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Country Reports on Human Rights Practices for 1989, "The Occupied Territories"

U.S. Department of State*

This report differs from most other reports contained in this volume in one fundamental respect: whereas other reports describe the relationship between the government and the governed in countries over which the governments in question exercise sovereignty, this report deals with lands under foreign military occupation. The lands now known as the "occupied territories" were occupied by Israel in the 1967 war. Israel has not been recognized to have sovereign rights over any of the occupied territories: the West Bank, the Gaza Strip, the Golan Heights, and East Jerusalem. Regarding East Jerusalem, Israel has asserted sovereignty and annexed it. The West Bank and the Gaza Strip are governed under Jordanian and British law, as modified by military orders. Israeli law and civilian administration have been extended to the Golan Heights.

The United States considers Israel's occupation to be governed by the Hague Regulations of 1907 and the 1949 Fourth

Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Israel denies the applicability of the Fourth Geneva Convention to the West Bank and Gaza, but states that it observes the Convention's humanitarian provisions in those areas.

Since 1967, there have been episodic but sometimes intense outbreaks of violence within the occupied territories, reflecting Palestinian opposition to the occupation. In December 1987, there was a dramatic outburst of civilian unrest and violence. This has continued throughout 1989 and has been far more widespread and intensive than at any time heretofore. This has led to a severe crackdown by the Israeli Defense Forces (IDF).

The human rights situation in the occupied territories remains a source of deep concern to the United States. Overall, there were more Palestinian deaths in 1989 than in 1988. A total of 432 Palestinians were killed in the intifada-related violence in 1989, of whom 304 were killed

*U.S. Government Printing Office: Washington, D.C., February 1990: pp. 1432-1445.

by Israeli security forces and settlers and 128 by other Palestinians; 13 Israelis, soldiers and civilians, were killed by Palestinians during 1989.

This unrest and violence, known as the *intifada*, has as its minimum goal the end of Israeli occupation, a goal strongly supported by Palestinians in the West Bank and Gaza. The leadership of the uprising, known as the United National Leadership of the Uprising (UNLU), attempts to direct and coordinate *intifada* activities. As it developed, groups of young people which have formed in individual localities but are loosely associated with each other and coordinate their tactics have, throughout the occupied territories, enforced business shut-downs and strikes, and directed attacks at Israeli military patrols and Israeli travelers, particularly settlers, whose cars are routinely pelted with stones. Occasionally firebombs have been thrown. The security forces have responded with tear gas, rubber and plastic bullets, and metal bullets.

Israeli occupation authorities have sought to end the *intifada* through widescale arrests, detention, raids on homes in which suspects were thought to reside, and more severe forms of punishment, including deportation. The rules of engagement of the Israeli Defense Forces provide for the use of force in case of self-defense in life-threatening situations, in the arrest of a suspect to a crime if the suspect resists, and dispersing a violent riot which endangers public order or the safety of soldiers. The rules allow the use of live fire only as a last resort and under defined procedures in these circumstances. The guidelines for the use of force stipulate that once force is no longer needed, it should no longer be applied. The Government of Israel makes clear to

all forces serving in the occupied territories the need to adhere to the rules of engagement. However, violations of these rules have resulted in death and injuries. Only a relatively small number of such incidents have resulted in prosecution, and the sentences meted out have tended to be light.

An important aspect of the situation in the occupied territories in 1989 has been the significant increase in violence by Palestinians directed at other Palestinians. This has taken a number of forms, including assassinations, other acts of violence, and threats of violence. This took place in an environment influenced by some statements by various Palestinian leaders and the Unified Command promoting violence (e.g., a call by one UNLU leaflet to use knives, hatchets, and Molotov cocktails), tough Israeli security measures, the breakdown in law enforcement against conventional crime, and factional differences among Palestinians. The Unified Command has not disassociated itself from the phenomenon of intra-Palestinian violence but has sought to curb that element not under its control.

The strength of the Islamic fundamentalist Hamas movement has contributed to this intra-Palestinian violence and atmosphere of intimidation. Hamas opposes any reconciliation with Israel, and it would appear that its appeal, albeit still limited to a minority of the Palestinian population, has also shaped intra-Palestinian tensions.

Israel's open, democratic society enables widespread access to data on and investigations of human rights in the territories, notwithstanding IDF restraints applied here. Israel has designated officials in the Ministry of Defense with whom U.S. officials discuss specific allegations of human rights violations.

Respect for Human Rights

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

a. Political and Other Extrajudicial Killing

Political killing is not condoned by Israel. However, in 1989 there were allegations that Palestinian activists were intentionally killed by Israeli security forces or Palestinians working for them. Israel categorically denied these charges.

Israeli settlers killed 11 Palestinians during marches, patrols, retaliatory raids, and other incidents. The IDF condemned such vigilantism and attempted to stop it. Charges were brought against one settler leader in 1989 for the 1988 slaying of a Palestinian, and he has been on trial. Suspects in other killings were released for lack of evidence after they failed to cooperate with police.

Palestinian attacks against Israeli soldiers and civilians in 1989 resulted in 13 deaths and 196 injuries. The authorities investigated these cases and prosecuted suspects in some of them.

During 1989, 128 Palestinians were killed by other Palestinians. Many were also wounded. There has been intimidation against some of those who are employed by the Civil Administration, and, in some cases, against some of those who have expounded the need for political compromise. Among those killed this year were a number of Arab policemen or local Arab village officials. Israelis state that a number of the victims of intra-Palestinian violence have been killed for seeking to express moderate views. Many of the victims were working with the Israeli security authorities, and Palestinians claim that some of them were armed and provided information leading to arrests of uprising activists. Palestinians state that

other victims were habitual criminals or people killed due to private disputes.

Some of these attacks and acts of intimidation were carried out by young Palestinian activists, often masked, who were members of the "strike forces" which enforce directives relating to the conduct of the uprising. However, some attackers were members of self-styled Palestinian gangs which operated autonomously. The emergence of gangs called the Red Eagles and Black Panthers in Nablus in the northern West Bank has been a new development of concern both to Israelis and to most of the Palestinian community; these gangs and other individuals have also engaged in acts of violence as vendettas or as settling scores not connected with the intifada.

(For further discussion of casualties, see Sections 1.c. and 1.g.)

b. Disappearance

Israel does not sponsor or condone disappearances.

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

Torture is forbidden by Israeli law, and Israeli authorities assert they do not condone its use in the occupied territories. IDF orders forbid the use of force after the detention of a suspect and the cessation of violent resistance. Nevertheless, reports continue of harsh and demeaning treatment of prisoners and detainees, as well as allegations of beatings of suspects and detainees, including beatings during house searches, which is contrary to IDF rules. At least 10 deaths can be attributed to beatings. Palestinians and international human rights groups claim that other cruel practices—including enforced standing in one position for prolonged periods, hooding, sleep deprivation, and cold showers—have contin-

ued since being confirmed in the 1987 report of the Landau judicial commission referred to in the 1988 Country Reports on Human Rights Practices. Physical and psychological pressures are particularly severe in incommunicado detention during investigation and interrogation.

Most convictions in security cases are based on confessions. An attorney is normally not allowed to see a client until after interrogation is completed and a confession, if obtained, has been made. Individuals may be held up to 14 days after arrest before the International Committee of the Red Cross (ICRC) is permitted access, which is often delayed.

According to IDF figures, 9,138 Palestinians were being held in IDF prison facilities as of 1 January 1990. Two military detention centers were added to the nine existing facilities. The Ketziot detention facility was expanded and improved, but serious overcrowding continued. Conditions at military detention facilities varied. Several prison riots and hunger strikes protesting conditions occurred. In March a prisoner in Gaza died while under Shin Bet interrogation. An Israeli investigation concluded that the cause of death was natural (an ulcer) and there is no presumption of mistreatment. The investigation also held that lax supervision may have contributed to the death, and a medical orderly has been disciplined. Another prisoner in Gaza died 19 December under interrogation in Shin Bet custody. An official autopsy concluded that death was caused by internal stomach bleeding brought on by a blow. Israel initiated an investigation into this incident.

d. Arbitrary Arrest, Detention, or Exile

No new deportation orders were issued in 1989, but 26 Palestinians (including 5 journalists and 5 labor leaders) were

deported in 1989, many after a lengthy appeals process up to the Israeli High Court of Justice, under deportation orders issued in 1988. Two others avoided formal deportation by signing agreements to remain abroad and avoid political activities for 5 years. The deportation process is characterized by a lack of formal charges and the use of secret evidence not disclosed to the suspect or his attorney. The United States considers deportations to contravene Article 49 of the Fourth Geneva Convention. The Israeli High Court of Justice has not accepted this view.

Palestinians under deportation orders may appeal to the Israeli High Court. The Court has overturned no deportation orders.

Administrative detention for alleged security reasons without formal charges was widespread in 1989. Israel maintains that administrative detention is used only against persons engaged in activities threatening security; however, in a number of cases persons appear to have been detained for nonviolent political activities. While the number of administrative detainees at any one time varies, IDF figures indicate that the number was 1,271 as of 1 January 1990. Most were detained under a 6-month order, although many orders have been renewed for a second or third time. In August the maximum length of detention under orders was extended to 12 months.

District military commanders may order administrative detentions without formal charges. A detainee may appeal the order to a military judge. Only a small percentage of orders is overturned on appeal. Secret evidence, not made available to detainees or their attorneys, is often used to support administrative detention orders. Rulings by military judges can be appealed to the High Court, which may review secret evidence, but there have

been no reversals. According to the IDF, approximately 30 percent of detention orders were shortened or canceled on appeal in 1989 after portions of the detention period were served.

The authorities continued to transfer detainees and prisoners convicted of security offenses from the occupied territories to facilities in Israel, particularly the Ketziot detention camp in the Negev Desert and Megiddo Prison near Afula in northern Israel. Such transfers, in the view of the United States, contravene Article 76 of the Fourth Geneva Convention. However, the Israeli High Court dismissed a 1988 petition brought by Ketziot detainees and held that the Convention's provisions could not be enforced by an Israeli court since they had not been enacted into Israeli law.

Any soldier can arrest without warrant a person who has committed, or is suspected of having committed, a criminal or security offense. Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a statement of charges, although these rights are sometimes delayed. Individuals may be held in custody without a warrant for 96 hours, and may be held without formal charges for up to 18 days. The normal pretrial detention period is 60 days. A High Court judge may approve unlimited 3-month extensions. Security detainees are usually denied bail and are routinely held without access to counsel for 18 days. Access may be denied indefinitely if officials believe granting it would impede the investigation. Many security suspects are arrested without warrants and may be so held for up to 96 hours. Denial of notification of arrest to immediate family members, attorneys, and consular officials is common and under law can be extended for up to 14 days. Incommunicado detention for a period of 8 days is

permitted with a court order. Detainees are often not told the reasons for their detention. In September Israel announced improved family notification procedures. However, the problem of delayed notification continued.

e. Denial of Fair Public Trial

Palestinians accused of nonsecurity offenses are tried publicly in local courts by Palestinian judges, except where jurisdiction has been transferred by military order. Palestinians accused of security offenses, which are broadly defined and, as administered, cover Palestinian nationalist activity of a nonviolent character, are tried in Israeli military courts before panels composed of one or three judges. Charges are brought by military commanders. Suspects are entitled to counsel. In 1989 there were long delays before trial because military courts were overburdened by the large number of uprising-related security cases. An increased number of judges and prosecutors was inadequate to cover the workload.

Most military trials are public, though access is controlled and in some cases limited. Consular officers are allowed to attend military court proceedings involving foreign citizens, but there have been delays in gaining admission. Acquittals are very rare in security cases. Most convictions in military courts are based on confessions. The absence of bail, long pretrial delays, and physical and psychological pressures increase the likelihood of confessions. These are usually recorded in Hebrew, which many defendants are unable to read.

In April a military appeals court staffed by active duty and reserve military officers was established with branches in the West Bank and Gaza. Appeals from decisions by three-judge panels may be brought by the defendant or the prosecution. Cases heard by single-judge panels,

which can impose prison sentences of up to 5 years, may be appealed only with the permission of the court. According to Israel's Judge Advocate General, the court heard 25 cases through mid-October in which it accepted 15 defense appeals and 7 prosecution appeals.

Nonjudicial administrative orders of the military government may be appealed to area military commanders and to the High Court. The court almost never reverses Civil Administration or military orders based on security considerations.

Israeli settlers in the occupied territories accused of security and ordinary offenses are tried in the nearest Israeli district court under Israeli law. These courts are presided over by professional judges, and standards of due process and admissibility of evidence are stricter than in military courts.

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

Military authorities may enter private homes and institutions without a warrant in pursuit of security objectives. Forced entries, which are a regular part of IDF operations, have resulted in beatings, destruction of property, and arrests. Military orders also authorize the authorities to occupy buildings, or parts of buildings, as military observation points. Security officials frequently questioned Palestinians about their political views, and temporarily detained people. Demolition and sealing are nonjudicial administrative punishments ordered by the area military commander. Demolition and sealing of houses in the occupied territories are carried out pursuant to Article 119 of the Defence (Emergency) Regulations of 1945. Under the regulations, military commanders may order the demolition or sealing of any house from which they suspect a firearm has been discharged or

bomb thrown, or any house situated in an area, town, village, quarter, or street the inhabitants of which they are satisfied have committed offenses against the regulations. The Israeli High Court ruled in January that houses of stone-throwers could be demolished. In July the High Court ruled that houses rented by offenders could be demolished and that owners have 48 hours to appeal a demolition order to the area military commander, who can waive this right in cases of "operational military need." Final appeals can be made to the High Court. The High Court has delayed orders but has not overturned any of them. In 1989, 170 Arab houses were demolished or sealed for security reasons (88 demolished, 82 sealed).

Owners are not allowed to rebuild, making the punishment one of indefinite duration. House demolition as punishment is enforced only against Arab residents of the occupied territories. The United States believes demolition and sealing as punishment of families contravenes the Fourth Geneva Convention. Israel, however, holds that the Convention permits demolition under imperative military considerations. The Israeli High Court has ruled that demolition is lawful in certain circumstances.

Mail and telephone conversations are sometimes monitored. Telephone service to specific areas is sometimes interrupted by the authorities.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

While the rules of engagement set forth the limits within which force may be used, there were nonetheless a number of instances in which these limits were exceeded. IDF regulations permit use of live fire only when soldiers' lives are in real and immediate danger, to halt fleeing sus-

pects, or to disperse a violent riot. Only a specific attacker may be fired on; fire is to be directed at legs only; and fire may be directed at a fleeing suspect only if a serious felony is suspected, and as a last resort. Rules of fire were expanded in 1989 to allow firing at any fleeing masked individual. Soldiers may fire high-velocity ammunition only after exhausting other methods, including tear gas, rubber bullets, and warning shots.

IDF guidelines often were not followed, resulting in avoidable deaths and injuries. Most Palestinians were killed by high-velocity rounds shot by the IDF or border police in the course of incidents involving stones, firebombs, and fleeing suspects. Many deaths and wounds were from bullets in the head or upper body. Misuse of plastic and rubber bullets continued to result in death and serious injury. In January noncommissioned officers were authorized to fire them. Tear gas was occasionally used in houses and enclosed spaces in violation of instructions for its use, which can be potentially lethal.

Estimates vary of the number of casualties from violence in the occupied territories. Figures compiled from press, Palestinian, hospital, international organization, and Israeli government sources indicate that in the occupied territories a total of 432 Palestinians were killed in 1989 (including the casualties already described in Section 1.a.: 11 Palestinians killed by settlers, and 128 Palestinians killed by other Palestinians). Estimates of the number of Palestinians wounded varies from over 5,000 to up to 20,000. As also reported in Section 1.a., 13 Israelis were killed by Palestinians and 196 injured in the occupied territories during 1989.

According to the IDF, 435 cases of IDF conduct were investigated in 1989, of which 47 resulted in court-martial; some

were dropped for lack of evidence, and others were sent to unit commanders for disciplinary action below the level of court-martial. However, regulations often were not vigorously enforced, many cases of unjust killing did not result in disciplinary action, and punishments often were lenient. In May four members of an elite IDF unit were cleared of manslaughter charges and convicted on reduced charges of "causing grievous bodily harm" in the 1988 beating death of a Gazan. The court found their officers had issued "manifestly illegal orders" in authorizing the beatings, but there was no prosecution of the officers. The 9-month sentences of the soldiers were later commuted to 6 months. The High Court of Justice on 24 December ordered the court-martial of an IDF colonel, who had resigned after the IDF had severely reprimanded him for ordering the breaking of bones of detainees. The IDF Judge Advocate General's office announced 25 December that another IDF colonel would be court-martialed for having shot to death a Palestinian resident of the Bureij refugee camp in Gaza. The official investigation of an incident in Nahalin in April 1989, which had resulted in five Palestinian deaths, acknowledged serious errors. Several Israeli security personnel involved in Nahalin were transferred and disciplined.

There were several controversial incidents in 1989 involving the entry by Israeli security forces into Palestinian hospitals and clinics. Israel denies that it interferes with medical services and supplies as a matter of policy but acknowledges that at times its security forces enter hospitals to pursue and arrest fleeing rioters or those suspected of security offenses. It denies allegations of mistreating patients or staff and asserts that Palestinians use hospitals as refuges for uninjured rioters. Palestinians deny this and charge

that security forces in some cases used tear gas and beat patients and staff, in contravention of international law. Palestinians allege that security forces at IDF roadblocks deliberately held up ambulances transporting wounded. Israel charges that ambulances are used to transport uninjured security suspects.

Israel, in response to a tax boycott, imposed a siege on the West Bank town of Bayt Sahur. All access to the town was blocked for over 40 days, during which Israeli authorities seized merchandise and vehicles to pay outstanding tax bills. Israel claims these actions were justified by the tax boycott. Palestinians claim that certain Israeli tax practices are inconsistent with international law, including the imposition of a value added tax (VAT) and other taxes which did not exist before 1967, the summary seizure of private property, and Israel's failure to address whether the tax revenues were being utilized for the benefit of the population of the occupied territories.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

East Jerusalem is an active center of Arabic publication, including newspapers. There is no press elsewhere in the occupied territories. The Israeli authorities imposed tight restrictions on the Arabic press, citing broadly defined security reasons. Publications in East Jerusalem must submit to the military for prior censorship all copy relating to the security, public order, and safety of Israel and the occupied territories. Some reports and editorials related to the uprising and Palestinian political goals were permitted, but articles and editorials were routinely expurgated. Arabic translations of uprising-related news stories which had previously appeared in the Hebrew language

press were routinely censored from the Arabic press.

The display of Palestinian political symbols, such as flags, national colors, and graffiti, is punishable by fines, detention, or imprisonment. According to the IDF, very few persons were sentenced in 1989 solely for displaying nationalist symbols, although this charge may be levied along with other more serious charges for violent activity. Public expression of support for the Palestine Liberation Organization (PLO), its component factions, Muslim extremist groups (such as Hamas), and other banned organizations is prohibited.

No broadcast media originate from the occupied territories. The authorities have jammed inflammatory radio broadcasts from the neighboring countries. In August the use of fax machines in the Gaza Strip was banned. A military order closing a prominent Palestinian press service was renewed, and two other Palestinian press services were closed.

For alleged security offenses, Israeli security authorities administratively detained at least 20 journalists, interrogated numerous others, and raided newspaper offices.

A permit is required for publications imported into the occupied territories. Imported materials may be censored or banned for anti-Semitic or anti-Israeli content or support of Palestinian nationalism. In addition to temporary restrictions on individual publications, there were temporary bans on the distribution of all East Jerusalem Arab newspapers in the West Bank and Gaza on four occasions. Possession of banned materials, such as uprising leaflets, is punishable by fine and imprisonment. The IDF periodically declared all or parts of the West Bank and Gaza closed military areas, one primary effect of which was to exclude journalists except under military escort.

Reports by foreign journalists are subject to censorship under a system of self-regulation.

Israel kept all Palestinian universities in the West Bank and Gaza closed throughout 1989, allegedly because they were contributing to violence. The vocational, secondary, and elementary schools in the West Bank, closed in January, reopened in July and August but were closed again in mid-November. Schools in Gaza and East Jerusalem were open for most of the school year. Alternate, off-campus classrooms organized by parents and teachers were banned on security grounds, although some continued to operate.

b. Freedom of Peaceful
Assembly and Association

Military orders ban public gatherings of 10 or more people without a permit. (No permits were requested in 1989.) Political parties and other groups, including some labor unions, viewed as political are banned. Private organizations must be registered, though some operate without licenses.

Palestinian charitable, community, professional, and self-help organizations were permitted to operate unless their activities were viewed as overtly political or supporting the uprising. Persons involved in such activities were arrested, interrogated, administratively detained, or denied permission to travel.

c. Freedom of Religion

Freedom of religion is respected in the occupied territories. No group or sect is banned on religious grounds. Muslim and Christian holy days are observed. Both faiths operate schools and institutions (although religious schools were subject to the same extended closure as other West Bank schools). Religious pub-

lications circulate subject to the laws for publications detailed in Section 2.a.

In the wake of a demonstration in the al-Aqsa Mosque area in Jerusalem, which resulted in some worshipers at the Western Wall below being pelted with stones, the Israeli authorities restricted access to the al-Aqsa Mosque during the Muslim holy month of Ramadan and the Id al-Adha holiday. Security forces raided mosques and confiscated mosque loudspeakers, claiming security reasons. There was no indication that such raids or arrests of Muslim clergy were directed at religious freedom but rather at political or security-related activities.

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

Freedom of movement was restricted periodically in the West Bank and Gaza by IDF curfews, which were often prolonged to discourage protest activities. Hundreds of curfews, some lasting several weeks, were imposed. During curfews, people were usually allowed to leave their houses to obtain food and medical care for short, defined periods. These curfews caused severe hardship.

All residents of the West Bank and/or Gaza were sometimes prevented from traveling to East Jerusalem or Israel. Peace advocacy groups from Israel were sometimes forbidden to visit Palestinian villages, for alleged security reasons.

Thousands of Palestinians in the occupied territories travel abroad each year. Israel imposed travel restraints on some political activists and on family members of some deportees. There were cases in which young men were denied permission to travel unless they agreed to remain abroad for an extended time. Exit travel permits were delayed for some Palestinians returning abroad for work or study af-

ter visiting relatives in the occupied territories. According to figures from the Islamic Waqf, which supervises mosques and Islamic properties in the occupied territories, over 90 percent of the Muslims who applied were permitted to make the hajj. Palestinians claim that those denied permission were denied because of nationalist activity.

There are no obstacles to emigration. Israel sometimes refuses to renew laissez-passers of Palestinians from the occupied territories who live or work abroad on the grounds that they have abandoned their residence, even though they may not have acquired foreign citizenship. Palestinians who obtain foreign citizenship are ordinarily not allowed to resume residence in the occupied territories. They are permitted to return as tourists only and sometimes are denied entry entirely. Enforcement of the 3-month limit for tourist visas for stays by Palestinians is uneven.

Entry or residency permission is frequently denied spouses, relatives, and children following the emigration of the head of the household. According to press reports, at least 100 spouses were deported for lack of residence permits in 1989. Persons who marry Palestinians in the occupied territories generally are not allowed to take up residence there. Israel has also denied the return of former West Bank residents who were not present in the territories, for whatever reason, at the time of the 1967 census.

Requests for family reunification far exceed the numbers of those granted. Palestinians say thousands of family reunification requests are pending. According to the Government of Israel, in 1988 and 1989 a total of 3,266 family reunification applications were filed for the West Bank, of which 695 were ap-

proved. For Gaza, 278 applications were filed in 1988 and, through July 1989, 219 were filed. Figures on the number approved for Gaza are not available. Israeli officials acknowledge that family reunification is limited for demographic and political reasons and assert that the laws of occupation do not require Israel to permit immigration into the territories. Restrictions on residence, tourist visas, reentry, and family reunification do not apply to Jews resident in the occupied territories, whether or not they are Israeli citizens.

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

The West Bank and Gaza are ruled under occupation by Israel's Ministry of Defense through a military governor and Civil Administration. Palestinians have no means to participate in significant policy decisions concerning land and resource use and planning, taxation, trade, and industry. Municipal elections were last held in 1976 in the West Bank, and most mayors elected then were later dismissed on security grounds. Palestinians appointed by Israel have filled most vacancies. Some appointed mayors have resigned or stopped working because of the uprising and, in some cases, threats from other Palestinians. One Israeli-appointed municipal secretary was killed by other Palestinians.

East Jerusalem is governed as part of Israel. Arab residents of East Jerusalem are permitted to vote in municipal elections but have largely boycotted them. In the 1989 Jerusalem elections, less than 5 percent of Jerusalem's Arab population voted.

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

Israel normally permits international human rights groups to visit the occupied territories. Israel cooperates with a number of such organizations, and officials are generally available for meetings on human rights issues. However, some of these organizations often complain that Israel's responses are inadequate, not all inquiries receive answers, and some groups' requests for meetings with officials or access to detention facilities are denied.

Many local groups—Israeli, Palestinian, and mixed—are concerned with human rights. Their publications and statements are generally allowed to circulate in the occupied territories. They are allowed to hold press conferences. Individuals working for a prominent Palestinian legal rights organization were detained, beaten, prevented from traveling freely, and harassed at military checkpoints.

Section 5 Discrimination Based on
 Race, Sex, Religion,
 Language, or Social Status.

Israeli settlers in the occupied territories are subject to Israeli law, while Palestinians live under military occupation law. Under the dual system of governance applied to Palestinians—both Muslim and Christian—and Israelis, Palestinians are treated less favorably than Israeli settlers on a broad range of issues, including the right to due process, right of residency, freedom of movement, sale of crops and goods, land and water use, and access to health and social services. Israeli settlers involved in security violations have been treated far more leniently

than Palestinians guilty of similar offenses. Offenses against Israelis are investigated and prosecuted more vigorously than offenses against Palestinians. Israelis have residency rights in the occupied territories under Israel's Law of Return, regardless whether they have foreign nationality.

Israel continued to place land under its control for military purposes, roads, settlements, and other purposes which restrict use by Palestinians and discriminate in favor of Israeli settlers against Palestinians. Palestinians do not participate in the Higher Planning Council, which plans land use in the occupied territories and exercises planning powers transferred from local, municipal, and village councils in 1971. Issuance of permits to Palestinians for house construction is tightly restricted.

The Israeli Civil Administration provides basic services. In 1989 such services were sharply reduced due to the economic disruption caused by the uprising and a Palestinian tax boycott. There was no public accounting of revenue and expenditure.

Palestinians and persons of Arab descent entering the West Bank via the Jordan River bridges, regardless of citizenship, are subject to extensive searches, and many complain of harsh or humiliating treatment. Israel limits the funds visitors or residents may bring into the occupied territories for Palestinian use to about \$300 per person per month unless Israeli authorities grant permission in advance. There are no limits on funds for Israeli settlers.

There is no legal discrimination against women. Violence against women is not legally condoned. The participation rate of women in the labor force is low, and exists primarily in traditional professions and occupations, although

there are exceptions. Women's societies flourish and play an important social role.

Section 6 Worker Rights

The applicable sections for West Bank and Gaza Palestinians working in Jerusalem and Israel are contained in the country report for Israel. Palestinian residents of East Jerusalem have the same rights and are governed by the same law as workers in Israel.

a. The Right of Association

The labor law in force in the West Bank is Jordanian Law No. 21 of 1960, as amended by military orders. It permits workers to join unions without prior government authorization. It also permits the formation of unions by any group of 20 or more workers from the same trade or workplace, with prior government authorization. The International Labor Organization (ILO) Director General's report has noted that the Israeli authorities have approved no applications since 1979. No petitions were submitted in 1989. Out of approximately 90 unions functioning in the West Bank, 31 are licensed.

Israeli authorities, citing security concerns, actively discourage union activities in the West Bank. The authorities state that the West Bank umbrella federations and many individual unions are fronts for illegal political organizations rather than trade unions. Israel claims that no legitimate union activities are disrupted and that its actions are intended to prevent illicit political activity.

More than 100,000 West Bank Palestinians, representing a full range of blue-collar and white-collar professions, were members of approximately 90 trade unions in 1989. Unions belong to one of three organizations, all calling themselves the General Federation of Trade Unions in the West Bank (GFTU). The largest

GFTU claims membership in the International Confederation of Arab Trade Unions (ICATU), although the Tunis-based Palestinian Trade Union Federation (PTUF) is ICATU's affiliate of record. Two GFTU have applied for membership in the International Confederation of Free Trade Unions (ICFTU). There is no connection between any of the West Bank unions and the Government of Israel or the Israeli Histadrut Labor Federation.

Military Order (M.O.) 825 of 1980 requires that Palestinian unions present lists of candidates for union office to the Civil Administration (CIVAD) for approval 30 days before elections. CIVAD has said that it will enforce M.O. 825 by disallowing the election of candidates not approved in advance. The order authorizes the CIVAD to remove from the lists any candidates who have been convicted of a felony or misdemeanor. Because Palestinian trade unionists fear that the CIVAD will use the order to exclude those candidates who have served in administrative detention, they refuse to adhere to the order.

Like all organizations and individuals in the occupied territories, Palestinian labor organizations are subject to disciplinary measures for engaging in political activities. The premises of the GFTU in Nablus remained closed on the grounds they had been used for political rather than union activities. Union-related meetings of 10 or more persons must have the prior approval of the CIVAD.

There has been no dissolution of unions by administrative or legislative action. Under prevailing labor law, unions have the right to strike only after submitting a complaint to the CIVAD for mandatory arbitration. No strikes have been authorized under this procedure. However, authorities have not interfered with unauthorized strikes called over

strictly labor issues. More than 20 such strikes took place in the West Bank in 1989.

Union leaders have been among those detained for alleged security offenses. GFTU leaders have been denied permission to travel to ILO conferences, but they and their representatives have been permitted to travel abroad at the invitation of labor organizations in other countries. Delegations from the ICFTU and foreign trade unions, in addition to the annual ILO mission, visited the West Bank in 1989 and met with the GFTU leaders.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected. The CIVAD does not record collective agreements because some unions and/or their leaders are not legally recognized. However, most union-employer agreements are honored without interference from the authorities. The only legal forum for labor grievances in the West Bank is the CIVAD's military court system. Palestinians view the system as unsympathetic and prefer to use the traditional technique of mediation by community notables. There are no export processing zones in the occupied territories.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in the occupied territories. Under existing law applicable to the occupied territories, there is no statutory ban on forced labor. Forced labor is, however, banned (except under certain exceptional circumstances) by the Fourth Geneva Convention.

d. Minimum Age for Employment of Children

A 1978 military order raised the minimum working age in the West Bank and Gaza to 14, and there are no known instances of child labor in industry or construction.

e. Acceptable Conditions of Work

In the West Bank, Jordanian law allows a maximum workweek of 48 hours, except for certain hotel, food service, and cinema employees, whose workweek is 54 hours. In Gaza, Israeli authorities amended this law to provide for a 45-hour workweek for day laborers and a 40-hour week for salaried employees. There is no effective enforcement of maximum workweek laws. There is no minimum wage provision in the West Bank or Gaza. The Ministry of Labor's inspection service is charged with enforcing health and safety standards in the West Bank and Gaza, but no inspections take place.