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U.S. Department of State

Israel and the Occupied Territories Report on Human Rights Practices for 1996

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ISRAEL AND THE OCCUPIED TERRITORIES*

Israel is a parliamentary democracy with a multiparty system and free elections. There is no constitution; a series of "basic laws" provide for fundamental rights. The legislature, or Knesset, has the power to dissolve the Government and limit the authority of the executive branch. On May 29, Likud Party leader Benyamin Netanyahu was elected Prime Minister; he heads a center-right coalition government. The judiciary is independent.

Since its founding in 1948, Israel has been in a state of war with most of its Arab neighbors. It concluded a peace treaty with Egypt in 1979 and with Jordan in 1994. As a result of the 1967 War, occupied the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. The international community does not recognize Israel's sovereignty over any part of the occupied territories. Throughout its existence, Israel has experienced numerous terrorist attacks. It relies heavily on its military and security services and retains many security-related regulations from the period of the British Mandate.

An historic process of reconciliation between Israel and its neighbors began with the Madrid Conference in 1991 and continued with the September 1993 signing of the Israeli-Palestinian Declaration of Principles (DOP.) In September 1995, Prime Minister Yitzhak Rabin and Chairman Yasir Arafat of the Palestine Liberation Organization (PLO) signed the Interim Agreement on the West Bank and the Gaza Strip, which provided for the election and establishment of a Palestinian self-governing authority, transfer of civil authority, Israeli redeployment from major Palestinian population centers in the West

Bank, security arrangements, and cooperation in a variety of areas. Palestinian elections were held in January. Negotiations on permanent status--which are to address the status of Jerusalem, Palestinian refugees, Israeli settlements in the West Bank and Gaza, final security arrangements, borders, and other issues of common interest--began on May 5 and were immediately adjourned.

Internal security is the responsibility of the General Security Service (GSS)--(Shin Bet, or Shabak), which is under the authority of the Prime Minister's office. The police are under the authority of the Minister of Interior Security. The Israel Defense Forces (IDF) are under the authority of a civilian Minister of Defense. The IDF includes a significant portion of the adult population on active duty or reserve status and plays a role in maintaining internal security. The Foreign Affairs and Defense Committee in the Knesset reviews the activities of the IDF and Shin Bet. Some members of the security forces committed human rights abuses.

Israel has an advanced industrial economy, and citizens enjoy a high standard of living, with a per capita income of almost \$17,000. Unemployment among citizens was approximately 6.5 percent with nearly full employment in some areas. Along with rapid economic growth in recent years there has been a tendency toward increasing income inequality. The long-standing gap in levels of income between Jewish and non-Jewish citizens continues. Israel's growing reliance on foreign workers, principally from Asia and Eastern Europe who are generally employed in agriculture and the construction industry, and comprise about 10 percent of the labor force. Since the implementation of an economic stabilization plan in 1985, Israel has moved gradually to reduce state intervention in the economy. The new Netanyahu Government promised a renewed emphasis on market-oriented structural reforms, especially deregulation and rapid privatization of the economy, but had achieved little progress by year's end. Despite the continued dominant role of the Government in the economy, individuals generally are free to invest in private interests and own property.

The Government generally respects human rights, and citizens enjoy a wide range of civil and other rights. Israel's main human rights problems have arisen from its policies and practices in the occupied territories. However, the redeployment of the IDF from most major Palestinian population areas in the West Bank in December 1995, and its previous withdrawal from Gaza and Jericho, have significantly reduced these problems. In September, however, Israel's opening of an archeological tunnel near the Temple Mount in Jerusalem and the subsequent calls by Palestinian leaders to protest this decision sparked confrontations between Israeli security forces and Palestinians expressing their frustrations over the slow pace of the peace process. These demonstrations escalated into several days of fighting between Israelis and Palestinians and left 16 Israelis and 58 Palestinians dead and many hundreds injured.

The authorities continue to hold and mistreat Palestinian security detainees, and detention and prison conditions, particularly for Palestinians, are poor. However, new legislation during the year set tighter limits on the length and grounds for pretrial detention. New legislation also broadened children's rights and made the basis for comparing men's and women's compensation more equitable. Proposed legislation defining the basis for and limits of GSS activities, circulated to interested groups in 1995 for their comment, was widely criticized for because it authorized the Government to use force during interrogation and to issue secret guidelines defining the methods of interrogation. The legislation has not been formally submitted to the Knesset.

The Government responded to terrorist and security incidents by tightening existing restrictions on movement across borders with the West Bank and Gaza, and demolishing the homes of some suspected terrorists and their families in the occupied territories.

The Government took steps to address discrimination and violence against women. It pledged to eliminate the social and economic gap between Israel's Arab and Jewish citizens; however, the Arab

minority still does not share fully in the rights granted to, and the obligations imposed on, Jewish citizens.

* The human rights situation in the occupied territories is discussed in the annex appended to this report. [Editor's note: see "Occupied Territories."]

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There are no reports of political killings by government forces. During the year, however, at least two Palestinians died while in Israeli custody, two after apparently being tortured by other Palestinians (see Section 1.a. and Section 1.c. of the annex.)

Two extremist Islamic groups, the Islamic Resistance (Hamas) and the Palestine Islamic Jihad (PIJ), made a concerted effort during the year to undermine the authority of the Palestinian Authority and derail the Israeli-Palestinian peace process by killing Israeli civilians in a series of deadly suicide bombing attacks in Jerusalem, Tel Aviv, and Ashkelon (see Section 1.g.). On June 9, terrorists shot and killed an Israeli couple in a car 12 miles southwest of Jerusalem.

On October 3, a Tel Aviv court sentenced Yigal Amir, the killer of former Prime Minister Yitzhak Rabin, to an additional 5 years in prison. Amir is already serving a life term. The court also sentenced the killer's brother, Hagai Amir, to 12 years, and a third man, Dror Adani, to 7 years, for plotting Rabin's murder. The three men were also found guilty of planning attacks against Palestinians, and Hagai Amir was convicted of various weapons charges.

In September Israel's opening of a controversial tunnel near Muslim and Jewish holy sites in Jerusalem and calls by the Palestinian Authority (PA) for Palestinians to protest the move sparked several days of violent clashes between Israeli security forces and Palestinian security officers and civilians. Fifty-eight Palestinians (including 11 Palestinian security officers) and 16 IDF soldiers and border police officers died in the fighting, and some 1,500 persons were injured (see Section 1.g. of the annex).

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although laws and administrative regulations prohibit the physical abuse of detainees, the head of Shin Bet is empowered to authorize security officers to use " moderate physical and psychological pressure " in interrogating Palestinian detainees. In certain " ticking bomb " cases the GSS has " greater flexibility " to employ " special measures " when deemed necessary to obtain information to save lives. These measures have been applied against Palestinians suspected of involvement in planning terrorist acts, and include the practice of violent shaking (see Section 1.c. of the annex).

The practice of shaking was challenged repeatedly before the Israeli Supreme Court during the year by

human rights groups and attorneys for individual detainees. In two cases in November, the Court upheld the right of the GSS to use "special measures" and "force" against Palestinian prisoners. However, in a number of cases, the Court ordered the GSS to show cause that this method of interrogation was necessary in order to obtain information directly related to citizens' safety. While in a number of cases the GSS succeeded in meeting the Court's standard, and shaking was authorized, the show-cause orders constitute some restriction on the use of the method.

In August the authorities detained Bashar Tarabieh, a part-time employee of the nongovernmental organization (NGO) Human Rights Watch, who had been visiting his family in the Golan Heights. For 8 days he was held without charge in a jail near Haifa, in a separate section for the detention and interrogation of security prisoners. Between repeated interrogation sessions he was frequently hooded and tied to a chair in a contorted position. He was held in a cell with poor sanitary conditions, and for much of his detention given food that was inedible. After inte