closest to their residence or the scene of their crime.

Most military trials are open to the public, except for some cases involving serious security offenses. Consular officers normally have no difficulty in attending any court proceeding in which a foreign citizen is involved. Israel asserts jurisdiction with respect to alleged security offenses committed outside of Israel and the occupied territories.

Orders of the Civil Administration may be appealed to the Israeli Supreme Court. Nonjudicial administrative orders of the military government may be appealed to area military commanders and the Supreme Court. No appeal of military verdicts is possible, although the area commander may exercise the right of commutation. In April, a petition was filed on behalf of two Palestinians to have Israel establish a military appeals court in the occupied territories, contending that such a court is required by international law. The Government has argued that international law does not require an appeals apparatus, that the present system is adequate, and that an appeals court would undermine the military's antiterrorism deterrent measures. As of this date, the Israeli Supreme Court has not yet rendered a decision.

Palestinians complain that due process is denied in the process of Israel's designating as state land areas of the occupied territories regarded by them as community or private land. Complaints include a lack of written notification or that the 30-day period for filing competing claims is too brief to obtain substantiating documentation. Earth-moving work sometimes begins before the 30-day period has elapsed. Israeli authorities respond that extensions are granted upon requests, and that no title is required if the disputed land has been cultivated for at least 10 years.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under occupation regulations, military authorities can and do enter private homes and institutions without prior judicial approval in pursuit of security objectives. A military order permits any soldier to search any person or premise on the West Bank at any time without warrant on the suspicion that a person or organization may be in possession of a proscribed publication.

In 1985, at least 17 houses of West Bank and Gaza residents accused of involvement in security incidents were demolished and 20 were sealed. There is no judicial review of a decision to seal or demolish a house or room and such action is usually taken before the suspect has been put on trial. Houses or

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rooms used by Israelis suspected or convicted of security offenses in the occupied territories were not demolished or sealed in 1985.

It is widely believed that mail and telephone services in the West Bank and Gaza are monitored. Individuals can be and are questioned on their political views by security officials. Such inquiries can involve overnight detention.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of expression is restricted on security grounds. Proscribed acts include flying the Palestinian flag or displaying its colors, displaying Palestinian nationalist slogans, and publicly expressing support for the PLO. The Arabic press, most of which is located in East Jerusalem, remains outspoken in its criticism of Israeli policies and actions. Arrests, prison sentences, land seizures, and other politically sensitive stories are generally reported, but editorials and articles are frequently censored in whole or in part. All items to be printed in Jerusalem's Arabic papers must be submitted to the censor for prior review. Hebrew papers need submit only articles on military security matters to the censors. At least 90 editorials and commentaries from Arabic newspapers were censored during the year. Censorship decisions may be challenged by appeal to the chief censor.

Materials licensed to be published in East Jerusalem are free to circulate there, but require an additional license for distribution in the West Bank and Gaza. Military orders forbid the printing or publishing of anything containing political significance without a prior license. Political significance is not defined in the order.

A permit must be obtained for every publication (book, magazine, or newspaper) imported into the occupied territories. Arabic educational materials, periodicals, and books originating outside Israel are censored or banned for anti-Semitic or anti-Israeli content and for the encouragement of Palestinian nationalism. Possession of banned materials by West Bank or Gaza Arabs is a criminal offense. Restrictions of this kind are usually not applied to Israeli residents. Lawyers have complained of difficulty in obtaining the list of proscribed publications. The number of books explicitly prohibited was reduced from 1,300 to 350 after the present Israeli Government took office.

In September, the Arabic weekly newspaper Al Darb was ordered permanently closed on the charge that it was run and directed by the Democratic Front for the Liberation of Palestine. An appeal has been filed. Also in September, the East Jerusalem press service Al Minar was ordered shut for 6 months. In October, the Arabic weekly magazine Al Biyadar As Siassi was refused permission to distribute in the occupied territories for 2 weeks for failing to submit published material to the censors. The Arabic daily Ashaab was shut down for 3 days in August for printing material not approved by the censor. Five Arab journalists were placed under administrative detention in 1985. In November, the Jewish settler newspaper Aleph Yud was temporarily prevented from publishing due to alleged incitement to violent resistance against what was contended to

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be the willingness of the Government of Israel to make territorial concessions as part of a peace settlement.

Arabic-language radio and television programs from Jordan, Syria, and other Arab countries, including broadcasts of the Voice of Palestine, are received in the occupied territories without jamming.

Foreign journalists have not reported any difficulties in meeting with inhabitants of the occupied territories. All reports filed by the foreign press, however, are subject to military censorship.

d. Freedom of Peaceful Assembly and Association

The Israeli occupation authorities have permitted a wide range of labor, professional, and fraternal groups organized before 1967 to continue to function. Professional associations are active and frequently take public stands on political issues. No political parties or other groups viewed as primarily political are permitted. Public gatherings, defined as a group of more than 10 people, require permission, often withheld from both Arab and Israeli groups, based on the consideration of public order.

There are approximately 40 labor unions in the occupied territories, grouped into 2 rival federations. Fifteen new labor unions have been permitted to register in the West Bank since the beginning of the occupation, but over 100 applications have been turned down and a number of Arab unions have been disbanded by the occupation authorities for alleged security concerns. In 1985, the Israeli authorities refused permission for a union of Arab lawyers on the West Bank to form. Strikes are legal so long as they are not undertaken for political reasons. There were no reports of arrests for labor-organizing activity during 1985. Some union activities, such as cultural exhibitions or May Day festivities, were prohibited during the year on security grounds.

West Bank unions are generally small and confined to urban workers in skilled craft trades. The occupation authorities must approve all candidates for election to union office but such elections are held without other interference. Membership in the Histadrut, the Israeli national labor organization, is open to Arab workers from East Jerusalem and the Golan Heights.

c. Freedom of Religion

Freedom of religious practice exists in the occupied territories. No group or sect is banned on religious grounds. Muslim and Christian holy days are observed without hindrance, and Muslims and Christians operate a variety of private schools and institutions. There has been controversy concerning rights of access to worship inside the Ibrahimi Mosque/Tomb of the Patriarchs, which is also the site of an ancient synagogue. The occupation authorities tolerate the existence of a number of Islamic fundamentalist groups. There has been no reported interference with the publication or distribution of religious publications.

Israel protects Muslim and Christian holy places and usually assures freedom of access to them. On occasion, the authorities have denied both Arab and Jewish groups access to

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religious sites on religious or security grounds. Israel makes concerted efforts to facilitate travel into Jordan for Muslims wishing to make the Hajj to Mecca. This includes expedited bridge clearance procedures and extended hours of crossing. In 1985, several thousand Muslims from the occupied territories made the pilgrimage. At least 20 were refused permission on security grounds.

In July, a number of suspects in the Jewish terrorist underground trials were convicted and sentenced to prison terms for, among other things, conspiracy to destroy the Dome of the Rock with explosives.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is generally unrestricted for Arabs within the occupied territories, but certain categories are significantly restricted. Approximately 80,000 Arabs travel daily to Israel to work. All residents over 16 must carry identity documents with them at all times and must show them to military or law enforcement officials whenever requested. Vehicles owned by Arabs of the occupied territories are frequently stopped for security checks, sometimes at unauthorized roadblocks manned by settlers. Palestinians are required to obtain permits to remain overnight in Israel; West Bankers are generally forbidden to remain in Jerusalem after midnight.

Most inhabitants of the occupied territories are permitted to travel abroad and many thousands do so each year. Exit visas are required. The Government of Israel issues laissez passers to residents of the occupied territories upon their request to facilitate foreign travel after a security check. In some cases, restrictions are imposed on reentry. Travel bans are also imposed on some persons suspected of antioccupation activities. Eight West Bank women were prohibited from traveling to the U.N. Conference on Women in Nairobi in August. The leader of a West Bank charitable society was denied permission to travel to the United States in September to attend the Congressional Black Caucus annual conference.

Bans on the travel of residents of particular areas have been employed by Israeli security forces as a form of collective punishment. The residents of at least 10 West Bank towns were prohibited from crossing the Allenby Bridge to Jordan for various periods following terrorist attacks. Bans on Tulkarm and Hebron lasted 1 month and 5 weeks, respectively. Despite the formal state of war between Israel and Jordan, two-way travel between the West Bank and Jordan is permitted. Palestinians returning from Jordan, as well as other Arabs or persons of Arab descent, all of whom are subject to search, complain of unnecessarily harsh or humiliating treatment and harassment. Israel permitted all members of the Jordanian Parliament resident in the West Bank to travel freely to attend parliamentary sessions during 1985.

There are no obstacles to emigration. Israel sometimes refuses to renew the laissez passers of West Bank residents who study or work abroad for a period of time, even though they have not acquired foreign citizenship. Such residents are permitted to return to the West Bank, as tourists only, and are sometimes denied the right to return at all. Entry permits or residency rights are often denied to spouses and

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children solely because the head of the household has emigrated. Israel also has not permitted the return of many former West Bank residents who happened to be absent at the time the June 1967 war broke out and Israeli occupation began.

Gazans normally do not require prior approval for travel to the West Bank. Under special arrangements concluded between Israel and Egypt, thousands of Gazans regularly cross the border into Egypt, particularly to work or visit relatives in the divided city of Rafah. Israel permits Golan Heights Druze to return after attending school in Syria; it has not, however, permitted the return of other Syrians who fled or were expelled from the area during and after the 1967 war.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There is no regional self-government in the occupied territories and only limited Arab administration at the town level; most villages retain their traditional leadership. Arab civil servants, institutions, and municipal officials operate under the military government. No indigenous formal political parties or overtly political organizations are permitted.

Municipal elections, held in 1972 and 1976 and scheduled for 1980, were postponed and have not been rescheduled. Of the 23 Arab mayors and municipal councils elected in 1976, 14 of the mayors and at least 4 municipal councils were dismissed by occupation authorities. The mayors of the major towns of Hebron, Nablus, Ramallah, and El Bireh were replaced by Israeli officials. Neither the dismissals nor appointments of alternate officials is subject to judicial review. Bethlehem and Tulkarm are the only major towns governed by elected Arab mayors. Nablus was returned to an Arab mayor, the last duly elected deputy mayor and elected head of the Chamber of Commerce, in December 1985.

Arab residents of East Jerusalem are permitted and encouraged to vote in municipal elections. Approximately 20 percent of those eligible did so in the 1983 elections.

Most Arab residents of the West Bank are Jordanian citizens and as such are represented by 2 senators and 30 members of the Jordanian Parliament.

Section 4 Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of local groups, both Israeli and Palestinian, are concerned with human rights issues. These groups' publications and statements are allowed to circulate in the occupied territories.

The Israeli Government normally permits international human rights groups to visit the occupied territories, and does not interfere with their investigations. However, two field investigators for Law in the Service of Man, the West Bank affiliate of the International Commission of Jurists which is involved in legal assistance on human rights issues, were placed under administrative arrest in September on security

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grounds. One was released in December; the other is due to be released in March.

Since 1978 the International Labor Organization has sent factfinding missions to Israel and the occupied territories. Among its recommendations it has urged that "the impact of the state of occupation...on the exercise of trade union activities should be reduced to a strict minimum...."

Amnesty International's 1985 Report on Israel and the occupied territories expressed concern regarding due process and the treatment of prisoners. Freedom House has characterized the occupied territories as "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

There are between 800,000 to 1 million Palestinians in the West Bank. Living standards have risen substantially since 1967, although more slowly than in Israel or Jordan; per capita gross income in 1985 was three times its 1967 level. Much of this increase in income is due to the large number of West Bankers working in Israel and to remittances from Palestinians working abroad. In 1985, Israel's economic problems continued to affect West Bank commercial and agricultural sales, tourist trade, and local construction. A large but undetermined portion of the Arab work force is traditionally underemployed or engaged in seasonal work.

Economic life in the occupied territories has become enmeshed in Israeli regulations, some used politically. Israeli restrictions on the export to Israel of West Bank and Gaza products, especially agricultural products, limits local market opportunities. While Jordan imposes market-protection limits on West Bank produce, export to Jordan is sometimes banned by Israel as punishment for a security incident. Construction of new factories is also restricted for political as well as economic reasons. Some localities from which security offenders have been arrested have been declared off-limits to development projects. While Israel is concerned that funds from the PLO or other hostile sources might be brought into the occupied territories under the guise of development, Arabs contend that even projects which are fully funded by proven local sources have not been approved.

The Israeli Government has indicated that it would review favorably several long-standing Arab proposals and in October the Civil Administration approved a large number of projects which had previously been rejected. Several municipalities have been permitted to import funds held in Jordanian banks and private import of funds has been liberalized.

The taking of land by Israeli authorities for settlements, military use, and in connection with major road plans, and the reclassification of communal areas as state land, significantly affects the lives and economic activities of Palestinians. According to some calculations, Palestinians have been precluded from use of an area approaching 50 percent of the West Bank land and 15 percent of the Gaza Strip, of which about one half is presently vacant and barren. There are currently more than 150 nonmilitary settlements in the West Bank (excluding unilaterally expanded Jerusalem) and Gaza, with a total population of about 40,000, although the growth of settlements slowed considerably in 1985. The scarcity of water in most parts of the West Bank constrains

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agricultural and urban development. A disproportionate amount is allocated for settlers' use.

The United Nations Relief and Works Agency (UNRWA) and the military government meet the basic educational needs of refugee students in the West Bank. Overall adjusted primary school enrollment there was 83 percent in 1984. The West Bank is served by four universities, one college, one community college, and a variety of other educational institutions, all established or upgraded since the beginning of the Israeli occupation. None of the universities receives financial support or other assistance from the occupation authorities. The creation of additional institutions is under consideration by various Arab groups. All teachers at educational institutions in the occupied territories must receive certificates from the Israeli authorities, issuance of which include criteria beyond that of professional competence. In March, 18 teachers were dismissed for political activities. An-Najah University was closed twice during 1985: once for 2 months after occupation authorities seized materials considered inflammatory during a campaign for student council elections and for 3 days in December for allegedly allowing illegal assembly. Bir Zeit University was closed by the authorities for 1 month and Bethlehem University was closed for 1 week when proscribed books were found at book fairs on the campuses. Bethlehem was also closed for 1 day in November following student demonstrations protesting deportations. These measures at times go beyond what might be reasonably justified on security grounds.

The 363 square kilometer Gaza strip has a population of about 500,000 with a per capita income of about \$1,100 a year. Gaza's economy advanced marginally in the early 1980's, whereas real gross national product grew at over 10 percent in the late 1960's and 5 to 6 percent in the late 1970's. Since 1967, infant mortality has declined sharply and health services have improved. Gaza's basic needs for food, clothing, and shelter are largely met. Severe population pressure and inadequate public sanitation remain major problems. Housing is especially crowded in the eight Gaza refugee camps, where approximately 210,000 of the 370,000 refugees registered with UNRWA live. Approximately 35,000 refugees have left the camps to live in Israeli government-sponsored communities. Inadequate classroom space has forced double-shifting at many UNRWA and government schools in recent years. Gaza producers of citrus, the major crop, complain that marketing has suffered from both Israeli and Jordanian restrictions. Israel has reduced water use to allow the water table to rise and inhibit saline intrusion. The fishing industry has shrunk due to restrictions on fishing waters. About 35,000 Gazans commute daily to work in Israel, earning about one-third of Gaza's income. Gaza's Al Azhar University, an affiliate of Al Azhar in Cairo, offers a 4-year program to about 3,300 Gaza students.

The Israeli-occupied portion of the Golan Heights consists of 1,295 square kilometers, and has an Arab population of about 15,000, mostly Druze and a small percentage of Alawites. Approximately 7,500 Israeli settlers live in some 32 settlements in the Golan Heights. Druze village councils have complained that they do not receive sufficient funding to provide minimal municipal services, and a third of the estimated 4,000 school children are reported to be studying in substandard classrooms.

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Child labor is not permitted and adequate regulations on working conditions are in effect. Histadrut, the Israeli national labor organization, has taken steps to assure that working conditions for Golan Druze are comparable to those of Israelis.

Urban West Bankers are increasingly sophisticated in their social attitudes, including toward the role of women, but the rural majority continues to hold more traditional social values. There are no legal or administrative prohibitions on the employment of women in the occupied territories, although traditional cultural mores and family commitments limit most to homemaking. Most Palestinian women holding jobs outside their homes reside and work in urban areas. Employment of women is concentrated in service industries, education, and health services, with a small number working in journalism, law, and other professions.

Although women legally have equal access to public education, custom and family pressures limit the number of women in West Bank schools. Even so, female school enrollment is quite high by Middle Eastern standards. A little over 45 percent of the primary and secondary school students are female. While female enrollment at the postsecondary level varies between roughly 30 to 45 percent at coeducational West Bank colleges and universities, a number of teacher and vocational training centers are all male or all female.

There is a wide range of women's cooperative groups for health care, child care, handicraft production, vocational training, and other services. The West Bank-wide Society for the Preservation of the Family is active in supporting women's needs.



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דו"ח מחמ"ד על זכויות אדם - 1985
הפרק על אינו"ש ואזח"ע - הערות

כללי

למרות שיפורים מסויימים לעומת הדוחות הקודמים הרי שהדו"ח עדיין מכיל אותם ליקויים ועיווהים עליהם החקוממנו בשנים קודמות:

1. התייחסות לטענות בלתי בדוקות ול-HEARSAY.
2. קביעות (קונסטטציות) כוללניות כגון "IT IS WIDELY BELIEVED" שאין להן בסיס במציאות, שמאחוריהן מסתתרת יד מקור הדו"ח בקונסוליה הכללית בירושלים או בחושבי השטחים כשכל מגמתם היא להכפיש שם ישראל.
3. אין החשבות בחנאים המיוחדים השוררים באיזור ובמצב המלחמה בו אנו נתונים. ניתן היה להזכיר שדמוקרטיה ישראלית השכילה למרות זאת לקיים אמות מידה גבוהות של שמירה על זכויות האדם וקיום שלטון החוק.
4. הנוהג של מחמ"ד לבקש הערוחינו לדו"ח אחרי מעשה. הדוגמה הטובה ביותר לכן היתה כשעבדו עם השגרירות בווינגטון על הערוחינו לדו"ח 1984 עד לרגע פרסומו של הדו"ח ל-1985 ומביעים עתה נכונות לשמוע הערוחינו לדו"ח 1985 כשהמבט מופנה כבר ל-1986.
5. מגמה להצניע החיוב ולהבליט השלילה אפילו כשברור שפעולותינו לשמירת הבטחון הן תגובה למעשי טרור חמורים, אשר קשה לכנותם פעילות פוליטית תמימה.



להלן פירוט הערוחינו.

1. ראשי ערים (עמ' 1268)
היה טעם לציין שיש בסך הכל 3 ישראלים בתפקיד ראשי ערים. מלשון הדו"ח אפשר היה להסיק שכל ראשי הערים הם לא ערבים.
2. רצח פוליטי וכו' (עמ' 1268). מה הקשר בין POLITICAL KILLING לבין פעולות טרור המוזכרות תחת כותרת זו. אפשר היה לסיים הכל במשפט הראשון.
3. הקדמה (עמ' 1267 פסקה שלישית).
ההסבר בקשר לעמדת ממישראל כלפי תחולת האמנה הרביעית איננו נכון ושלים ויוצר תמונה מסולפת.
4. הקדמה (עמ' 1267 - FRICTIONS וכו')
בישראל לכל קבוצה פוליטית הזכות להתבטא. התביעה לסיפוח מצד "אלמנטים פוליטיים" איננה "סיבה לחיכוכים". סרוב הארגונים הפלשטיניים להכיר בישראל איננו סיבה לחיכוכים בלבד אלא הסיבה לסכסוך כולו מאז ומתמיד.
5. הקדמה - (עמ' 1267 פסקה רביעית)
לגופי הבטחון הנזכרים אין חלק באדמיניסטרציה אלא בשמירת הבטחון. (ככלל - עלינו להתנגד לקביעות כוללניות ובלתי ספציפיות כמו זו שבמשפט האחרון).



6. ענויים (עמ' 1269).
כל האיזכור של "אל-פרעה" מיותר. מתייחס לשנים קודמות והכל כבר הוזכר ונדוש בדוחו"ח קודמים, כולל הבאתם למשפט של האשמים ב-"ABUSES".
7. נוהלי מעצר והודעות על מעצר - יש לבדוק הנוהלים המדויקים עם פצ"ר. מכל מקום - לפי ההסכם עם הצל"א חייבים להודיע תוך 12 יום על מעצר והצל"א מבקר תוך 14 יום. אין זה נכון שיש תקופה של עד 15 יום של אי-הודעה על מעצר.
8. גירושים (עמ' 1270)
המשוחררים במאי 85 לא היו ALLEGED TERRORISTS אלא כאלה שנשפטו ואשמתם הוכחה. ה-31 גורשו לא בגלל שלא היו BONA-FIDE RESIDENTS אלא בגלל הסתננות מזויינת והופעלו נגדם צוי גירוש שהוצאו במקרים רבים עוד כאשר נחפסו ונשפטו.
באותו ענין - לא הייתה שום תגובה פומבית של הצל"א נגד גירושם של משוחררי מאי המסתננים. הצל"א, ידע עוד בשלבי המו"מ לקראת העסקה שלא נרשה לאנשים מקטגוריה זו להשאר בתחומי יו"ש ועזה. אנו נחנו לצל"א זמן לחפש להם ארץ מקלט ואף הארכנו התקופה אך אף מדינה ערבית לא הסכימה לקבלם. צוי הגירוש הופעלו רק אחרי מיצוי אפשרויות אלו וסיום ההליכים המשפטיים בעתירותיהם של המגורשים. לעניין הגירושים בכלל יש להתייחס למסמך היועץ המשפטי של הממשלה מיום 15.2.86.
9. מעצרים מנהליים (עמ' 1270) הדו"ח אינו מפרט במלואם ההליכים המשפטיים והחוקים הקשורים במעצרים אלה ואינו מפרט את אפשרויות הערעור והבדיקה התקופתית של הענין. הדו"ח שוכח לציין גם שמעצר מינהלי מותר ע"פי האמנה הרביעית. (יש להתייחס למסמך שהוכן ע"י היועמ"ש לממשלה מיום 26.1.86).
10. מניעת משפט פומבי הוגן (עמ' 1270-1271)
מתבקשת חות דעה משפטית על הטענות שבפרק. באופן כללי ניתן לומר כמו בחלקים אחרים של הדו"ח שניתנו אמינות ומקום רבים מדי לטענות בלתי מוכחות של הושובים, בעוד שהערוטינו וההתייחסות למצב החוקי במציאות מוצנעות ומנוסחות באופן הפוגע באמינותן.



11. האזנה וביקורת על דואר וטלפון (עמ' 1272)
הטענה שבדו"ח מבוססת על "הנחה נפוצה" בקרב החושבים. שוב קביעה כוללנית, לא מוכחת ומגמתית. איש אינו נחקר על דעות פוליטיות מסויימות. האם מחברי הדו"ח יכולים לקחת על עצמם הצבת הגבול שבין "דעה פוליטית תמימה" לבין דעות הקוראות לטרור ומהללות את מבצעיו.
12. חופש הדיבור והעחונות (עמ' 1272)
הדו"ח אינו מסוגל להכחיש את חופש העחונות במזרח-ירושלים וקיומה של צנזורה בטחונות בלבד. לכן מחפש דרכים ע"י ניסוחים מגמתיים להצניע העובדה הנ"ל ולהבליט ידיעות על פגיעה כביכול בחופש העחונות.
מוזרה הטענה שהגבלות על החזקת חומר כתוב אסור "אינן חלות על ישראלים".
עוד יותר מוזרה התלונה "מצד עורכי דין" שקשה לקבל את רשימת הפרסומים האסורים. "העחונאים" שבמעצר מינהלי לא נעצרו בגלל פעילותם המקצועית.
13. חופש ההתאגדות (עמ' 1273)
מן הראוי היה לציין שהאיגודים המקצועיים ביו"ש ויחס השלטונות אליהם נקבעו ע"י החוק הירדני.
14. חופש התנועה וכו' (עמ' 1274)
יש להעיר שחושבי השטחים חופשיים לנסוע לישראל - לא רק לצורך עבודה.
גם על אזרחי ישראל (ועוד מספר רב של מדינות דמוקרטיות וחופשיות באירופה) חלה חובת נשיאה של תעודת זהווי וכו'.
- בעקבות הרוח הכללית של הדו"ח - גם כאן אי אפשר שלא להחרעם על המגמה להבליט השלילה המועטה שבחן המדיניות הליברלית של ממשל חופש תנועה והצנעת כל החיוב שבה. יש החלמות גמורה מהעובדה שההגבלות השונות הם כורח בטחוני ושהמדינה מנסה להגן באמצעות הגבלות אלו על האוכלוסיה הערבית והיהודית כאחד מפני פעולות טרור שהדו"ח עצמו מזכיר אותן ומונה את קרבנותיהן.
15. כיבוד זכויות פוליטיות (עמ' 1275)
אין כל התייחסות למצב שלפני "הכיבוש". אין איזכור לעובדה שישראל הסכימה במסגרת "קמפ דיניד" להעניק אוטונומיה מלאה שגם היו כרוכות בה בחירות חופשיות ושהדבר הוכשל ע"י חזית הסרוב הערבית. מצד שני, התנאים בשטחים "כבושים" אינם דומים לתנאים באזור "נורמלי" ואין ל"כובש" שום חובה להקים מפלגות פוליטיות או לקיים בחירות ובכלל לקיים שם נוהל חיים דמוקרטי שלא היה קיים חתה המשטר הקודם.



16. עמדת הממשלה כלפי חקירות וכו' (עמ' 1276).
מן הראוי היה שהדו"ח יציין שהצל"א (ICRC) שהוא הגוף הבינ"ל הניטרלי והמוסמך היחידי, פועל מאז 1967 ללא הפרעה ואף בחוקף הסכמת ממשלת ישראל המרחיבה פעילותו לפעמים אף מעבר לנדרש בהחלט לאמנות ג'נבה.
מעצם של שני "החוקרים" מטעם "חוק בשרות האדם" אינו קשור כלל לפעילותם בחור שכאלה. תמיהם על הזכרתם בהקשר זה.
תמיהם כמו כן מההתייחסות לדו"ח אע"ב. הרי ארה"ב בעצמה יודעת מה מידת האובייקטיביות של דיווחים מסוג זה, כנ"ל לגבי דו"ח אמנסטי.

17. מצב כללי, חברתי ותרבותי (עמ' 1276-1278).
א. מתפלאים על הביקורת לגבי הגבלות ישראליות על יצוא תוצרת חקלאית מיו"ש לישראל. אלו מוטלות מטעמים כלכליים בלבד, בעוד שלהגבלות הירדניות אופי פוליטי מובהק.
יצוא תוצרת לירדן נאסר לפעמים אך ורק עקב סגירת הגשרים מטעמי בטחון ולא בעובש על חקירות.

ב. אין זה נכון שבניה בחי חרושת חדשים מוגבלת מסיבות פוליטיות. עד כה דחה המינהל האזרחי רק פרויקט אחד לבניית בית חרושת למלט וזאת מטעמים כלכליים ענייניים. הטענות על הגבלות ישראליות תמוהות עוד יותר לאור מה שיודע המימשל על מדיניותנו לשיפור איכות החיים, השבחים שהשמיע בענין זה ואף לאור הנאמר בפיסקה ג' של אותו פרק בדו"ח הנוכחי.

ג. המשפט על "הקצבה חסרת פרופורציה של מים" שייך לאותה קטיגוריה של קביעות שהדו"ח מרשה לעצמו מבלי לציין כיצד הגיע למסקנתו ומה מקורה.

ד. אותה הערה חלה גם על המשפט בענין "העודות למורים" שהקריטריונים שלהם חורגים "ממיומנות מקצועית" בלבד.

ה. כנ"ל לגבי "פיטורי 18 מורים באל-נג'אח בגלל פעילותם הפוליטית". מי פיטר, מי המפוטרים, כיצד נבדקה טענתם כי פוטרו מסיבות פוליטיות?

ו. לגבי מוסדות החינוך ראו גם מברקנו 544 מה-17 בפבר' ומברק מחני 446 מה-18 בו.

מחזור ממשל
מס' 120.4/מל

שגרירות ישראל - וושינגטון

ט ו ט ס ב ד ק

דף.....מתוך.....דפים

סוג בשחוני... שמור

דחיות... מיידי

תאריך וזיחה... 1515 21 סב 86

מס' מברק

אל:

592

המשרד

מצפ"א. ארב"ל 3

זכויות האדם.

תיקון לשלכם 737.

המדובר בדו"ח השנה שהתקבל עתה ולא לדוח שייצא בראשית 1987.
כלומר הבטחת וילקוקס היא לדון עמנו בהקדם בדו"ח שיצא לאור בימים
אלה ולחקן הטעון תיקון ולא דיון לגבי דו"ח כלשהו לפני פרסומו,
דבר האסור על אנשי מחמ"ד.



מתני

מחזור ממשל מס' 120.4/מל
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בגלל חייב = פלג זכוי
120.4 / 100

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שגרירות ישראל - וושינגטון

סניף

ד.פ. מתוך דפים

סוג כסחוני סודי

דחיפות מייד

תאריך וז"ח 19 1800 פברואר

מס' פנק

אל:

המשרד

472

אל: אליאב, ארבייל 3, מצפ"א

דו"ח זכויות האדם.

הבעתי באזני שיפטר אי נחת עמוקה מהדו"ח, אף כי אמרתי שדבריו שלו בתדרוך כעתונאים של הדובר היו ברוח אחרת. לגופו של דבר אמר שלדעתו נהשוואה לאשתקד הדו"ח טוב יותר, ומאוד מבקש כי נבוא אליו בהערות שורה אחר שורה. בהמשך למברקי מחני, אנא.

רובינשטיין

מ.מ. 29
א.נ. 3
א.א. 1
א.ק. 1
א.א. 1
א.א. 1

משרד החוץ-מחלקת הקשר

נוכח: ששה, מנכ"ל, ממנכ"ל, אלי אב, ארבל, מצפא, ורד, שטחים,
מאסשטחים, טמוריק, העת, הסברה

משרד החוץ-מחלקת הקשר

משרד החוץ-מחלקת הקשר

שמו"ר

1299

** יוצא **

בית מדרש "120.4/1000"
א"ב

אל: וושי, נר: 503, מ: המשרד
דח: ר, סג: ש, תא: 160286, ות: 1700

שמו"ר גיל

מתני

פניה אמריקאית בנושא וכויות-אדם. גרושים. גם למברקיך 839, 190, 322

1. WUKITSCH משגירותם בת"א ניקש להפגש עם מנור ומסר שהתבקש ע"י מחמ"ד להעלות בפנינו את ראגתם: (CONCERN) בנושא הגרושים. מדיניותם שהדבר מנוגד לאמנת ג'נבה סעיף 49. הסביר שהנושא רגיש אצלם כללית לגבי מקומות אחדים בעולם, ולכן אינם יכולים שלא להתייחס לכך בהקשר שלנו.
2. לאחר ההתייחסות הכללית בקש פדטים לגבי ג'אנס. מסדתי בהתאם למברק הסברה-ורד חוום 2068 מ- 26.1 ותוכלו גם מצרכם להשתמש בחומר למסירה בהתאם לשיקולכם. רחיתי בתוקף: הטענות נגד עינויים.

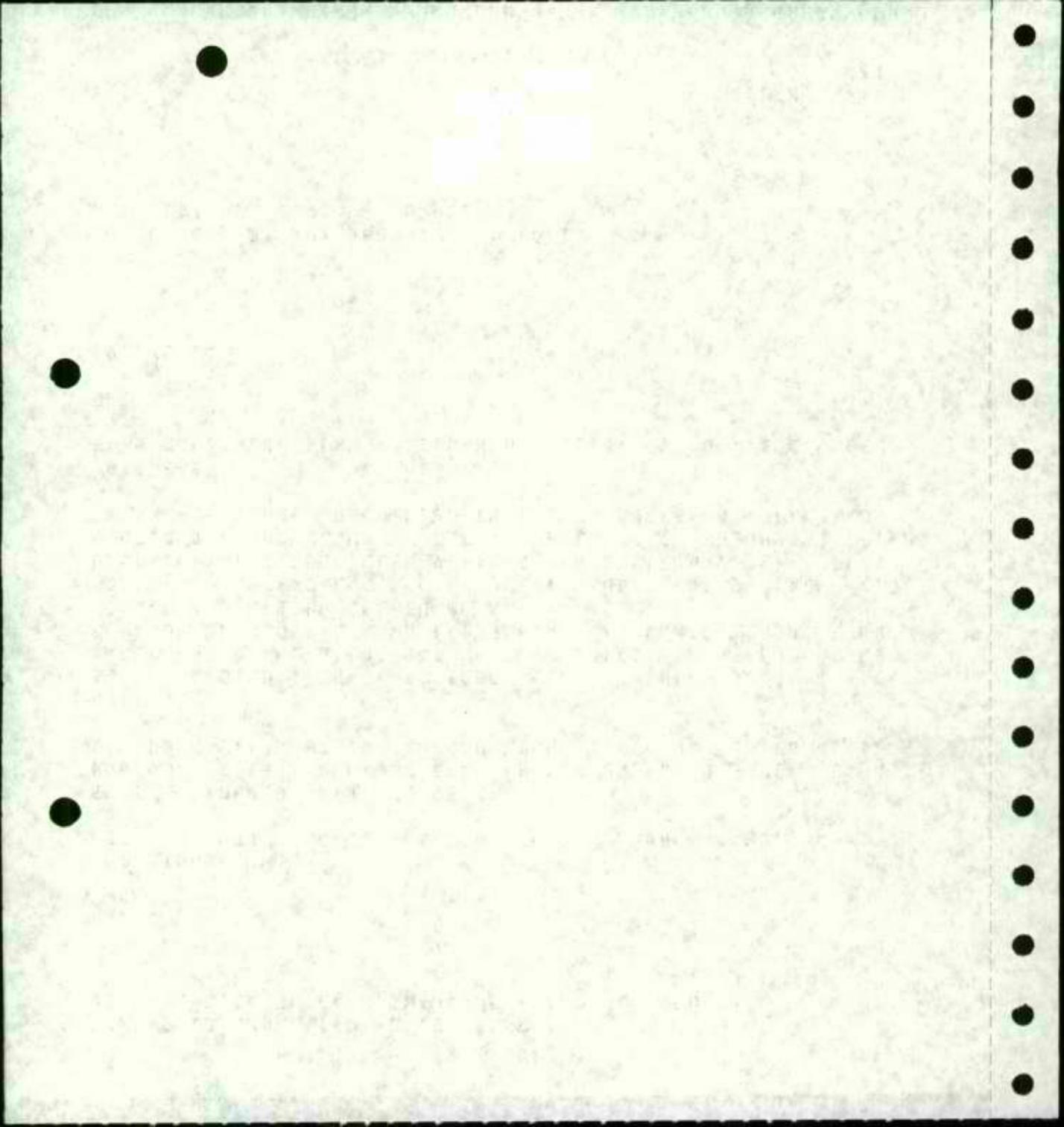
3. מטעם היועץ המשפטי לממשלה נשלחת בימים אלה תשובה לפונים מאמנסטי בנושא הגרושים ככלל וארבעת המגורשים - אבו הלאל, פראג'ה, שטאטיה ושועייבי בפרט.

מעבירים העתק אליכם לשימוש נרחב. העתק שלחתי ל- WUKITSCH

ארב"ל 3

פ: שה, מנכל, ממנכל, מצפא, אליאב, ארבל, ורר, שטחים, מתאשששחים, ר/מרכו, ממו, טייבל, משפט

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משרד החוץ-מחלקת הקשר

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גול חנוכה 10
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מל: וושי, נר: 468, מ: המשרד
דח: ר, 20: ש, תא: 140286, וח: 1400

שמו/רגיל

מתני

מגורשים ועצורים. לשלך 322-1-324.
בנפרד מטיפול ורד ואוביל 3 לגופו, מניח שהנך מדגיש במגעך
בנושאים מסוג זה המשך מאמצי המטרד שנוח הרסן בישראל וכי שיע
נגד יעדים אזרחיים הכולל מעשי רצח מתועבים, הנחת מטעני צר
בשווקים ובאוטובוסים, המפייבים כל מאמץ למניעה וסיכול.
אליאב.

תפ: אליאב, ארבל, 1077

14764, מסמך, תאריך: 1974

ע - בלח מחאה א לכולה
"אק" "1204

שגרירות ישראל - רוסינגטון

ט ז פ ס ט ז ר ק

דף... מחור... דפים

סוג בטחוני... שמור

דחיפות בהול לבוקר

תאריך וז"ח 1340 13 פבר

מס' מברק

אל:

המשרד

376

אל ז - ארב"ל 3

הפרק של יו"ש בדו"ח זכויות האדם 1985

למברקנו 356

נודה אם תוכלו להכין חגובה עניינית ומיידית לאוחן בקודוח שאיננו משלימים
עמן כדי שנאיה מצויידים במידע עדכני ונכון על מנת :
- להגיב עניינית לאגף ז"א במחמ"ד.
- לצייד יזידים בגבעה.
- לשימוש הסברתי עתונאי.

ח ח נ י

ע
ח ח נ י

אזכור | אהבה | אהבה | אהבה | אהבה

ע- מ"מ תתמ"א
 כל ה"מ א"מ
 1204/1986

ס ר י נ
 ד... מתוך... דפים
 סוג בטחוני... שמור
 דחייג... רגיל
 מאריך וזי"ח... 7.1000
 ...

אלו המטרים

אל: ארבי"ל 3
 דע: מצפ"א

זכויות אדם

א. בפגישה עם וילקוקס (6.2) העליתי עניין זכויות האדם וההתרשמות שלנו שגם השנה הדו"ח יהיה ארוך ובו פרטים רבים שבחלקם יהיו מבוססים על HEAR-SAY ולא על עובדות. אמר שקרא את הדו"ח, שהשנה השתדלו לדייק בפרטים ולהמנע ממידע לא מבוסס ושירצה לקבל חגובה מפורטת מצדנו אחרי שנקבל הדו"ח. מכל מקום, אמר שאלמנטים מוטעים כגון TOWN ARRESTS לא נכללים בדו"ח. הם ירכזו בנושא ה- DEPORTATIONS כי הם סבורים שיש דרך לישראל להעניש פושעים וטרוריסטים חוץ מדרך לא "חרבותית" זו. אמר שזה חל גם על מחבלים ששוחררו במסגרת החילופין של מאי 1985. אמרתי לו שבדאי עם קבלת הדו"ח נמציא לו חגובתנו ואהיה מוכן לשבת גם עמו.

ב. בינתיים קבעתי פגישה עם פילור, סגנו של שיפטר ליום ה' הבא ומקווה לקבל אז את הדו"ח.

ג. מסרתי בזמנו העתק התייחסות משרד הבריאות שנשלחה אלי לגבי דו"ח הבריאות שהוכן בסיוע AID. וילקוקס אמר שקרא את התייחסות והעבירן למוסמכים. אמר עוד שגם להם יש ביקורת על הדו"ח מהיבטים שונים ודעתנו חשובה להשלמת התמונה.

מחני

מ"מ 2
 ס"מ 3
 ס"מ 1
 ס"מ 1
 ס"מ 1
 ס"מ 1
 ס"מ 3
 ס"מ 2

ש. קאוו אקוואדוס
לכרואו אב ק 120.4/מ/ס

טגרירוח ישראל - וושינגטון

7

ס ו ש ס
דפ...!...מתוך...!...דפים
סווג בסחונני...סודי
דחיסות...רגיל
תאריך נדיחה...1230 31 ינו' 838
מס' פנקס

אל:

המשרד

אל :- ארב"ל 3

דוח זכויות האדם

1. כל שטנאוו היה מוכן למסור בשלב זה שהשנת הדו"ח על ישי"ע יהיה 11 עמודים במקום 14 עמודים.
2. מנסים להשיג הדו"ח בהקדם ולפני פרסומו בדרכים אחדות ונקווה להצליח לפחות במשימה זו.

מתני

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מס'... 4... 1010... 97
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Q Well, in the US saying that Israel is a democratic society?

SEC. SCHIFTER: Our report indicates, number one, that Israel indeed is a democratic society. We have two reports, one on Israel, another one on the occupied territories. As our report indicates, when it comes to the occupied territories in 1967, there hasn't as that following the occupation of territories in 1967, there hasn't as yet been peace. As a matter of fact, there hasn't been peace since 1948. And when we're dealing with a situation in which we're dealing with the continued existence of a state of belligerence or a state of war, and a matter of military occupation, we deal with special circumstances which are reflected in our reports.

Q Yes, but given that, and the fact that the Israelis maybe feel that they have to take certain measures that are outside the law maybe -- it depends on what your definition of the law is, of course -- but do you think it is fair, when somebody is placed under administrative detention and asked to sign, let's say, a confession in a language he does not understand, that could be held against him and used as incriminating evidence, is that a violation, a basic violation of human rights?

SEC. SCHIFTER: Well, let me say this. First of all, our report does not suggest that we have found that this is indeed the case. If you were to put the theoretical hypothetical question to me, "Would that be fair," we'd say obviously no. Everyone in this room would agree that it wouldn't be. But that doesn't mean that we have credible evidence to that effect. We don't.

Q Yes, I'm Clara Brandabourgh (?). I'm with Search, the Middle East Resource Center. We publish the Palestine/Israel Bulletin. I lived for three years on the occupied West Bank and interviewed a lot of people who had been tortured in Israeli prisons. And what I'm astonished about in this report, and I thought it would change from last year since a lot more evidence is in, the report still says torture is forbidden, and there's no reason to think that it's approved.

But as early as 1979, and then again reprinted in 1980, Alexandra Johnson's report, which she made at the request of her superiors in Washington -- she was stationed in the consul in East Jerusalem, as you recall -- indicated that there were meat hooks and refrigeration cells and electric cattle prods and all kinds of things which didn't fall through the roof. They're there; they're systematically used; there's a pattern which the (inaudible), people have found by questioning dozens, hundreds of prisoners who have been tortured. And I just think it's ingenuous, to say the least, to say we still say Israel denied the charges of systematic abuse. And I think this is just preposterous.

SEC. SCHIFTER: Thank you for your observation.

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MR. POPE: In the back.

Q Continuing on the question of Israel and occupied territories, first of all, I'm still not too clear as to exactly how you are dividing the countries. You say Israel and the occupied territories in one section, then the occupied territories in another section.

SEC. SCHIFTER: Okay, it should be really separate. One deals with Israel within the '67 boundaries; the other one beyond that.

Q What criteria do you use, my question is, in terms of this area? There's been many acknowledgements by officials -- and I can give precise examples -- just today in the Christian Science Monitor the military administrator admitted to about a dozen administrative detentions in Israel proper. Again, there's no mention of it in your report over the year period 1985, and there's not been a year where there hasn't been administrative detentions. If you compare the reports on South Africa and Israel, there's a wide disparity on very similar cases, and some of my colleagues here in the room have already brought these up to your attention, and there are many more that can be brought up. For example, there's no mention of the kind of racism that's implicit in the fact that the Jewish National Fund has 93 percent of the land that you yourself have pointed out. They are not allowed to sell it to non-Jews. And so that pretty much limits the Israeli-Arab movements in that land. That's one example; I don't want to carry on. But what criteria do you use for your reports in this specific case? Thank you.

SEC. SCHIFTER: What you have to understand is that, first of all, anyone who is interested and has a particular point of view will rely on certain information and will assume that certain information is credible, which to others may be questioned. We try our very best to examine the facts and try to assemble the information on the basis of the information that comes to us, in this particular case, from our consular general in Jerusalem.

We also try, in 1,440 pages, to have a more or less uniform standard throughout the world in terms of what it is that you put into 1,440 pages. Obviously -- as a matter of fact, somebody asked me that very question yesterday -- one can write on human rights violations, one could, instead of 1,440 pages, write 30,000 pages on elaborate. What we try to do is to come to some conclusions as to how much detail you get into, and then try to be reasonably uniform about setting, describing human rights violations throughout the world. We can't always succeed in that, but we're trying.

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Q Ben Wiedemann(?) of (Inaudible) Magazine out of London. I just have been leafing through this report and just counting pages, and I noticed that Israel gets twenty-two pages in here, while the Soviet Union gets fourteen and Iran gets eleven. Now just taking that into account, I'd like to know how important really is the information in this report in the formation of US foreign policy?

SEC. SCHIFTER: I don't think that length of reports relates to foreign policy in that regard.

Q (Inaudible) No--as an indication of how much work's gone into doing this.

SEC. SCHIFTER: As far as length is concerned, let me put it to you this way. First of all, in the case of Israel, two separate reports, one on

Israel and one in the occupied territories. The point that was made earlier is that our report isn't long enough. What I tried to say is that we have to try to apply some sort of uniform standard. I also indicated before that by-and-large an open society, an open country, permits you to get more information than a closed society, a closed country; so that in the case of the West Bank, a lot of information available that is attempted to be incorporated here, as distinct from the Soviet Union, where it is much more difficult to gather a lot of details, and under circumstances is more constricted.

I want to tell you, you're making a very good point. I've raised the same question about the relative length of reports. It's a problem. I'm going to continue to work on it.

Q I just wanted to suggest, Ambassador, that with the great concern about terrorism, especially in its Middle Eastern origins, I think the underestimation of the real human rights violations of Israel against the Palestinian people may shield and mask, in some ways, the real sources of this problem, the persecution and homelessness of the Palestinian people.

SEC. SCHIFTER: Thank you.

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מס' 120:4
מס' 2816

פגירורה ישראל - זושין 1950

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אבל 3. מצפא

דוח זכויות האדם-מחמיד

א. שוחחתי הבוקר קצרות עם שיפטר עוזר המזכיר לזכויות האדם. הרשמתי מאי נוחות בדבריו, דהיינו, הרשמתי שהדוח גמור וכנראה לא יהיה שונה מהוחיה מקודמיו. שיפטר אמר כי במידה רבה בא הפעם אל המוכן, מעוניין לעבור עמנו על הדוח כשיחפרסם שורה אחר שורה, כדי להכין את ההתייחסות. זה הבאה. זאת הגמ שכדבריו הקדיש זמן רב לעיין בכך גם הפעם. יש-כך הבנתי מדבריו (וכמובן רצוי מטעמים מורניים לא לצטטו) - אי איזון בכל העניין: התייחס לעיון מחדש בכל הנושא, לאו דווקא לגבי ישראל בלבד אלא גם מדינות אחרות. הערה: החושדי הברורה היחה שאינו מרוצה מהדוח, אך כמובן ישנו מבחינתו מצב עדין.

ב. כשלעצמי אמרתי כי אני מחרשם עלא נשבע נחה גם השנה, כמו בעבר, וחבל (כידוע הושקע במיוחד עי מחני מאמצ לשכנוע בעמדותינו לפי חדרוכיכס) וההתייחסות אלינו היא כשל מי שאיבד משהו ברחוב הסמוך, אך מחפש אורו ברחוב זה כי כאן ישנו פנס-רחוב.

ג. רצויה התייחסות דיסקרטית לשיחה זו.

רובינשטיין .

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מח 2
לש 3
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מח 2

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ש, לכתובת אפי"ב

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ד...!...! דמים
סווג בשחונ'י. ממנה
דחיסות... דליק?
מפריך ודחיסה 21.1.81/19:00
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צבא / 20.4 / מ/מ
צבא / 20.4 / מ/מ

ורד, ארבל 3 מצפ"א

זכויות אדם.

- א. שוב שוחחתי עם סנדאו, אמר שהסיוטה ערס מוכנה אך חייבים להכינה ולהגישה עד יום ו' 30 בינואר.
- ב. כינתיים האגף המשפטי הרף רצון האגף שלהם, מתנגד לקיצוצים בדו"ח, כפי שאגף זכויות האדם היה רוצה וזה ישפיע על הדו"ח שלנו.
- ג. קבענו להפגש שוב, בשבוע הבא, כאשר בידו יהיה אולי נוסח מגובש.

מתני

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משרד החוץ-מחלקת הקשר

ג-גמול אבס

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יוצא

שמור

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מחזור / 20.4 / 25 אבס

אל: ווט, נר: 518, מ: המשרד
דח: ד, סג: ש, תא: 150186, רח: 1700

שמור/רגיל

מתני

דו"ח מחמי"ד על זכויות אדם

1. בקשר למענה על הפסקת מים א באל ערב נעמי (1274): כבר
ענינו שאין לנו נוקטים במדיניות של ענישה כזו.
2. בקשנו מהמינהל האזרחי והם ערכו בדיקה יסודית ממנה מתברר
שבכל חדש מרס 1984 היתה הפסקת מים באל ערב יום חוזר יום
אחד בלבד וזאת כתוצאה מתקלה בצנורות.

3. בדו"ח מחמי"ד נמסר התלוננו על הפסקה של שבועיים. מציעים
להביא לידיעת שיפטר ולנצל זאת בדוגמא טובה למענות חסרות שחר
ומצוצות מהאצבע, ולחזור על בקשתנו שיבדקו הטענות לפני שהם
מביאים אותן בדו"ח. לאחר הפירסום קשה לתקן את הנזק.
ארב"ל 3

תפ: שהח, מנכ"ל, ממנכ"ל, מצפא, ר/מרכז, אמד, אליאב, ארב"ל, ורד,
מתאמטחים, שמורק, הסברה, סייבל, משפט, שטחים

14764 יחידות פת. 14764

משרד החוץ-מחלקת הקשר

שמו

ש - זכרון יאיר

4632

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שלום / 20.4 / צוה לחיות
ציונות אדם

אלי ווי, נר: 470, מ: המשרד
דחור, סג: ש, מאו 140186, וח: 1630
נד: דו"ח וכו' יות אדם

שמו / דג"ל

מתני

דו"ח מחמ"ד על וכו' יות האדם.

1. בדיפ' הטברנו אח החומר שהבטחנו.
2. שרם קבלנו את דשימת הספרים האסודים והדבר יקח עוד קצת זמן (מכל מקום, אינם זקוקים לה בהכנת הדו"ח).
3. כגבי השימואי מאלפניר שנהרג, אין הודעה בכתב של המשטרה ואין שינוי בקטר למסקנות המשטרה קרי, שהוא נהרג כאשר מפל ברימון.

ארבי"ל 3-777

98: שהח, מונכ, ממנכל, מצפא, אליאב, ארנכ, ורד, שטח"ס, סייבל,
שטפס, ר/מרכו, ממד

משרד החוץ - תל אביב 12764

10115 אבא פ
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בד יומא

ש"מ
ש"מ

ד"ח בטבת תשמ"ו
12/1/86

אל : מר ד. מתני, היועץ המדיני, וושינגטון

מאת: ע. סנור, ס/טנהל ארב"ל 3

הנדון: דו"ח מחמ"ד על זכויות אדם

1. בחמסך להתברקות בנדון אני שולח לך:

א. מסמך שהפצנר באו"מ מט' A/40/188 מתאריך 21.3.85 על תנאי חינם של נשים וילדים בשטחים.

ב. העתק מתשובתו של היועץ המשפטי לממשלה אל מזכ"ל אמנסטי, מתאריך 27.1.85 בנושא הפירסום שהפיצו על "מעצר עיר" בשטחים.

בזמנו העברנו את העתק התשובה לנציגות, במקביל למסירה לשיפטר, טציעים שתעבירו אותה לגורמים נוספים במחמ"ד העשויים להיות מעוניינים.

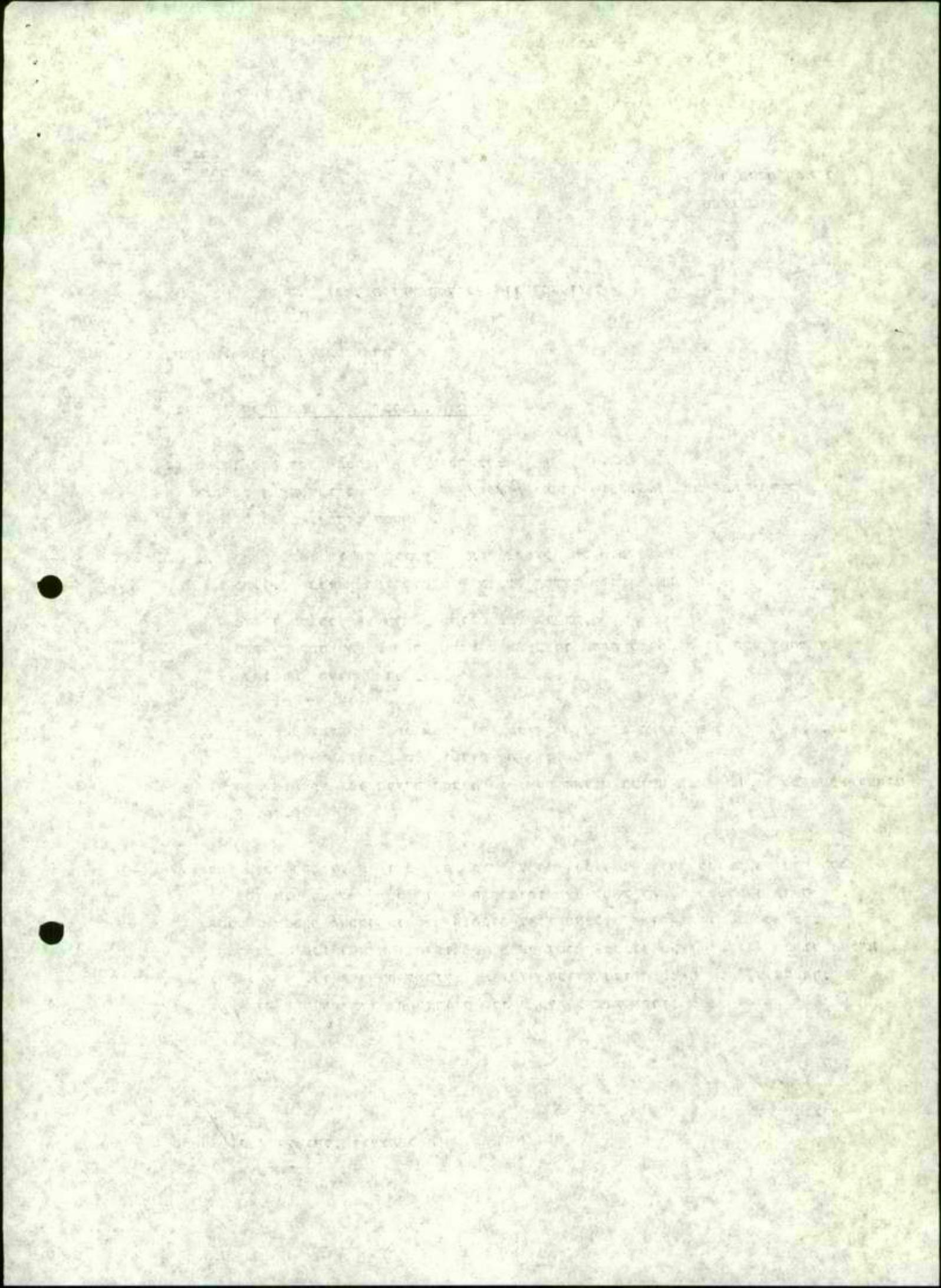
ג. העתק מנאומי טל מנהל ארב"ל 3 בוועידת אונסק"ו האחרונה בטופיה 31.8.85 ובו התיחסות לנושא של מוסדות התינוך.

ד. התבטאות נציגנו בוועדה השניה של עצרת האו"מ בנושא הנאי החיים של הפלשתינאים 29.10.85.

2. כפי שכבר בקשנו, שימו נא לב לנושא דרום לבנון ובמיוחד לנושא של בית הכלא באל-חיאט. הצל"א פנה ובקש התערבות ל אצל אחד לאפשר לנציגנו לבקר שם. אמנסטי מנהלת מערכה עולמית פומבית ואנו מקבלים מאוד פניות בקשר לכך. האמריקנים פנו רשמית ובשיחות עם מתאם ישראל-לבנון בקשו שנסיע בבקור הצל"א בכלא. יש לנו אינטרס לטנוע איזכור הנושא בדו"ח למחמ"ד. (לידיעתך, מתקיימת עתה התיעצויות בדרגים שונים כדי למצוא פתרון לבעיה זו).

ב ב ר כ ה
עוזי סנור

העתק: גבי י. ורד, יועצת לשה"ח
מצפ"א



מדינת ישראל
STATE OF ISRAEL

THE ATTORNEY GENERAL

היועץ המשפטי לממשלה

Jerusalem,
27th January 1985
File No 164.1-219

Mr. Thomas Hammarberg
Secretary General
Amnesty International
1 Easton Street
London WC1X 8DJ
England

Dear Mr. Hammarberg,

Re: Town Arrest Orders in Israel and the Occupied Territories
Amnesty International Index MDE 15/16/84

-1. Introduction:

I would like to respond to A.I.'s paper, "Town Arrest Orders in Israel and the Occupied Territories". As distinct from other A.I. reports on Israel, the author of "Town Arrest" is to be complimented for including in that paper the essence of Israel's responses to earlier A.I. inquiries on this subject. I consider this approach essential for a fair and issue-focused analysis of the difficult issues of police and special supervision orders. The reader is thereby given an opportunity to evaluate both sides of this issue.

I must add, however, that the November, 1984 A.I. Newsletter was less objective in its presentation than either "Town Arrest" or your covering letter. In your covering letter you wrote that "some people may have been so restricted on account of the exercise of their freedom of opinion and expression". The Newsletter, which reaches the greatest number of people, takes a different and biased approach. It states, "AI believes that many have had their freedom curtailed as a punishment for their non-violent activity." In addition, it gives a number of one-sided "case histories" of recipients of police and special supervision orders that present only the side of the restricted individual. It ignores the legal and factual justifications Israel has provided for the orders against particular individuals. It further omits Israel's policy statements from which excerpts are quoted at length in "Town Arrest".

*The term "Town Arrest" is a misnomer. In no way is an individual held under arrest in the common sense of the word. It would be more accurate to refer to the orders by their statutory names: police and special supervision orders. The use of the word "arrest" blurs the difference between administrative detention, which actually involves an arrest and confinement, and police and special supervision orders, which involve only a limitation of movement and not an arrest. Currently, nobody in Israel or the Administered Areas is under administrative detention, although such detention is fully consistent with the Fourth Geneva Convention.

- page two -

Mr. Thomas Hammarberg
London

27th January, 1985

Israel's policy towards the Arab inhabitants of the Areas has been to interfere as little as possible with their day-to-day affairs. Nevertheless, given the dangers posed by terrorism, Israel has, consistent with the Fourth Geneva Convention, found it necessary to use police and special supervision orders in a limited number of instances. Currently, 35 individuals are restricted in this manner in Israel and the Areas. This represents a reduction of nearly 50% in the number of individuals restricted a year ago and is a smaller number than at any time since 1980.

II. The Use of Police and Special Supervision Orders

The description in "Town Arrest" of those affected by police and special supervision orders states that most of the recipients of these orders have been Palestinians and Druze who are critical of Israel and who support the P.L.O. But non-violent political activism, whether by an Arab, Druze or Jew, is not a basis for a police or special supervision order. It is our evaluation that Israel's limited use of police and special supervision orders has had a positive effect on the security situation. Terrorist cells have been prevented from meeting and carrying out their objectives. This goal is reasonable and finds support in international law.

Rather than reiterate the points regarding the use of police and special supervision orders made in the past by the Ministry of Justice, I would like to address some of the points made on the subject by A.I. and add some further information on this subject. In the past year, several significant changes have been made in the law and procedures governing these orders.

First, on 1 September, 1984 a Directive aimed at minimizing the personal inconvenience that may accompany police supervision orders was issued by me. This Directive orders the authorities to use "every possible means of reducing the damage" to the restricted individual's personal life and livelihood. This policy will also apply to recipients of special supervision orders in the Areas. A copy of the English translation of this Directive is annexed for your information.

Second, more detailed information is now provided to recipients of police and special supervision orders regarding the reasons for the order. This information is contained in the order itself and goes beyond the general statement that "security reasons" are involved. Care is taken, however, not to disclose the source of the information where the life of an informant might be endangered. Also, additional information regarding the factual background of the order may often be obtained by the restricted individual simply by writing to the relevant authorities.

Third, special supervision orders now notify the recipient thereof of his right to petition the Appeals Committee.

- page three -

Mr. Thomas Hammarberg
London

27th January, 1985

III. A.I.'s Methodology

A.I.'s primary concern is that "the law gives power of restriction which is very broadly defined and makes no distinction between violent and non-violent behavior." This statement ignores again the nature of the P.L.O., its factions and other similar organizations, in which many of the recipients of police and special supervision orders hold senior positions or are active members.

Israel is a democracy which highly values human rights. The Arab terrorist groups have no respect for either. They understand well, however, how to manipulate organizations like Amnesty International to meet their aims.

It has long been apparent to us that Amnesty International's criteria for determining whether someone has used or advocated violence give peculiar results when applied to members of terrorist organizations. The P.L.O.'s National Covenant states, *inter alia*, that "Armed struggle is the only way to liberate Palestine" (Article 9). This is the overall strategy, not merely a tactical phase. It also calls for "commando action" (Article 10), "armed struggle" (Article 8) and "armed Palestinian revolution" (Articles 10, 15 and 21). The support for an "armed struggle" was recently reiterated by P.L.O. Chairman Yassir Arafat in his opening address to the Palestine National Council meeting in Amman. Likewise, in a statement issued on 1 January 1985 to mark the 20th anniversary of the founding of the P.L.O., Arafat stressed that "armed struggle...has been and will remain the fundamental method of choice and it will be escalated." Arafat, who is sometimes referred to as the leader of the "P.L.O. moderates" by the media, went on to state: "I recommend to the revolutionary generation the path of jihad [holy war] towards Palestine and Jerusalem". Joining the P.L.O. is a voluntary act and persons who take this step are fully aware of the objectives and terrorist methods of this organization.

Instead of assuming the P.L.O. member in question understands and supports the objectives of his group, Amnesty assumes that he is involved exclusively in political rather than violent activities. This assumption strikes us, and some individual Amnesty members with whom we have communicated, as contrary to logic and fairness, given the P.L.O.'s open use and advocacy of violence. These standards, we believe, sidetrack rather than advance human rights.

In "Town Arrest", A.I. offers only the following justification for this policy: that "in some cases restricted persons have told Amnesty International that as members or supporters of the P.L.O. or other illegal organizations they engaged only in political or cultural activities." [emphasis supplied] In our opinion, this is clearly insufficient, even according to the Statute of A.I., and it should not serve as a basis for A.I.'s campaigns in this matter.

IV. The Need for Police and Special Supervision Orders

"Town Arrest" urges Israel to bring criminal charges against those responsible for terrorist activity and incitement to violence. Israel has explained the reasons why this is not always possible and why police and special supervision orders are sometimes necessary and justified. A.I. quotes our reasons and then

- page four -
Mr. Thomas Hammarberg
London

27th January, 1985

international law justification thereof on pages 5-6 of "Town Arrest". I would like to further submit that were this not likely to put the lives of our intelligence sources in danger, we would prefer to follow normal criminal law procedures. Unfortunately, the willingness of our adversaries to assassinate those with their midst who are seen as collaborators makes this impossible. Article 78 of the Fourth Geneva Convention was drafted with this dilemma in mind and expressly permits Israel's practice of selectively using special supervision orders.

It is for this same reason, that is, the protection of our sources of information, that we are sometimes unable to supply A.I. with sufficient specific details regarding the individual's involvement with violence. In some cases, A.I. extends its protection even to individuals against whom such specific details are supplied. For example, "Town Arrest" lists Al Faisal al-Hussaini as one of those who is restricted. However, the full extent of his violent past is not revealed. We have supplied A.I. members who have made inquiry regarding al-Hussaini with the following facts:

1. Al-Hussaini was arrested in connection with the uncovering of a cell of the terrorist organization al-Asifa, which placed a bomb in a cinema in the center of Jerusalem. Weapons were found in his home and he was imprisoned for one year following his conviction.
2. Al-Hussaini set up the first P.L.O. military training camp in Lebanon in 1967. In an interview which he gave to the newspaper Kol Ha-Ir, he described how he went to Damascus and there loaded tons of weapons and ammunition onto trucks which were driven to Lebanon. He explained that these weapons were used to train 1200 P.L.O. terrorists in one month.
3. Recently, al-Hussaini has maintained continuous communications with terrorist organizations who advocate and use violence against innocent civilians. It was because of this activity that he was served with a police supervision order as a preventive measure.

It seems a negation of its principles for A.I. to champion the cause of convicted terrorists such as al-Hussaini on the grounds that they are non-violent.

V. Conclusion

While we acknowledge that A.I. has made a comprehensive analysis of the use of police and special supervision orders in "Town Arrest", we also feel that A.I.'s long-held ground rules for evaluating claims by individuals, against whom such orders are issued, are mistaken. It is still our hope that A.I. will acknowledge that those individuals, who are leaders or members of terrorist organizations, are not non-violent prisoners of conscience, and do not deserve the protection of A.I. according to its own Statute.

Yours sincerely,

I. Zamir
Itzhak Zamir
Attorney General

Encl.
cc: All A.I. Sections
Embassy of Israel

Directives by the Attorney-General

Administrative and Constitutional Law
Defence (Emergency) Regulations, 1945
Restriction Orders under Regulation 110

4th Elul, 5744
1st September, 1984

21.932

Restriction Order under Regulation 110 of the Defence (Emergency) Regulations, 1945, Conditions and Limiting Clauses as to Issue of Order.

1. Regulation 110 of the Defence (Emergency) Regulations, 1945, empowers a military commander to make a restriction order for a period not exceeding one year if he deems it necessary or expedient so to do to ensure the welfare of the public, the defence of Israel, the maintenance of public order or the repression of any uprising, rebellion or disturbance. A restriction order may, inter alia, prohibit a person from leaving, except by written permission of the police, the town or village in which he resides and may also require him to report at a police station at such place and time as the order may provide.
2. Where it has been decided to make an order confining a person to his place of residence, and such decision is likely to interfere with that person's occupation, every possible means of reducing the damage likely to be caused shall be considered.
3. Where, for the purpose of supervising its implementation, a restriction order requires a person to report at a police station, every possible means of reducing the damage likely to be caused to him shall be considered and, in this connection, account shall also be taken of the location of the police station, its distance from the place of residence of that person and the terms of reporting.
4. The above shall not affect the requirements of security or the efficient supervision of the implementation of the restriction order.

24th February, 1985

Addendum

After having signed the enclosed letter dated 27th January, 1985, information was brought to my attention regarding a number of cases mentioned in your Appendix D indicating omissions and inaccuracies therein. The following are only some of the more serious examples:

On page 2 of Appendix D, A.I. states that Walid Kamil al-Hamdallah "faced difficulties in obtaining permission to travel to Nablus and Jerusalem for hospital treatment." In actual fact, al-Hamdallah never applied for a permit to travel for hospital care. Likewise, and contrary to A.I.'s version of the facts on page 11, 'Abd al-Rahman Kraishah never requested a permit to travel for medical reasons.

Also on page 2, A.I. asserts that Dr. 'Azmi al-Shu'aibi "faced difficulties in obtaining permission to travel to Jerusalem for medical treatment." The truth is much more complex. Al-Shu'aibi alleged he had cancer. He applied for permission to travel abroad for treatment. The authorities requested that he supply them with medical certificates documenting his alleged condition and his need to travel abroad for care. Al-Shu'aibi didn't respond for four months. Finally, he did furnish medical certificates, but these stated he had a lung infection (not cancer). He received treatment for his lung infection in a Ramallah hospital from 21, March until 3 May, 1984 and was apparently satisfied with his treatment as he has not re-applied for permission to travel for medical treatment. It should be stressed that the authorities advised al-Shu'aibi both orally and in writing that any application to travel in Israel will be favorably considered provided he supplies medical certificates. Moreover, in all his dealings with the authorities, al-Shu'aibi has been represented by counsel of his choice.

Hassan Abu Libdeh is listed on page 11 of Appendix D. Amnesty states that he "applied for a transfer of the order to Ramallah or Bir Zeit to allow him to continue teaching, but this was not granted." Omitted is the crucial fact that in September, 1983 his renewed order was cancelled and he received permission to study in the United States for three years.

A.I.'s listing also omits mention of the cases in which restricted individuals have presented good cause and been granted a change in the area of restriction or travel permits. For example, 'Ali 'Abdallah Abu Hilal (page 9) recently married a woman from el-Bireh. He indicated his desire to change his residence to that town from Abu Dis. The authorities informed him that if he changes his address in the population register, his restriction will thereafter be to el-Bireh. Sheikh Hamad Sulaiman Khair (page 16) received three permits to leave Nablus to visit family members in Kfar Biton. 'Ali Musa Jaradat (page 18) was not only twice given permits to visit Jerusalem for medical treatment, but on another occasion was allowed to visit his father who was hospitalized there.

We would hope that A.I. will screen its sources of facts more carefully in the future.

I.Z.

לכבוד אבא
לפי
מ/20.4/1515

סגרירות ישראל - ווטינגטון

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ד...!...!...דעים
טוג בסחוני... שמור
דאיפות... ל...?
ממריך ודייה 1515 9133 86
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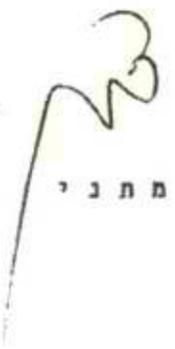
אלו

המשרד

אל -:- ורד - ארבייל 3
דע -:- מצפ"א

דו"ח מחמ"ד לז"א
שלכם 161, 213 ג-261

1. תודה בעד הפרטים ובעד המהירות.
2. בהעדר שיפטר פגשתי את סנואו ושכתי ופרטתי נקודה נקודה כבשלכם הנ"ל. רשם ואמר שיעביר לשיפטר.
3. בינתיים מחכים :- 1. לנייר משרד המשפטים לאמנסטי.
2. רשימת הספרים.
3. פרטים על השימוש במים להתנחלויות.
4. המסמך שהופץ לאו"ם A/40/188 (מנסים גם מנאו"ם)
5. דו"ח על איש אלפג'ר.
4. בכוונתי לשוב אל האגף לז"א לקראת מחצית השבוע הבא לשמוע מהם טוב.


מתני

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משרד החוץ-מחלקת הקשר

ישובים יהודיים באזור סובלים מכך, ואין לדבר על הפסקה
מכוונת של אספקת מים.

ט' : נשתדל להעביר בהקדם.

י' : חופש הפולחן הדתי. יש סלבי'יה במעגל סגור במסגד בחברון,
כאשר המטרה היא לשמור על הסדר והבטחון. מאפשרת מעקב אחר
הנכנסים ומניעת פעילות בלתי-רצויה. אין כאן מקום לטענות אלא
להיפך.

י"א : חיפושים בגשר. תמיד אפשר לשפר. קיימות הוראות קפדניות
לחיילים להשתדל לגרום מי נעימות מינימלית אך כל התהליך
כידוע חיוני למרות שאיננו נעים. לשני הצדדים. הדברים אמורים
גם בנדיקות בטחון שנעשות בשדות התעופה. היו מקרים רבים של
תפיסת חומרי חבלה בחיפושים בגשר ואין לדעת מספרן של הברחות
האמלי'ה שנמנעו מראש כי המחבלים יודעים מה קפדניים
החיפושים.

י"ב : מעבירים בדיפ'י. נסו נא גם בנאום ניו-יורק.
י"ג : מוסדות חינוך גבוה. בודקים ונוודיעכם. בינתיים בדאי
להביא לידיעת שיפטר. כי יועדת התאומי' של הסטודנטים במכללת
אבו ד'יס פירסמה הודעה רשמית (29/12) בגנות ההנהלה, בעקבות
הודעתה על ביטול הסמסטר הנוכחי. באוניברסיטת בית-לחם הכריזו
(28/12) הסטודנטים על שביחת רעב בעקבות כשרון הפגישה בין
סועצת הסטודנטים ו'המועצה האקדמאית' של האוניברסיטה.
הסכסוך באוניברסיטת בית לחם הוא בעיקרו סביב הענין הרעת
תנאיהם של הסטודנטים באוניברסיטה.

3. לסעיף 4 בשלך:

א. העתונאי מאלפג'יר AUFZUG אמר לי בשיחתנו הבוקר שקבלו
בקשה ממחמ'יד לקבל פרטים בנושא ללא קשר עם הבנת
הדו"ח. עורך אל-פג'יר אמר להם שהאיש לא עסק בהכנת מטען
חבלה אלא נחטף לצורך חיטול.

מקוים להעביר אליך בהקדם פרטים מלאים.
ב. איננו יכולים להגיב על טענות כלליות. אם ימציאו פרטים
נבדק בהתאם. בדרך כלל איננו עוצרים אנשים כאלה. יתכן ומדובר
במקרה מסוים בו היו צריכים לחקור אנשים בנוסף על אלה שכבר
נעצרו לצורך השלמת חקירה, אך ודאי לא כעונש על ששאלו אודות
קרוביהם.

ג. מעצרים וגרושים. לידיעתך, השנה התעורר בין השאר גם נושא

משרד החוץ-מחלקת הקשר

גירושם מהשטחים של מחבלים ששחררו במסגרת הסכם החילוץ בין
במאי. אם כוונתם להתיר להם לשוב, אנו מקווים שימצאו דרך להציג
את טיעוניהם ועמדתנו. ביכול נדון הנושא בבג"ץ ובית המשפט
הגבוה לצדק הבריט בכך.

ארבל 3

תפ: שהח, מנכל, ממנכל, אליאב, ארבל 3, ורד, שטחים, מתאססתחים,
סייבל, משפט, מצפא, ר/מרכו, ממד

מל:

חשוד

015

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מיון 10101
פיקוד

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דחירות...
מדין ודיח... 2.1500...
מדין...

צק' מתנה
20.4/מל
מדין...

אל :- ורד - ארבייל 3 - מעסט
183 מלכא

דו"ח מחמ"ד לזכויות האדם
שלכם 16 ו-25

1. חודה בעד חסקירה המפורטה ששימשה מצע יסודי ויעיל לטיעונינו.
2. מייד עם קבלתה, נידון חוכנה ודו"ח מחמ"ד בפרוטרוט עם שיפטר ובנוכחות עוזרו סנואו במסך למעלה משעה וחצי.
3. להלן תגובותיהם :
 - א. הרבה נקודות מקובלות עליהם ולא יופיעו בד"וח הבא. בקשר לכותרות הפרקים השונים, אלה כותרות סטנדרטיות (כגון בשלכם סעיף 1 ד' וסעיף 10) לגבי כל הארצות. הצעתי שתתנה כותרת חשנה קצרה - המציינת שהנושא אינו חל על ישראל (או משהו דומה) ושמו, יבדקו.
 - ב. לגבי נקודה 2 בשלכם. הסברתי בפרוטרוט. שמ על, רשמו ולא הגיבו. נמשיך לבדוק עמם.
 - ג. לגבי סעיף 6 בשלכם ציינתי רשמו ויתקנו.
 - ד. לגבי סעיף 7, ידוע להם ויפעלו בהתאם. כמובן ראו הדבר כהתפתחות חיובית.
 - ה. לגבי סעיף 11, אמר שיפטר שהתרשמותו היא שבמידה מסויימת במקום לחקור (למשל במקרי יידי יידי אננים) מעדיפים "לטרטר" הנערים כדי שלא יעשו זאת שוב.
- שיפטר אמר עוד ששמע ממקור אמין ביותר שמרגע המעצר ועד לרגע שהם מואשמים ממש, היחס אל העצורים **TEND TO BE ABUSIVE**. מבקש החיחסונכם להערתו זאת, מאחר שלהער חי אלק נעניו אמר שלהערתו "חלה חלמעה" שחזירה שיחס כזה אל העצורים סוגע "בכבוד המדינה" יכול לעזור. מכל מקום מבקש לשמוע מאתנו בענין.
1. לסעיף 14, שיפטר מכיר החוברת וקרא אותה. מסרתי עותק לסנואו שלא הכירה.
2. לסעיף 15, שיפטר עצמו מחנגד למושג **Town Arrests** וביקש מעוזרו לדון בכך. התעניין, והעוזר לא ידע, אם השתמשו במושג זה לגבי ארצות אחרות. במחשבה ראשונה הציע אין בידינו חשובה משרד המשפטים לאמנטטי. אנא שילחו.
3. לגבי סעיף 16, בפסקה מדובר גם על הפסקת מים ומבקש לקבל פרטים על כך. (אגב, חזר וביקש נתונים על ניצול המים ליישובינו ביו"ש. אנא זרזו החשובה).
4. לגבי סעיף 17, אמר סנואו שבידט הרשימה הישנה ומבקשים אם ניתן לקבל הרשימה המחוקנת

בית דין...
מדין...
מדין...

ש ו ס

דף.....מחזור.....דפים

טווח בשחונני

דחיות

מאריך דרייה

מס' פנק

2/2 15

מבקשים לדעת מספרם המדוייק של הספרים האסורים.

י. לגבי סעיף 19, יתקנו. לגבי סעיף 20 מבינים.

יא. לגבי סעיף 21. טוען שיפטר שאפשר לחקן עוד באופן שימנע חיבוכים. לדבריו, הנביה ידועה לו מימי היותו בצבא.

יב. לגבי סעיף 22, אין בידינו המסמך המוזכר, אלא העבירוהו.

יג. לגבי סעיף 23 שיפטר וסנאו מבקשים פרטים : כמה פעמים ולכמה זמן נסגרו מאוניברסיטאות ע"י ההנהלות שלהן וכמה פעמים ולכמה זמן ע"י המשלשס האמריקני.

4. הערכות ובקשות נוספות :

א. מבקשים ההודעה הרשמית של המשטרה בדבר מותו של איש אלפג'ר, חסן עבד אלחלים.

ב. סנאו מבקש לדעת היש אמת והיש פרטים על טענות שהגיעו אליהם כאילו קרובים של אנשים במאסר הבאים לשאול על קורביהם, נעצרים גם הם למשך הלילה לחקירה.

ג. כללית אמר שיפטר שהדו"ח הפעם יחרכז על מעצרים וגירושים.

מ ח נ י

א"י לר"ו א"א
 פ"ב // //
 ב"ד י"ח
 20.4/166
 3/12/85

משרד החוץ - מחלקת הקשר

טופס מבדק צפוי

דפים 5 סחוד 1 97
 סיווג בטחוני: שמר
 דחפוח: 3"11
 תאריך זמן רישום: 011230
 מס. מבדק: 16

3"11

20 אל
 רושנינגטון

מתנד

דו"ח מחמ"ד על זכויות אדם בישראל ובשטחים. בהמשך להתברקותנו בנושא.

- לפני התיחסות מפורטת לנושאים השונים שבדו"ח (להלן) מבקשים שתדגיש בפני שיפטר שוב:
 - המקום הרב המוקדש במסגרת הדו"ח לפרק הישראלי אינו עומד בשום יחס למקום המצומצם יחסית של מדינות אחרות. העובדה שבישראל חברה פתוחה ואנו מאפשרים ביקורים ואיסוף חפשי של אינפורמציה אינה צריכה להביא לפרדוקס שהדיווח עלינו ארוך יותר לעומת לרב וכו'.
 - ישראל נמצאת במצב מיוחד ובמאבק מתמיד נגד טרור הן בישראל הן בשטחים והן במטרות ישראליות מחוץ לגבולותיה. ברור שלמדינה הנמצאת במלחמה כזו יש להתיחס בסטנדרטים שונים מאשר למדינה אחרת, כאשר באים לדון ולבדוק נושא זכויות אדם.
 - אנו חוזרים ומבקשים שתנתן לנו אפשרות להתיחס ולהעיר לטיעות הדו"ח לשנת 1985. במקומות שהם מתייחסים ל- ALLEGATIONS כמו בדו"ח הנוכחי יתכן ויהיה אפשר להמציא גירסה מוסמכת ומפורטת. אין מקום, לדעתנו, להתיחסות שלהם לנושאים שונים ממקור שני ושלישי, כאשר אנו מוכנים להעמיד לרשותם את המידע הנחוץ.
 - מבקשים שיקפידו על השימוש בלשון לא מגמתית וכן בניסוח הכותרות. לעתים שימוש בניסוח שונה עשוי להאיר את ההתיחסות בצורה אחרת לא כל כך שלילית מבחינתנו. לדוגמא, הכותרת בעמ' 1274: DENIAL OF FAIR PUBLIC TRIAL. אין למעשה בתוך הפיסקה התיחסות לשלילה כזו והרי אנו ידועים במערכת המשפט שלנו. מדוע איפא לנסח כותרת שלילית. דוגמא אחרת בעמ' 1270 בפיסקה הרביעית ההתיחסות לאוכלוסיית השטחים הערבית כ: INDIGENOUS ARAB POPULATION.
 - "דרום לבנון" עמ' 1260. אנו מקוים שלא תהיה התיחסות לנושא מלבד ציון העובדה של יציאתנו. לידועתך, הצל"א (במערכה שקטה בילטרלית) ואמנסטי (במערכה פומבית עולמית) מבקרים אותנו קשות בנושא בית המעצר באל-חיאם ולוחצים שנשפיע על גנרל לחאד שיאפשר ביקור נציגי הצל"א שם.

השולח: 2 3 1 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

תאריך זמן חיבור (ימולא עיי השולח) 4
 משפט מל"א 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

אישור מנהל המחלקה: _____
 אישור לשכת המנכ"ל: _____
 (לציון תאריך זמן העברה לקשר)

משרד החוץ - מחלקת הקשר

טופס מברק צפ-1

דפים 5 מתוך 2 דף

אל

סיווג בטחוני:

דחופות:

- 2 -

011230

תאריך וזמן רישום

שימוש
סה
הקשר

16

מס. מברק:

מדיניותנו: יצאנו מלבנוך ואיננו אחראים לנעשה באל-חידאם. אל נא תעלה את הנושא ביוזמתך, אך אם יתעורר תוכל להגיב בהתאם.

להוציא רבה דרביה האוכנית לסיגור - מלחן האלק והואל ע' חבי ארזוני

3. "רציחות פוליטיות" עמ' 1261: אין אצלנו דבר כזה. א. לסעיף

קטן A: הנושא של הריגת שני הטרוריסטים באפריל 1984 נסגר.

ב. לפסקה השניה - צורם כמובן השימוש במונח "טרוריסטים יהודיים" הן במסגרת הפרק כולו והן במסגרת פעולות הטרור הערביות. זו דוגמא נוספת לניסוח מגמתו שאיננו חושבים שהוא במקומו.

4. מחנה מעצר אנצאר. עמ' 1262 פסקה שניה. הנושא נסגר.

5. הכמר האנגליקני. עמ' 1265. הברקנו פרטים בנפרד

6. עתיד השטחים. פסקה ראשונה עמ' 1271: איננו מבינים הרלבנטיות של המשפט המופיע

(להלן) בדו"ח על זכויות אדם וזו דוגמא נוספת ללשון מגמתית:

SOME ISRAELI POLITICAL FIGURES AND GROUPS REPEATEDLY ASSERT.....

7. בחירות מוניציפליות. עמ' 1271: לשכת המסחר בשכם (שהיא גוף נבחר) נכנסה לתפקידה

ב-19.12.85 כמועצת העיר, והיו"ר שלה, שהוא גם הסגן של ראש העיר הקודם, נכנס לתפקידו כראש עיריית שכם.

8. הגבלות על סטודנטים וחברי פקולטה: עמ' 1271. חשוב להדגיש בנושא זה כי התערבות

שלנו בנעשה בין כתלי האוניברסיטאות (שקמו רק לאחר 1967) היא אך ורק במקרים של

הפרות סדר ופעילות שאינה עולה בקנה אחד עם פעילות אקדמית. לא נוכל כמובן לעמוד

מן הצד כאשר האוניברסיטאות מנוצלות לפעילות הסתה וטרור. לאחרונה נמצא

באוניברסיטתו מאנג' אח ~~החברות המלמדנות כיצד להכין חמיל חבלה, פגזים, טילטאות~~

~~למדי וכו', כך נמצאו פוזרות הקוראנו לאלימות ומי.~~

חשוב לציין שלמרות התנאים הקשים אנו היינו אלה שפתחנו ומאפשרים את הלימודים

באוניברסיטאות.

השולח: _____ אישור מנהל המחלקה: _____ אישור לשכת המכיל: _____

(לציין תאריך וזמן חצירה לקשר)

תאריך וזמן חיבור (ימולא ע"י השולח)

דף 3 מתוך 5 דפים

אל

סיווג בטחוני:

דחופות:

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תאריך וזמן רישום 011230
מס. מברק 16

9. ענזורה: עמ' 1271. הענזורה היא רק בטחונות. קיום הסכם המאפשר להפיץ את עתוני מזרח ירושלים ביהוד"ש. *עמ' 1271 ועי' אונ"י יק ע איוני לכו. א-8 - עזר - א-8*
10. "נעלמים" עמ' 1272. לכתרת קרנוטציה שלילית המזכירה התיחסות לנעשה באמריקה הדרומית כאשר ברור שאיך שום דמיון בין מה שנעשה שם לשני המקרים המוזכרים בפרק. התייחסות בפרק זה "מחשידה" אותנו במעשים כאשר איך לכך בסיס עובדתי. בנושא הגרפה כרותת הראש הברקנו בנפרד ואף בקשנו בזמנו למחות על כך שלא נעשה אתנו ברור מוקדם. על העתונאי מאל-פג'ר קבלת פרטים בנפרד.
11. טענות על הודאות שהוצאו כביכול בכח. סוף עמ' 1272 וראשית עמ' 1273: תמהים על המסקנה שהגיעו אליה. דוקא משני המקרים המצוינים ניתן להסיק ההיפך: כיצד כל מקרה נחקר ביסודיות ואנו מתיחסים ברצינות לטענות אך ברב המקרים איך הנוכחות שההודאות הוצאו בכח, וידוע שזו התנהגות מקובלת אצל העצירים, כדי להצדיק את ההודאות בפני חבריהם ולמנוע מעשי נקם נגדם.
12. "האזרח האמריקני" בפסקה השניה (עמ' 1273): בידכם ההתברקות בקשר למייק פנצור. כאן המקום לציין שלמרות האישור ניתן לו לבא, החליט לבסוף לא לבקר.
13. השביתה בבית הכלא בשכם. עמ' 1273. הנושא נסגר ואיננו חושבים שיש מקום להתייחס יותר לכך.
14. מעצרים עמ' 1273: ראוי בא התייחסות במסגרת הפירסום שהפעננו THE RULE OF LAW IN THE AREAS ADMINISTERED BY ISRAEL. יש בה התייחסות לנושאים אחרים (מערכת המשפט, פתוח חקלאי, אמצעי ענישה חרויות בסיסיות וכו'). בנושא מעצרים נגירושים קבלתם בסגור חמור עדכני.

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אל

דפים 5 מתוך 4 9ד

סיווג בטחוני:

- 4 8 -

דחיפות:

תאריך וזמן רישום 011230
מס. מברק 16

לימים
מח
הקשר

15. TOWN ARREST עמ' 1274. אנו מתנגדים לשימוש במונח זה. קבלתם

בנפרד את העתק השובתנו לאמנסטי (שנהל נגדנו מערכה עולמית בעניין) שנשלחה ממשרד המשפטים, ומציעים להעביר לידיעת שיפטר.

16. עצר במחנה פליטים. עמ' 1274 פסקה שניה. אין להתעלם מהרקע הבטחוני לעצר. הוא נעשה כדי לסכל פיגועים עתידיים או לצורך חיפושים לאחר תקרית ולא לשם ענישה. לאחרונה נעשו חיפושים בכפרים (עם הטלת עזר אל לילי) ובסריקה מבית לבית נמצאו נשק, חמרי חבלה וחמר הסתה.

17. איסור על הפצת פירסומים. עמ' 1276 פסקה אחרונה. המדובר בכ-300 חוזר 300, המכילים חמר אנטי ישראלי ואנטישמי מובהק (דוגמא: "הסנחר מונציה" עם הקדמה אנטישמית).

18. "שרות העתונות הפלשתינארי" עמ' 1277: פועל. (לידיעתך, הנושא של סגירת "אל-מנאר" - עתון החזית הדמוקרטית, נמצא בדיון בפני בית המשפט הגבוה לצדק).

19. איגודי עובדים, עמ' 1277. יש ארבע פדרציות (ולא שתיים). אין שום מניעה לפעילותן אם חוזר אם עוסקות בענייני עובדים וכו'. עובדה שחבריהן נפגשים, ומתקיימות בחירות. אך אם עוסקים בדברים אחרים שבינם לבין קידום האינטרסים של העובדים אין ולא כלום, כמובן שאנו מתערבים ולא נניח לארגונים אלה לשמש כיסרי או תשתית לפעילות אירגוני טרור.

20. חפש הפלחן הדתי. עמ' 1278. הרקורד שלנו הן בירושלים והן במקומות אחרים גלוי

בזדוני. תחת שלטון ישראל גויסו כל בני הדתות טרופש פלחן מלא. טענות המרפתי קנטרניות. אמצעי הבטחון ננקטים במקומות הקדושים כדי להבטיח את הסדר ולמען המעוניינים עצמם. ב-27.4.84 חשפו גורמי הבטחון קשר, לו היו שותפים כ-15 איש, לפוצץ את מסגד כיפת הסלע בהר-הבית. כל הנאשמים הורשעו ע"י בית המשפט המחוזי בירושלים בעבירה של קשירת קשר לביצוע פשע; אחזקה והובלה של נשק, וחלקם אף

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השולח: אישור מנהל המחלקה: אישור לשכת המנכ"ל:

(לציון תאריך וזמן העברה לקשר)

תאריך וזמן חיבור (ימולא ע"י השולח)

דפים 5 מתוך 5

אל

סיווג בטחוני:

דחיפות:

- 5 -

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תאריך וזמן רישום

16

מס. מברק

ליסינג
מח
הקשר

הורשע בגין גניבת חומר נפץ והשגת משתיקי קול. גזרי דין של עונשי מאסר שונים הוטלו עליהם, בין 15 חדשי מאסר בפועל ל-7 שנות מאסר בפועל - נתנו ב-22.7.85.

21. חיפושים על העובדים בגשרי הירדן. המדובר בחיפוש מטעמי בטחון כדי למנוע הברחת חמרי חבלה. מעשי הטרור בשטחים מוכיחים עד כמה נחוץ חיפוש זה שבנדאי איננו נעים, אך חיוני.

22. איכות החיים ביהו"ש. עמ' 1281.

א. מפנים תשומת לבך למסמך שהפצנו באו"מ מספר A/40/188 מ-21.3.85 על תנאי החיים כולל מים וחקלאות. מניחים שמצוי בידכם ומציעים לתת שיפור.

ב. כנ"ל לגבי חוזר הסברה על איכות החיים בשטחים שקבלתם בפנד. כדאי לציין שב-1985 הוכנסו 40-50 מליון דולר לחדש לצרכי פיתוח בענפים שונים.

ג. בנושא השירות החקלאי כדאי לציין שכתוצאה מפיתוח עלה הייצור החקלאי בשטחים וכך נוצרו עודפים ומכאן בעיות השירות. זו תופעה הקיימת גם בארצות אחרות. ישראל משתדלת לסייע באירגון השירות, אך בהחלט יש בעיות אבל לא כתוצאה מענישה.

23. סגירת האוניברסיטאות. עמ' 1282. התיחסנו כבר לנושא. יש להוסיף שהאוניברסיטאות נסגרו גם ע"י ההנהלות (ללא כל קשר אלינו) בגלל התנהגות הסטודנטים והעובדים. גם סגירת סוגרת מוסדות חינוך בגלל גורמים פנימיים, ללא קשר אתנו.

פרט קב"י

ארב"ל 3 - ורד - משפט

השוח: ערזי מנור אישור סנהל המחלקה: אישור לשכת המנכ"ל: (לציין תאריך וזמן העברה לשור)

81/12/85

תאריך וזמן חיבור (ימולא ע"י השולח)

משרד החוץ-מחלקת הקשר

ג'קצלוול אדס

8826

** יוצא

7100

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גמ/20.4/198
גמ/20.4/198
גמ/20.4/198
גמ/20.4/198

אכ: 115, נרו: 758, מ: המשרד
דח: מ, סג: 8, מא: 271285, וח: 1500

סטוד/מיידי

מתני

דו' אגף וכויות שלך 566

א. לא חוזר לא קבלנו הדו' הנוכחי להתייחס אליו במבוקש על
ידך. שלח נא.

ב. לשאלותיך הספיציפיות:-

1. שאלה (נ2) אינה ברורה. אנא הבהר.
2. שאלה (נ3) בני'ל.

3. שאלה (נ1) הנריקך פרטים בתחילת השבוע הבא.

ג. לטעמי ד' - ליד גופת האיש נמצאה ניצרה של דימון ורסיסים
אחרים, ופצעים בפניו, בידיו ובחזהו. לפי כל הסימנים הדימון
המפוצץ בידיו בעת שטיפל בו. עיתונאים ערביים פרו-אשפיי'ם
מוסיים להפוך אותו לקדוש מטונה ומנצלים האירוע לצרכי
תעמולתם.

ורד - אדב'ל 3

גפ: שהח, מנכל, ממנכל, ורד, שטחים, מתאסשטחים, סייבל, משפס,
אליאב, ארבלו, ארבלכ, ר/מרכו, ממד

ש- זכויות אדם בלוי

משרד החוץ-מחלקת הקשר

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7000

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מחלקת הקשר
120.4/מ66
פסל

אלו ווס, נרו 583, מ : המשרד
רחו ר, סגו ש, תאו 201285, וחו 1600

שמוד/רגיכ

מתני.

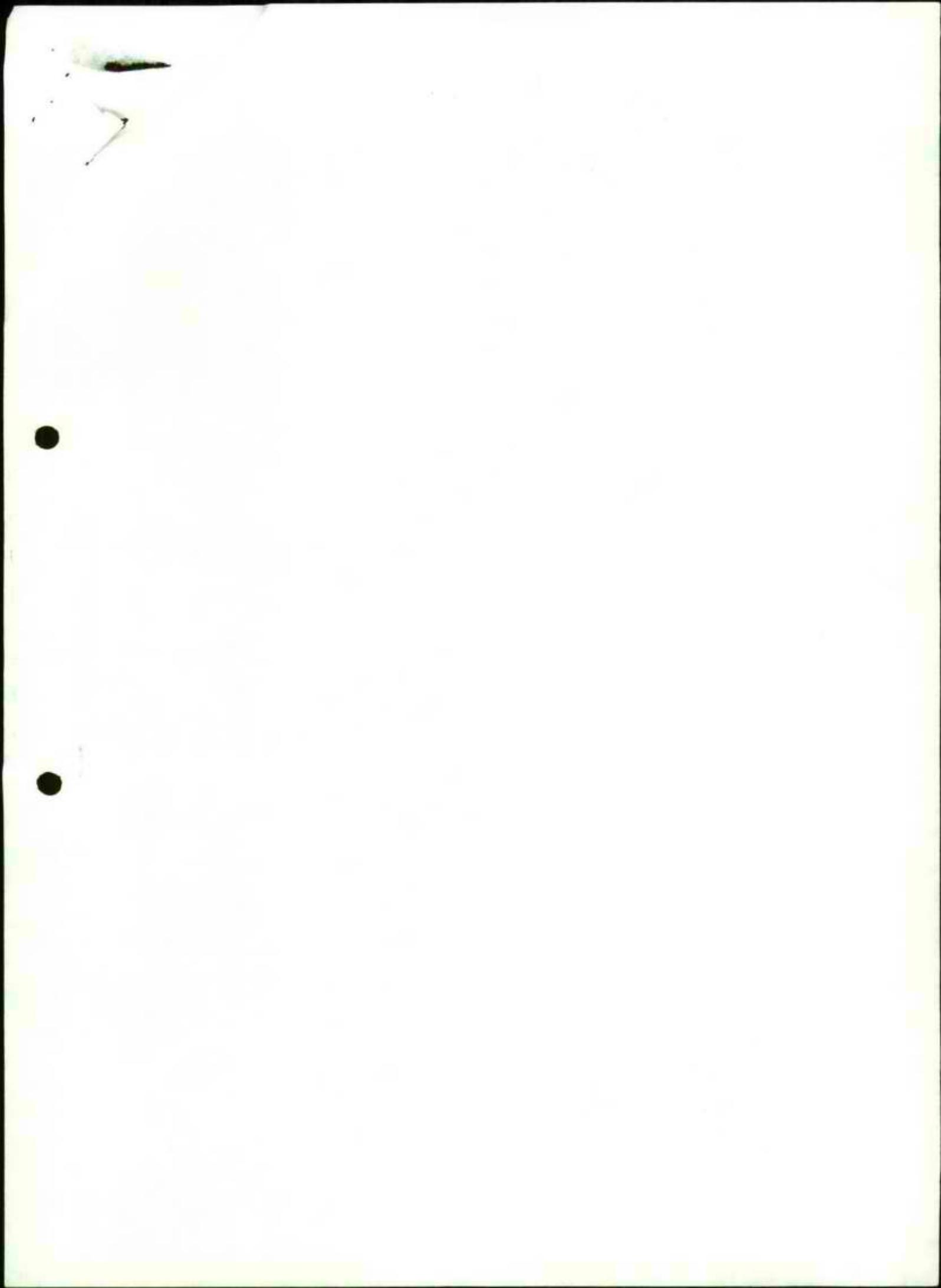
דו'ח מחמ'ד על זכויות אדם. שך 366.
לקראת פגישותיך בשבוע הבאי-

1. בוסנו דמו לנו, MUSKITSCH מסגרידותם כאן שימליצו לכצר את הפרק של ישראל בדו'ח הקרוב ורצוי שתתיחס גם אתה לנושא הדו'ח שכוונותיו אמנם טובות, משמש נשק בידי הערבים וממכיהם. גם אחרים הקוראים אותו 'מחשמים' מ-24 העמודים שהוקדשו לנו בדו'ח ל-1984 לעומת 14 לאיראן, 13 לעיראק 8 ללב וכו'. לא כל אחד מבין שמימדי ההתייחסות לישראל מקורם בעובדה שניציגי ארהב יכולים לאסוף כאן חומר באין מפריע ושאלנו בחברה פתוחה איננו מונעים מנציגים זרים נכולל ארגונים בינ'לזלכבל מידע ולהתרחש במו עיניהם מהנעשה. הפרדוקס הוא שדווקא משום כך אנו 'זוכים' להתייחסות מעל ומעבר בדו'ח מחמ'ד.

2. אנו ודאי חלוקים לגבי נושאים שונים אך מבקשים שלפחות יבדדו אתנו לפני פירסום הדו'ח פרטים הנוגעים למקרים ספציפיים.

בדו'ח ל-1984 החיחסו לנושא גופה כדומת ראש נעמ' 1272. דאה נא הפרטים נמברקנו אליכם 671 מ-31.3.85. היתה כאן הצגה בלתי אחראית משוללת יסוד של ארוע שלא בדקו מהימנותו בטרם פירסמו. אנו מקוים שימנעו מכך בדוח הקרוב. MUSKITSCH אמר בפגישה אתנו ב-13 שהם נענים לכל הפניות ששואלים אותנו, אך עד כה טרם פנו בקשר לדו'ח ל-1985.

3. לא העברנו הערות מפורטות לדו'ח 1984. לגבי נושאים כלליים המועלים נמעט בכל דו'ח שלהם, ראה נא מברק ששחיס אליכם 461 מ-13.12.83 ותדרוכים מאוחרים יותר במכלול נושאים אלה שנשלחו אליכם באופן שוטף.



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THE OCCUPIED TERRITORIES

The territories which Israel has occupied since 1967 consist of the West Bank, East Jerusalem, the Golan Heights, and the Gaza Strip. The West Bank and Gaza remain under military government. Israel regards East Jerusalem and the Golan Heights as subject to Israeli law, jurisdiction, and administration.

The U.N. Security Council and General Assembly have adopted resolutions, in which the United States concurs, asserting that Israel's presence in all these territories is that of an occupying power. As such, Israel's governance is subject to the Hague regulations of 1907 and the 1949 Fourth Geneva Convention concerning the protection of civilian populations under military occupation.

Israel declares that it voluntarily observes most of the Fourth Geneva Convention's provisions with respect to the West Bank and Gaza, even though it does not accept that these areas are within the purview of the Convention. Major differences have arisen in regard to the applicability of these provisions to the introduction of civilian settlers and to the use of collective punishment.

The complex human rights situation of the occupied territories, particularly in the West Bank where the majority of the settled Arab population is located, is largely the result of friction between occupation authorities and the indigenous Arab population. Israel implements its policy in the West Bank and Gaza through separate civil administrations. These were created in 1981 and are under the control of the Defense Ministry. They are staffed by military as well as civilian personnel. Israel's national police, border police, security service, and the Israel Defense Forces (IDF) all have a role in the administration of the occupied territories. Although the national police, which includes local Palestinians in its ranks, is seldom the target of criticism, there are frequent complaints by West Bankers and Gazans about the actions of the other organizations.

In February 1984, the Government released the report of a 1981 commission of inquiry headed by Assistant Attorney General Yehudit Karp into law enforcement in the occupied territories. This report pointed up difficulties in investigating accusations of violence against Arab residents by Israeli military personnel, border police, and settlers. The Commission found many instances in which cases were dropped, investigations were not concluded, or external interference by military government personnel affected investigations. Although written in 1982, the Karp Report remains a statement of Israel's continuing difficulties in providing equal treatment and police protection to all inhabitants of the occupied territories.

Israel has continued to expand Jewish settlements in the populous areas of the West Bank. The Palestinian inhabitants are concerned that settlements and associated practices, including the evolution of a different system of laws for settlers, might be intended to lay the groundwork for eventual annexation of the West Bank and Gaza. This concern was exacerbated by statements by the former government that, at the end of the transitional period called for in the Camp David Accords, Israel would assert its sovereignty over these areas. (The Camp David Framework provided for a five-year

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THE OCCUPIED TERRITORIES

transitional period for the West Bank and Gaza, during which negotiations are to take place to determine their final status.) Some Israeli political figures and groups repeatedly assert that the West Bank is an integral part of the land of Israel which may never be relinquished to Arab control.

Civil Administration authorities have attempted to reshape local politics, particularly by blocking the influence of the Palestine Liberation Organization (PLO) and by promoting an alternate leadership. Israeli support of the Village Leagues, West Bank quasi-political organizations, continued to diminish in 1984 and the Leagues are no longer a significant factor in West Bank politics.

Israel permitted West Bank municipal elections in 1972 and 1976 but postponed, without rescheduling, the elections to be held in 1980. Since then, the occupation authorities, citing security considerations, have removed elected and appointed officials in the West Bank and Gaza. Israel has allowed the establishment of four universities in the West Bank where none existed before (as well as a university in Gaza) but has restricted student and faculty members and activities which it regards as threatening to its security. Israel permits criticism of its policies by the East Jerusalem-based Arabic press but has often censored articles and editorials on stated security grounds and restricted the circulation of Arabic publications in the West Bank and Gaza. It has also imposed broad restrictions on speech and assembly in those areas.

Arab and Jewish residents continued to suffer from terrorist acts in 1984. Responsibility for acts against Israelis was claimed by Palestinian organizations outside the occupied territories. During 1984, four Israeli groups were arrested by security forces for terrorist acts against Arab residents of the occupied territories.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killing is not condoned by the Israeli Government. There have been, however, deaths and serious injuries as a result of terrorist acts. At least six Israelis were injured by gunfire attacks on their vehicles. Two Arab bystanders were injured mistakenly by Israeli return fire in one incident. Approximately 20 Israelis were wounded in rock or Molotov cocktail attacks. Several Palestinians were killed in clashes with security forces, including one Palestinian youth during a demonstration at Bir Zeit University in late November.

There were numerous acts of arson, vandalism, and bombings against both Israelis and Arabs during the year. Palestinian organizations outside the occupied territories generally claimed responsibility for acts against Israelis. In March, three IDF soldiers and several local residents were wounded by a grenade thrown at an IDF patrol in Gaza. Also in March, five supporters of the Israeli Kach movement ambushed an Arab bus, injuring several Arab workers. The perpetrators were subsequently arrested; three have been convicted and one acquitted because the fifth defendant, who had earlier turned state's evidence, has fled Israel.

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In June, police arrested 34 Israeli citizens for complicity in the placing of bombs on five Arab-owned buses in Jerusalem, the 1980 car bombings which maimed two Arab mayors and an Israeli army sapper, conspiracy to blow up the Dome of the Rock, and on other charges. Also in June, two Israeli settlers were convicted of complicity in the 1983 murder of a 9-year-old Nablius girl. A third suspect, accused of actually shooting the girl, remains on trial.

In July, several Gaza youths received sentences of up to 15 years for throwing grenades at IDF patrols and attempting to assassinate the deposed mayor of Gaza.

In August, the Bethlehem area head of the Village League and two of his sons were convicted of the attempted assassination of Bethlehem mayor Elias Freij. Several other Village League leaders remain under investigation on possible murder and other serious charges.

b. Disappearance

There were two claims of disappearance resulting in the murder of West Bank residents during 1984. Neither case has yet been resolved. On April 12, Nabil Ahmad Falayfal, a professor at Bir Zeit University was taken from his home by unidentified men. His body was discovered 16 days later. The press reported allegations by his wife that she believed security forces had arrested her husband.

Billal Najjar, a resident of Burin village and student at An Najah University in Nablius, was reported missing on March 16. His decapitated body was later found. In October, an Israeli attorney representing his family petitioned an Israeli district court for an inquiry into the alleged role of Israeli security forces in his disappearance. Friends and relatives have claimed that he disappeared while in the custody of security forces.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Israeli law and there is no evidence that torture is condoned by the Israeli authorities. Several Israeli border and national policemen were convicted of abusive use of force against Arab prisoners during 1984. On March 5, 1984, a Farah prison official was convicted of beating Arab detainees. In June, two IDF officers serving in Gaza were prosecuted for beating and blinding in one eye a Gaza resident they were questioning. On September 18, two Israeli policemen were indicted for severely beating an Arab attempting to visit a relative at Jerusalem police headquarters. On September 19, a second Farah official was sentenced to four months imprisonment for obtaining confessions by force. On October 15, four border policemen were convicted for the 1981 beating of a Tulkarm youth.

The Supreme Court twice during the year ordered the withdrawal from evidence of confessions by West Bankers on the grounds that they appeared to have been obtained by force. On June 19, a 15-year-old Farah prison detainee's confession was ordered withdrawn when the court found the prosecutor's explanation of his numerous cigarette burns unsatisfactory. The confession of a second Farah detainee was ordered withdrawn from military court consideration on the grounds it

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was obtained by force. These court actions lend credibility to other allegations of prisoner abuse at Farah publicized in April by the League for Human and Civil Rights, an Israeli human rights organization, and by Law in the Service of Man, the West Bank affiliate of the International Commission of Jurists.

Several U.S. citizens have alleged that they received cruel or degrading treatment while under detention. In April, a U.S. citizen of Arab origin was arrested, while visiting his mother, for alleged security offenses committed outside Israel or the occupied territories. The citizen reported to consular officers that he was deprived of sleep, subjected to prolonged frigid showers, and prevented from receiving medication for a heart ailment. After interventions by U.S. representatives, his treatment improved. He was released without charges on April 24, after 22 days of confinement.

The U.S. citizen supporters of the Kach movement arrested for armed attack on an Arab bus also reported to consular officers that during their interrogations they were forced to wear blindfolding hoods for prolonged periods and were deprived of sleep. Consular officers had some success in securing improved treatment for the detainees.

Palestinian prisoners at the newly opened Jnaid Prison near Nablus conducted a hunger strike during September in protest of alleged overcrowding, poor food, lack of exercise, and the prison's extensive television monitoring system. After an inquiry, the Police Minister granted some of the prisoners' requests and the strike ended peacefully.

d. Arbitrary Arrest, Detention, or Exile

Individuals may be held in administrative detention without formal charges for up to 18 days. The normal detention period after the filing of charges is 60 days before trial. This period can be extended by a Supreme Court judge for an additional three months and he may do so again from time to time. In 1984, there were over 150 such detentions.

A sizable number of Arabs are often arrested after terrorist incidents or the dispersal of demonstrations. Such arrests usually do not result in formal charges or prolonged detentions. The security forces can and do detain individuals without prompt notification of their relatives and apparently without the use of warrants. Some Arabs allegedly have been detained by the police when attempting to verify the detention of a relative.

Persons arrested for common crimes are usually provided the opportunity for bail, access to an attorney, and a clear statement of charges. Persons detained for security investigations are not permitted bail and initially are denied access to an attorney or other outside contact including with relatives or consular officers. In some cases, officials have declined initially even to confirm the fact of an individual's detention to consular officers. This denial of notification of arrest to any third party can, under Israeli law, be extended for up to 15 days. It is unclear whether detainees are informed of the specific charges against them. Many of those released from such detention without charges claim ignorance of the reasons for their detention.

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Approximately 25 Arabs were placed under new or renewed town arrest orders for 3 months or more during 1984. A few individuals are under their ninth consecutively renewed order. Such restrictions, which often make it difficult for those affected to practice their profession or pursue their studies, involve no formal charges and are ordered by regional military commanders without judicial review. Many of those so restricted are deposed mayors, political activists opposed to Israeli occupation, or persons outspoken in their criticism of Israeli policies or in their support of the PLO. Town arrests imposed on some individuals, most notably deposed Mayor Karim Khalaf of Ramallah, were lifted during the year. Violators of town arrests are subject to fine or imprisonment.

Several refugee camps were placed under curfew during the year. In March, residents of El Arroub camp alleged that their water supply was cut off for two weeks as punishment for a security incident. Complaints about other forms of collective punishment employed by security forces, such as the holding of groups of Arab men in town or village squares for long periods, declined in 1984.

e. Denial of Fair Public Trial

Jordanian law, as modified by some 1,100 Israeli military orders, remains in force in the West Bank for most criminal and civil matters. British Mandatory law, as modified, prevails in Gaza. The judicial application of these laws, except in security cases, land acquisition, or where jurisdiction has been transferred by military order, has been left in the hands of an Arab judiciary, which acts independently of Israeli authority. Residents of the occupied territories accused of nonsecurity offenses receive public trials in local courts. In East Jerusalem and the Golan, Israeli law applies.

Israeli law does not precisely define when a given crime will be considered a security offense. Persons arrested during demonstrations or suspected of having committed security offenses are normally subject to military trial. In practice, Israeli residents of the occupied territories accused of security offenses are not tried by military court but by the Israeli district court closest to their residence or the scene of their crime. The Israeli citizens currently under trial for participation in the 1980 car bombing of Arab mayors, the placing of bombs on Arab buses, and other terrorist actions in the occupied territories are being tried at Jerusalem District Court.

Alleged security offenders are tried in Israeli military courts with a military judge presiding, and are defended by counsel. Most military trials are open to the public, except for some cases involving serious security offenses. Consular officers normally have no difficulty in attending any court proceeding in which a foreign citizen is involved.

Israeli military courts have asserted jurisdiction with respect to alleged security offenses committed outside Israel and the occupied territories. In April a U.S. citizen was arrested and charged with contributing money to, and performing services for--while in the U.S.--an American charitable organization thought to be linked with the Palestinian movement. After several weeks' detention, he was released and permitted to return home. In subsequent

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statements, Israeli officials have defended the principle of extraterritorial jurisdiction for military courts.

Orders of the Civil Administration may be appealed to the Supreme Court. Nonjudicial administrative orders of the military government may be appealed to area military commanders and the Supreme Court. No appeal of military court verdicts is possible, although the area commander can and does exercise the right of commutation.

The Karp Commission Report on law enforcement in the occupied territories found that Arab residents, out of fatalism or fear of retaliation, "refrain from complaining" to the police when the security forces or settlers are involved. The report found evidence of "a vicious circle in which occurrences aren't investigated for lack of complaint, while complaints are not submitted because of a lack of proper investigation."

Israel continued to claim as state land additional areas of the West Bank often regarded by local inhabitants as community or private land. Palestinians frequently complain that they are not provided written notification of these decisions or that the 30-day period for filing competing claims is too brief to obtain substantiating documentation. Israeli authorities respond that extensions are granted upon request, and that no title is required if the claimant can prove he has cultivated the disputed land for at least 10 years (a provision some assert not always observed). In some cases, earth-moving work has been permitted to begin before the 30-day period has elapsed.

There are complaints by Arabs that the adjudication of appeals from pertinent military orders by a committee composed of military officers does not provide an independent, fair review of the dispute. A claimant may appeal through the legal system up to the Israeli Supreme Court. In 1984, there were at least three such appeals.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under occupation regulations, military authorities can and do enter private homes and institutions without prior judicial approval in pursuit of security objectives. In 1984, at least 19 houses of West Bank and Gaza residents accused of involvement in security incidents were demolished or sealed and their families displaced. In some 19 other cases, only the rooms actually inhabited by the accused were sealed. There is no judicial process prior to a decision to seal or demolish a house or room in security cases. These decisions often follow immediately after a security incident and before conviction of the suspect. In 1984, senior security officials indicated that house demolitions and sealings would no longer be employed. Houses or rooms used by Israelis convicted of security offenses in the occupied territories were not demolished or sealed in 1984.

A number of houses and other structures also were demolished in the West Bank and Gaza on the grounds that they were constructed without proper authorization. Arabs complained that their houses were constructed in accordance with licenses issued by various Arab municipalities but that Israeli officials later ruled the site outside municipal jurisdiction. In one case near the settlement of Gillo, an

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Arab home continually occupied by the family since 1931 was demolished by an Israeli private contractor before scheduled appeal could be heard by the Supreme Court. The Municipality of Jerusalem has indicated it will seek indictment of the contractor.

Security forces dispersed several demonstrations by armed settlers at Deheshieh refugee camp and other sites during the year. Both Arabs and settlers have complained of intimidation through vandalism of cars and other property.

It is widely believed that mail and telephone services in the West Bank and Gaza are monitored. Individuals can be and are questioned on their political views by security officials. Such inquiries can involve overnight detention.

Section 2 Respect for Civil and Political Rights, Including:

a. Freedom of Speech and Press

Freedom of expression is restricted on security grounds. Proscribed acts include flying the Palestinian flag or displaying its colors, displaying Palestinian nationalist slogans, and publicly expressing support for the PLO. The Arabic press, most of which is located in East Jerusalem, remains outspoken in its criticism of Israeli policies and actions. Arrests, prison sentences, land seizures, and other politically sensitive stories are generally reported, but editorials and articles are frequently censored or excised by the Israeli censor. In 1984, a study by Israeli researchers for the Fund for Free Expression alleged that Israeli censors attempt not only to prevent the publication of national security information, but to eradicate expression that could foster Palestinian nationalist feelings or deny Israeli legitimacy.

Materials licensed to be published in East Jerusalem are free to circulate there but require an additional license, which is not always granted, for distribution in the West Bank and Gaza. Unlicensed distribution is illegal and can result in seizure of the publications and the arrest of those involved in their transportation and distribution. On December 29, 1983, the magazine *As-Shira* was ordered permanently closed and its owners fined for the publication of extremist PLO propaganda. The owners argued that the offending articles had been passed by the military censor prior to their publication.

Arabic educational materials, periodicals, and books originating outside Israel are censored for anti-Semitic or anti-Israeli content and for the encouragement of Palestinian nationalism. The occupation authorities have maintained a list of some 1,300 forbidden publications. Banned works include anti-Semitic and official Arab propaganda, publications of the PLO's Institute of Palestine Studies, and

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Arabic-language radio and television programs from Jordan, Syria, and other Arab countries, including broadcasts of the Voice of Palestine, are received in the occupied territories without jamming.

In September, the District Commissioner of Jerusalem announced an investigation into the proposed closure of the Arab-owned Palestine Press Service on security grounds. The matter remains pending.

Foreign journalists have not reported any difficulties in meeting with inhabitants of the occupied territories. All reports filed by the foreign press, however, are subject to military censorship.

b. Freedom of Peaceful Assembly and Association

Israeli authorities have permitted a wide range of labor, professional, and fraternal groups organized before 1967 to continue to function. Professional associations, especially those of doctors, lawyers, pharmacists, and engineers, are active and frequently take public stands on political issues. No political parties or other groups viewed as primarily political are permitted. Public gatherings require permission, which is often withheld from both Arab and Israeli groups on the grounds of public order.

There are approximately 40 labor unions, grouped into two rival federations. No new labor unions have been created in the West Bank since the occupation, and a number of Arab unions have been disbanded by occupation authorities for alleged political activity. Strikes are legal so long as they are not undertaken for political reasons. There were no reports of arrests for labor-organizing activity during 1984.

West Bank unions are generally small and confined to urban workers in skilled craft trades. The occupation authorities must approve all candidates for election to union office. The most recent elections for leadership of the General West Bank Federation of Trade Unions were held in October 1983.

Membership in the Histadrut, the Israeli national labor organization, is open to Arab workers from East Jerusalem and the Golan Heights. Most Arabs in East Jerusalem have declined such association. Senior Histadrut leaders argue that Arab employers exploit this refusal to withhold from Arab workers the hours and wage protection afforded to Histadrut members. Histadrut has taken steps to equalize working conditions for Israeli and Golan Druze.

Since 1978 the International Labor Organization (ILO) has regularly sent fact-finding missions to Israel and the occupied territories. In 1984, an ILO team visited Israel and the occupied territories from February 23 to March 4 and issued a report in April of its findings on labor conditions. The team noted that various trade union premises had been searched by the authorities and that a number of union leaders and members had allegedly been arrested. Among its recommendations, it urged that "the impact of the state of occupation...on the exercise of trade union activities should be reduced to a strict minimum, respecting the guarantees on which freedom of association is based and thus ensuring that Arab workers from the occupied territories enjoy effective trade union coverage in accordance with the basic principles of the ILO..."

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c. Freedom of Religion

There is freedom of religious practice. No groups or sects are banned on religious grounds. Muslim and Christian holidays are observed without hindrance, and Muslims and Christians operate a variety of private schools and institutions. The occupation authorities tolerate the existence of a number of Islamic fundamentalist groups. There has been no reported interference with the publication or distribution of religious publications.

Israel has protected Muslim and Christian holy places and usually has assured freedom of access to them. On occasion, both Arab and Jewish groups have been denied access to religious sites on religious or security grounds. At Hebron's Ibrahimi Mosque/Tomb of the Patriarchs, Arab complaints continue that the military government has reduced Muslim access to the shrine by setting aside space and time for Jewish worshippers, and that armed Israeli troops are present inside the mosque. In September, Muslim leaders protested the installation of a closed circuit security television system, claiming that it was installed without the knowledge or consent of the Muslim authorities. There has not yet been a formal response to this protest and the camera is still in use.

During 1984, the Mufti of Jerusalem several times protested the alleged behavior of Israeli border policemen assigned to security duty inside the Haram as-Sharif/Temple Mount complex. Muslim leaders charged that they harassed worshippers and showed disrespect to Islamic sites and sentiments. In September, one of the suspects in the Jewish terrorist underground trials was convicted of participation in a conspiracy to destroy the Dome of the Rock with explosives. He was sentenced to 44 months imprisonment. Trials of other alleged conspirators are continuing. Another group of Israeli religious zealots was convicted in April of an attempted break-in at the complex to destroy the Dome of the Rock. They were convicted and are now in prison. Also in April another group of four young Israelis from Jerusalem were arrested and charged with some 12 grenade attacks on Muslim and Christian sites in Jerusalem. A nun was seriously injured in one attack.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is generally unrestricted for Arabs within the occupied territories, but certain categories are significantly restricted. Approximately 80,000 Arabs travel daily to Israel to work. Vehicles owned by Arab inhabitants of the territories have distinct license plates and are frequently stopped for security checks. Arab inhabitants of the occupied territories are required to obtain permits to remain overnight in Israel; West Bankers are generally forbidden to remain in Jerusalem after midnight.

Most inhabitants of the occupied territories are permitted to travel abroad and many thousands do so each year. Exit visas are required. Israel issues laissez passers to residents to facilitate foreign travel after a security check. In some cases restrictions are imposed on reentry. There are also restrictions on certain categories of residents, including a mandatory minimum of nine months residence abroad for young men.

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Temporary collective punishment bans are occasionally imposed on foreign travel by residents of areas where security incidents have occurred. Residents of at least 10 West Bank towns were banned from traveling abroad for periods of up to 40 days after security incidents. Such bans are also imposed on some individuals, including mayors and other leaders and persons suspected of anti-occupation activities. Travel bans are also imposed on some individuals, including mayors and other leaders and persons suspected of anti-occupation activities. Local inhabitants are sometimes prevented from traveling abroad to attend international conferences or political meetings and are proscribed from direct contact with members of the PLO. A number of prominent West Bankers did travel to Jordan in early 1984 for meetings with King Hussein and Yasser Arafat. Although some received warnings from the Israeli authorities before and after their meetings, no sanctions were imposed.

Despite the formal state of war between Israel and Jordan, two-way travel between the West Bank and Jordan is permitted. Inhabitants of the West Bank returning from Jordan, as well as other Arabs or persons of Arab descent, are subject to searches of person and property, which many complain are unnecessarily harsh and constitute harassment.

Israel permitted all but one of the members of the Jordanian Parliament resident in the West Bank to travel freely to attend the Parliament's reconvening in January. The obstacles to that member's travel have since been removed.

Some former West Bank residents who obtained foreign citizenship after emigration from the area have claimed that upon returning to their original homes they are permitted only to remain as tourists for a limited period. West Bankers also complain that spouses and children born abroad are sometimes denied entry or residency permits.

There are no official obstacles to emigration and approximately 15,000 Arab inhabitants emigrate annually.

Gazans normally do not require approval for travel to the West Bank. Under special arrangements concluded between Israel and Egypt, thousands of Gazans regularly cross the border into Egypt, particularly to work or visit relatives in the divided city of Rafah. Israel permits Golan Heights Druze to return after attending school in Syria. It has not, however, permitted the return of Syrians who fled or were expelled from the area during and after the 1967 war.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

The West Bank and Gaza are ruled by a military government established after Israel's victory in the 1967 war. There is no regional self-government and only limited Arab administration at the town level; most villages retain their traditional leadership. Arab civil servants, institutions, and municipal officials operate under the military government. Israeli authorities have removed elected and appointed Arab officials, and neither these removals nor the subsequent appointment of Arab or Israeli replacement officials is subject to review by the local inhabitants or their institutions. No formal political parties or overtly political organizations are permitted. Municipal elections

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were held in 1972 and 1976 and were widely regarded as fair. Elections scheduled for 1980 were postponed and have not been rescheduled.

Twenty-three Arab mayors and municipal councils were elected in 1976. Fourteen of the mayors and at least four municipal councils have been dismissed by occupation authorities. The major towns of Hebron, Nablus, Ramallah, and El Bireh are ruled by Israeli officials. Arab mayors appointed by their town councils lead Halhoul and Jericho. Bethlehem and Tulkarm are the only major towns governed by elected mayors.

Arab residents of East Jerusalem are permitted and encouraged to vote in municipal elections. Israeli officials state that 20 percent of those eligible did so in the October 1983 elections, although some Arab sources claimed that it was substantially less.

Most Arab residents of the West Bank are Jordanian citizens and as such are represented by 2 senators and 30 members of the Jordanian Parliament.

Section 4 Governmental Attitudes Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights.

A variety of local groups, both Israeli and Palestinian, are concerned with human rights issues. These groups' publications and statements are circulated in the occupied territories. The International Center for Peace in the Middle East, an Israeli organization, issued a detailed study of human rights in the occupied territories in late 1983. The West Bank Data Project, another Israeli organization, acting on behalf of the U.S.-based Fund for Free Expression, issued a report on Israeli censorship of Arab publications.

Law in the Service of Man, the West Bank affiliate of the International Commission of Jurists, is involved in legal assistance on human rights issues. During 1984, the center issued statements on several topics, including a study of the controversial new prison at Jnaid.

Israel normally permits international human rights groups to visit the occupied territories. In 1984, the International Commission of Jurists and the U.K. Committee of the World University Service published a report based on a joint mission of inquiry undertaken by the two organizations in 1983 into the problems faced by Arab institutions of higher education in the occupied territories. The report examined university closures, book censorship, and general administrative constraints imposed on the universities.

In the section of the 1984 Amnesty International report dealing with Israel and the occupied territories, Amnesty International expressed concern about the imprisonment of prisoners of conscience; the use of administrative measures, with no judicial involvement, to physically restrict individuals without charge or trial; arbitrary arrest and short-term detention without charge or trial; allegations of torture or ill-treatment of detainees; the passing of two death sentences; and the denial to thousands of detainees, captured by the IDF in Lebanon, of the protection accorded them under internationally accepted standards. Freedom House considers Israel "free;" it characterizes the occupied territories as "partly free."

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Living standards have risen substantially since 1967. In the West Bank, per capita gross income in 1983 was three times its 1967 level. Much of this increase can be attributed to the large numbers of West Bankers working in Israel and to remittances from Palestinians abroad. In 1984, however, Israel's economic problems began to affect West Bankers. Israeli statistics in September for the first time indicated a decline in the number of Palestinians working in Israel. Palestinians maintain that there has been a substantial drop in business activity since mid-year. A large but undetermined portion of the Arab work force is traditionally underemployed or engaged in seasonal work.

Economic life in the occupied territories has become enmeshed in Israeli regulations. Some are characteristic of Israeli bureaucracy; others may be used politically. While Israel is concerned that funds from the PLO or other hostile sources might be brought in under the guise of development, Arabs contend that even projects which are fully funded by proven local sources have not been approved. The new Government has indicated that it will review favorably several longstanding Arab proposals. In October, the Government announced its formal approval of a longstanding proposal for an Arab-owned bank in the occupied territories.

Israeli restrictions on the export to Israel of West Bank and Gaza products, especially agricultural produce, limit local market opportunities. The export to Jordan of agricultural products is sometimes temporarily banned by the occupation authorities as punishment of an area where a security incident has occurred. West Bank farmers and manufacturers also have suffered from periodic Jordanian restrictions on their ability to transship goods through Jordan.

Israel restricts the construction of new factories through a number of regulations. The limitation on the amount of money an individual West Banker may import was recently raised to 5,000. Several Arab municipalities have been permitted to import funds held in Jordanian banks. Arabs continue to maintain, however, that Israel restricts entry of Arab funds for economic development as well as for philanthropic or educational purposes.

The taking of land for settlements and for military use has strongly affected the lives of Arab residents, including their employment patterns. Such land amounts to some 40 percent of the West Bank. During 1984, the authorities announced an extensive road building campaign for the northern West Bank which, if implemented, will remove a substantial portion of the remaining Arab agriculture land from use.

There are more than 150 nonmilitary settlements in the West Bank (excluding unilaterally expanded Jerusalem) and Gaza, with a total population of about 32,000. Water scarcity in most parts of the West Bank constrains agricultural and urban development. Water use is a contentious issue between the resident Palestinians and the occupying Israelis.

The United Nations Relief and Works Agency (UNRWA) and the military government meet the basic educational needs of refugee students in the West Bank. Overall adjusted primary school enrollment has risen from about 56 percent of the

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school-age population in 1967 to about 83 percent in 1984. The number of girls receiving education has markedly increased and now represents about 45 percent of the student total.

The West Bank is served by four universities, one community college, and a variety of other educational institutions, all established or upgraded since the beginning of Israeli occupation. Most were closed for varying periods during the year after confrontation with security forces. Bir Zeit University was closed for two months and An Najah University for four. The authorities seized materials considered inciteful displayed at a university cultural exhibition and found weapons elsewhere on the campus. None of the universities receives financial support or other assistance from the occupation authorities. Representatives of all four have complained about restrictions on their activities. A recent report by the International Committee of Jurists and the World University Service concluded that the pattern of Israeli treatment of West Bank universities over the past five years has been one of "harassment going beyond what might be reasonably justified on the grounds of public order or security."

The Gaza Strip consists of 363 square kilometers. It has a population of about 500,000 with a per capita income of about \$1,100. Gaza's economy advanced marginally in the early 1980's, compared with real growth of over 10 percent in the late 1960's and 5-6 percent in the late 1970's. Local employment in the Gaza Strip is highest in private and public services which provide about half the area's domestic product. Construction and agriculture each contribute roughly 20 percent and light industry 10 percent of Gaza's gross national product.

Citrus, Gaza's traditional money earner, is grown on about half the cultivated land. Citrus suffered a fourth poor year in succession in 1983-1984. Local producers attribute this decline to Israeli and Jordanian marketing restrictions, shortage of water, and rising production costs. In 1984, the Israeli tariff on citrus exported outside Israel from Gaza was reduced by more than 50 percent. Israeli authorities also have taken measures to reduce water usage in the Gaza Strip to allow the water table to rise and inhibit saline intrusion from the Mediterranean.

The local fishing industry has shrunk since the Israeli withdrawal from Sinai due to restrictions on waters in which Gazans are allowed to fish. The fishing fleet, whose 50 ton/day catch is marketed approximately two-thirds to Israeli merchants and one third locally, may support up to 25,000 people, including families of registered fishermen and those providing ancillary services. About 35,000 Gazans commute daily to work in Israel. Gaza's income from work in Israel represents about one-third of its total income according to a recent Bank of Israel report.

Since 1967, infant mortality has declined sharply and health services have improved. Gaza's basic needs for food, clothing, and shelter are largely met. UNRWA, private voluntary organizations, and the Israeli government provide special assistance to over 20,000 needy persons. Housing conditions remain especially crowded in the eight Gaza refugee camps, where approximately 210,000 of the 370,000 refugees registered with UNRWA live. UNRWA statistics indicate that,

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as of mid-1984, approximately 35,000 refugees had left the camps to live in Israeli government-sponsored communities. Gazans suffer from an absence of social and cultural activities. Although there is a literary journal, no newspapers are published. Inadequate classroom space has forced double-shifting at many schools in recent years.

Gaza's El Azhar University, which retains its affiliation with El Azhar University in Cairo, offers a four-year undergraduate program to about 3,300 Gaza students. There is also local interest in creating a two-year technical/vocational college.

The Israeli-occupied portion of the Golan Heights consists of 1,295 square kilometers, and has an Arab population of about 15,000, mostly Druze and a small percentage of Alawites. Approximately 7,500 Israeli settlers live in some 32 settlements in the Golan Heights. Druze village councils have complained that they do not receive adequate funding for municipal services and local education.

Urban West Bankers are increasingly sophisticated in their social attitudes, including toward the role of women, but the rural majority continues to hold more traditional social values.

There are no legal or administrative prohibitions on the employment of women in the occupied territories, although traditional cultural mores and family commitments limit most to homemaking. Most Palestinian women holding jobs outside their homes reside and work in urban areas. Employment is concentrated in service industries, education, and health services, with a small number working in journalism, law, and other professions.

While legally women have equal access to public education, custom and family pressures limit the number of women in West Bank schools. Even so, female school enrollment is quite high in Middle Eastern standards. A little over 45 percent of the primary and secondary school students are female. While female enrollment at the postsecondary level varies between roughly 30 to 45 percent at coeducational West Bank colleges and universities, a number of teacher and vocational training centers are all male or all female.

There are a wide range of women's cooperative groups for health care, child care, handicraft production, vocational training and other services. The West Bank-wide Society for the Preservation of the Family is active in supporting women's needs.

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Israel is a parliamentary democracy which guarantees by law and respects in practice the civil, political, and religious rights of its citizens. It has an independent judiciary, free elections, a multiparty political system, and an elected legislature (the Knesset) which may restrict the Government by legislation and can bring it down by a vote of no confidence. A Knesset vote in March led to early elections in July and to the formation of a National Unity Government in September.

Israeli society is characterized by its openness and its lively public debate of all issues of popular concern. Police and internal security functions are under the control of Cabinet ministers who must answer to the Knesset for the actions of personnel for whom they are responsible and whose performance is subject to the scrutiny of a free press.

Israel enjoys a relatively high standard of living. It has a market economy with substantial governmental participation and subsidized prices for basic commodities. Its economic policy has been oriented toward social welfare. In recent years, Israel has experienced increasing balance of payments deficits, rising foreign debt, triple-digit inflation, and most recently a declining level of foreign exchange reserves.

From its founding in 1948 until 1979, a formal state of war existed between Israel and all of its Arab neighbors. In 1979, as provided in the Camp David Accords, Egypt and Israel signed a peace treaty; pursuant to the treaty, Israel returned to Egypt, over a three-year period, that portion of the Sinai Peninsula which had been under its control since the 1967 war. Israelis doubt that other Arab states are prepared to accept Israel's right to exist on the basis of U.N. Security Council Resolutions 242 and 338. Terrorist incidents in Israel and the absence of peace treaties with its other Arab neighbors make security a dominant concern which affects many facets of national life. The state of emergency declared when Israel was founded remains in effect.

The presence of an Arab minority presents Israel with the challenge of accommodating within its society a large non-Jewish group which does not share the Zionist principles upon which the state was founded. (There are also Jewish communities in Israel which reject the Zionist ideal.)

Israeli forces continued to occupy southern Lebanon during 1984. The Government of National Unity has established as one of its principal objectives the withdrawal of Israeli forces from southern Lebanon while preserving the security of Israel's northern border.

As in 1983, the most significant human rights problems for Israel continued to derive from the strained relations between Israeli authorities and the Arab inhabitants of the occupied territories. These problems were exacerbated as a consequence of the activities of Jewish settlers in those areas. During the year, Israeli leaders expressed concern over the potential

*Because of the sharply differing socio-political environments in Israel and in the Arab territories which Israel has occupied since the 1967 war, the respective human rights situations are treated in separate but parallel fashion. The report on the occupied territories follows the report for Israel.

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growth of extreme views and violent actions and their effects on Israeli society.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There is no indication that political killing is sanctioned by Israeli authorities. In April 1984, two terrorists who hijacked a bus died as a result of blows dealt by security agents after they were captured. A commission of inquiry determined that no order was issued to the security forces from which it could have been inferred that the two men were to be killed or injured, and that the killings were caused by individuals who deviated from accepted orders and norms. The breach of military norms was widely condemned by political leaders and the media. The Defense Minister accepted the commission's recommendations that legal action be taken against the responsible individuals and that all possible steps be taken to ensure that there is no recurrence of such an incident. The head of the Army's southern command, who was in overall charge of the area where the Arabs were beaten, has been reprimanded, and the Justice Ministry is investigating the incident.

In 1984 there were deaths as a result of terrorist acts. In February, 21 persons were injured when a parcel containing hand grenades exploded outside a clothing store in Jerusalem. In April, terrorists opened fire with automatic weapons on passersby in Jerusalem, wounding 48 and killing 1. In other incidents, terrorists set off a bomb on a passenger bus in the city of Ashdod, causing the death of three passengers and injuring six others, and hijacked a commuter bus north of the Gaza Strip. Organizations such as the Democratic Front for the Liberation of Palestine and the Abu Nidal terrorist group frequently took credit for these acts. Also in April, Jewish terrorists were foiled in an alleged attempt to bomb five Arab buses in Jerusalem. Suspects were apprehended and trials were under way at year's end.

b. Disappearance

There are no reports of such a practice in Israel.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Such practices are prohibited and there were no confirmed reports of their occurrence in 1984. Evidence or confessions obtained under duress are inadmissible in court, and the administrative codes of conduct of the prison and police authorities contain stringent sanctions against the use of force or brutality. Police officers accused of brutality or violence may be prosecuted either in administrative courts for violation of the code of conduct or in regular criminal courts for criminal assault. Acute overcrowding of prisons remains a problem.

d. Arbitrary Arrest, Detention, or Exile

Israeli law provides strong guarantees against arbitrary arrest or imprisonment. Writs of habeas corpus and other

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procedural and substantive safeguards are available. Defendants are considered innocent until proven guilty.

Administrative detention can be employed in security-related cases when a judge determines that formally charging a person would compromise sensitive sources of evidence. Any administrative detainee is entitled to representation by counsel and must be brought before the president of the appropriate district court within 48 hours of being taken into custody. Upon application of the Defense Minister to a district court, the right to representation by counsel may be delayed from 48 hours to 7 days in most instances and up to 15 days in terrorist-related cases. Each case of administrative detention must be submitted to judicial review at least every three months thereafter for the entire period of detention. The decision of the president of the district court can be appealed to the Supreme Court. In 1984 an Israeli Arab was detained on his return from an overseas trip on suspicion of having been in contact with foreign elements hostile to Israel. A judge ruled favorably on a government request that the individual be detained for eight days. The individual appealed the order and, five days after he was initially detained, was released by order of the Supreme Court which ruled that there were insufficient grounds to warrant his continued detention.

During 1984 Israel held as many as 1,000 prisoners arrested in Lebanon. These persons, predominantly Lebanese, were held in southern Lebanon at the Ansar detention camp and at a facility in Nabatiyah. In June, Amnesty International said that more than 130 Palestinians and Lebanese were reported to have been held in incommunicado detention in the military prison of Atlit in Israel since mid-November 1983, when they were secretly transferred there from the Ansar Camp. In July, representatives of the International Committee of the Red Cross (ICRC) were granted access to them.

Israel does not accord prisoner-of-war status under the Third Geneva Convention to prisoners captured during and after the Lebanese conflict who were not members of the armed forces of another country. Israel has maintained, however, that such detainees are treated in accordance with the provisions of the Fourth Geneva Convention in all matters relating to the guarantee of humane treatment and conditions of internment. It has stated that under the Fourth Geneva Convention it has the right to intern persons who constitute a danger to the security of the detaining power or its armed forces. The Israeli Supreme Court has confirmed the applicability of the standards of the Fourth Convention, while holding that, for security reasons, Israel is permitted to deny the detainees access to family members and legal counsel. Israel has permitted ICRC representatives to visit the detainees.

On June 28, 1984, under the auspices of the ICRC, Israel released 291 Syrian military personnel captured during the Lebanon war, as well as 20 security prisoners, 7 of whom returned to Syria. In exchange, three Israeli prisoners of war and three civilian employees of the Israel Liaison Office in Beirut were freed.

e. Denial of Fair Public Trial

The right of a hearing by an impartial tribunal with representation by counsel is guaranteed by law. The judiciary is independent and effectively insulated from political

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interference. With the exception of security cases, which may be tried by military courts, all trials are open. In security cases, the law provides that part or all of a trial may be closed, with the burden of justifying in-camera proceedings falling on the prosecution. Counsel is present during closed proceedings. In security cases, the law also provides for possible restriction on the choice of defense counsel.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Privacy of the individual and the sanctity of homelife and correspondence are fully protected. There are effective legal safeguards against arbitrary invasion of the home.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press, limited by security-based censorship provisions, are basic rights in Israel. These rights are protected by law and the judiciary, and are broadly exercised by citizens and individuals and by an independent and vigorous press, which expresses a wide variety of political opinion.

The law forbids tangible public manifestations of support for organizations defined as terrorist. Proscribed acts include flying the Palestinian flag or displaying its colors, displaying Palestinian nationalist slogans, and publicly expressing support for the Palestine Liberation Organization. In June, two Israeli Arabs received prison terms of a year and 18 months, respectively, for flying Palestinian flags and painting anti-Israeli slogans. In July three Israeli Arabs received prison sentences and were fined for raising a Palestinian flag at a rally and at a memorial service. The heaviest sentence in this case was seven months in prison and a \$1,000 fine.

Media censorship is based on British Mandatory emergency regulations, according to which the censors may prohibit the publication of material which, in their opinion, will harm the defense of Israel, the public safety, or public order. Censorship decisions may be appealed through the judiciary. In practice, censorship of the media is usually limited to military security matters, and journalists generally know which security-related areas are off-limits to publication. In April the military censor suspended the newspaper Hadashot from publishing for four days after it defied a ruling against publication of the news that the Defense Minister had set up a commission of inquiry to investigate the events surrounding the deaths of the four Arabs who had hijacked a passenger bus. The newspaper's owners obtained a temporary stay and appealed the decision to the Supreme Court which upheld the censor. Other Israel newspapers heeded the Government's plea not to publish the news about the commission on the grounds that disclosure could jeopardize the lives of Israelis imprisoned in Arab countries. A New York Times correspondent in Israel was called to the office of the director of the government press office in Jerusalem to discuss censorship violations by the journalist concerning the same incident.

Israeli radio and television are run by the independent Israel Broadcast Authority (IBA). The Government helps to fund the IBA and appoints its governing board, but has almost no control over programming. The independence of the IBA is

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protected by law, subject to the censorship provisions. Radio and television broadcasts include programs in Arabic as well as in Hebrew.

Licenses to publish newspapers are required and normally are routinely issued. There have been reports, however, that applications from Israeli Arabs are scrutinized more closely than others and sometimes turned down without explanation. In 1984 an Israeli Arab scholar was refused a license to publish an independent journal in Arabic.

Movies and theater are subject to censorship if deemed pornographic or otherwise offensive to religious or social mores or likely to create a disturbance of public order. In 1984, one film was banned for pornographic content.

Possession and distribution of literature considered hostile to the State and issued by illegal Palestinian organizations are punishable offenses.

b. Freedom of Peaceful Assembly and Association

These are basic rights in Israel, protected, along with the right to demonstrate, by law and rulings of the courts. In the case of political rallies and outdoor meetings beyond an established size, permits are required and routinely granted.

Israel has a free and democratic labor movement, which plays an important role in the social, economic, and political life of the country. Israel's most powerful labor organization, the General Federation of Labor (Histadrut), and its affiliates operate the largest national health insurance program and seven retirement pension systems, as well as a number of large industrial enterprises. Histadrut membership comprises over 85 percent of the working population. The membership includes 60 percent of the adult Israeli Arab population. Workers, including those in the public sector, make frequent use of the right to strike.

c. Freedom of Religion

Israel was founded as a Jewish state in which all citizens are guaranteed freedom of religion by law. Muslims, Christians, Druze, and other minority religious groups make up about 17 percent of the population. The prevailing interpretation of the Jewish nature of the state has been secular rather than religious. The Law of Return of 1950, which abolished all restrictions on Jewish immigration, and the Citizenship Law of 1952, which granted every Jew the right to citizenship upon arrival in Israel, confer an advantage on Jews in matters of immigration and citizenship.

All religious groups may maintain contacts with their coreligionists outside Israel. Foreign clergy are permitted to live in Israel to minister to their coreligionists. Several thousand Israeli Muslims make the Hajj pilgrimage to Mecca each year. There is no operating seminary for Muslim clergy and religious functionaries in Israel. Muslims may obtain such training in institutions in East Jerusalem, the West Bank, or Egypt. The International Center of the Baha'i religion is located in Haifa.

Israel has retained the Ottoman millet system under which each religious community is governed in matters of personal status by its own religious law and not by civil law. This feature

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of the law gives each religious community freedom to observe its own customs and religion within the area where the millet system applies, but sometimes causes serious inconvenience to individuals who do not follow the established norm within one religious community. These difficulties do not normally arise in religious worship, but among Jews do occur in areas such as marriage or conversion to Judaism. Within the Jewish community the orthodox tradition is the established norm, and conservative and reform rabbis have no official standing.

A 1977 law prohibits the offering and receipt of material benefits as inducements to religious conversion. In a clarification in 1979, the Justice Minister stated that the law is not intended to restrict the religious freedom of any community or to impede any community from the pursuit of normal educational or philanthropic activities. The Attorney General has ordered that no action be taken under the law without his express permission, and the law has not been employed. It nevertheless continues to cause uneasiness among some Christian groups. Persons considered to be missionaries have been the subject of physical attacks by private individuals. The Religious Affairs Ministry cooperates with and gives financial support to a variety of interfaith groups which seek to promote understanding between members of different religious groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Israeli citizens enjoy freedom of movement within the country and are free to travel abroad or to emigrate, subject to military service-related obligations. Emergency regulations, however, provide that Israeli citizens, by military order, may be confined to their neighborhoods or villages or barred from traveling to the occupied territories. Restrictions of this nature have been applied most often to Israeli Arabs. In March, the commander of the northern command issued an administrative order forbidding an Arab Anglican priest from visiting the West Bank and the Gaza Strip for six months. The order was subsequently renewed. Other Israeli Arabs were confined to their homes during the year.

Since 1948 Israel has taken in over a million Jewish refugees from the Middle East, North Africa, and Europe, and has worked toward integrating them into its society and economy. Integration of smaller numbers of new immigrants continues.

United Nations General Assembly Resolution 194 of December 11, 1948, calls upon Israel to permit Arab refugees who left their homes in the 1947-48 fighting to return if they are willing to live in peace, or to be compensated for their losses if they choose. Israel has not recognized the validity of this resolution, pointing out the losses to its own citizens who fled Arab states; it did, however, take back some refugees under the principle of family reunification and it has indicated willingness to take back some refugees in the context of a final peace settlement.

The legal status of the Hebrew-Israeli community (usually known as Black Hebrews), which numbers about 1,200, remained unchanged since 1983. Many community members are long-term residents, having settled in the early 1970's. However, few are in the country legally, the tourist visas on which they entered the country having expired. They are able to leave,

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but cannot return. Approximately 85 Black Hebrews renounced their U.S. citizenship and may be considered stateless, as the Government of Israel does not accept their claim to immigrant status under the Law of Return.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

All adult Israeli citizens have the right to vote for candidates of their choice and to participate in the political process. Seven of the 120 members of the Knesset are from the Israeli Arab community. Israeli Arabs are included in the Knesset election lists of several of the Zionist parties and the non-Zionist Israeli Communist Party, which derives most of its support from Israeli Arabs. In the elections for the eleventh Knesset in July, an Arab-Jewish list, the Progressive List for Peace (PLP), received two seats.

In June, the central elections committee for the eleventh Knesset refused to approve the PLP and the Kach party, which favors the expulsion of Arabs from Israel, as valid parties to run for the Knesset on the grounds that they endangered the rule of democracy and the State of Israel. These decisions were overturned by the Supreme Court and both parties competed for and won seats in the Knesset.

Women participate freely in the political process and account for more than 40 percent of the political party membership. Ten members of the Knesset and two Supreme Court judges are women. There are no women in the 25-member Cabinet. One woman is currently serving as a Deputy Minister.

Section 4 Government Attitude Regarding International and Non-Governmental Investigation of Alleged Violation of Human Rights

The Government maintains an office of human rights in the Foreign Ministry, and several human rights groups in Israel work for the protection of individual liberties and women's rights. Private groups, such as the Israeli League for Human and Civil Rights and Peace Now, freely criticize Israeli government actions in Israel, the occupied territories, and Lebanon. They issue statements and reports, hold press conferences, and organize demonstrations without governmental interference.

The Government permits visits to Israel by representatives of private international human rights groups, as well as the United Nations Economic and Social Council, the World Health Organization, and the International Labor Organization. The Government of Israel has generally permitted the ICRC to visit prisoners taken in Lebanon and the occupied territories. It also investigates and replies to inquiries by organizations such as Amnesty International. In the section of its 1984 report dealing with Israel and the occupied territories, Amnesty International expressed concern about the imprisonment of prisoners of conscience; the use of administrative measures, with no judicial involvement, to physically restrict individuals without charge or trial; allegations of torture or ill-treatment of detainees; the passing of two death sentences; and the denial of the protection accorded under internationally accepted standards to thousands of detainees captured by Israel after the Israeli invasion of Lebanon. Freedom House considers Israel "free"; it characterizes the situation in the occupied territories as "partly free."

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ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Israel is about 4.1 million and has been increasing by about 1.6 percent a year. Per capita gross national product is about \$5,085. Unemployment in 1984 was about six percent.

Israel historically has run a balance of payments deficit in order to provide the resources to absorb large-scale immigration in the early years of statehood, maintain a high defense capability, and raise the general standard of living. Substantial financial assistance from abroad, public and private, has helped cover the payments gap.

Israel has been beset by severe economic problems, with increasing balance of payment deficits, a large foreign debt, and rising triple-digit inflation (in 1984 the consumer price index increased by about 500 percent) the most serious concerns. The worldwide recession and the strength of the dollar have hurt exports, thereby increasing the payments deficit.

A complex system of indexing, which ties salaries, most financial assets, and pensions to the consumer price index, has protected most of the population from the most damaging effects of high inflation. The new Government is seeking to reduce the balance of payments deficit by cutting private consumption and the budget and imposing tighter monetary controls, while seeking to stimulate economic growth and exports. The trade balance improved somewhat in 1984.

State education in either secular or religious schools is compulsory for all citizens through age 15. The primary school enrollment ratio is about 97 percent and the literacy rate about 89 percent. The parallel education systems in Israel for Jews and Arabs, conducted in Hebrew and Arabic respectively, show a disparity in quality, with greater resources per student going into the Jewish system.

Israel has an advanced health care system with a high doctor-to-patient ratio. Life expectancy is 74 years, and the infant mortality rate is 14.1 per 1,000 live births. Safe drinking water is available to the entire population.

Title to 93 percent of the land in Israel is held by the State or quasi-public organizations in trust for the Jewish people. According to law, anyone may purchase the remaining seven percent of privately owned land through ordinary commercial transactions.

The Israeli Arab minority has equal rights under the law in most respects, and Israeli Arabs have made substantial educational and material progress since the founding of the State. Some have risen to responsible positions in the civil service, generally in the Arab departments of government ministries.

Israeli Arabs, however, are relatively powerless and tend to feel alienated. Despite some governmental and private efforts to bridge the gap, there is little social interaction with Israeli Jews. Israeli Arabs assert that they are denied equal access to education, housing, and other services, and that they are discriminated against in such areas as employment and

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ISRAEL AND THE OCCUPIED TERRITORIES

appointment to government positions. Government grants to area local councils represent a smaller percentage of the budgets of these bodies than do similar grants to Jewish municipalities. While Arabs make up about 16 percent of Israel's population, less than 2 percent of the persons in senior government positions are Arabs, less than 3 percent of Israeli judges are Arabs, and no large bank, industrial enterprise, or agricultural undertaking in Israel is headed by an Israeli Arab. Israeli Arabs make up three percent of university students and less than one percent of the academic positions in the universities.

Druze and Circassians are subject to the military draft, and some Bedouin serve voluntarily in special units. Most other Muslims and Christians have not been permitted to serve and therefore have not qualified for many of the economic and social benefits which require military service as a precondition.

Women's rights in Israel are protected by law as well as by governmental and private organizations. The Equal Opportunity Law forbids discrimination on account of sex or marital or parental status, and employers are legally bound to pay female workers a wage equal to that paid male workers for the same or generally similar work. Laws and regulations also provide for protection of the rights of female employees with respect to pregnancy and childbirth. The Government includes a senior adviser on the status of women, and the Civil Service Commission and several government ministries have officers responsible for promoting fair treatment for women and ensuring that the rights of women are protected. A number of non-governmental women's organizations also work to advance the status of women, ensure equal opportunity in all fields, and other family services such as child care for working mothers.

Over 40 percent of university graduates are women, as is 39 percent of the work force. Women account for approximately two-thirds of the instructors employed in the educational system. They occupy about one-fifth of the senior positions of the professional grade of the career civil service, are well represented in professional and technical jobs in the media, and work in a broad range of the professions and other occupations. Women are drafted into the army for service in non-combat units.

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דף _____ מחור _____ ופנים _____
 סיווג בטחוני: קמור
 דחיפות: מיידי
 לשימוש מח' הקשר:
 תאריך חז"ח: 020930
 מס' מברק: 52

אל: המשרד _____
 דע: _____
 מאח: נאו"ם, ניין יורק _____



20.4 / 55

ארב"ל 2.
 דיון השטחים. שלכם 1137.
 מבינה.

1. הדו"ח לא הביענו ברי"ם האחרון.

2. להבהרה : במברקנו 846 לא התייחסנו אל מיוטת דו"ח ועדת השטחים, שכבר הביענו מז'נבה, אלא לדו"ח של ה- International Commission of Jurists of מז'נבה בש"ם עם ה- World Universities Service הבריטי על האוניברסיטאות ביו"ש. פרטים על כך הוכלו למצוא בכתבתו של חיים קורני (מלונדון) ב- Jerusalem Post מ-26 או 27 באוקטובר. כמובן גם נתייעץ בנושא עם בקר.

3. נודה לכם גם אם החישו חשבותיכם לשאלוחינו במברקנו 755 מ-24 באוקטובר, וכן הערותיכם לכל פרט בדו"ח השטחים שכדאי, לדעתכם, להתייחס אליו. תודה.

4. חודה על המידע אשר בשלכם 1223 בענין מסו"ת. נשחדל לשלבו בהקשרים שונים.

נאו"ם

מחלקת הקשר 1236 א 17/10/84

1212

תחלקת הקשר - ניו - יורק

סוכס' מברק אפרון

אל: _____

דף 1 סמוך 2 דפים

דע: _____

סיווג בסחונת: זה שפור

סמח: באו"ם, ניו יורק

דחיספות: פיעודי

לשימוש מח' הקשר

תאריך תז"ח:

מס' מברק:

11830

TSS

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ארכ"ל 2. נציג המשרד השטחיים.
דו"ח השטחיים.
מבינה.

1. מניחים שכבר קיבלתם טיוטת הדו"ח מנ'נבה.

2. אין בכדונתך, כפובן, להתפלמט עם הדו"ח לפרטיו אולם כנ"ל נבקש
התייחסותם החדשה לשאלות דלהלן, כדי שנוכל לסתור, ולו במורה מדגמי,
שעונה והאשמה הפועלות הדו"ח;

א. סעיף 42, עמ' 25 - נפיונות להאכיל ברוח שונת-רעב גדשו הקיי שדות.
אימות/הפרכת השנה/ בטה כקרים מדובר.

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ב. סעיף 57, עמ' 31 - "הוק ששאלות" הסברון לקטנה הייצור החקלאי
במחצית.

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ג. סעיף 61, עמ' 34 - נסיון למגור את הדרי הנכונה על בזה-ההוליים "אדס"
אימות/הפרכת, המנה טיוטת בניה"ח.

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ד. סעיף 63, עמ' 35 - שימוש ילדה בה 12 בשל נשיאת פוליון כח נהפ חרץ.

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ה. סעיף 86, עמ' 89 - הריסת 10 הנזיות ברפיה.

ו. סעיף 88 (דו"ח קודם), עמ' 92 - דיון בג"ץ באכזה אימה עלי אנשי סנ"ב

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דף 2 מחוך 2 דפים

סיווג בטחוני:

דחיפות:

לשימוש פח' הקשר:

תאריך חז"ח:

מס' מדק: 755

אל: _____

דע: _____

מאה: _____

ומחן דו"ח על כן למרקליס העותרת.

האם הושלמה החקירה, מה מסקנותיה?

א. סעיף 240, עמ' 123 - שפיטה צייר למאסר ולקנס בשל ציורי הסחה.

ב. פירוט מירבי, לפי איזה סעיף נשפט.

ג. סעיף 286, עמ' 157 - ניסויים רפואיים באסירים ככלא אשקלון.

נאו"ם

אולג אנה 2032 סטיו ארד סטיו

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