



## Israel and the occupied territories

### Country Reports on Human Rights Practices - [2007](#)

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Israel is a multiparty parliamentary democracy, with a population of approximately 7.2 million. "Basic laws" enumerate fundamental rights. The 120-member, unicameral Knesset has the power to dissolve the government and mandate elections. After free and fair elections in March 2006, Prime Minister Olmert presented his government to the Knesset. The civilian authorities generally maintained effective control of the security forces. (An annex to this report covers human rights in the occupied territories, including the treatment of security detainees from the occupied territories. This report deals only with human rights in Israel.)

The government generally respected the human rights of its citizens; however, there were problems in some areas. There were several high profile cases involving corruption or sexual misconduct by political leaders. Institutional, legal, and societal discrimination against Israeli Arabs, non-Orthodox Jews, and other religious groups continued. Women suffered societal discrimination and domestic violence. The government maintained unequal educational systems for Arab and Jewish students. Trafficking in and abuse of women and foreign workers remained a problem, as did societal discrimination against persons with disabilities.

Palestinian rocket and terrorist attacks killed and injured Israeli civilians.

### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit politically motivated killings.

On October 22, a Palestinian prisoner, Mohammed al-Askar, was killed during a riot at the Ketziot prison in southern Israel. Prisoners alleged that security forces misused crowd-dispersal weapons, including rubber bullets and bean bag projectiles. An internal Israel Prison Service (IPS) investigation was ongoing at year's end.

A border policeman was charged in the January 2006 killing of Nadim Milham, an Israeli Arab, but the trial had not begun by year's end. The policeman, searching for weapons in Milham's home, allegedly beat and shot him from behind when he attempted to escape, according to the nongovernmental organization (NGO) Mossawa Advocacy Center for Arab Citizens of Israel (Mossawa).

The trial of two border policemen on manslaughter charges for the killing of Palestinian laborer Iyad Abu Aya during an October 2006 raid near Tel Aviv was ongoing at year's end. The manslaughter trial of a police officer charged with killing Israeli Arab Mahmoud Ghanim in July 2006 had not commenced.

In January 2006 the attorney general ordered a review of the Police Investigation Department (PID) decision to end investigation of the October 2000 police killings of 13 protesters. By year's end the results were not released.

As of December 11, Palestinian terrorists had killed five and wounded 64 civilians in Israel. On January 29, the terrorist organization known as Palestinian Islamic Jihad carried out a suicide bomb attack in a bakery in Eilat, killing civilians Emi Haim Elmaliah, Michael Ben Sa'adon, and Israel Zamalloa.

Palestinian terrorists routinely fired rockets from the Gaza Strip into Israel. The government estimated that 970 Qassam rockets and 1,200 mortars were fired during the year. The government reported that two civilians were killed as a result of the rocket attacks.

In July 2006 Hizballah terrorists killed three and abducted two Israel Defense Forces (IDF) soldiers during a cross-border raid from Southern Lebanon, resulting in a widened conflict that lasted until August 2006. During the fighting, according to government figures, Hizballah fired 3,970 rockets at Israeli population centers, killing 43 civilians; 117 Israeli soldiers were killed in the conflict.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading

*Treatment or Punishment*

The law prohibits such practices. During the year NGOs filed numerous complaints alleging that security forces tortured and abused Palestinians from the occupied territories. (See annex.)

On March 6, the NGO B'Tselem alleged widespread police and Border Police mistreatment of Palestinians working illegally in Israel and East Jerusalem. The report included testimony from 27 individuals who claimed severe abuse, including broken bones or internal bleeding.

In a report released December 10, the Association for Civil Rights in Israel (ACRI) cited Knesset Center for Research and Information data showing that the PID investigated only 35 percent of the 4,900 complaints it received against police officers during 2005 and 2006. According to ACRI's data, 57 percent of uninvestigated complaints were closed for "lack of public interest." During a December 18 Knesset hearing, PID commander Herzl Shviro pointed out that police investigated 1,700 of the complaints and that of those 8.5 percent resulted in criminal indictments. He acknowledged also that PID investigations were routinely hampered by police tampering and a "code of silence" among officers.

The NGO Hotline for Migrant Workers reported a decrease from 2006 in the number of complaints it received regarding violence by the immigration police. During the year Hotline filed one complaint regarding police violence.

In October 2006 three border police officers--Eliran Levy, Moshe Yekutiel, and Almit Asarsa--were indicted on charges of aggravated assault for abusing Abd Tareq Ahrub, a West Bank resident caught in Jerusalem without a permit. The three allegedly beat the Palestinian before making him kiss the police insignia on their uniforms. The case was ongoing at year's end.

On October 11, the Supreme Court began considering the State's appeal of an earlier district court decision not to dismiss a lawsuit filed against the state by Lebanese citizen Mustafa Dirani, who charged that Israeli security forces tortured and raped him during interrogations between 1994 and 2004. The case was ongoing at year's end.

Prison and Detention Center Conditions

The law provides detainees the right to conditions that do not harm their health or dignity. Conditions in IPS facilities for common criminals and security prisoners generally met international standards. (Conditions in four facilities for detainees are covered in the annex). The International Committee of the Red Cross (ICRC) had access to IPS and IDF facilities. Overcrowding remained a significant problem. Regulations require at least 48 square feet of living space per person, but the Prisons Authority reported on October 16 that the average space per prisoner was 31 square feet. In a March report the Israel Bar Association (IBA) noted that despite regulations specifying a limit of four prisoners per cell, some contained up to 10 prisoners. On February 18, the High Court ruled that authorities were obligated to provide a bed for every inmate and, according to ACRI, as of August, all prisoners in IPS facilities had a bed.

Israeli citizen prisoners 17 years and younger were separated from adult prisoners.

The ICRC regularly monitored IPS facilities as well as interrogation facilities and the two IDF Provisional Detention Centers.

In January 2006 the Supreme Court ruled facility "1391"--allegedly an IDF detention facility reserved for high value detainees--was legal but asked the government to restrict its use. In August 2006 the government informed the court that it was holding two Hizballah detainees, captured during the summer conflict, in the facility. Details of the court's ruling remain classified.

The IBA and public defenders were permitted to inspect IPS facilities.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions for citizens. Arab Israelis are subject to the same laws as all citizens. Noncitizens of Palestinian origin detained on security grounds fell under military jurisdiction even if detained in Israel. (See annex.) Non-Israeli residents of the Israeli-occupied Golan Heights were subject to the same laws as Israeli citizens.

In October the Public Defender's Office (PDO) criticized the police for refusing suspects' requests to speak with a lawyer during the initial three-hour pre-arrest period of interrogation and for use of coercive interrogation methods, resulting in faulty or illegal confessions.

#### Role of the Police and Security Apparatus

The Israeli Security Agency (ISA or Shin Bet), under the authority of the prime minister, combats terrorism and espionage in Israel and the occupied territories. (See annex.) The National Police, including the Border Police and the Immigration Police, are under the authority of the Ministry of Internal Security. Police corruption generally was not a problem.

The PID, within the Ministry of Justice, reviews complaints against police officers and may impose disciplinary measures or recommend indictments. Human rights groups alleged that the PID lacked independence and failed adequately to investigate complaints filed against police officers by Israeli Arabs and Palestinians. (See section 1.c.) In November 2006 in response to a State Comptroller report, the PID announced a six-year plan to cede control over police investigations to a new civilian body. According to ACRI, tenders for the initial six civilian investigator positions were published in November.

The police utilized training programs in coordination with academic institutions and human rights NGOs to promote human rights awareness and cultural sensitivity. In July the National Police began mandatory Arabic language and culture classes for all new cadets.

#### Arrest and Detention

The law provides that an arrested person is considered innocent until proven guilty, has the right to habeas corpus, to remain silent, to be represented by an attorney, to contact family members, and to a fair trial. The government may withhold evidence from defense lawyers on security grounds; however, the evidence must be made available to the court. A bail system exists, and decisions denying bail can be appealed. As a general practice, according to B'Tselem, non-Israelis of Palestinian origin detained for security violations were not granted bail. An individual suspected of a criminal offense may be held without charge for 24 hours before being brought before a judge. Suspects in nonsecurity cases were apprehended openly with warrants based on sufficient evidence and issued by an authorized official. Detainees in such cases generally were informed promptly of the charges against them.

Under a "temporary law" that went into effect in June 2006 and has twice been renewed, individuals suspected of a security offense may be held for 96 hours before being brought before a judge. The law also allows the courts to authorize holding a detainee for up to 20 days without an indictment and to bar detainees from consulting a lawyer for up to 50 days. Decisions in this regard may be further extended and made without the detainee being present and, in some cases, without being informed of the hearing.

The 1979 Emergency Powers Law allows the Defense Ministry administratively to detain persons without charge for up to six months, renewable indefinitely, subject to district court review. Such detainees, the majority of whom were Palestinians, were permitted legal representation. The court may rely on classified information and evidence denied to detainees and their lawyers. Detainees can appeal their cases through the Supreme Court. Human rights groups alleged administrative security detention orders were used even when the accused posed no clear danger. As of December 31, according to B'Tselem, there were 842 administrative detainees in IPS detention centers, while the IDF held nine as of November 26.

The 2002 Illegal Combatant Law allows the IDF to detain civilians suspected of "taking part in hostile activity against Israel" or who "belong to a force engaged in hostile activity against the State of Israel," but who do not qualify as prisoners of war. Such persons have the right to see an attorney within seven days, must be brought before a judge within 14 days, and may be held indefinitely subject to twice yearly district court reviews.

The law provides that foreign nationals suspected of immigration violations be afforded a hearing within four days of detention. They have the right to, but no guarantee of, legal representation. According to the NGO Hotline for Migrant Workers, appropriate interpreters were not always present at the hearings, despite a written commitment in 2002 by the government to the Supreme Court to provide translators. At the beginning of 2006 the Ministry of Justice contracted a private translation company for hearings conducted by the review tribunal, and the situation improved, although the services were not always sufficient. In some cases a fellow detainee served as the translator.

According to the NGO Hotline, persons held in immigration detention rarely were released pending judicial determination of

their status. Moreover, if the detainee's country of origin had no diplomatic or consular representation, they could remain in detention for months. During the year Hotline reported that the number of detainees who were awaiting their status determination increased, and that at year's end more than 1,000 detainees were waiting for determination of their asylum claims, 78 of them children.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government respected this provision in practice. The judiciary has ruled against the executive, including in security cases.

The Judicial Branch comprises magistrate courts, six district courts, and the Supreme Court or High Court of Justice. Magistrate courts adjudicate misdemeanors and lesser civil disputes; district courts adjudicate felonies and serious civil cases. There are also military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The High Court of Justice is a court of first instance for claims against the government. Its members also sit as the Supreme Court, adjudicating appeals of lower court rulings. Religious courts have jurisdiction over matters of personal status for their adherents.

#### Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The country's criminal justice system is adversarial, and professional judges decide all cases.

Trials are public except when the court determines that a closed trial is required to protect state security, foreign relations, a party's or witness's right to privacy, or a sexual offense victim. Security or military trials are open to independent observers at the discretion of the court but not to the general public. Under a law that went into effect January 1, all indigent defendants facing imprisonment receive mandatory representation. According to the government, counsel represented all defendants in district and Supreme Court trials and in approximately 75 percent of cases in the magistrate courts.

Defendants have the right to question witnesses against them, to present witnesses on their behalf, to access evidence (except when the court determines defense access to witnesses or evidence would compromise state security), and to appeal.

Military courts provide a number, but not all, of the procedural rights granted in civil criminal courts, and the evidentiary rules are the same as those in criminal cases. The 1970 evidentiary rules governing trials under military law of Palestinians and others applicable in the occupied territories are the same as evidentiary rules in criminal cases. Convictions may not be based solely on confessions; however, B'Tselem, the Public Committee Against Torture in Israel (PCATI), and other NGOs alleged that in practice security prisoners have been sentenced on the basis of coerced confessions, coerced testimony of others, or both. Counsel may assist the accused in such trials, and a judge may assign counsel to defendants. Indigent detainees do not automatically receive free legal counsel for military trials, although they do in civilian criminal trials where conviction would lead to imprisonment. The defendant and the public receive the charges in Hebrew, and the court can order an Arabic translation. Interpreters and translators were not always available. Defendants can appeal through the Military High Court and petition the High Court of Justice. Military courts treat minors age 16 and 17 as adults.

In a report on military court procedures released in December, the NGO Yesh Din criticized the military judicial system for failing to meet minimum standards of due process because of de facto restrictions on public presence in military courts, unpublished verdicts, no explicit right to a presumption of innocence, indictments provided to defendants and attorneys only after they have been filed in court, restrictions on the right to be tried without undue delay, and limitations on the ability of attorneys to provide clients with effective counsel.

There are also custodial courts and four deportation courts to address the removal of illegal immigrants.

#### Political Prisoners and Detainees

There were no reports of Israeli citizen political prisoners or detainees. (See annex regarding the occupied territories.)

#### Civil Judicial Procedures and Remedies

An independent and impartial judiciary adjudicates lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies exist, and court orders are enforced.

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

The law provides for protection of privacy of the individual and the home. In criminal cases the law permits wiretapping under court order; in security cases, the defense ministry must issue the order. Under emergency regulations authorities may open and destroy mail based on security considerations.

Separate religious court systems adjudicate personal status, such as marriage and divorce, for the Jewish, Muslim, Christian, and Druze communities. Jews can marry only in Orthodox Jewish services. Civil marriages, marriages of non-Orthodox Jews, or marriage to someone from another faith must take place abroad in order to be recognized. According to the Central Bureau of Statistics, more than 32,000 citizens married outside the country between 2000 and 2004; in almost half both husband and wife were Jews. In 1995 the government asked foreign consular officials to stop performing marriages, and in 2005 the High Court instructed the government to define its position on marriages performed by officials of foreign embassies. On September 2, the government announced that it would allow consular marriages as long as both parties are classified as having no religion or belonging to a religious community not recognized by the state. In November 2006 the High Court issued a ruling requiring the government to recognize same-sex marriages legally performed in foreign jurisdictions.

The authority to grant status (citizenship and residency) to a non-Israeli spouse, including Palestinian and other non-Jewish foreign spouses, resides with the Minister of the Interior. In January the Knesset extended a temporary 2003 law that prohibits citizens' Palestinian spouses from the occupied territories from residing in the country. Palestinian male spouses age 35 and older and female spouses age 25 and older may apply for temporary visit permits. The Mossawa Center, citing Ministry of Interior statistics, claimed that the law affected "at least 21,298 families," including couples with long-standing marriages whose requests for residence permits were pending. Civil rights groups criticized the denial of citizenship and residency status to spouses of Israeli Arabs, who constitute the majority of Israelis who marry residents of the occupied territories. The March 21 Knesset action also expanded the law to bar family reunification in cases where one spouse is a citizen of Iran, Iraq, Syria or Lebanon.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations.

Israel has 12 daily newspapers, 90 weekly newspapers, more than 250 periodicals, and a number of Internet news sites. All newspapers were privately owned and managed. Journalism laws dating from the British mandate period require that the Ministry of Interior license newspapers and allow the minister, under certain conditions, to close a newspaper. The Ministry of Interior has no authority over the military censor. In 2004 the High Court heard a petition filed by ACR1 challenging the ordinance, which was withdrawn after the Ministry of Interior pledged to prepare legislation effectively canceling the ordinance. At year's end legislation had not been enacted.

The state-owned Israel Broadcast Authority controls the Hebrew-language Israel Television and an Arabic-language channel, as well as Kol Israel (Voice of Israel) radio, which airs news and other programming in Hebrew, Arabic, and many other languages. Both Israel Television and Israel Radio are major sources of news and information. The Second Television and Radio Authority, a public body, supervises the two privately owned commercial television channels and 14 privately owned radio stations.

A cable company, HOT, and one satellite television company carried international networks and programs produced for domestic audiences. In July HOT dropped the Christian network Daystar TV from its subscriber package citing "editorial and content considerations" following complaints about proselytizing. A government committee met in August but failed to reach a decision. A petition by Daystar TV to the Supreme Court was pending at year's end.

The law authorizes the government to censor material regarded as sensitive reported from Israel or occupied territories. Under an agreement between the government and media representatives, all media organizations must submit to military censors materials that deal with specific military issues as well as strategic infrastructure issues such as oil and water supplies. The censor's decisions may be appealed to the High Court, and media cannot be closed by the military censor for censorship violations. The censor cannot appeal a court judgment. Foreign journalists must submit sensitive articles and photographs to the military censor but in practice rarely complied.

On April 18, a Special Committee of the Israeli Press Council released a report on journalistic ethics and conduct during the July-August 2006 conflict in Lebanon. The committee determined that accusations that the media had endangered lives, for example by revealing the locations of Katyusha rocket strikes in northern Israel, were false. The committee found that the military censor approved all such media reports and recommended that the media during wartime reassure the public that it obtained the military censor's approval. The committee also recommended that military officers not leak classified information.

All journalists operating in Israel must be accredited by the Government Press Office (GPO). In September 2006 ACRI appealed to the Supreme Court on behalf of a journalist residing in the Golan Heights who alleged that he had been denied a GPO card since 2003 based on political considerations. The State Attorney's Office announced in July that it would not object to granting him a press card for a trial period. At year's end the GPO had not acted, and the appeal before the Supreme Court was still pending.

News printed or broadcast abroad may be reported without censorship. There were no reports that the government fined newspapers for violating censorship regulations.

#### Internet Freedom

There were no restrictions on Internet access or reports of the government monitoring e-mail or chat rooms. On December 5, survey results published in *Globes* newspaper indicated Israelis averaged 37.4 hours per month using the Internet. Approximately four million persons had Internet access.

#### Academic Freedom and Cultural Events

Israeli universities are required to justify to the IDF acceptance of Palestinian students from the occupied territories. According to IDF criteria, only students pursuing graduate-level degrees related to "regional cooperation" and "developing coexistence and peace" are permitted to attend Israeli universities. In November the High Court, citing concern about interference with academic institutions' discretion, gave the state four months to submit revised criteria. (See also annex.)

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. In April 2006 the Ministry of Internal Security released a study criticizing the police for lacking a clear, explicit policy on appropriate use of force to disperse riots and demonstrations.

On August 2, the PID announced that because the claimants refused to cooperate it had decided not to investigate allegations that police officers had used excessive force against a demonstration in the Bedouin community of al-Mashash in November 2005 that protested demolition orders for illegally constructed buildings. According to the Israeli NGO Adalah, 12 protesters, including a pregnant woman, were injured.

##### Freedom of Association

The law provides for the right of association, and the government generally respected this right in practice.

On March 13, the press reported that Israel Security Agency (ISA) Director Yuval Diskin warned the prime minister about a "strategic danger to the existence of the state," on the basis of four documents published by prominent Israeli Arab organizations calling for enhanced civil rights for the Arab citizens of Israel and rejecting Israel's definition as a Jewish state. In a letter to the editor, the Prime Minister's Office asserted that the ISA would "thwart the activity of any group or individual seeking to harm the Jewish and democratic character of the State of Israel, even if such activity is sanctioned by law." The ISA argued that it was obligated to disrupt "subversive" activity, "even if conducted through democratic means." On May 20, the attorney general refused a request to open an investigation into the ISA's activities in the Israeli Arab community, saying the ISA's position was lawful and had been coordinated with him.

#### c. Freedom of Religion

The law provides for freedom of worship, and the government generally respected this right in practice.

The Basic Law and Declaration of Independence recognize the country as a "Jewish and democratic state." The government recognized only Orthodox Jewish religious authorities in personal and some civil status matters concerning Jews. The government implements policies including marriage, divorce, education, burial, and observance of the Sabbath based on Orthodox Jewish interpretation of religious law, and allocations of state resources favor Orthodox Jewish institutions. According to government figures, during the year the budget for religious services and religious institutions for the Jewish population was approximately \$400 million (1.6 billion NIS). Religious minorities, which comprised approximately 20 percent of the population, received about \$20.5 million (82 million NIS), or just over 5 percent of total funding.

The law confers recognition on some religious communities, granting them authority over their members in personal status matters. Recognized communities are: Eastern Orthodox, Latin (Roman Catholic), Gregorian-Armenian, Armenian-

Catholic, Syrian (Catholic), Chaldean (Uniate), Greek Catholic Melkite, Maronite, Syrian Orthodox, and Orthodox Jewish (both Ashkenazic and Sephardic rites), Druze, the Evangelical Episcopal Church, and the Baha'i. The status of several Christian denominations is defined by arrangements with government agencies. Legislation enacted in 1961 afforded Muslim courts exclusive jurisdiction in matters of personal status concerning Muslims, although the state regulates judicial appointments to these courts. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Muslims also can bring alimony and property division matters associated with divorce to civil courts.

Several religious communities were not recognized, including Protestant groups. Unrecognized communities generally practiced their religion freely and maintained communal institutions but were ineligible to receive government funding for religious services.

Under the Law of Return, the government grants citizenship and residence rights to Jewish immigrants and their immediate family members. In 2005 the High Court ruled that the government must recognize non-Orthodox conversions of legal residents that were formalized abroad by acknowledged Jewish authorities, even if not Orthodox. In 2004 the High Court held that non-Jews who immigrate to the country and convert according to Orthodox requirements can become citizens, but conversion officials charged that the Ministry of Interior was not complying. The government does not recognize non-Orthodox conversions in the country for purposes of immigration. The Israel Religious Action Center challenged this practice, and in November 2006 the Supreme Court held its first hearing.

Many Jewish citizens objected to exclusive Orthodox control over aspects of their personal lives. Approximately 300,000 citizens who immigrated either as Jews or as family members of Jews are not considered Jewish by the Orthodox Rabbinate. They cannot be married, divorced, or buried in Jewish cemeteries within the country. A 1996 law requiring the government to establish civil cemeteries has not been implemented adequately.

The Protection of Holy Sites Law covers all religious sites, but the government issued implementing regulations only for Jewish sites. In 2004 the NGO Adalah petitioned the Supreme Court to compel the government to protect Muslim sites. In response to a court order, in January 2006 the government appointed an inter-ministerial committee to examine the administrative and budgetary management of holy sites. On August 20, the Supreme Court ordered the government to explain its failure to protect Islamic holy sites and provide funds for their maintenance. The government's response was pending at year's end.

Some missionaries were allowed to proselytize. Offering material inducements for conversion, as well as converting persons under 18 years of age, remained illegal unless one parent was of the religion to which the minor wished to convert. The Church of Jesus Christ of Latter-day Saints refrained from proselytizing under an agreement with the government.

A Holy Synod in Istanbul deposed the Greek Patriarch of Jerusalem, Irineos I, in May 2005. Irineos I claimed that the proceedings were illegal and that the Government of Israel did not recognize his successor, Theophilus. In November 2005 Theophilus appealed to the Israeli High Court, and at the same time a ministerial committee was established. On December 16, the Israeli cabinet approved Archbishop Theophilus III as Greek Orthodox Patriarch of Jerusalem.

#### Societal Abuses and Discrimination

There were reports of societal abuses or discrimination based on religious belief or practice.

On January 29, police arrested six juveniles from the town of Bat Yam and charged them with spray painting approximately 20 swastikas on the Ark, Torah scroll, and walls of the Great Synagogue in the city of Petah Tikva in May 2006 as well as other acts of anti-Semitic vandalism. According to press reports, the youths—new, non-Jewish immigrants from the former Soviet Union—admitted to belonging to a satanic cult. Dozens of incidents of neo-Nazi vandalism—including offensive and threatening graffiti—were reported throughout the country.

On May 14, police arrested Julian Soufir after he admitted killing Taysir Karaki, an Arab taxi driver from East Jerusalem, because "I wanted to kill an Arab."

On September 17, Rivka Zagaron, a 75-year-old Holocaust survivor, was assaulted in Haifa by two young men shouting "Heil Hitler." After she escaped, the two youths reportedly also assaulted a nearby cleaning employee.

On September 22, during the Jewish Holy Day of Yom Kippur when driving is prohibited, a 20-year-old Israeli Arab man, Ashad Shibli, ran over a nine-year-old girl while she was riding her bicycle in the northern town of Kfar Tavor. Witnesses said he tried to run over two other residents earlier the same day. On October 12, authorities indicted Shibli for manslaughter. The trial was ongoing at year's end.

In December the government concluded its criminal investigation into a 2006 article in the *Hassidic World* magazine

describing Muslims and Christians in insulting terms. The Prosecutor's Office had not filed charges at year's end.

In June 2006 approximately 100 ultra-Orthodox Jews assaulted approximately 50 Christian tourists in a Jerusalem neighborhood, injuring three of them. Police arrested two attackers, and in October 2006 the case was being prepared for indictment. No prosecution had begun by year's end.

The national public bus service operated sex-segregated transportation for ultra-Orthodox Jews. Ultra-Orthodox passengers also tried to impose sex-segregation on some mixed buses. According to press reports, in October a group of five ultra-Orthodox men attacked a woman and a male soldier for sitting together on a mixed bus traveling to the town of Beit Shemesh. In November 2006 a group of ultra-Orthodox men reportedly attacked and beat a woman for refusing to move to the rear of a Jerusalem bus that was not officially sex-segregated. None of the attackers was arrested; however, at year's end the case was under investigation. A petition on the legality of sex-segregated buses was pending at year's end.

During the year ultra-Orthodox Jews threw rocks at motorists to protest their driving on the Sabbath, and soccer fans from certain teams chanted "death to Arabs" and anti-Muslim slogans during games between Israeli Jewish and Arab teams.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign

##### Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice for citizens. (See annex for restrictions on movement in the occupied territories.)

Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and no administrative restrictions. The government may bar citizens from leaving the country based on security considerations. Citizens, including dual nationals, must enter and leave the country using their Israeli passports only. In addition no citizen is permitted to travel to states officially at war with the country without government permission, including Knesset members who have been barred by the Knesset from such visits without permission from the interior minister.

Mordechai Vanunu, released in 2004 after serving 18 years in prison for treason and espionage for providing information about an alleged Israeli nuclear weapons program to a foreign newspaper, continued to be subjected to detailed restrictions on speech and movement. On July 2, the Jerusalem Magistrate's Court sentenced Vanunu to six months' imprisonment for violating the terms of his parole by having contact with foreign nationals without permission and attempting to visit the West Bank.

During the year there were numerous reports of foreign nationals, including American citizens, of Arab descent subjected to harsh and degrading treatment at border crossings. Diplomatic missions regularly protested such treatment regarding their nationals. In January the government published new guidelines for foreign nationals seeking to visit or reside in the West Bank, although problems at Ben Gurion International Airport and other border crossings persisted throughout the year.

Israeli Arabs required a special permit to enter area A (the area, according to the Interim Agreement, in which the Palestinian Authority (PA) exercises security responsibility). However, they could travel abroad using their Israeli passports without restriction. Israeli Arabs regularly complained of discrimination and degrading treatment by airport security officials. On September 18, the Higher Arab Monitoring Committee, which represents Israeli Arab interests, launched a boycott against the national airline, El Al, protesting discriminatory treatment at airports. On May 31, ACRI petitioned the High Court, demanding that the Israel Airports Authority, Shin Bet, and the Ministry of Transportation no longer use Arab ethnicity as a sufficient reason for conducting intensive security checks at Israeli airports. The case was pending at year's end.

The law prohibits forced exile of citizens, and the government generally respected this prohibition in practice.

##### Protection of Refugees

UNHCR registered 5,505 cases of new arrivals during the year, of whom 32 percent were Eritrean citizens and 30 percent were Sudanese citizens, and estimated that at least 90 percent of all new arrivals transited Egypt en route to Israel. UNHCR estimated that at year's end there were approximately 7,000 asylum seekers in Israel.

Israel is party to the 1951 UN Refugee Convention and its 1967 protocol. The government complied with its obligation regarding refoulement not to return persons to a country where they have a well founded fear of persecution. The

government also did not return those denied refugee status to their home countries against their will. Israel does not have legislation implementing the 1951 refugee treaty and 1967 protocol, but it has signed and ratified both agreements and since 2001 has applied both agreements procedurally.

The government does not have its own status determination system and relies on UNHCR, which referred eligible refugee applicants to an advisory committee the National Status Granting Body (NSGB), and the Ministry of the Interior rendered final adjudications based on NSGB recommendations. The Tel Aviv University Refugee Rights Clinic charged that the NSGB's procedures were not transparent.

Refugees recommended by UNHCR and recognized by Israel received temporary residency, including social rights. Persons granted refugee status received six month visas that can be extended until final status is determined. Refugees' status is revisited every few years. No legal option exists to naturalize in Israel.

Those denied asylum and unwilling to leave remain in immigration detention indefinitely. NGOs filed several court challenges, and the government responded with alternative solutions, placing many newly arrived illegal migrants in hotels, kibbutzim, and other employment situations. For asylum seekers from states at war with Israel, such as Sudan, the government attempted to find a third country to accept them.

The total number of Sudanese migrants in Israel was estimated at nearly 3,000, compared with approximately 200 in 2006. According to the Refugee Rights Clinic, this influx resulted in many asylum seekers waiting in detention for long periods. The Refugee Rights Clinic claimed the government's policy regarding Sudanese violates the non-discrimination clause of the 1951 Refugee Convention and unilaterally derogates from the refugee definition. In December the government granted temporary refugee status to 500 Sudanese.

After UNHCR provided an opinion that Eritreans should not be returned to their country, some Eritrean migrants in Israel were released into alternative detention.

On August 19, Egypt accepted 48 Africans deported by Israel. Five human rights organizations argued to the High Court that such deportations violated the principle of nonrefoulement. On September 24, the High Court of Justice ordered the government to introduce procedures for screening asylum seekers at the border prior to any deportation. The government stated in August that it also would deport all asylum seekers who illegally enter Israel via Egypt, but at year's end these deportations were on hold.

Palestinians were registered by the UN Relief and Works Agency for Palestine Refugees (UNRWA).

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

Israel is a parliamentary democracy with an active multiparty system. Relatively small parties, including those primarily supported by Israeli Arabs, regularly win Knesset seats. The Basic Law requires that a party obtain 2 percent of the vote to win Knesset seats. In March 2006 the Kadima Party won a plurality of Knesset seats, and Kadima leader Ehud Olmert formed a coalition government in which he became prime minister.

The Basic Law prohibits the candidacy of any party or individual that denies either the existence of the State of Israel as the state of the Jewish people or the democratic character of the state, or that incites racism. Otherwise, political parties operated without restriction or outside interference.

At year's end the 120-member Knesset had 17 female members, including its speaker. The Knesset included 10 Arabs and two Druze. The 29-member cabinet included two women, one Druze, and one Israeli Arab Muslim. Five members of the 14-member High Court, including its president, were women. An Arab Christian is on the High Court, but no Muslim or Druze citizens have served.

#### Government Corruption and Transparency

The law penalizes official corruption, and the government generally sought to implement these laws. Investigations of numerous allegations of misconduct by senior political figures and in government ministries occurred during the year. The national police, the state comptroller, the attorney general, and the finance ministry accountant-general officially were responsible for combating official corruption. Senior officials were subject to comprehensive financial disclosure laws.

On October 16, prosecutors issued an indictment against former Finance Minister Avraham Hirschson, who had resigned on July 1 on charges of fraud, money laundering, and breach of trust.

During the year the state comptroller and attorney general investigated Prime Minister Olmert for alleged irregularities in political appointments and bank and real estate actions in previous years. At least three investigations were ongoing at year's end.

Criminal investigations or trials of other officials, including Minister for Strategic Affairs Avigdor Lieberman, Member of Knesset (MK) Tzachi Hanegbi, MK and later minister Ruhama Avraham, MK Azmi Bishara, and at least thirteen senior police and State Attorney's Office officials continued with no results at year's end.

In 2005 Omri Sharon was convicted of various charges relating to illegal fundraising related to the 1999 Likud party primary campaign of his father, Ariel Sharon. He was sentenced to a nine-month jail term and an additional nine-month suspended sentence as well as a \$75,000 (NIS 300,000) fine. Sharon appealed the sentence, and in June the Tel Aviv District Court reduced it to seven months in prison and a nine-month suspended term. At year's end Sharon remained free pending a new appeal to the Supreme Court.

On March 25, citing lack of evidence, police closed a 2006 investigation into allegations that opposition leader Benjamin Netanyahu had used government funds to finance personal polls.

The law affords the public access to government information. According to ACRI the government does not effectively implement its Freedom of Information Law. Many government bodies did not disclose their internal regulations as required, and others failed to publish annual reports. On April 18, the High Court started deliberations on a 2005 ACRI petition demanding that the IDF and Ministry of Defense make their unclassified archives available to an Israeli journalist for research purposes. At year's end the case was ongoing.

On December 5, in response to a petition filed by five human rights NGOs, the Jerusalem Administrative Court ruled that the interior ministry had violated the law by withholding from the public its regulations concerning the Population Registry, which governs determinations regarding citizenship, residency, and entitlements to basic rights and freedoms for various sectors of Israeli society. The court ordered the ministry to publish its regulations on the ministry's Web site within 30 days.

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

Numerous domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative to varying degrees, and NGOs routinely were invited to participate in Knesset hearings on proposed legislation. A Foreign Ministry liaison unit maintained relations with international and domestic NGOs. The government responded publicly to criticisms that it believed to be unfounded.

Under the 1980 Law of Associations governing nonprofit organizations, NGOs must register and pay annual fees.

Some registered NGOs were eligible to receive state funding. Mossawa alleged discrimination, noting that Israeli-Arab NGOs received only approximately 1 percent of the nearly \$625 million (NIS 2.5 billion) spent annually by various government ministries on NGOs. Following a joint investigation by the finance and justice ministries, the Accountant General's Office stated that Mossawa's claims were unsupported. The accountant general pointed out, however, that while the funding criteria for NGOs applied equally to all applicants, certain government funds were earmarked for use only by NGOs that promote "traditional and religious Jewish activities."

During the year the interior ministry, operating under a 2002 order, barred entry to all foreign nationals affiliated with certain Palestinian human rights NGOs and solidarity organizations. (See annex regarding NGOs in the occupied territories.)

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, marital status, political beliefs, or age.

##### Women

The Equality of Women Law provides equal rights for women and protection from violence, harassment, exploitation, and trafficking; however, domestic violence against women was a problem. During the year the government received 11,240 spousal abuse complaints filed by women, with 414 convictions.

Rape is illegal, and the Penal Law doubles the penalty if the perpetrator assaults or rapes a relative (his spouse, including the person publicly known as his spouse, a minor or person under care, for whom the offender is responsible). NGOs considered the incidence of rape a concern. The Association of Rape Crisis Centers in Israel reported that "the existing laws set a valid basis for severe punishment in cases of rape and other forms of sexual assault," but that there is a tendency to sentence defendants to minimum terms of imprisonment. The government reported 971 files opened for rape, with 323 prosecutions and 253 cases pending during the year.

Various groups protested the return to government of Haim Ramon, who in May became vice prime minister. Ramon was convicted on January 31 of an indecent act for forcibly kissing a female soldier who worked in the Prime Minister's Tel Aviv office. He was sentenced to 120 hours of community service and ordered to pay \$3,750 (NIS 15,000) as compensation.

On June 29, President Moshe Katsav resigned as Israel's eighth president after negotiating a plea bargain that resulted in his conviction on charges of indecent acts under duress, sexual harassment, and harassment of a witness. Under the plea bargain, the government dropped two rape charges, gave Katsav a suspended prison sentence, and ordered him to pay damages to two of his victims. Various media reports claimed there were as many as 10 victims. The felony to which Katsav pled guilty carries a maximum penalty of seven years in prison. Women's rights activists and government transparency NGOs protested the plea bargain.

On March 18, police discovered near the village of Kfar-Qasem the body of a Palestinian woman who had had a baby with a married man. The police suspected the crime was perpetrated to uphold the "family honor." The case was under investigation at year's end. In January the Haifa Magistrate's Court sentenced a man to four years for stabbing his daughter in May 2006 in an "honor crime."

The magazine *Jerusalem Report* claimed that rates of spousal abuse among Ethiopian immigrants were "extremely" high, and stated that five of sixteen Israeli women killed by partners in 2006 had been Ethiopian immigrants. The Social Affairs Ministry provided battered women shelter and operated a hot line. The police operated a call center to inform victims about their cases and employed a database to link sex crime cases in investigations. A wide variety of women's organizations provided counseling, crisis intervention, legal assistance, and shelters for abused women.

Prostitution is not illegal and was widespread, but not highly visible. The law prohibits operation of brothels and organized sex enterprises, but brothels existed in several major cities.

The Prevention of Stalking Law and the Prevention of Family Violence Law require that suspected victims be informed of their right to assistance. The government reportedly opened 167 sexual harassment cases, with 29 cases forwarded for prosecution.

The law provides for class action suits and requires equal pay for equal work; however, the Ministry of Industry, Trade and Labor (MITL) reported a woman's average salary in 2005 to be 58 percent lower than the average salary of their male counterpart. The report also found that 3.2 percent of salaried women held management positions compared with 5.7 percent of men, with the gap in high technology industries even larger. On June 1, the *Jerusalem Post* reported that National Employment Service statistics showed 18 percent of employment-age Israeli Arab women participate in the work force, compared to 60 percent of Israeli Arab men.

Religious courts restricted the rights of Jewish and Muslim women. Jewish women are not allowed to initiate divorce proceedings without their husbands' consent. Consequently, thousands of so-called *agunot*--"chained women"--may not remarry or have legitimate children because their husbands disappeared or refused to grant divorces. Rabbinical tribunals may sanction a husband who refuses divorce but may not grant a divorce without his consent. Women do not have redress to civil courts; only religious courts can rule on personal status issues.

A Muslim woman may petition for and receive a divorce through the Shari'a courts without her husband's consent under certain conditions and may, through a marriage contract, provide for other cases where she may obtain a divorce without her husband's consent. A Muslim man may divorce his wife without her consent and without petitioning the court.

According to a July 10 *Ha'aretz* report, Arab women's complaints of sexual assault were increasing, and the Nazareth-based NGO Women Against Violence said that many of these women cited the Katsav case in their decision to appeal for help.

## Children

The law provides for the overall protection of children's rights and welfare, and the government generally was committed to ensuring enforcement of these laws. There were nine emergency shelters for children younger than 14 at risk of abuse and three for girls 13 or older--one each for Arab, Orthodox Jewish, and secular Jewish girls. According to the National Council for the Child, social welfare offices treated a record number of 62,273 children in 2006 considered at risk from physical, sexual, or emotional abuse or neglect.

Education is compulsory through the ninth grade. The government operated separate school systems for Hebrew-speaking children, Arabic-speaking children, and Orthodox Jews.

Ultra-Orthodox political parties continued to oppose government interference in their school system. The only nonpublic schools receiving government funding were ultra-Orthodox Jewish schools.

Israeli-Arab advocacy groups charged that the education of Arab children was inferior to that of Jewish children in the secular system. According to a 2005 study at Hebrew University, three times more money was invested in education of Jewish children as in Arab children. According to the Central Bureau of Statistics (CBS), 49.4 percent of Arab students passed their matriculation exams in 2006 compared with 64.4 percent for Jewish students. The results of exams released on November 29 showed that while Jewish-Israeli students ranked 11th in the world in literacy, Arab-Israeli students ranked 40th. While 77.2 percent of Jewish children attended preschool during the 2005-06 school year, only 62 percent of Arab children did so, according to CBS figures released in September. In June 2006 the Follow-Up Committee for Arab Education for Toddlers said that there was a shortage of 2,250 preschools in the Arab sector.

In August the National Insurance Institute (NII) found that nearly 36 percent of children lived below the poverty line. In June 2006 researchers at a Hebrew University conference reported that the poverty rate for Israeli-Arab children was 2.5 times higher than for Jewish children, and their infant mortality rate was double that of Jewish infants. Infant mortality among Bedouin Israelis was highest, at 15 percent of all births.

Boys and girls had equal access to medical care.

#### Trafficking in Persons

Israel is a destination country for trafficking for the purpose of labor and for prostitution. While trafficking for the purpose of prostitution greatly decreased in recent years, trafficking for the purpose of labor remained a serious problem.

According to NGO Hotline for Migrant Workers, victims of labor trafficking varied by sector, with Thai agricultural workers and Philippine domestic servants significant groups. The penal code stipulates that coercion to engage in prostitution is a criminal offense, punishable by between four and 20 years' imprisonment. The women's rights NGO Isha L'Isha reported that even though judges and prosecutors tended to award compensation money to trafficked women, the amounts were low and the traffickers "hindered" payments. Workers' rights NGO Kav LaOved reported that it handled more cases during the year of slavery and forced labor than cases of trafficking for labor purposes.

The law guarantees foreign laborers legal status, decent working conditions, health insurance, and a written employment contract; however, some employers forced individual laborers who entered the country, both legally and illegally, to live under conditions that constituted involuntary servitude. The government reported that through August 30, the Immigration Administration encountered four cases of possible trafficking for the purpose of slavery, three cases of holding persons under conditions of slavery, and two cases of forced labor. Organized crime groups trafficked women for prostitution, primarily from Eastern Europe, luring them with service sector jobs. Some reportedly sold women to brothels. According to the Investigations and Intelligence Division of the Israeli police, only a few dozen foreign women engaged in prostitution entered Israel during the year, compared to 3,000 entering in 2003. Isha L'Isha intervened in 50 cases of Israeli women internally trafficked for prostitution.

In July a national plan to combat trafficking for the purpose of prostitution was approved. In June the Investigations and Intelligence Division of the Israeli Police issued detailed guidelines that clarified areas of responsibility among units.

There were numerous documented cases of foreign laborers living in harsh conditions, subjected to debt bondage, and restricted in their movements. In prior years law enforcement agencies successfully prosecuted employers for labor law violations, including for violations that were tantamount to trafficking, but the sentences applied were insufficient. Labor agencies in particular were not properly penalized because the then-current law did not criminalize trafficking for purposes other than prostitution. An October 2006 amendment criminalized trafficking for slavery, forced labor, prostitution, pornography, sexual abuse, and organ selling, providing maximum sentences of seven to 20 years depending on the offense. In the first eight months of the year, the Immigration Administration reported it investigated seven cases of alleged trafficking or holding persons under conditions of slavery, 41 cases of withholding passports, and 310 cases of deceit and extortion of foreign workers.

On September 9, the government filed its first case of trafficking for organ removal. The defendants, who located their victims through advertisements in Arab-language newspapers, entered into a plea bargain, and one was sentenced to four years and \$3,750 (NIS 15,000) compensation, and the other to 20 months.

The government worked with NGOs and with officials in source countries to investigate and extradite individuals on charges of trafficking in persons.

The Ministry of Justice requires that investigations of complaints by foreign workers should be concluded within 45 days. When prosecutors gathered sufficient evidence for indictment, they filed the indictment through an accelerated procedure to ensure that the proceedings would continue even if the foreign worker left the country. According to the government, all investigations into complaints by foreign workers filed to the PID were concluded within 45 days, and most were concluded "far in advance." According to Kav LaOved, however, only one investigation was completed in 45 days.

The government-run shelter with a 50-person capacity for victims of trafficking for commercial sexual exploitation was often completely filled. Isha L'Isha reported that it was very difficult to enter trafficked women into the shelter if they had children, and noted that the Ministry of Health had not yet found a solution for women outside the shelter who had no medical insurance. NGOs claimed additional shelters were needed for trafficking victims.

#### Persons with Disabilities

The law provides for protection and equality of the rights of persons with disabilities, although societal discrimination persisted in areas such as employment and housing.

The Commission for Equal Rights of People with Disabilities (CERPD) within the Justice Ministry took legal action in the areas of accessibility and employment.

In October the Ministry of Industry, Trade, and Employment announced that it reimbursed employers for renovations needed to accommodate disabled employees. On December 3, the CERPD reported that 46 percent of persons with disabilities were employed during 2006--a 6 percent increase from 2002--but their average wage was 34 percent below the national average.

The law requires television stations to include subtitles and sign language and the courts to accommodate testimony from persons with intellectual disabilities or mental illness. Accessibility to public transportation was not mandated by law.

There were no government restrictions on the right of persons with disabilities to vote or participate in civic affairs.

#### National/Racial/Ethnic Minorities

Advocacy groups charged government officials with making racist statements. The Chief Rabbi of Safed, Shmuel Eliyahu, a government official, made public appeals for the expulsion of Israeli Arabs from Safed and other Israeli communities. In September 2006 MK Effie Eitam called for removal from the political system of Israeli Arabs, whom he called "traitors in the first degree."

Although Arabic is an official language, the NII requires documents submitted for claim be translated into Hebrew. In November 2006 Adalah argued that the Shari'a courts are also government courts and should have their Arabic rulings accepted by other government organizations.

Approximately 93 percent of land is in the public domain, and of this approximately 12.5 percent is owned by the Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews. In 2005 the attorney general ruled the government cannot discriminate against Israeli Arabs in marketing and allocation of lands it manages, including those of the JNF. Petitions against the JNF policy of leasing land only to Jews, as well as draft legislation supporting the policy, were pending at year's end.

Israeli-Arab advocacy organizations have challenged the demolition of illegal buildings in the Arab sector on grounds that the government restricted building permits, limiting Arab natural growth. According to the Arab Center for Alternative Planning, during a five-month period in 2004, the government issued tenders for construction of 1,820 housing units in northern Israel, which has an Arab majority, but only 140 were designated for Arab communities.

The Orr Commission of Inquiry--established in 2000 to investigate the police killing of 12 Arab Israelis and one Palestinian--found in 2001 that "suitable planning should be carried out [in the Arab sector] as soon as possible to prevent illegal construction..." In 2004 the Supreme Court ruled that omitting Arab towns from specific government social and economic plans was discriminatory. At year's end, according to the government, master plans had been completed for 24 of the country's 128 Arab communities; another 89 communities were being planned. New construction is illegal in towns that do not have master plans and in the country's 37 unrecognized Bedouin villages.

On January 9, security forces demolished 21 of the original 50 Bedouin homes in the unrecognized village of Al-Twial, following the prior demolition of 17 homes there. On June 25, security forces demolished between 20 and 25 homes in the unrecognized Bedouin villages of Um Al-Hiran and A-Tir. On August 1, 15 civilians were injured by security forces during a protest against the demolition of two homes in Sera and Nasara, according to press reports. On November 1, security forces demolished approximately 15 Bedouin homes in the unrecognized villages of Wadi Al-Na'am and Assir. According to ACRI, more than 200 buildings were demolished in the unrecognized Bedouin villages during the first 11 months of the

year, compared with 96 in 2006 and 15 in 2005.

On June 17, the Supreme Court granted the government another one-year extension to comply with its February 2006 ruling that a 1998 government development policy making certain areas eligible for special funding was discriminatory because it included only four Arab communities.

Arab groups complained that unlike Jewish communities, Arab communities in the north had no bomb shelters or warning sirens to protect them from rocket attacks from Lebanon. In August 2006 the government-supervised Small Business Development Center created a loan program for businesses damaged by the July-August 2006 conflict, but only Jewish businesses were eligible. "Front line" communities were eligible for full compensation for economic losses from armed conflict and all northern communities except four Arab towns along the Lebanese border were so designated. In September 2006 Adalah petitioned the Supreme Court to include these towns, and on January 31, the Ministry of Finance announced that it would include them.

Israeli Arabs were underrepresented in universities, professions, and business. In June 2006 a researcher from Haifa University and the NGO Sikkuy reported only 2.8 percent of high technology workers were Arab; 70 percent of Arabs with degrees in high technology failed to find work between 2001 and 2005.

Other well-educated Israeli Arabs were unable to find jobs commensurate with their qualifications. According to a Civil Service Commission report, in 2004 only three of 809 Finance Ministry employees were Israeli Arabs, while the Foreign Ministry, with 933 employees, employed only seven. Israeli Arabs fared slightly better in the health field and in academia, where university affirmative action and diversity programs opened relatively more doors.

In 2003 the government approved an affirmative action program to promote hiring Israeli Arabs in the civil service, but according to a June 20 press release from Mossawa, only 5.86 percent of the government's employees in 2006 were Arab. In March 2006 the government ordered the Civil Service Commission to allocate 37.5 new positions annually through 2008 to government offices that employ qualified Arabs, Druze, and Circassians.

A 2000 law requires minorities have "appropriate representation" in the civil service and on the boards of government corporations. As of December, Arabs (including Druze and Circassians) filled 51 out of 528 board seats of state-run companies. In April 2006 media reported that approximately 1 percent of employees in state-run companies were Arabs.

The law exempts Israeli Arabs from mandatory military service. Citizens who do not perform military service enjoy less access to social and economic benefits. Israeli Arabs generally were restricted from working in companies with defense contracts or in security-related fields. In June the government started a civilian service program for citizens not drafted for military service, which gives Israeli Arabs and ultra-Orthodox Jews the opportunity to serve and be eligible for the same benefits accorded military veterans. According to press reports, the National Service Administration registered 289 Israeli-Arab volunteers during the 2006-07 academic year.

The Israeli Druze community comprised approximately 8.3 percent of the population, and the Circassian community numbered some 3,000. Males were subject to the military draft, and the overwhelming majority accepted willingly. Some Bedouin and other Arab citizens not subject to the draft also served voluntarily.

The Bedouin sector of the population was the most disadvantaged. Half of the 160,000 Bedouin lived in seven state-planned or eight recognized communities, which received basic services, and the rest in 37 unrecognized villages, which were not connected to water and electricity and lacked educational, health, and welfare services. In November 2006 Adalah petitioned the Supreme Court to overturn a Water Tribunal decision not to connect unrecognized villages to water; the petition was pending at year's end.

On April 15, the Supreme Court ruled that the Israel Land Administration could no longer use herbicides to destroy Bedouin crops on state lands.

Government planners noted there were insufficient funds to relocate Bedouin living in unrecognized villages to new townships, and the average Bedouin family could not afford to purchase a home there. Clashes between authorities and residents of unrecognized villages continued during the year.

Approximately 20,000 non-Israelis live in the Golan Heights. Syria regards them as its citizens, and they largely have refused Israeli citizenship. Israel accords them permanent resident status; they receive Israeli travel documents and hold identity cards that entitle them to many of the same social benefits as Israeli citizens. However, Druze communities in the Golan Heights received little or no support for municipal services or infrastructure maintenance. (Residents of Palestinian origin of East Jerusalem are covered in the annex.)

The government prohibits Druze Israelis, like all citizens, from visiting Syria; the government allowed noncitizen Druze from the Golan Heights to visit holy sites through the ICRC-managed pilgrimage program.

## Other Societal Abuses and Discrimination

Societal violence and discrimination based on sexual orientation or against persons with HIV/AIDS existed in isolated cases. The government continued to uphold laws criminalizing discrimination on the basis of sexual orientation or HIV/AIDS. Gay Pride events, including a large march in Tel Aviv, were held peacefully and without violence or widespread disruption.

## Section 6 Worker Rights

### a. The Right of Association

Citizens may join and establish labor organizations. Most unions belong to Histadrut (the General Federation of Labor) or to a smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). Both are independent.

Legal foreign workers and nonresident Palestinians may join Israeli trade unions and organize their own unions in Israel. Benefits and protections in Histadrut work contracts and grievance procedures extend to legal nonresident workers in the organized sector, but they cannot vote in Histadrut elections.

Labor laws apply to noncitizens. Documented foreign workers are entitled to many of the same benefits as citizens, although not national health care. Employers are legally required to provide insurance. Undocumented foreign workers receive no benefits.

### b. The Right to Organize and Bargain Collectively

Citizens exercised their legal rights to organize and bargain collectively. The law specifically prohibits anti-union discrimination, and none was reported.

Foreign workers must pay an agency fee, and can pay union dues, entitling them to employment protection and some entitlements won by collective bargaining agreements. Collective bargaining agreements extend to non-union workplaces in the same sector.

Unions have the right to strike, and workers exercised this right. If essential public services are affected by a strike, the government may appeal to labor courts for back-to-work orders during continued negotiations. Worker dismissals and the terms of severance arrangements traditionally have been the central issues of disputes.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but various NGOs consider many workers to be in conditions that are tantamount to involuntary servitude. Civil rights groups have charged that unscrupulous employers exploited adult non-Palestinian foreign workers, both legal and illegal, and held them in conditions that amounted to involuntary servitude. (See section 4.)

### d. Prohibition of Child Labor and Minimum Age for

#### Employment

Laws protect children from exploitation in the workplace and prohibit forced or compulsory labor; the government effectively implemented these laws.

Children at least 15 years old who have completed their education through grade nine may be employed only as apprentices. Those who are 14 may be employed during official school holidays in light work that will not harm their health. Working hours for those between 16 and 18 are restricted.

The government received 90 reports of child labor, mostly in marketing, summer camps, restaurants, and event halls during the year. It reported no complaints of Palestinian child labor.

### e. Acceptable Conditions of Work

The minimum wage was approximately 47.5 percent of the average wage, approximately \$940 (3,760 NIS) per month for a 40-hour week. The government considered the minimum wage, supplemented by special allowances for citizens, to provide a citizen worker a decent standard of living. Some union officials, NGOs, and social commentators disputed this claim, but Histadrut stated that a noncitizen worker paid the minimum wage, even absent the special allowances for

citizens, received a decent standard of living.

The law allows a maximum 43-hour workweek at regular pay.

Employers must obtain a government permit to hire non-Israeli workers who live in occupied territory. Most Palestinians from the occupied territories working legally in the country were employed on a daily basis and, unless employed on shift work, were not authorized to spend the night in the country. According to Histadrut there were very few such regular workers during the year.

Palestinian employees recruited through the Ministry of Industry, Trade, and Labor received their wages and benefits through that ministry, which deducted a union fee and contributions for NII benefits they did not receive, such as unemployment insurance, disability payments, and low-income supplements. Histadrut reported that a legal mechanism was established in 2005 for non-Palestinian migrant workers employed in the construction sector to receive benefits, but in other sectors, such as agriculture and care giving, there was no comparable mechanism. Israeli employers paid Palestinian employees not employed through the ministry directly after deducting the union fee and NII contribution; such workers received the same benefits as workers paid through the ministry.

According to an agreement between the government and the PA, employers paid an "equalization fee" to the Israeli Treasury, in the amount of the difference in cost between employing a Palestinian and an Israeli worker. After deductions, the remainder was transferred to the PA.

A major issue contributing to a number of work stoppages was that many municipalities routinely failed to meet payrolls in recent years. Despite a variety of court orders and government interventions, the problem persisted.

Since 2000 the government's closure policy prevented Palestinians from traveling from the occupied territories to employment in Israel. During periods of non-closure, Palestinians required Israeli permits to enter the country for a single day or for periods of several months. Frequently authorities invalidated existing permits, requiring even long-established travelers to secure new permits; accordingly, statistics on permit issuance did not reflect actual numbers of individuals allowed into the country.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace, although resource constraints affected overall enforcement. There were 25 inspectors, assisted by 32 students, to enforce labor laws that affected approximately 2.5 million workers. The government reported that it will add 34 labor inspectors and 69 student assistants. There are also 53 labor inspectors for foreign workers, and 68 work safety inspectors.

Kav LaOved charged that the ministry tolerates the forcing of workers to accept illegally low salaries, citing many complaints from Thai agricultural workers. The report alleged that these workers have to help employers "create fictitious evidence" because of fear of forced deportation and lack of alternative employment, and concluded that "as long as inspectors run inspections without interpreters, and fail to collect evidence from workers, systematic violations of minimum wage will continue."

Except for construction workers, foreign workers could not legally remove themselves from dangerous work situations without jeopardy to continued employment. In response to a 2006 Supreme Court ruling that said the policy of employer-dependent status for foreign workers led to abuse, the government introduced a new mechanism in the nursing and agriculture sectors that allows foreign workers to remove themselves from hazardous work situations without jeopardy to continued employment.

All workers could challenge unsafe work practices through government oversight and legal agencies, but NGOs reported that employees in sectors other than construction were not provided information on how to contact the authorities, and that most agencies lacked interpreters.

The government reported that through August, it opened 1,745 investigation files on employers of foreign workers for violations of labor laws, and issued 1,686 fines. The government said that the MITL does not currently hold data on the number of criminal indictments filed against foreign workers' employers.

Brokers and employers are permitted to collect hiring fees from migrant workers. The government limited such fees to approximately \$650 (NIS 2,600) per worker, but NGOs charged that many foreign workers continued to pay up to \$10,000 (40,000 NIS). In a significant number of cases according to NGOs, employers dismissed workers shortly after arriving. The MITL reported that through September, it had revoked 50 licenses during the year of agencies licensed to recruit foreign workers.

The MITL office for manpower agency licensing reported that it had only one full-time investigator to handle more than 350 companies. The government hired private law firms to prosecute "thousands of employers for labor law violations" based

on investigations and recommendations of the enforcement division of the Unit, and on clear guidelines.

The government reported that it issued 88,500 permits for non-Palestinian foreign workers during the year and that there were approximately 102,000 legal foreign workers and approximately 84,000 illegal foreign workers in Israel.

According to Hotline, the Ministry of Interior announced it had received and reviewed 827 applications for permanent residency status for children of migrant workers, approved approximately 500, and that 322 appeals were filed, of which 120 were approved and 113 denied; the rest remained to be determined.

Workers may contest deportation orders in a special court, but they often lacked fluency in Hebrew, placing them at a considerable disadvantage. Hotline charged that the ombudsman was "gravely" understaffed, lacked interpreters, did not have open hours for accepting complaints, and responded very slowly even to well-documented complaints submitted via NGOs.

## **THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)**

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. In 2007 the Palestinian population of Gaza was approximately 1.4 million, of the West Bank 2.3 million, and of East Jerusalem 210,000. Approximately 191,000 Israelis resided in East Jerusalem and 282,000 in the West Bank. During the 1990s, various agreements transferred civil responsibility to the Palestinian Authority (PA) for Gaza and parts of the West Bank. However, after Palestinian extremist groups resumed violence in 2000, Israeli forces resumed control over a number of these areas, citing the PA's failure to abide by its security responsibilities. During the year the terrorist group Hamas seized control of Gaza, factional Palestinian violence surged, and Israeli-imposed internal and external access restrictions increased.

The PA has a democratically elected president and legislative council, which select a prime minister and cabinet. In 2005 Palestine Liberation Organization (PLO) Chairman Mahmud Abbas won 62 percent of the vote in a presidential election regarded as generally free and fair. In January 2006 Palestinian Legislative Council (PLC) elections, Hamas won 74 of 132 seats in elections that generally met democratic standards. In February Hamas formed a national unity government (NUG) with the Fatah party, but in June Hamas staged a violent takeover of PA government installations in Gaza and killed hundreds in the Fatah movement and PA security forces. On June 14, President Abbas dissolved the NUG and on June 17, swore in Prime Minister Salam Fayyad and a cabinet of independents. A "State of Emergency" was declared on June 14 and lifted on July 16.

President Abbas and his subordinates control PA security forces in the West Bank. Armed militias and terrorist organizations were still active in some areas. In Gaza, Hamas established its own de facto security forces, which answer to former Hamas Prime Minister Ismail Hanniyeh and which continued to kill, kidnap, and harass PA security forces and Palestinian opponents and shell civilian targets in Israel.

The Israeli government maintained effective control of its security forces. Both Israeli and Palestinian NGOs reported that the Israeli authorities used excessive force, abused civilians and detainees, tortured Palestinian detainees, failed to take proper disciplinary actions, improperly applied security internment procedures, maintained austere and overcrowded detention facilities, imposed severe restrictions on freedom of movement, and limited cooperation with NGOs.

In 2005 the Israeli Supreme Court reaffirmed its 2004 decision that the separation barrier is permissible under both international law and Israeli law; however, the court questioned whether the segment of the barrier at issue in the case (in the West Bank, near Jerusalem) utilized the least intrusive route available, and it asked the government to consider whether there was an alternative route. In a 2004 advisory opinion, the International Court of Justice concluded that the barrier was contrary to international law in a number of respects.

Regarding the PA authorities there were reports of torture, arbitrary and prolonged detention, poor prison conditions, insufficient measures to prevent attacks by terrorist groups, corruption and lack of transparency. Domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor remained serious problems.

Palestinian terrorist organizations carried out many attacks on Israelis. Six IDF soldiers and four Israeli civilians were killed by Palestinians in the territories. During the year 346 Palestinians were killed by Palestinians and 377 were killed during Israeli military operations in the West Bank and Gaza. Five Israeli civilians were killed by Palestinians in terrorist attacks in Israel, three in a suicide bombing in Eilat and two in Sderot by Qassam rockets. No foreigners were killed.

## **RESPECT FOR HUMAN RIGHTS**

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

#### a. Arbitrary or Unlawful Deprivation of Life

Killings by Palestinian and Israeli security forces and Palestinian terrorist groups remained a serious problem. There was a significant increase in the number of Palestinian deaths resulting from internal violence.

During Hamas' takeover of Gaza in June, armed Palestinian groups engaged in summary executions and torture and put the lives of civilians at risk. In June, 193 Palestinians were killed of which 181 were due to factional violence; 85 percent of Palestinians killed were in Gaza.

The increasing lack of law and order in Gaza eroded public confidence in security forces, and many Palestinians sought protection by turning to individual clans and family groups; consequently, family disputes were increasingly fatal, with 72 deaths between January 2006 and July 2007.

On June 11, Hamas fired mortars and missiles at the Gaza home of Jamal Abu al-Jidyan, a senior al-Aqsa Martyrs Brigade member and Fatah Secretary for northern Gaza. When neighbors tried to take Abu al-Jidyan to the hospital, Hamas members captured and killed him.

There were no further developments in the following 2006 killings: Abu Yusif, Popular Resistance Committees (PRC) military leader; Brigadier General Jad al-Tayeh of the Palestinian General Intelligence Service (GI) and his four bodyguards; the children of a senior PA intelligence officer fired upon by unknown assailants; and three children of a senior PA intelligence officer and their driver.

There were no developments in the 2005 cases of: Palestinian gunmen who attacked the Gaza Central Prison and killed three prisoners; the killing of Musa Arafat, former PA Gaza National Security Forces chief; and a Palestinian on trial for killing an Israeli soldier at the Qalandiya checkpoint.

Palestinian terrorist groups killed Israeli civilians in Israel and in the occupied territories by suicide bombs, rockets, and mortars. They frequently fired at Israeli forces from civilian areas, increasing the risk that return fire would harm noncombatants. PA President Abbas made repeated public statements calling for an end to violence against Israel and internal violence between Fatah and Hamas, but these steps did not prevent numerous attacks.

On February 25, a Palestinian stabbed 42-year-old Erez Levanon from Bat Ayin settlement near Hebron. On May 21 and 27, Qassam rockets fired from Gaza killed 32-year-old Shirel Friedman and 36-year-old Oshri Oz.

Ido Zoldan, a leader in the movement to return to the Homesh settlement, evacuated in 2005 by Israeli government orders, was killed by gunmen in the late hours of November 19 as he drove near Karnei Shomron settlement. Al-Aqsa Martyrs Brigade claimed responsibility; Israel arrested two Palestinian policemen.

On December 28, Israeli settlers Ahikham Amihai and David Rubin were killed by three Palestinian gunmen while hiking near the Hebron area settlement of Telem. PA security forces arrested Fatah members Ali Abd al-Hamid Dandis and Amar Badr Halim Taha.

According to Palestinian and Israeli human rights groups, during the year 377 Palestinians, compared to 660 in 2006, were killed during Israeli military and police operations. NGO B'Tselem estimated 35 percent were civilians not taking part in the hostilities at the time of their death. According to the Palestine Red Crescent Society (PRCS), IDF operations and clashes with Palestinians resulted in injuries to 583 Palestinians during the year.

In December 2006 the Israeli High Court ruled that targeted killings are not per se illegal, but each case must be meticulously examined through an independent investigation. According to B'Tselem, during the year Israeli forces targeted and killed 18 Palestinians, many affiliated with terrorist organizations.

On May 20, IDF helicopter gunfire in Gaza City killed eight family members of Hamas Palestinian Legislative Council (PLC) member Khalil al-Hayah, who was not present. On July 26, PRC members Omar Arafat Shafik al-Khatib, Khalil Mesbah Hussein al-Daifi, and Fadi Abd al-Qader Salman Abu Mustafa were killed by air strikes on their car. On October 23, air strikes also killed Mubarak al-Hasanat, a PRC military leader.

The IDF conducted numerous incursions into Palestinian areas in response to mortar, rocket, and antitank fire, and fired tank shells, heavy machine-gun rounds, and rockets from aircraft at targets in residential and business neighborhoods where they believed Palestinian gunfire originated. Palestinian gunmen fired on Israeli forces and booby trapped homes and apartment buildings. In response, the IDF raided and often destroyed buildings allegedly harboring militants. These actions often resulted in civilian casualties.

On August 29, an IDF tank killed eight-year-old Mahmoud Mousa Hassan Abu Ghazala, 11-year-old Yahya Ramadan

Atiyah Abu Ghazala, and eight-year-old Sarah Suliman Abdallah Abu Ghazala outside Beit Hanoun. The IDF said surveillance footage indicated that the children had been playing in the vicinity of Qassam rocket launchers.

Israeli security personnel operating checkpoints killed a number of Palestinians. For example, on July 26, Jihad Khalil Hussein al-Shaer was beaten, shot, and killed by IDF soldiers at a temporary checkpoint in Bethlehem. No investigation was announced. The investigation was ongoing in the 2004 case in which IDF soldiers shot and killed 13-year-old Iman al-Hams as she approached an IDF outpost in Gaza carrying a bag of schoolbooks that troops suspected contained explosives. In 2005 the girl's parents filed a lawsuit through the Jerusalem District Court demanding compensation. On November 8, the parents' petition, which had been accepted by the High Court in December 2006, was transferred to the military attorney general.

IDF soldiers fired on trespassers in or near restricted areas. Since September 2000 at least 284 Palestinians have been killed for moving within 460 feet of the Gaza perimeter fence, which Israel declared off limits to Palestinians. Of those killed, 117 were civilians, including 23 children. On June 1, 14-year-old Ahmed Sabri Suliman Ali Abu Zubeida and 13-year-old Zaher Jaber Muhammad al-Majdalawi were killed and 16-year-old Muhammad al-Atawanah was badly wounded on the beach in Gaza 100 yards from the border. According to press reports, IDF troops saw the boys crawling towards the fence, shouted a warning over a loudspeaker, fired warning shots, and then shot live fire. According to B'Tselem, they had been flying a kite.

On January 19, 10-year-old Abir Aramin died from a wound to the back of the head inflicted as she was leaving school during clashes between Israeli Border Police and Palestinians. The Jerusalem District Prosecutor closed the investigation July 31 for lack of evidence. On September 25, the Israeli NGO Yesh Din appealed, alleging that according to 14 witnesses and independent Israeli pathologist Dr. Chen Kugel, she was shot with a rubber-coated bullet while running away. At year's end the Prosecutor's Office had not taken further action.

On February 26, Anan Muhammad Assad al-Tibi was killed by IDF gunfire when he went onto the roof of his house in Nablus during curfew to repair water containers. On September 17, 16-year-old Muhammad Ali Mesbah Jabarin was killed by IDF gunfire while walking in Ramallah during an Israeli operation. No investigations were opened in these cases.

On March 29, the IDF Military Advocate General began an investigation into the February 2006 death of Nafia Abu Musaid, a Palestinian shepherdess in Gaza who was shot and killed by IDF soldiers.

In November 2006 IDF artillery shelled the Gazan town of Beit Hanoun, killing 19 Palestinians and injuring others. Israeli authorities announced an investigation and on October 9, B'Tselem sent a follow-up letter to the Military Prosecutor. At year's end no investigation results were released.

There was no further information about the results of an investigation into a 2006 IDF military operation in Nablus where the IDF used an UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)-run girls' school in Balata Camp for three days as an operating base, detention center, and firing position, causing extensive damage to the school. There was also no further information about a 2006 explosion in Gaza that witnesses claimed resulted from Israeli naval artillery fire that killed eight.

There were no developments in investigations of the following 2005 IDF shooting cases: killing an unarmed 13-year-old Palestinian boy in Askar refugee camp; killing a 14-year-old boy at Abu Holi checkpoint in Gaza; killing a 10-year-old Palestinian girl and injuring a second inside their UNRWA school in Rafah; killing three Palestinian teenagers near the border fence separating Gaza from Egypt; killing five unarmed Palestinians in Tulkarm refugee camp; killing Samir Ribhi Da'ari, a Palestinian from East Jerusalem; and killing a 15-year-old boy near the separation barrier.

According to a December study by the Israeli NGO Yesh Din, 1,091 criminal investigations were launched by the Israeli Investigative Military Police between September 2000 and June 2007 into soldiers suspected of killing, injuring, and committing criminal offenses against Palestinian civilians. Of the 239 investigations into the killing and injury of Palestinian civilians, 16 resulted in convictions. According to a June 2005 Human Rights Watch (HRW) report, Israeli military investigations were not "impartial, thorough, or timely." HRW charged the IDF had investigated less than 5 percent of civilian deaths between 2000 and 2004.

The IDF stated it conducted 130 investigations, issued 28 indictments, received seven convictions and one acquittal; the remaining 20 court cases were ongoing. The other incidents were still under investigation.

Unlike past years, no Palestinians were killed by Israeli security personnel while protesting construction of the separation barrier.

#### b. Disappearance

During the year there were several reports of politically motivated kidnappings and disappearances in connection with

internal Palestinian conflict. See related information in Section 2.a.

On May 26, in Nablus, Maher Halim Daoud Juri was abducted by Palestinian militants who claimed that he was a collaborator with Israel. On June 16, militants brought him to the main square and shot him in the legs several times before leaving him. Maher Juri was transferred to the hospital, where he was shot and killed by masked men.

On June 7, al-Aqsa Martyrs Brigade gunmen kidnapped Nablus deputy mayor and Hamas member Mahdi Hanbali and released him after three days. On June 12, al-Aqsa Martyrs Brigade gunmen kidnapped deputy Minister of Transportation Faidi Shaban from his office in Ramallah. He was released a few hours later. On June 14, al-Aqsa Martyrs Brigade commander and Preventive Security officer Samih al-Madhun was captured in central Gaza when he tried to shoot his way through a Hamas checkpoint. Madhun was beaten, stabbed, and shot to death by members of the crowd.

On January 1, Peruvian AFP photographer Jaime Razuri was kidnapped by gunmen in Gaza, and on January 23, members of the al-Aqsa Martyrs Brigade kidnapped a French vice consul and his two French guards in Nablus. Both were subsequently released.

Neither the authorities under President Abbas nor Hamas prevented or adequately investigated kidnappings of Palestinians or foreign nationals in the West Bank and Gaza.

In June 2006 PRC and Hamas militants tunneled from Gaza to Israel, killed two soldiers and abducted a third, Gilad Shalit. By year's end Shalit had not been released.

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

The PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups stated that torture was a significant problem. Torture by PA security forces and the Hamas Executive Force reportedly was widespread and not restricted to security detainees. Documentation of abuses was very limited, due partly to fear of retribution by alleged victims. Palestinian security officers have no formal guidelines regarding interrogations; convictions were based largely on confessions.

After Hamas' takeover of Gaza in June, NGOs and the press reported widespread abuse and torture by the Hamas Executive Force and its military wing, Izz ad-Din al-Qassam Brigades, and by PA security forces in the West Bank. On July 24, Hamas Executive Force members detained Fatah member Muhammad Kamel al-Shekhrit during a demonstration and beat him at the former headquarters of the National Security Forces in Rafah. On August 18, Izz ad-Din al-Qassam Brigade members beat Yasser Ouda Joma Abu Shabab, a police officer from Rafah, and interrogated him about his ties to Fatah. On September 26, PA Military Intelligence detained and beat Hamas member Rasem Khattab Hasan Mustafa in Nablus. On September 28, PA Preventive Security officers beat Fayez al-Tarada during the arrest of his brother, Hamas-supporter Fawwaz Hisham Hussein al-Tarada and during interrogation in Hebron beat Fawwaz with a stick. There were no investigations opened.

Israeli law, as interpreted by a 1999 High Court decision, prohibits torture and several interrogation techniques but allows "moderate physical pressure" against detainees considered to possess information about an imminent terrorist attack. The law also indicates that interrogators who abuse detainees suspected of possessing such information may be immune from prosecution.

Israeli law prohibits forced confessions, but a detainee may not have legal representation until after interrogation, a process that may last weeks. Most convictions were based on confessions made during this period. Detainees sometimes stated in court that their confessions were coerced, but there were no instances in which judges excluded such confessions. In May B'Tselem and HaMoked reported that isolation from the outside world was a common Israel Security Agency (ISA) practice whereby detainees were prevented from meeting with attorneys, ICRC representatives, and their families during the initial period of their interrogation or for its duration. They also reported sleep deprivation, protracted handcuffing, insults and humiliation, threats, and naked body searches.

During the year the Israeli NGO, the Public Committee Against Torture in Israel (PCATI), submitted to the attorney general (AG) 65 individual complaints alleging torture and inhuman treatment of Palestinians by Israeli security officials. One alleged that Luwaili Ashqar, who was arrested in 2005, was abused for four days and upon release in May, suffered from partial paralysis of his legs. PCATI filed a complaint to the ISA on behalf of 137 detainees alleging painful handcuffing behind their backs for long periods during interrogation, and on November 21, it filed a complaint on behalf of Imad Khotri alleging he was partially paralyzed in his hands after suffering neurological damage as a result of painful handcuffing during his ISA interrogation at the Kishon Detention Center following his October 17 IDF arrest in Qalqilya. In every case the AG responded that these persons had information deemed vital for state security and no action would be taken against ISA interrogators.

Israeli human rights organizations reported that during the last few years Israeli interrogators used psychological abuse

more frequently, including threats of house demolition or of questioning elderly parents, and kept prisoners in harsh conditions, including solitary confinement for long periods. For example, the ISA brought the wife and father of Hebron resident Mahmoud Abd al-Aziz Suweiti to him dressed in detainee clothing and told him they would be interrogated, causing him to attempt suicide. On March 7, the High Court ordered the ISA to inform Suweiti that his wife and father had never been detained, and had been used for interrogation purposes. On October 30, PCATI submitted a letter to the AG citing three cases since March 7 where family members were detained allegedly to put psychological pressure on detainees. In his response, the AG agreed that such actions were not appropriate, and he said that the ISA agreed to refrain from such methods.

On December 16, the newspaper *Yedioth Ahronoth* reported the results of an internal IDF survey that found approximately one-quarter of all soldiers serving at checkpoints in the West Bank had perpetrated or witnessed abuse of Palestinians. The IDF subsequently announced that it would require additional training for soldiers stationed in the West Bank in an attempt to reduce the frequency of abuse.

In May Israeli NGOs B'Tselem and HaMoked published a report alleging serious abuses of detainees from the occupied territories in Israeli detention facilities. The report stated that from 2001 to 2006, the State Attorney's Office failed to launch criminal investigations into any of over 500 complaints of ill treatment by ISA interrogators. It also found that in two thirds of 73 cases examined, detainees claimed that ISA interrogators used one or more forms of abuse. In December PCATI reported that from January 2005 to July 2007 the Military Prosecutor's Office received 138 complaints of physical abuse against IDF soldiers, filed six indictments, and initiated three disciplinary actions.

According to B'Tselem, on January 10, Israeli officers on a naval ship forced fisherman Amin Saud Mahmoud Hasuna and his brother, Yasser, who were beyond the Israeli prescribed distance from the coast, to undress and swim 100 yards. The naval officers blindfolded the brothers, took them to Ashdod Port for interrogation, and 12 hours later forced them to swim at night back to their boat. Since June 2006 Israel has prevented Gazan fishermen from going beyond 500 yards from shore. According to B'Tselem, on April 13, Israeli Border Police soldiers kicked and punched Jalal al-Batsh near the Tomb of the Patriarchs (al-Haram al-Ibrahimi) in Hebron until he lost consciousness. Al-Batsh was taken to Hadassah Ein Kerem hospital and upon release was charged \$250 (1,000 NIS) for bail because IDF soldiers claimed he attacked them.

On January 11, the Hebron police opened an investigation into Jewish Quarter resident Yifat Alkobi's verbal and physical assault on the Abu Aysha family, which was documented on video and broadcast on the media. At year's end there were no results. On January 27, IDF soldiers allegedly watched for 15 minutes while approximately 30 Israeli settlers from Kiryat Arba beat several children from the Abu Hatah family in Hebron before intervening, and the same group threw stones at Da'ud Rateb Hussein Jabber in his grocery store. According to B'Tselem, there were no investigations into either case.

On September 28, 15 Israelis from Ma'on settlement attacked two shepherds from Mufaqara who were accompanied by four international activists. There was no investigation.

In 2006 the defense minister instructed the IDF and police to increase security for Palestinian children who were repeatedly harassed on their way to and from school near Ma'on settlement in the Southern Hebron hills; when harassment continued without police response, the inhabitants of the settlement were ordered to vacate; however, at year's end Ma'on settlement remained.

In August 2006 PCATI filed a complaint with the AG on behalf of a Palestinian resident of the West Bank village of Koud. The complaint alleged the ISA detained the Palestinian in the Kishon Detention Center for 25 days without access to a lawyer, during which time he was subjected to various means of interrogation, including simulated choking, painful positioning, sleep deprivation, beatings, and threats to arrest his family or destroy his home. According to PCATI, on January 18 the Ministry of Justice responded that the detainee was arrested based on reliable information that he was involved in or aiding the perpetration of terrorist attacks that were to take place in the near future and would have endangered human life. As a result, the AG found no grounds to pursue a criminal investigation against the ISA interrogators.

There were no further developments or investigations had not concluded in the following three 2006 claims of beatings and other abuse by IDF soldiers: at al-Fawar checkpoint, in Ramin Plain, and in Bil'in village. There were no developments in the 2005 complaint that IDF soldiers forced residents in a Tulkarm home to undress in the street or in the report that IDF soldiers assaulted Palestinian students in Hebron.

There was no investigation of the November 2006 attack by a group of Israeli settlers seriously injuring a European woman escorting Palestinian schoolchildren in Hebron.

#### Prison and Detention Center Conditions

PA prison conditions were poor. Many prisons were destroyed during the Intifada and were not reconstructed. Prisoners were kept informally incarcerated. The PA generally permitted the ICRC access to detainees and regular inspections of prison conditions; however, the PA denied access to some detainees within 14 days following their arrests as required.

The PA permitted independent monitoring of its prisons by Palestinian Independent Commission for Citizens' Rights (PICCR) and other Palestinian NGOs, but human rights groups, humanitarian organizations, and lawyers reported difficulties gaining access to specific detainees. Human rights organizations stated their ability to visit PA prisons and detention centers varied depending on which organization ran the facility. There were reports that beating and sleep deprivation were used to coerce confessions.

Three deaths in Gaza prisons were reported during the year. On January 4, Fatah member Ahmad Atawneh died in Rafah prison. On July 12, Fatah member Fadel Muhammad Dahmash died in al-Saraya prison where he was held by Hamas Executive Forces. According to the Palestinian NGO PICCR, Dahmash was tortured by his jailers. According to the manager of the prison, Dahmash suffered from a heart failure and had difficulties in breathing. Hamas claimed Dahmash had committed suicide. On November 1, Samir Saleh al-Bana died in Gaza City prison while in Hamas custody.

Israeli Detention centers were less likely than Israel Prison Service (IPS) prisons to meet international standards with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. On January 23, PCATI submitted a complaint on behalf of 388 detainees contesting crowded conditions in the three provisional detention centers, all located in the West Bank. On July 11, PCATI also submitted a complaint to the IDF and the Military Appeals Court contesting poor conditions at the Beit El (Judea) and Salem (Samaria) Courts in the West Bank.

Israel permitted independent monitoring of prison conditions by the International Committee of the Red Cross (ICRC). The Israeli Bar Association and other NGOs sent representatives to meet with prisoners and inspect prison, detention, and IDF facilities. Human rights groups reported delays and difficulties in gaining access to specific detainees, frequent, un-notified transfers of detainees, and the significantly limited ability of families of Palestinians imprisoned in Israel to visit.

According to an international organization, during the year the IPS imposed increased restrictions on the 9,800 Palestinian security prisoners held in IPS facilities. After the Hamas takeover of Gaza in June, the IPS cancelled all family visits to Israel for the approximately 900 Palestinian detainees from Gaza. NGOs and prisoners associations also reported that for the first time in approximately 30 years, the IPS prohibited the distribution of traditional sweets during Ramadan, and greatly restricted the transfer of "cantina" money from prisoners' relatives. The IPS also failed to distribute winter clothing for many detainees.

Unlike in the previous year, the IPS complied with its regulations that require separation of minors and adults in prisons. According to the PA Ministry of Prisoners' Affairs (MPA), Palestinian minors in IPS custody were barred from taking high school graduation exams in science-related subjects, after the IPS claimed these subjects posed a security threat. According to the NGO Palestinian Prisoners Club, Israel held 15 Palestinian prisoners in some form of solitary confinement during the year.

Palestinian prisoners in Israeli custody 16 years and older were treated and housed as adults. B'Tselem reported that at year's end, the IPS held 296 Palestinians under the age of 18, including 27 minors age 15 or younger. The IDF held 18 Palestinian minors in its two Provisional Detention Centers as of November 26, according to B'Tselem. An international organization reported that most Palestinian minors were held in Hasharon prison, while the remainder were housed at Damoun and Ofek prisons; all were being held as security prisoners. Minors in IPS custody were separated from adults and had access to organized education provided by the Ministry of Education. Minors in the two IDF facilities, where detention is limited to 21 days, were not separated from adults.

According to the PA MPA, there were approximately 150 critical medical cases of Palestinians in Israeli prisons. Since 2004 Israel authorized several private doctors to visit and increased medical attention; however, prisoners continued to claim inadequate medical attention.

#### d. Arbitrary Arrest or Detention

Palestinian law prohibits arbitrary arrest and detention. It allows police to hold detainees without charges for 24 hours, and with court approval for up to 45 days. A trial must start within six months or the detainee must be released. In practice the PA detained many without charge for months.

Israeli law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. Palestinian security internees were under the jurisdiction of military law which permits 10 days detention without seeing a lawyer or appearing before court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks. The ICRC is notified of arrests within 12 days after they occur, and is allowed to visit detainees within 14 days after arrest.

#### Role of the Police and Security Apparatus

In PA-controlled areas of the West Bank, Palestinian police were normally responsible for law enforcement for Palestinians and other non-Israelis. In Gaza, Hamas enforced laws selectively according to its priorities.

PA security forces included the National Security Forces (NSF), the Preventive Security Organization (PSO), the General Intelligence Service (GI), the Presidential Guard (PG), and the Police. Quasi-military security organizations, such as the Military Intelligence, exercised the equivalent of law enforcement powers. The PSO, the civil police, and civil defense fall under the legal control of the interior minister, who reports to the prime minister. President Abbas has legal authority over the NSF, PG, and GI, although all PA security branches have been put under the interior minister's operational control. International assistance efforts were underway to build PA security forces that are fully accountable to the Ministry of Interior and that operate in accordance with PA law and internationally recognized standards for human rights. The interior and justice ministries investigate complaints regarding conduct of the PA security forces.

Criminal gangs and clan-based militias abused Palestinians' human rights and engaged in criminal acts. Hamas-aligned militias provided local security and abused human rights in Gaza.

Israeli authorities maintained effective control over West Bank security forces that consisted of the IDF, the (ISA or Shin Bet), the Israeli National Police (INP), and the Border Police. Israeli authorities investigated and punished abuse and corruption, although there were reports of failures to take disciplinary action in cases of abuse.

During the year, B'Tselem submitted 63 cases of Israeli violence to the Israeli police. At year's end, 15 were under investigation, two were closed for lack of information, six were dropped since no complaint was submitted, and 40 cases received no response. Yesh Din assisted Palestinians in submitting 83 cases of alleged Israeli civilian violence to the Israeli police.

A June 2006 Yesh Din study, *A Semblance of Law*, claimed that more than 90 percent of complaints submitted alleging abuse by Israeli civilians against Palestinians in the occupied territories between 2002 and 2006 were closed without an indictment. According to Yesh Din, in more than half, complaints and testimony were written in Hebrew rather than in Arabic. Police visits to the scene and lineups were rare, eyewitness testimony was not taken, and alibis were not verified.

#### Arrest and Detention

PA security forces often ignored laws by detaining persons without warrants and without bringing them before judicial authorities. PA security forces also occasionally disregarded court decisions calling for release of alleged security criminals. Suspects often were held without evidence and denied access to lawyers, families, or doctors. The law provides for a prompt judicial determination of the legality of detention and was observed in practice. Detainees were informed of the charges against them, although sometimes not until interrogation. There was a functioning system of bail. Palestinian sources estimated that during the year the PA imprisoned dozens of Palestinians suspected of collaboration with Israel and a few hundred suspected of supporting Hamas.

After the June takeover of Gaza by Hamas, PA security forces arrested approximately 1,000 Hamas members in the West Bank for membership in Hamas' military wing or possession of firearms and explosives. At year's end, 300 to 350 remained in custody. In Gaza, Hamas forces arrested approximately 1,000 Fatah members. At year's end 12 were sentenced by Hamas-controlled courts and most others remained in Hamas custody.

On November 28, Hisham al-Baradi was killed and dozens of Hizb al-Tahrir members were detained for several hours in Hebron, Nablus, and Ramallah by PA security forces during demonstrations protesting the Annapolis conference.

Under applicable occupation orders, Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed or being likely to commit a security-related offense. Israeli Military Order 1507 permits detention for 10 days, before detainees see a lawyer or appear before court. Administrative security detention orders can be issued for up to six-month periods and renewed indefinitely by judges. The law expressly authorizes an appeal of the circumstances of each security detention order to the Supreme Court. No detainee successfully appealed a detention order.

Israeli Military Order 1369 provides for a seven-year prison term for anyone not responding to a summons in security cases. Suspects are entitled to an attorney, but this right can be deferred during interrogation, which can last up to 90 days. Israeli authorities stated that policy is to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days. A military commander may request a judge to extend this period indefinitely. Evidence for administrative detentions in security cases was often unavailable to the detainee or his attorneys due to security classification, but it was made available to the court. (Also see discussion of a June 2006 temporary law in Israel Report.)

Palestinians claimed that security detainees held under military orders were in fact political prisoners.

According to Palestinian and Israeli NGOs, there were approximately 11,500 Palestinian prisoners and detainees, including 1,800 common law criminals, in IPS prisons and the three IDF detention centers in Israel and the West Bank. This number also included 300 minors and 800 to 850 administrative detainees.

Ziyad Hmeidan, an employee of Al-Haq, a Palestinian NGO, arrested in 2005 and released almost two years later on March 18, was never informed of any charges against him, nor the reasons for his arrest and detention at Ketziot prison. On November 15, Hassan Zaga, field worker for PCATI, was released after his January 11 arrest and detention without charge.

Israel conducted some mass arrests in the West Bank; however, most arrests targeted specific persons. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the number of IDF search and arrest campaigns increased during the first half of the year. During the year the IDF arrested an average of 96 persons weekly in the West Bank. At year's end, 45 of the 132 members of the PLC remained in jail in Israel, including 40 from the terrorist group Hamas, four from Fatah and one from the terrorist group Popular Front for the Liberation of Palestine. Of those, 35 were awaiting trial, seven remained in administrative detention, and three were serving sentences.

Palestinians transferred to prisons in Israel had difficulty obtaining legal representation because only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit them. Israeli authorities in some instances scheduled appointments but then moved the prisoners to other prisons reportedly to delay lawyer-client meetings.

The Israeli government often failed to notify foreign consular officials in a timely manner after detaining their citizens.

During the year Israel did not transfer any Palestinians from the West Bank to Gaza. At year's end approximately 40 persons previously deported from the West Bank awaited Israeli permission to return.

#### e. Denial of Fair Public Trial

The PA court system is based on PA legal codes as well as Israeli military orders and Jordanian and Ottoman Law that predate the 1967 occupation. A High Judicial Council maintained authority over most court operations. In 2005 PA President Abbas ordered retrials for those sentenced to death by the state security courts; no retrials were held during the year. Military courts, established in 1995 and guided by the 1978 PLO Penal Code, have jurisdiction over security personnel as well as crimes by civilians against security forces. They do not provide the same rights as nonmilitary courts and generally apply longer sentences. In 2005 President Abbas established a nine-judge court for election issues. Following the 2006 elections, it examined petitions but took no action that changed results.

On September 26, former Hamas Prime Minister Ismail Hanniyeh named a de facto High Judicial Council for Gaza. Hamas-affiliated members replaced PA prosecutors and judges. The PA declared the council illegal; however, it continued to function in Gaza.

PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. A severe shortage of funds and judges and an absence of lawyers and witnesses, due in part to travel restrictions, curfews, and closures, resulted in a backlog of 54,103 civil cases and 3,900 criminal cases in the West Bank. PA executive and security services frequently failed to implement court decisions and otherwise inhibited judicial independence.

Continued violence adversely affected PA administration of justice. On November 26, Hamas militants took over the Judicial Compound in Gaza City and required all personnel to leave the premises after recording their names and IDs.

Israeli law provides for an independent judiciary, and the government generally respected civil court independence in practice. The IDF tried Palestinians accused of security offenses in military courts, except the 2004 trial of Marwan Barghouti, which was conducted in a civilian court. The law defines security offenses to include charges as varied as rock throwing or membership in terrorist organizations. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal.

#### Trial Procedures

The Independent Judiciary Law, passed by the PLC in 2004, provides for the right to a fair trial, and an independent judiciary generally enforced this right. Juries are not used.

Trials are public, except when the court determines privacy is required by PA security, foreign relations, a party's or witness's right to privacy, or protection of a victim of a sexual offense or honor crime. The law provides for legal representation, the right to question and present witnesses, to review government-held evidence, and to appeal. Authorities generally observed these rights in practice. Human rights organizations reported delayed hearings due to an extensive backlog and a lack of legal representation.

PA law allows the death penalty for certain offenses, including types of treason and murder. There is no judicial appeal, but the PA president has authority to ratify or alter the sentence. If he does not ratify the sentence, the individual remains in jail; the president took no action during the year to ratify or alter any death penalty sentences.

Israeli military courts provide many of the rights granted in Israeli civil criminal courts. (See Israel Report.)

The Israeli government sometimes delayed trials for extended periods, occasionally for years, because security force witnesses did not appear, the defendant was not brought to court, files were lost, or travel restrictions delayed attorneys. Palestinian legal advocates claimed that delays were designed to pressure defendants to settle their cases, including crowded facilities, poor arrangements for scheduling and holding attorney-client consultations, and confessions prepared in Hebrew that hindered defense efforts.

Israelis living in settlements in the West Bank and in East Jerusalem were tried under Israeli law in the nearest Israeli district court.

According to a June 2006 study by Yesh Din, more than 90 percent of complaints relating to offenses allegedly committed by Israeli civilians against Palestinians between 2002 and 2006 were closed without indictments (96 percent of investigations of trespassing; 100 percent of investigations of property offenses; and 79 percent of assault investigations).

#### Political Prisoners and Detainees

Palestinian sources estimated the PA imprisoned less than 100 persons suspected of collaboration with Israel during the year. Many of those held in Gaza as Israeli "collaborators" reportedly were released after Hamas took over. In the West Bank, the PA continued to hold persons arrested in 2006 and made new arrests of persons suspected of collaboration with Israel; in total, several dozen persons were imprisoned. (See also section 1.d.)

#### Civil Judicial Procedures and Remedies

Civil suits are handled by the PA civil and magistrate courts. A citizen can file a suit against the government. The execution of court orders was not systematic.

Palestinians were permitted to file cases in the Israeli court system but generally chose to use an Israeli lawyer or NGO because travel to Israel by Palestinians was restricted.

In a December 2006 ruling, the Israeli High Court struck down part of a 2005 amendment to the Civil Wrongs Law prohibiting Palestinians residing in the occupied territories from seeking compensation for death, injury, or property damage at the hands of the IDF. The ruling held illegal a Section 5c, which prevented Palestinians from suing for actions of security forces. During the year no cases were brought to Israeli courts.

#### Property Restitution

Israeli authorities confiscated Palestinian property for construction of the separation barrier or military installations. In some cases, the IDF offered some compensation; however, Palestinians largely declined due to concern that this would legitimize the confiscations. Due to documentation issues dating from the Ottomans and a land tenure system with communal, family, and individual rights commingled, Palestinians have had difficulty attempting to prove ownership in Israeli courts. (See also section 1.f.)

On September 18, by military order the IDF confiscated over 62 acres from the Palestinian villages of al-Khadar and Artas near Bethlehem for construction of the separation barrier. In October OCHA reported that this restricted farmers from al-Khadar from accessing their land. On September 24, the IDF issued orders to confiscate 279 acres of land adjacent to Jerusalem belonging to Palestinian residents of Abu Dis, al-Sawahira, Nabi Musa, and Telhin al-Hamar.

In an October 2006 study based on official data, the Israeli NGO Peace Now concluded that 38.7 percent of the 15,271 acres occupied by Israeli settlements, outposts, and industrial zones in the West Bank was privately owned Palestinian property, and that West Bank settlements violated Israeli law and juridical decisions. The Israeli Yesha settlement council condemned the report on technical and substantive grounds.

A July OCHA report on the humanitarian impact of Israeli settlements concluded that 40 percent of West Bank land includes Israeli infrastructure including 1,032 miles of roads, military bases, nature reserves, settlements, and outposts). It added that the population of Israeli settlements grew 4.6 percent in 2003-04, while Israel's population grew 1.8 percent.

On March 30, the Israeli Ministry of Finance transferred to the government of Israel ownership of 7.5 acres of olive orchard known as "Mufti's Grove" in East Jerusalem's Shaykh Jarrah neighborhood. On April 1, the Israeli government leased the land to the Ateret Cohanim settler group. On December 6, responding to an August 3 petition submitted by Arab Hotels Company Limited contesting ownership of Mufti's Grove, the Israeli High Court of Justice set a September 26, 2008 hearing date.

In November 2006, the Israeli Committee for the Preservation of Historic Sites made a recommendation to demolish the historic Shepherd Hotel in East Jerusalem, which was owned by the Husseini family from 1945 to 1967, confiscated as absentee property by the government of Israel in 1967, and privately purchased in the 1980s. At year's end plans to build six eight-story apartment buildings remained in dispute.

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

The PA required the AG to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Between August and November, PSO and intelligence officers forcibly entered homes and offices and beat dozens of suspected Hamas activists and seized property and documents. There were no reports during the year of punishment by the PA of family members for alleged violations by individuals.

Under occupation orders, IDF lieutenant colonels or above could authorize entry into private homes and institutions without a warrant, based upon military necessity. Israeli authorities stated these were punishable violations, but there were no known cases of IDF soldiers punished for this behavior.

Israeli forces are prohibited from using "human shields" by law, High Court rulings, and an IDF order, but the prohibition was not always observed. On February 25, television broadcasts showed soldiers in Nablus forcing 24-year-old Samah Amira at gun point to serve as a human shield as they searched houses. On October 18, IDF Chief of Staff Gabi Ashkenzi initiated a disciplinary proceeding against Brigadier-General Yair Golan for authorizing the operation. In July 2006 B'Tselem claimed that during a July 2006 incursion in northern Gaza, IDF soldiers seized control of two buildings and used six residents as human shields. The IDF informed B'Tselem that investigation was ongoing; however, at year's end there were no developments.

Israeli authorities limited Palestinian home construction, notably in East Jerusalem. According to B'Tselem, as of December 15, 68 houses were demolished in East Jerusalem because they were defined by the Israeli government as illegal; 81 buildings (63 residential) were demolished in 2006. Israeli authorities generally restricted Palestinian home building elsewhere in the West Bank and near Israeli settlements. According to B'Tselem, 37 homes were demolished for military purposes in the West Bank and Gaza, leaving 145 Palestinians homeless. An additional 36 homes were demolished in the West Bank by the IDF, because they were built without a permit, leaving 209 Palestinians homeless. In September the IDF demolished one building and two houses in Ayn Beit al-Ma Camp and one building in Nablus Old City, displacing 77 Palestinians, including 23 children.

During the year the IDF destroyed numerous citrus, olive, and date groves and irrigation systems in Gaza, stating that Qassam rockets were being fired from those areas. For example, between September 19 and 25, the IDF carried out land-leveling operations in Gaza, uprooting 25 acres of olive trees east of al-Bureij Camp.

According to the Foundation for Middle East Peace, an IDF report stated that Israeli civilians vandalized 643 olive trees belonging to Palestinians in the first half of the year. In May, residents of Adei Ad outpost uprooted 300 olive trees belonging to Palestinian farmer Muhammad Mukbal and replanted about half of them near their homes. The Israeli civil administration ordered the Israelis to replant the trees on Mukbal's property, and about 120 trees were returned. On September 27, Israeli settlers from Alfe Manashe cut down and burned 90 olive trees belonging to Palestinian farmers from Asla; no action was taken.

The IDF cleared and took control of privately owned Palestinian land to construct the separation barrier. According to OCHA, at year's end 254.2 miles of the 449.4 mile-barrier had been constructed, and 8,887 acres of West Bank land confiscated in the process. According to Israel it sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation. Numerous cases were filed in Israeli courts challenging barrier route. (Also see section 2.d.)

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The PA does not have laws providing for freedom of press; however, the Basic Law permits every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form. A 1995 press law enjoins criticizing the PA or the president, but it was not applied. The climate of violence induced self-censorship, and both the PA security forces in the West Bank and members of the Hamas security apparatus in Gaza restricted freedoms of speech and press. Individuals criticizing the authorities publicly risked reprisal, and during the year PA security forces and Hamas Executive Forces closed media offices, confiscated equipment, prevented the delivery of newspapers, and assaulted journalists during demonstrations.

There were three Palestinian daily and several weekly newspapers, several monthly magazines, and three tabloids. The PA operated one television and one radio station. There were approximately 30 independent television and 25

independent radio stations. Violence between Hamas and Fatah resulted in polarization of the Palestinian press. Working conditions for journalists in the West Bank and Gaza deteriorated noticeably during the year; however some international news outlets maintained offices in Gaza.

The NGO Reporters Without Borders (RSF) reported that after the takeover of Gaza, Hamas leaders announced that they would apply a 1995 press law that was never passed, under which journalists can be imprisoned for up to six months and newspapers closed for reports liable to "jeopardize national unity or incite crime, hatred, division or sectarian dissent or for criticizing the police and security forces." Pro-Hamas journalists in the West Bank were exposed to threats. Only pro-Hamas broadcast media operated in Gaza since June. According to RSF, at least nine news media outlets stopped operating in Gaza, three of which were state-owned and six privately owned.

Numerous incidents against journalists included assaults, intimidation, and abduction in retaliation for reporting. Since June, there were at least a dozen assaults on pro-Fatah journalists and over 20 arrests by Hamas Executive Forces in Gaza. On August 24, Hamas Executive Forces beat journalists covering a demonstration held by 3,000 Fatah members in Gaza City, briefly arresting three and confiscating their equipment.

On September 3, Hamas dissolved the Gaza branch of the Union of Palestinian Journalists (most of whose members were affiliated with Fatah) and, on October 31, announced that no journalist could continue working in Gaza without obtaining a Hamas-issued press card. Many journalists refused to comply and were barred from covering Hamas press conferences.

On March 12, British BBC correspondent Alan Johnston was kidnapped by the Army of Islam in Gaza City and held for 114 days. On July 4, Johnston was released to Hamas officials and was freed.

On June 14, masked gunmen in the West Bank prevented delivery of the pro-Hamas *Filastin* and *Al-Risala* newspapers. In August the NGO Palestinian Press Media Network reported that *Filastin* and *al-Risala* were banned from being printed and distributed in the West Bank for over five months. On June 15, unknown assailants broke into the Palestinian Journalists Syndicate headquarters in Gaza and confiscated computers and files. On June 15, Fatah supporters broke into the pro-Hamas Sana Local television station in Nablus and confiscated files. On July 24, head of the pro-Hamas Afak television station Issa Youssef Abou al-Izz received telephone threats after broadcasting a report that blamed unrest at al-Najah University on Fatah supporters, and unknown gunmen attacked the Afak office in Nablus, forcing staff to leave and damaging equipment. On November 24, Ma'an news journalist Hafez Asakreh was kidnapped in Bethlehem and held for 11 hours by five gunmen who demanded the password to Ma'an's Web site. The PA police opened an investigation with no results at year's end.

Israeli authorities limited freedom of expression, ordering that in East Jerusalem displays of Palestinian political symbols were punishable by fines or prison, as were public expressions of anti-Israeli sentiment and of support for terrorist groups. Israeli authorities censored coverage of the Intifada and reviewed Arabic publications for security-related material.

As a general rule, Israeli media covered the occupied territories, except for combat zones where the IDF temporarily restricted access.

Closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs. (See section 2.d.) For several days in June, the IDF prevented delivery to Gaza of three daily newspapers, printed in Jerusalem and Ramallah.

On several occasions IDF soldiers beat, detained, or confiscated the press cards of journalists covering weekly protests in Bil'in village over construction of the separation barrier. On January 12, soldiers shot Associated Press journalist Eimy Leo with a rubber bullet in his foot, and on April 13, Agence France Presse (AFP) journalist Abbas Moumani was injured with a rubber bullet in his leg while they were covering these demonstrations.

RSF reported that at least nine Palestinian journalists were shot by IDF soldiers; on January 4, al-Ayyam reporter Fadi al-Arouri was critically injured in Ramallah during an IDF operation when soldiers shot him in the waist and leg. On July 5, al-Aqsa TV cameraman Imad Ghanem was shot by IDF soldiers while covering an IDF operation in al-Barij Camp in Gaza and subsequently lost both legs. RSF called for an investigation, but at the year's end there were no results.

On May 21 and 22, the IDF raided several Palestinian TV and radio stations in Nablus and Qaqilya, confiscating equipment and personnel files before closing the stations indefinitely.

Rising levels of lawlessness in the Gaza Strip subjected international journalists to harassment and kidnappings. In March RSF reported that 14 foreign journalists had been kidnapped in Gaza since 2005. (Also see section 1.b.) No further information was available on the 2005 incident in which Majdi al-Arabid, a journalist working for Israeli Channel 10 TV in Gaza, was shot near Bayt Lahia while reporting on IDF operations against Palestinians suspected of firing rockets into Israel. An IDF spokesperson stated soldiers were unaware journalists were in the area; the IDF reportedly opened an investigation.

## Internet Freedom

There were no PA restrictions on access to the Internet or reports that the PA monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to a 2006 Palestinian Central Bureau of Statistics survey, 18 percent of Palestinians knew how to use the Internet and 16 percent of households had access to the Internet.

## Academic Freedom and Cultural Events

There were no PA restrictions on academic freedom and cultural events. During the year Palestinian authorities did not interfere with education; however, violence and restrictions on movement adversely affected academic institutions. (See section 2.b.) In Gaza, to remove Fatah-affiliated employees from all sectors, Hamas fired several principals and teachers. Israeli authorities also prohibited Palestinians from undergraduate university study in Israel.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

PA law permits public meetings, processions, and assemblies, within legal limits. It requires permits for rallies, demonstrations, and large cultural events but authorities rarely denied them. The PA prohibited calls for violence, displays of arms, and racist slogans, although it rarely enforced these provisions. Following November 11 Fatah-Hamas clashes in Gaza, Hamas banned rallies, impeded freedom of assembly, and the carrying of arms by Fatah members. Hamas members were permitted to hold demonstrations and display weapons in public in Gaza.

On April 17, Hamas Executive Force members forcibly removed approximately 100 journalists who demonstrated in front of the Gaza PLC Headquarters to express solidarity with kidnapped BBC correspondent Alan Johnston. On August 13, Executive Force members used clubs and rifle butts to stop 300 persons from demonstrating at a pro-Fatah rally, arrested several individuals, and confiscated equipment from journalists.

On November 12, nine Fatah members were killed and 60 injured after Hamas police fired on a Gaza City commemoration of Yasser Arafat's death. On November 13, nine other Fatah supporters were killed after Hamas police fired on and beat protesters, claiming that Fatah snipers on rooftops had triggered the violence.

The PA announced a ban on demonstrations and news conferences without permits during a November international conference. On November 28, dozens of Hizb al-Tahrir members were arrested and released several hours later in Hebron, Nablus, and Ramallah by PA security forces during demonstrations against the conference.

Israeli security forces used force against Palestinians and others involved in demonstrations, and military orders banned public gatherings of 10 or more persons without a permit. Since February 2005 Palestinian, Israeli, and international activists demonstrated each week in Bil'in village to protest the construction of the separation barrier. On several occasions, soldiers tear gassed, beat, or injured them with rubber bullets.

### Freedom of Association

PA law allows for the freedom of association, but it was limited in practice.

On June 20, President Abbas issued a decree requiring all NGOs to reapply for registration. On August 31, the PA Ministry of Interior closed 103 charitable associations and NGOs in the West Bank, alleging administrative, financial, or legal violations.

Prominent Palestinian centers in East Jerusalem, such as the Chamber of Commerce and Orient House, remained closed by Israel on grounds they operated under PA supervision.

## c. Freedom of Religion

The Basic Law provides for religious freedom, and the PA generally respected this right in practice.

The Basic Law states that Islam is the official religion and that the principles of Islamic law shall be the main source of legislation, but also calls for respect and sanctity for other "heavenly" religions (Christianity and Judaism). Religion must be declared on identification papers, and personal status legal matters must be handled in ecclesiastical courts.

The PA's Ministry of Religious Endowments and Religious Affairs (Waqf) constructed and maintained mosques and paid

salaries of imams. Christian clergymen and charitable organizations received limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories; these areas were generally under Israeli control. The PA required that religion be taught in PA schools and provided separate instruction for Muslims and Christians.

In previous years, there were credible reports that PA security forces and judicial officials colluded with criminal elements to extort property from Christians. Also in previous years several attacks against Christians in Bethlehem remained unaddressed by the PA, while attacks against Muslims in the same area were investigated.

On October 6, Rami Khader Ayyad was abducted and killed by unknown men on his way home from work at the Baptist-affiliated Holy Bible Association in Gaza. His body was found on October 7 in a field in Gaza City. According to Palestinian sources, Ayyad had received three death threats and owned a bookstore previously targeted by the Army of Islam. A relative of Ayyad told the press on October 8 that Ayyad was being pressured to convert to Islam and that the Holy Bible Association offices were attacked with an explosive device several months before.

On October 26, unknown arsonists set fire to a synagogue near the Dolev settlement in the West Bank. The attack marked the second time the synagogue was set afire.

Israeli authorities generally respected religious freedom and permitted all faiths to operate schools and institutions. Religious workers from Christian organizations in Jerusalem, the West Bank, and Gaza found it increasingly difficult to obtain or renew visas from the Israeli government. In October the interior ministry announced it had cancelled all re-entry visas for Christian clergy in the occupied territories. Clergy who wished to return to or visit their parishes in the occupied territories were required to apply for new, single-entry visas at Israeli consulates abroad, a process which could take months. On October 26, the interior ministry told the newspaper *Ha'aretz* that the unannounced mass visa revocation was conducted at the request of security officials, and that the ministry was "trying to coordinate a means of operation that would make it easier for clergymen and women to travel." According to the President of the Holy Land Christian Ecumenical Association, quoted in the October 26 *Ha'aretz* report, some clergy refused to leave the occupied territories, fearing that they would not be allowed to return, while others remained outside the country after being turned back by border officials while trying to return home. The shortage of foreign clergy impeded the functioning of Christian congregations and other religious and educational institutions.

The construction of the separation barrier by Israel, particularly in and around East Jerusalem, limited access to mosques, churches, and other holy sites, and seriously impeded the work of religious organizations; however, at times the Israeli government made efforts to lessen the impact on religious communities. For security reasons, the Israeli government frequently prevented nearly all West Bank Palestinians and most male Muslim worshippers with Jerusalem identification cards under the age of 45 from attending Friday prayers inside the Haram al-Sharif/Temple Mount, the third holiest site in Islam. Israeli authorities restricted most West Bank and virtually all Gaza residents from entering Jerusalem during Ramadan.

On September 13, the IDF prevented Muslim worshippers from accessing al-Haram al-Ibrahimi Mosque (Tomb of the Patriarchs) in Hebron but made it accessible to Jewish worshippers celebrating Rosh Hashana.

Israeli police escorted tourists to the Haram al-Sharif/Temple Mount in Jerusalem to assert the right of non-Muslims to visit. However, non-Muslims were not permitted to worship publicly at the shrine. The administration of the shrine accused Israeli police of permitting Jewish groups to worship publicly there.

#### Societal Abuses and Discrimination

Palestinian media frequently published and broadcast material that included anti-Semitic content. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders carried on the official PA television. Some Palestinian religious leaders rejected the right of Israel to exist. Hamas' al-Aqsa television station carried shows for preschoolers extolling hatred of Jews and suicide bombings.

The PA Ministry of Education and Higher Education (MOEHE) completed the revision of its primary and secondary textbooks in 2006 and began a process to consider further revisions. International academics concluded the textbooks did not incite violence against Jews, but showed imbalance, bias, and inaccuracy. The new textbooks did not show Israel on its maps and often ignored historical Jewish connections to Israel and Jerusalem.

On December 31, Israeli settlers from Elazar and Newe Daniyyel burned a 700-year-old mosque in Khirbet Humeida village near Bethlehem.

For more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons,

## Protection of Refugees, and Stateless Persons

The PA generally did not restrict freedom of movement. The IDF restricted the movement of Palestinians, and frequently heightened these restrictions citing military necessity. These restrictions on movement affected virtually all aspects of life, including access to places of worship, employment, agricultural lands, schools, hospitals, and the conduct of journalism and NGO activities.

The Israeli government continued construction of a separation barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. By year's end, 56.6 percent of the route of the separation barrier was completed, 9.2 percent was under construction, and 34.3 percent was not yet constructed. The route of the barrier separated approximately 134,578 acres, including East Jerusalem, from the rest of the West Bank. Areas near the barrier or its projected route are designated military zones where Palestinians were not able to obtain permits to build.

A July 2004 International Court of Justice advisory opinion concluded that construction of the barrier was in a number of aspects contrary to international law. In September 2005 the Israeli Supreme Court reaffirmed its 2004 decision that the barrier is permissible under both international and Israeli law if properly routed; however, it questioned whether a segment near Jerusalem in the West Bank utilized the least intrusive route available and asked the government to consider an alternative. At year's end, 56.6 percent of the alternative route of the separation barrier approved by Israel in April 2006 was completed.

During the year Israeli authorities required thousands of Palestinian schoolchildren who resided on the eastern side of the barrier to transit gated checkpoints to attend school in East Jerusalem. In September students from Bir Nabala, which is surrounded by the barrier, were prohibited from crossing near their homes; instead, they were forced to take hour-long detours of seven to 10 miles to pass Rafat/Masyion and Qalandiya checkpoints to reach school.

Palestinians filed a number of cases with the Israeli Supreme Court challenging the route of the barrier. At year's end, 39 remained active. On April 25, the High Court rejected a petition by residents of Dir Kadis opposing the route of the barrier near the West Bank settlement of Modi'in Illit and claiming that the barrier separated them from 420 acres of their farmland. On July 24, responding to a petition by the Association for Civil Rights in Israel (ACRI), the High Court ordered the dismantling of a 28 mile-long concrete barrier near Hebron that had isolated 21 Palestinian villages from the rest of the West Bank and restricted access for 2,000 farmers to 24 rural roads. By August the barrier was dismantled. On September 4, the High Court ordered the IDF to redraw, partially dismantle and rebuild the route of a 1.1 mile section of the barrier around Bil'in that separated Palestinian residents from much of their farmland. The High Court ordered that pending relocation the gate in the existing barrier remain open every day from 6 a.m. to 8 p.m. At year's end the barrier had not been rerouted.

On October 8, the High Court rejected a petition submitted by residents of al-Nueman village asking the state to move the security barrier because it cut off the 200 residents from the rest of the West Bank.

In "seam zone" communities in the West Bank, located between the separation barrier and the Green Line, Israel requires Palestinians to obtain residency permits to remain in their homes. Services for these communities are generally located on the east side of the separation barrier, so children, patients, and workers must pass through barrier gates to reach schools, health services and workplaces. Gates are not open around the clock nor are ambulances allowed free access. An OCHA-UNRWA survey from 2006 found that most closed area communities did not have 24-hour access to emergency health services.

According to a February 27 UN report citing the Palestinian Ministry of Health, from 2000 to 2006, 45 pregnant women in the West Bank and 14 women in Gaza had been unable to access hospitals and subsequently gave birth at checkpoints. Five of these women died and 35 miscarried.

In the aftermath of terrorist attacks or during military exercises, Israeli authorities prohibited travel between some or all West Bank towns. Such "internal closures" were supplemented, during periods of potential unrest and during major Israeli, Jewish, and Muslim holidays, by "comprehensive, external closures," which precluded Palestinians from leaving the West Bank. The IDF imposed temporary curfews confining Palestinians to their homes during arrest operations; during the year, the West Bank was under curfew a total of 873 hours.

Periodic restrictions were imposed on Palestinians between the ages of 16 and 36 exiting from the Nablus, Jenin, Tubas and Tulkarm governorates and traveling south. OCHA estimated 32 percent of the population of the four governorates was affected.

Several Gaza crossing points were simultaneously closed for months, severely restricting trade and movement of persons. Goods entering Gaza decreased 73 percent since June and, according to a November OCHA report, only 41 percent of Gaza's food import needs were met at year's end. Following the June 9 closure of Rafah crossing, an estimated 6,000 Palestinians were left on the Egyptian side for nearly two months. UN agencies said they were impeded from implementing \$213 million in donor-funded humanitarian projects, and the World Health Organization stated that 22 percent of essential

pharmaceuticals and 32 percent of medical supplies were unavailable in Gaza as of year's end.

In response to Qassam rocket fire, the IDF announced in 2005 that Palestinians should keep a distance of 460 feet from the Gaza perimeter fence and declared the former northern settlement block a "no-go" zone. Entry into this area for the 250 Palestinian residents requires prior coordination with the IDF. According to OCHA, since May, due to ongoing IDF military activities, Palestinian farmers have been unable to reach their farms in the area.

Israeli authorities reduced the number of crossings into the West Bank. By the end of the year, the number of commercial crossings into the West Bank was reduced from 12 to five. A sixth crossing was still under construction at year's end.

According to Palestinian Central Bureau of Statistics (PCBS) figures, approximately 66,800 West Bank workers depended on daily employment in Israel, the settlements, and Jerusalem in the third quarter of the year.

During the year Israeli forces delayed the movement of, and occasionally fired upon, medical personnel and ambulances. In August, Physicians for Human Rights (PHR) reported that 70 percent of PRCS ambulances carrying Palestinians to East Jerusalem for medical treatment were refused entry. PRCS reported 36 cases in which ambulances and medical teams were subjected to IDF gunfire and physical and verbal abuse, and 492 cases of delays and denial of access at checkpoints.

In November pursuant to a 2005 Memorandum of Understanding between PRCS and Magen David Adom, Israel approved the operation of five PRCS ambulances from East Jerusalem. The ambulances were not permitted to serve Palestinian patients in nine communities located within the Jerusalem municipality but isolated by the separation barrier.

HRW and PHR reported that Israel allowed only the most severely wounded Palestinians in Gaza to enter Israel for treatment. According to the World Health Organization, permits were issued for most Palestinians in Gaza who applied for entry into Israel for medical treatment. However, not all were permitted access; some died or suffered injuries due to lack of proper treatment.

According to OCHA, there were an average of 86 staffed checkpoints and 462 non-staffed physical roadblocks during the year. In the West Bank, there were 561 obstacles to movement, including 67 fully manned checkpoints, 20 occasionally manned checkpoints, 210 earth mounds, 70 cement roadblocks, 85 road gates, 25 earthen walls, 17 trenches, and 67 road protection fences. In 2006 of the 117 gates along the separation barrier, 38 were accessible to Palestinians in possession of permits. Operating hours of the accessible gates were limited and although schedules were announced, openings and closings were erratic.

Between January and August, OCHA recorded 5,858 "temporary" checkpoints in the West Bank, a weekly average of 113, due to arrests or other operations. Over the same period Israeli forces made 4,977 arrests in the West Bank and 1,105 in Gaza. Palestinians entering Jerusalem at Qalandiya faced daily delays up to 45 minutes in the pedestrian lane.

In April Israel announced that nonresidents of the Jordan Valley were only permitted to enter by means of public transportation or on foot. In September the IDF announced that only Palestinians with Jericho, Hebron or Bethlehem residency or Jerusalem ID-holders could exit Jericho through the main checkpoint. Others had to travel on an older road to reach the rest of the West Bank.

Palestinians in the Israeli-controlled section of Hebron (H2), according to OCHA, faced 84 significant obstacles to movement. Access for Palestinians to the Old City was limited to six IDF-controlled gates. Since 2000, legal and physical segregation between Israeli settlers enforced by the IDF in Hebron's commercial center has led to extensive restrictions on Palestinian movement. According to a November/December 2006 B'Tselem survey, these policies have resulted in Palestinians abandoning more than 1,000 homes (40 percent of all Palestinian homes) and at least 1,829 (over 76 percent) businesses in H2.

West Bank and Gaza residents can enter Jerusalem only with an Israeli-issued travel permit. During the year Israeli authorities prohibited passage between Gaza and the West Bank, except for a very limited number of Palestinians holding Israeli permits.

During the month of Ramadan, only Palestinian men over 50 and women over 40 were permitted to enter Jerusalem without a permit. Palestinians under the age limit had to obtain a special "prayer permit." Overall, the checkpoints were better organized than in 2006.

Following the June 9 closure of Rafah crossing in Gaza, on August 16, the IDF announced it would operate a shuttle service to allow students and holders of long-term visas, residency, or citizenship of a foreign country to leave Gaza. The shuttle system operated four times, and 550 people were allowed to leave, but after Israel declared Gaza a "hostile entity" on September 19, the shuttle service was discontinued. In response to a petition by the Israeli NGO Gisha, the High Court on October 2 ordered that it be renewed, and in December the shuttle service transported 484 students and their families.

On December 11, it again stopped operating. At year's end, approximately 625 students and their families remained in Gaza waiting to leave.

The IDF banned Gazan students from studying in the West Bank and limited West Bank Palestinians from university study in East Jerusalem and Israel. (See also section 2.a.)

The PA issued passports for Palestinians in the West Bank and Gaza. Because there were no commercial flights from the territories and permits to use Ben Gurion airport were not available, travelers departed by land into Jordan or Egypt. NGOs claimed that Israeli authorities harassed their representatives who landed at Ben Gurion airport. Foreign citizens of Palestinian ethnicity had difficulty obtaining or renewing visas permitting them to enter the West Bank and Israel both from Ben Gurion airport and land entry points. A June study by the NGO Campaign for the Right of Entry/Re-Entry found that 30 percent of applicants were denied visa extensions to the West Bank.

Palestinians with Jerusalem identification cards issued by the Israeli government needed special documents to travel abroad. Upon the individual request of Palestinians, the Jordanian government issued passports to Palestinians in the West Bank and East Jerusalem.

Residency restrictions affected family reunification. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or who subsequently lost residence permits, to reside permanently in the occupied territories. It was difficult for foreign-born spouses and children of Palestinians to obtain residency. Palestinian spouses of Jerusalem residents must obtain a residency permit and reported delays of several years before being granted residency. According to B'Tselem, in October 2005 there were 120,000 outstanding requests to permit Palestinians to live with foreign spouses in the occupied territories; some have been outstanding for years. Palestinians in East Jerusalem also reported delays in registering newborn children.

On September 24, the Israeli High Court ordered reconsideration of the freeze on family unification in the West Bank. On October 10, Israel approved 3,500 West Bank residency applications, legalizing over 8,000 Palestinians who were either residing in the West Bank without permits or were stranded outside the West Bank. Israel did not act on the 1,500 residency applications for Gaza.

Neither the Israeli government nor the PA forcibly deported anyone from the occupied territories during the year.

UNRWA was not consistently permitted by Israel government to provide humanitarian assistance to refugee communities in Gaza and parts of the West Bank. UNRWA's mandate is to provide direct relief and services to registered Palestinian refugees, 70 percent (nearly one million) of Gaza's population and 30 percent (687,000) of the West Bank's population.

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

#### Elections and Political Participation

In January 2006 the 132-member Palestinian Legislative Council (PLC) was elected in a process that international observers concluded generally met democratic standards. Due to factional violence, the PLC only met once, on March 17. (Also see section 1. d.)

The November 2005 primary elections to determine Fatah candidates for the January 2006 PLC elections were marred by violence, allegations of fraud, and never completed in some areas. Israeli authorities restricted campaigning for the PLC elections in Jerusalem. Hamas candidates participated in the 2006 PLC elections, but only under the name "Reform and Change Movement," not "Hamas," and won 74 of 132 seats. Fatah won 45 seats; independents and candidates from third parties won the remaining seats.

In January 2005 Palestinians elected Mahmud Abbas as PA president. Seven candidates competed in a vigorous election campaign. In both the 2005 presidential election and the PLC election, the Israeli government and the PA followed the 1996 parameters for Palestinians residing in East Jerusalem to vote, but inadequate arrangements kept turnout in Jerusalem low.

While Palestinians with residency permits were eligible to vote in Jerusalem municipal elections, most did not recognize Israeli jurisdiction in Jerusalem and did not participate. There were no Palestinians on the Jerusalem City Council.

There were 17 women in the 132-member PLC and three women in the 16-member Cabinet formed in June. There were seven Christians in the PLC and two in the Cabinet.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively.

There was a widespread public perception of corruption, notably within the PA security forces and the Hamas Executive Force. Many social and political elements called for reform. PA ministers were subject to financial disclosure laws and the PA Attorney General's Office is responsible for combating government corruption. However, at year's end there were no proceedings at any of the PA courts on corruption charges.

The law requires official PA institutions to "facilitate" acquisition of requested documents or information to any Palestinian, but it does not require PA agencies to provide such information. NGOs sought to make this provision mandatory.

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

Palestinian human rights groups and several international organizations monitored the PA's human rights practices. According to the PA Ministry of Interior, as of December, 361 NGOs were registered.

PA officials usually cooperated with human rights organizations, but since the beginning of the Intifada, several NGOs voluntarily deferred criticism of the PA's human rights performance, and documentation of abuses was very limited. NGOs, however, criticized the PA's inadequate security performance.

On November 12, Hamas Executive Forces raided the home and confiscated the computer and car of Dr. Kamal Shirafi, Human Rights Advisor to the PA president in Gaza.

The General Intelligence Service in the West Bank and the police appointed liaisons with human rights groups.

Israeli, Palestinian, and international NGOs monitored the Israeli government's practices in the occupied territories and published their findings, although the security situation, including closures, increasingly made it difficult to carry out their work. The Israeli government permitted human rights groups to publish and hold press conferences and provided the ICRC and other groups with access to detainees. During the year the Interior Ministry, operating under a 2002 order, barred entry to some foreign nationals affiliated with certain Palestinian human rights and solidarity organizations.

In 2005 an IDF court sentenced IDF Sergeant Wahid Taysir to eight years in prison for killing Thomas Hurndall, a British International Solidarity Movement (ISM) activist. In February 2006 the military prosecution appealed, requesting a 20-year sentence instead. At year's end there was no decision.

During the year PA security forces in the West Bank attacked UNRWA facilities twice and Palestinians stole two UNRWA vehicles. On March 16 in Gaza, Palestinian militants attacked a UN convoy and on 15 occasions, forcibly entered and sometimes fired weapons inside UNRWA installations.

The PICCR serves as the PA's ombudsman and human rights commission. Its annual report details violations in the occupied territories by Palestinian and Israeli authorities. The report documents complaints received and the recommendations made.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law states that all Palestinians are equal without discrimination because of race, gender, color, religion, political views, or disability. There was societal discrimination against women, persons with disabilities, and homosexuals; child abuse also persisted.

##### Women

PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. According to HRW, few cases were successfully prosecuted. According to the Domestic Violence Survey 2005 of the Palestinian Central Bureau of Statistics, violence against wives, especially psychological, was common in the West Bank and Gaza Strip at 73.5 percent and 53.4 percent respectively. A woman must provide two eye-witnesses, not relatives, to initiate divorce on the grounds of spousal abuse. Rape is illegal, but its legal definition does not address spousal rape.

According to the UN Children's Fund (UNICEF), conditions in Gaza caused increased levels of violence against women. During the year two in five women in Gaza reported being victims of violence, up from one in five in 2006. There were a handful of NGO-funded women's shelters in the West Bank; there were no shelters in Gaza. Women generally approached village or religious leaders for assistance.

Human rights groups reported that during the year family members killed 12 women in "honor crimes." In October the PA Ministry of Women's Affairs director general said that over decades fewer than 12 men were jailed for honor killings. The ministry reported there were 51 honor killings from 2004 to 2007.

In July three women of the same family were killed in an incident linked to a family honor crime in Deir al-Balah in Gaza. On October 25, the bodies of Siman Muhammad Ali al-Adel and her sister, Eman, were found in their home in Qalqilya, and the PA General Intelligence announced the arrest of the victims' brother, who reportedly confessed to the honor killing of his sisters. There were no arrests in the 2006 case in which PA police discovered the bodies of two Palestinian women in the Gaza Strip, nor in the 2006 case of a body of an unidentified woman found in abandoned water well near Qalqilia.

Prostitution is illegal. There was no openly practiced prostitution.

Palestinian labor law states that work is the right of every capable citizen and regulates the work of women. However, the rate of female participation in the workforce did not exceed 14 percent compared to 67 percent for males. In September the World Bank reported that Palestinian women were relegated increasingly to the informal employment market. Women endured prejudice and repression. Cultural restrictions associated with marriage occasionally prevented women from completing mandatory schooling or attending college. Families often disowned Muslim and Christian women who married outside their faith. Local officials sometimes advised such women to leave their communities to prevent harassment.

For Muslims personal status law is derived from Shari'a (Islamic law). Shari'a pertaining to women is part of the governing 1976 Jordanian Status Law, which includes inheritance and marriage laws. Women can inherit, but not an equal share. Men may take more than one wife, but rarely do. Women may make marriage contracts to protect their interests in divorce and child custody, but rarely did so. Children often stayed with the mother; men paid child support and alimony. Ecclesiastical courts rule on personal status issues for Christians.

#### Children

Israel registers births of Palestinians in Jerusalem. The PA registers Palestinians born in the West Bank and Gaza and must pass this information to the Israeli Civil Administration.

Education and health care professionals judged that the violence produced lack of focus, nightmares, and behavioral problems. During the year UNICEF reported that 40 percent of children in Gaza suffered from insomnia and 34 percent from anxiety.

According to the Jerusalem-based NGO Ir Amim, 48 new classrooms were built in East Jerusalem between 2001-06 after a 2001 Israeli High Court order that the municipality build 245 new classrooms within four years. UNICEF reported that schools in Gaza ran out of paper and spare parts for copiers.

Child abuse was reported to be a widespread problem. A November 2006 HRW study cited a PCBS survey indicating high levels of domestic violence, aggravated during times of political violence. The Basic Law prohibits violence against children; however, PA authorities rarely punished familial violence.

International and domestic NGOs promoted educational, medical, and cultural services for children, and other groups specialized in the needs of children with disabilities.

OCHA reported that during the year, the IDF arrested 700 children. At year's end 311 were held, 192 were pending trial, 101 were serving sentences, and 18 were serving administrative detention terms. Upon their release, most Palestinian children were transported to an Israeli checkpoint near the prison where they were held and left to contact their families and find their own way home.

The IDF used minors as human shields; Palestinian terrorist groups used minors to conduct attacks, smuggle weapons, and act as human shields. On February 28, IDF soldiers used 11-year-old Jihan Dadush as a human shield during a search operation in Nablus. In December OCHA reported that IDF soldiers in Gaza were responsible for 31 percent of Palestinian child deaths during the year; 23 percent of the children died as a result of factional violence in Gaza, 15 percent by IDF soldiers in the West Bank, and 7 percent by unexploded ordnance left by the IDF in Gaza. OCHA also reported that 345 Palestinian children were injured during the year, 33 percent less than in 2006.

#### Trafficking in Persons

Palestinian law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the occupied territories.

#### Persons with Disabilities

The Basic Law states all Palestinians are equal without discrimination because of disability. Access to public facilities was not mandated. There was societal discrimination against Palestinians with disabilities. In 2005 the Health, Development, Information, and Policy Institute estimated 2,900 of the Palestinians injured in the past five years would have permanent disabilities.

Poor quality care for Palestinians with disabilities was a problem. The PA depended on NGOs to care for those with physical disabilities and offered substandard care for mental disabilities.

#### Other Societal Abuses and Discrimination

There was no legal discrimination against homosexuals. However, cultural and religious traditions reject homosexuality, and Palestinians alleged that PA security officers harassed, abused, and sometimes arrested homosexuals due to orientation.

#### Section 6 Worker Rights

##### a. The Right of Association

The law permits workers to form and join unions of their choice and was respected in practice.

The two most active unions were the General Union for Palestinian Workers and the Palestine General Federation of Trade Unions (PGFTU). The PGFTU was a member of the International Trade Union Confederation. Both were registered with the PA Ministry of Labor and Social Affairs.

Workers in Jerusalem may establish unions but may not join West Bank federations; however, this restriction was not enforced. Workers holding Jerusalem identity cards may belong simultaneously to West Bank unions and the Israeli General Federation of Labor (Histadrut).

Palestinians working in Israel or Jerusalem prior to 2000 were partial members of Histadrut; 1 percent of their wages were withheld. Partial membership entitled them to limited benefits. Histadrut and West Bank union officials negotiated an agreement in 1995 to transfer half of their dues to the PGFTU.

Responding to a petition filed by Kav La Oved, the High Court on October 10 ruled that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements and in the occupied territories. The ruling granted Palestinian workers the same rights and benefits as workers in Israel.

##### b. The Right to Organize and Bargain Collectively

PA law provides for the right to strike. In practice, however, strikers had little protection from retribution. Moreover, prospective strikers must provide written warning two weeks in advance of the basis for the strike (four in the case of public utilities), must accept ministry arbitration, and are subject to disciplinary action if they reject the result. If the ministry cannot resolve a dispute, it can be referred to a special committee and, eventually, to a court. Accordingly, in practice, the right to strike remained questionable.

PA employees launched general strikes against the Hamas-led government during the year to protest its failure to pay salaries. PA officials reported that collective bargaining was protected and was freely practiced during the strike. Individual offices within the ministries conducted strikes and work stoppages for short periods early in the year. After June salaries were paid in full, including most arrears, and major strikes did not occur. In December when brief work stoppages took place among PA employees at the Ministry of Health, unions conducted their activities without interference, and the government protected this right.

There are no Export Processing Zones.

##### c. Prohibition of Forced or Compulsory Labor

The law states that work is a right and that the PA will strive to provide it to any capable individual. The ministry interpreted this statement to prohibit forced and compulsory labor, including by children.

##### d. Prohibition of Child Labor and Minimum Age of Employment

The minimum employment age is 15, and there are special conditions for employment under 18. The law states that children shall not be allowed to perform work that might damage their safety, health, or education, and prohibits working at

night, hard labor, and travel beyond their domicile. However, many underage children worked in family farms and shops, as street vendors, or in small enterprises. Israel estimated that 16,800 Palestinians worked in West Bank settlements and industrial areas, but it was unclear how many were minors.

The PA had eight child labor inspectors for the West Bank and Gaza. The Ministry of Labor and Social Affairs stated that Palestinian children working in Israeli settlements faced security problems, exploitation, and harassment since there was no enforceable law to monitor and protect child laborers, and there were no Israeli inspectors in West Bank settlements and industrial zones.

#### e. Acceptable Conditions of Work

There was no minimum wage. Prior to 2000, average wages for full-time workers provided a decent living standard; however, living standards dropped significantly over the past six years.

According to PCBS, the unemployment rate in the third quarter of the year was 32.9 percent in Gaza and 18.6 percent in the West Bank. In September the World Bank reported that two-thirds of Palestinians lived below the official poverty line and were unable to support themselves and their families without international assistance. In July OCHA reported that 87 percent of the Gaza population lived in poverty and depended on international assistance.

The Ministry of Labor and Social Affairs reported that most employees work at least 50 hours each week; the maximum official work week is 48 hours. The PA observed religious holidays, but they were not incorporated in labor law. Employers are required to allow Christians to attend church on Sunday if the employee desires. Some employers offered Christians the option of taking Sunday off, rather than Friday.

The ministry was responsible for safety standards, but its enforcement ability was limited. The ministry stated new factories and workplaces met international health and safety standards, but older ones did not. Palestinians who worked in Israel must contribute to the National Insurance Institute and received limited benefits.



[BACK TO TOP](#)