
U.S. Department of State*

The West Bank, East Jerusalem, the Golan Heights, and the Gaza Strip are areas occupied by Israel in the 1967 War which remain under Israeli occupation. The West Bank and Gaza continue under military government; Israel has unilaterally annexed East Jerusalem; and it has extended its civilian law, jurisdiction, and administration 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. Israel applies Jordanian law in the West Bank and British Mandate law in Gaza, as well as its own military orders which have changed these laws significantly.

The Israeli Ministry of Defense, which is responsible for the government of the occupied territories, functions through a civil administration (CIVAD) under the Defense Ministry. Personnel from the Israeli Defense Forces (IDF), the National Police, the Internal Security Service (Shin Bet), the Border Police, Israeli civilian ministries, and Palestinian employees participate in this apparatus. There are no Palestinian elected political

bodies above the municipal level. Municipal elections, last held in 1976, were discontinued, and many elected officials were later removed or deported for alleged security reasons.

This report differs from many others in this compilation because of the greater detail available on the situation in the occupied territories by virtue of Israel's open and democratic society. The human rights situation described in this report also differs from all others in this compilation in that most of the occupied territories remain after twenty-one years under military government, and are, therefore, subject in part to military law. That circumstance, in turn, was one of the consequences of the 1967 War between Israel and its neighbors. Since 1948 only Egypt has concluded a peace treaty with Israel (1979), as a result of which Israel withdrew from the Sinai Peninsula. Although the chairman of the Palestine Liberation Organization (PLO), which most Palestinians support, has stated that his organization recognizes Israel's right to exist and renounces terrorism, there are Palestinian factions which have not done so. The PLO has called for the uprising in the West Bank and Gaza to continue, and the future status of the occupied territories is now the central issue in the Arab-Israeli conflict.

Civilian unrest, reflecting Palestinian opposition to the occupation, has resulted in a number of outbreaks of violence during the last twenty-one years, which in turn have led periodically to sharp crackdowns by Israeli military forces. Beginning in December 1987, the occupation entered a new phase, referred to as the intifadah, when civilian unrest became far more widespread and intensive than at any time heretofore. The active participants in these civil disturbances were primarily young men and women motivated by Palestinian nationalism and a desire to bring the occupation to an end. They gathered in groups, called and enforced strikes, threw stones and firebombs at Israeli security forces and civilian vehicles, or erected barricades and burned tires so as to interfere with traffic. The Israeli government has regarded the uprising as a new phase of the forty-year war against Israel and as a threat to the security of the state. The Israeli Defense Forces, caught by surprise and untrained and inexperienced in riot control, responded in a manner which led to a substantial increase in human rights violations.

The West Bank (including East Jerusalem) had been annexed by Jordan in 1950. Even after the occupation of these areas by Israel in 1967, Jordan considered them its territory, recognized Palestinian residents of these areas as citizens of Jordan, and continued to provide financial support to the West Bank. Israel tacitly accepted these arrangements. A marked change occurred, however, in July 1988, when King Hussein announced a
significant reduction in administrative and financial support for the West Bank and Gaza. Since July the Israeli government has taken additional steps to deny the PLO access to the territories and to crack down harder on expressions of Palestinian nationalism.

Respect for Human Rights

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

a. Political Killing

Political killing is not condoned by Israel and is not practiced by the Israeli government in the occupied territories.

In hundreds of confrontations between IDF troops and Palestinians throwing stones or Molotov cocktails or engaging in other forms of disorder, however, the IDF frequently responded with gunfire in which casualties resulted. Precise figures on casualties are not available and estimates vary depending on the source and counting criteria. Figures compiled from press, Palestinian, and Israeli government sources indicate that 366 Palestinians were killed in 1988 as a result of the uprising, most of them by the IDF, some by Israeli settlers. Thirteen Palestinians were killed by other Palestinians for suspected collaboration with Israeli authorities. Over 20,000 Palestinians were wounded or injured by the IDF. Eleven Israelis have been killed in the intifadah. According to IDF statistics, approximately 1,100 Israelis have been injured.

Most Palestinian deaths resulted from the use of high velocity, standard service round bullets by the IDF during attempts to halt incidents involving stones, firebombs, or fleeing suspects. According to IDF regulations, live fire is permitted when soldiers’ lives are in real and immediate danger. Only a specific attacker may be shot at; fire is to be directed at legs only; and it may be used against fleeing suspects only if a serious felony is suspected and as a last resort. Soldiers may fire only after exhausting all other means— including tear gas, rubber bullets, and warning shots. These guidelines were often not followed. Soldiers frequently used gunfire in situations that did not present mortal danger to troops, causing many avoidable deaths and injuries.

In September IDF policy was changed to allow the firing of plastic bullets in order to stop demonstrations or instigators of demonstrations in situation [sic] that do not threaten the lives of security forces and to increase
injuries. The IDF claims plastic bullets are less lethal than lead bullets. While no precise figures are available, several deaths were attributed to plastic bullets, and nonlethal casualties increased after they were introduced. Other fatalities included at least thirteen reported deaths by beating and at least four deaths from tear gas used by the IDF in enclosed areas. Exact figures are unavailable and estimates vary. There have been reports of several instances in which Palestinian wounded died because of IDF delays of ambulances or because, for whatever reason, there were delays in moving the wounded to a hospital. There were five cases in 1988 in which unarmed Palestinians in detention died under questionable circumstances or were clearly killed by the detaining officials.

Israeli authorities in some cases prosecuted or took disciplinary action against security personnel and settlers who killed Palestinians in violation of regulations. However, regulations were not rigorously enforced; punishments were usually lenient; and there were many cases of unjustified killing which did not result in disciplinary actions or prosecutions.

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 claim they do not condone it. In 1987 the report of a special judicial commission headed by ex-Supreme Court President Landau confirmed that the Shin Bet had for many years illegally used physical and psychological pressure to obtain confessions from security suspects. The report recommended that limited and clearly delineated “physical and psychological pressure” (which it defined in a secret annex) should be allowed to be applied in appropriate circumstances. Reports of beatings of suspects and detainees continue, as do reports of harsh and demeaning treatment of prisoners and detainees. Palestinians and international human rights groups state that other practices, including forcing prisoners to remain in one position for prolonged periods, hooding, sleep deprivation, and use of cold showers have continued since the Landau report. Many convictions in security cases are based on confessions. Attorneys are normally not allowed to see clients until after interrogations are completed. The International Committee of the Red Cross is allowed access fourteen days after arrest.
Since the uprising began in December 1987, the number of Palestinian prisoners has risen from about 4,700 to about 10,000. According to IDF figures released November 28, 5,656 Palestinian [sic] were being held in prisons or detention centers. Seven military detention centers were added to two existing facilities, but there is serious overcrowding. Conditions at military detention facilities vary. Abuse of prisoners was particularly severe at the new facility at Dahariya, but conditions there improved after personnel changes were effected and disciplinary measures were taken. There was widespread beating of unarmed Palestinians in early 1988 in uprising incidents and of persons not participating in violent activities. On January 19, the minister of defense announced a policy of “force, might, and beatings” to put down the uprising. He later said there was no policy of “beating for beating’s sake” and that some soldiers were exceeding orders. Nevertheless, in late January and February Palestinian and foreign physicians, human rights organizations, and the international and Israeli press reported widespread incidents in which IDF troops used clubs to break limbs and beat Palestinians who were not directly involved in disturbances or resisting arrest. Soldiers turned many people out of their homes at night, making them stand for hours, and rounded up men and boys and beat them in reprisal for stone-throwings. At least thirteen Palestinians have been reported to have died from beatings. By mid-April reports of deliberate breaking of bones had ended, but reports of unjustifiably harsh beatings continued. The attorney general of Israel criticized this policy and declared it illegal.

IDF personnel are subject to discipline for violating procedures in beating cases. Four such cases have been publicized. A total of 66 soldiers have been accused of abuses in connection with their service in the occupied territories. Of these, 36 were convicted and sentenced, two were acquitted, and 28 are awaiting trial. Those convicted received light punishment ranging from suspended sentences to imprisonment for two and a half months.

d. Arbitrary Arrest, Detention, or Exile

Thirty-six Palestinians were deported in 1988, compared to nine in 1987. These deportations contravene the Fourth Geneva Convention in the view of the United States. The Israeli Supreme Court has disagreed in a formal decision.

The use of administrative detention greatly increased in 1988. While the peak number of administrative detainees at any one time is uncertain,
the number was 2,600 in September 1988. As of November 28, Israeli government figures put the number at 1,590. Most were detained for six months, although 20 percent of detention orders were renewed. Administrative detentions are ordered by district military commanders. In March regulations were changed to suspend temporarily the automatic review of administrative detention after 96 hours, as formerly required, although a detainee may appeal to a military judge. Secret evidence is often used as grounds for administrative detention, and it is not made available to detainees and their lawyers on grounds that confidentiality is required for security reasons. Such rulings can be appealed to the High Court, which has the right to review the secret evidence, but there have been no reversals. According to the IDF, as of early October 1988 there were 587 cases in which detention periods had been shortened or canceled.

Israeli authorities maintain that administrative detention is used only against persons recently and repeatedly engaged in actions threatening security, and that political views and activities are not grounds for detention. However, Israel defines “security” very broadly, and in many cases individuals appear to have been detained for political activities which the authorities regard as a security threat. Many individuals, including academics, journalists, and human rights workers, who have not engaged in or advocated violence or other acts threatening security, have been detained, including many members of “popular committees,” banned organizations which support the uprising in various ways, including nonviolent activities. Israeli officials have confirmed that in some instances, release of a detainee depends upon the behavior of the people in the area where the detainee lives.

Since March the IDF moved over 2,000 administrative detainees at various times from the occupied territories to a detention camp in the Negev desert near Ketziot inside Israel. At its maximum in 1988, the camp held nearly 3,000 detainees but by the end of 1988 the number had dropped to approximately 1,200. Transferring prisoners from occupied territories, in the view of the United States, contravenes the Fourth Geneva Convention. However, the Israeli Supreme Court, in dismissing a petition brought by Ketziot detainees, held the convention’s provisions could not be enforced by an Israeli court since they have not been incorporated into domestic Israeli law. The court held, on the basis of a 1988 order relating to military detention and a section of a 1987 law amending and continuing emergency regulations, that Israeli military commanders were empowered to order detention inside Israel proper and that detainees may be held in Israel if the order is issued in Israel. Conditions at Ketziot are rigorous and
there is overcrowding. Prisoners are required to live in tents not designed for extended periods of confinement.

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 detention period after charges are filed is 60 days before trial. A High Court judge may approve three months extensions.

Security detainees are usually not allowed bail and are usually denied access to counsel for 18 days. Access may be denied indefinitely for security reasons if officials believe granting access would impede the investigation. Many security suspects are arrested without warrants. The law permits this for up to 96 hours. Officials at times have declined to confirm detentions to consular officers who have inquired on behalf of nationals of their countries. Denial of notification of arrest to third parties, including immediate family members, is common and under the law can be extended for up to fourteen days. Section 78(D) of Military Order 1220 of March 1988, permits incognito detention for a period of eight days if a court order is obtained. Despite improvements in record keeping, the authorities had difficulty keeping track of all detainees. At times families of some detainees did not know if or where relatives were being held. Detainees are often not told the reasons for their detention.

The IDF greatly expanded the use of curfews, including confinement to houses, in Palestinian areas where violence had erupted, or where the authorities believed there was potential for violent protests. Curfews, often prolonged, caused severe hardship to all residents.

e. Denial of Fair Public Trial

Palestinians accused of nonsecurity offenses are tried publicly in local courts by Palestinian judges, except when jurisdiction has been transferred by military order. Palestinians accused of security offenses, which are loosely defined under Israeli law, are normally tried in Israeli military courts and are entitled to counsel. Charges are brought by military commanders. In 1988, because of the large number of uprising-related security offenses, the military courts were heavily overburdened with thousands of cases, resulting in long delays before trial. Most military trials are public, though access is controlled and is limited in some cases; defense attorneys are always present. Consular officers are allowed to attend military court proceedings.
involving foreign citizens, but there have been delays in gaining admission. Palestinian minors are treated as adults in security offenses. Acquittals are rare in security cases.

The great majority of convictions in military courts are based on confessions. These are recorded in Hebrew, which many defendants are unable to read. There are numerous affidavits that confessions are often obtained by physical and psychological coercion. The 1987 Landau Commission report confirmed such practices on the part of the Shin Bet, as well as systematic perjury before the military courts. There is no appeal of military court verdicts to the Supreme Court, except on broadly interpreted procedural grounds, although the area commander may commute a sentence. The Ministry of Defense has ordered the establishment of a military appeals court by January 1, 1989. Nonjudicial administrative orders of the military government may be appealed to area military commanders and to the Supreme Court. The court almost never reverses CIVAD or military orders when security is the rationale.

Most Israeli residents of 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. In 1988 forced entries often resulted in beatings and destruction of property, as well as arrests. Security officials frequently questioned Palestinians about their political views, and such interrogation in some cases involved short-term detention.

At least 154 houses of Arabs were demolished or sealed for security reasons, affecting over 1,000 people. Of the 154, 101 were totally demolished, 7 partially demolished, 43 totally sealed, and 3 partially sealed. Israeli authorities took these actions after the occupants were accused of involvement in security incidents, but prior to trial and conviction. Demolitions sometimes cause inadvertent damage to neighboring houses. The decision to demolish or seal a house is made by the area military commander. In the West Bank village of Beit a in April, the IDF demolished 16 houses before obtaining the legally required orders. Twelve of the house owners have accepted the CIVAD's offer of compensation ranging from 10 to 100 percent. The other four are continuing negotiations. The occupants, who are often served with the demolition order only hours
before it is to be carried out, have no right of appeal. If they learn of the
order in time, they can apply to the High Court for an injunction. In 1988
the court granted temporary injunctions, but overturned no orders. Owners
are not allowed to rebuild their homes without a permit, making the
punishment one of indefinite duration. House demolition as punishment of
families is enforced only against Arabs in the occupied territories. It
contravenes the Fourth Geneva Convention in the view of the United
States. The Israeli Supreme Court has held it is lawful under proper
circumstances.

Mail and telephone conversations in the West Bank, Gaza, and East
Jerusalem are sometimes monitored. In April, Israel cut off international
telephone service for Palestinians in the West Bank and Gaza, citing
security reasons. The Supreme Court upheld the order. Individuals may
appeal to the military commander for special permits for telephone service.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

As part of the effort to halt the uprising, the Israeli authorities imposed
increasing restraints on freedom of expression and press in 1988, citing
security reasons. Palestinians believe that these restraints are arbitrary and
politically motivated. The international law of occupation permits an
occupying power to restrict freedom of expression and the press. Some
criticism of Israeli policies by the Arabic press, most of which is located in
East Jerusalem, was allowed. On at least three occasions there was a
temporary ban on the distribution of East Jerusalem's Arab press in the West
Bank and Gaza. Palestinian publications are required to submit to the
military for precensorship all copy relating to the security, public order, and
safety of Israel and the occupied areas. In practice, this requirement is very
broadly defined. Some reports and editorials related to the uprising and
Palestinian political goals were permitted, but censorship increased, and
hundreds of articles and editorials were expurgated. Israeli authorities
administratively detained at least thirty-nine Palestinian journalists and
editors for alleged security reasons, and numerous others were interrogated.
The major Palestinian news agency was closed for six months in March, and
the order was extended for one year in September. An Arabic news
magazine was closed indefinitely, and all four Arabic dailies were banned at
least once from distribution in the West Bank and Gaza for periods of up to
forty-five days.
A permit is required for publications imported into the territories. Imported materials may be censored or banned for anti-Semitic or anti-Israel content or support for Palestinian nationalism. Possession of banned materials, such as uprising leaflets, is outlawed. The IDF periodically declared the occupied territories or certain areas closed in order to exclude local and international journalists; IDF personnel in the territories often issued such orders on the scene to bar access by journalists. Reports by foreign journalists are subject to censorship under a system of self-regulation. Israeli authorities temporarily suspended the credentials of five foreign correspondents for alleged violations of censorship regulations.

Israeli authorities closed all Palestinian universities in the West Bank and in Gaza all year for alleged security reasons on grounds that they were contributing to violence. All vocational, secondary, and elementary schools in the West Bank had been closed for over six months, the major part of two semesters, but began to reopen on December 1. Schools in Gaza were open for most of the school year. Alternate, off-campus classrooms organized by parents and teachers were sometimes banned on security grounds. Displaying the Palestinian flag or its colors or Palestinian nationalist slogans is proscribed, as is publicly expressing support for the PLO. Individuals have been detained, or beaten, or forced to take down flags and erase nationalist graffiti. Property owners can be fined for not removing graffiti. At present, it appears that no one has been charged with a crime for this offense. The IDF spokesman has stated that displaying flags or possessing nationalist literature, including intifadah leaflets, can be construed as membership in a popular committee, an offense punishable by up to ten years in prison. There have been no known prosecutions for this offense.

b. Freedom of Peaceful Assembly and Association

Political parties and other groups viewed as primarily political are not permitted. Public meetings of more than ten people require permission. Palestinians often ignore this, but various meetings were broken up or prevented by the IDF.

In 1988 public services by municipalities and the civil administration were curtailed by a sharp decline in tax revenues caused by strikes, a tax boycott, and economic dislocations related to the uprising. As a result, Palestinian charitable, community, professional, and self-help organizations assumed greater roles to provide alternate services. Israeli authorities took increasingly strict measures to curb such organizations because of concern
they were supporting the uprising and the PLO and encroaching on municipal and CIVAD authority. Activities banned included home classes organized because of forced school closures and relief to families with relatives killed, injured, or detained in the uprising. Individuals involved in such activities were sometimes placed in administrative detention, interrogated, or denied permission to travel on grounds they were supporting the uprising. The Association for Defense of Civil Rights in Israel expressed concern over a military order banning “popular committees,” local organizations which support the uprising in various ways, including nonviolent activities. The Federation of West Bank Professional Unions was closed for a year, for alleged security reasons.

c. Freedom of Religion

Freedom of religion exists in the occupied territories. No group or sect is banned on religious grounds. Muslim and Christian holy days are freely observed. Both faiths operate various private schools and institutions. Religious publications circulate freely. Israel protects Muslim and Christian holy places and assures freedom of access. Security forces entered the Haram Ash-Sharif, sacred to Muslims, once in 1988 to break up demonstrations. Tear gas was fired into the al-Aqsa Mosque once, but security forces largely restricted their activities to monitoring access of worshipers to the area. Israel facilitates travel into Jordan for Muslim pilgrims to Mecca by expediting exit clearances and extending hours of bridge operation.

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

Freedom of movement was restricted periodically in the West Bank and Gaza by scores of IDF curfews (the Palestinian legal rights organization al-Haq estimates as many as 1,600), which were often prolonged to discourage protest activities. Durations of curfews ranged from a few hours to several weeks. During prolonged curfews, with one week-long exception, people were usually allowed to leave their houses to obtain food and medical care for short, defined periods. Curfews caused severe hardship.

On at least three occasions, the IDF issued orders, blockaded villages for long periods, or took other measures to prevent farmers and merchants from harvesting and selling produce or exporting it to Jordan. Israeli authorities asserted that the measures were taken to persuade residents to stop stone
throwing and other uprising activities or to reveal the whereabouts of suspects.

Approximately 100,000 Palestinians in the West Bank and Gaza travel daily to work in Israel. Workers need permits to stay overnight, but this requirement is not always enforced. Many workers stayed home during general strikes called by the uprising leadership, some because of coercion, but in most cases voluntarily.

Thousands of Palestinians in the territories travel abroad each year, but Israeli authorities imposed increasing restraints on travel in 1988. Some political activists were forbidden to travel abroad by military commanders' orders or faced delays in obtaining exit visas or laissez-passeurs.

There are no obstacles to emigration. Israel sometimes refuses to renew laissez passers of Palestinians from the territories who live or work abroad, on the ground that they have abandoned their residence, although they may not have acquired foreign citizenship. Those 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 three-month limit for tourist visas for stays by Palestinians appears to be ad hoc. Requests for family reunification are granted only on a restricted basis. Persons who marry Palestinians in the occupied territories generally are not allowed to take up residence there. Entry or residency permission is frequently denied spouses, relatives and children, following the emigration of the head of the household. Israel has also denied the return of many former West Bank Palestinians who were not present in the territories, for whatever reason, at the time of the 1968 census conducted after the June War. Palestinians claim many thousands of family reunification requests are pending. According to the government of Israel, in 1988, 300 applications for family reunifications were approved, involving 607 people. 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, reentry, and family reunification do not apply to Jews, 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 the Israeli Ministry of Defense through a military governor and civil administration. Palestinians are not permitted to participate in significant public policy decisions concerning land and resource use and planning, taxation, trade,
and industry. Municipal elections were last held in 1976, and various mayors were dismissed thereafter on security grounds. Only four elected mayors remain. In 1985 Israel appointed Palestinians to fill vacancies, but some have resigned or ceased working because of the uprising, and, in some cases, threats from Palestinians. There was an attempt to assassinate one appointed mayor in 1988. No Palestinian political parties or overtly political organizations are permitted.

Jerusalem is governed as part of Israel. Arab residents of East Jerusalem are permitted to vote in municipal elections; about 20 percent voted in 1983.

As a result of King Hussein’s July 1988 announcement, West Bank Palestinians lost representation in Jordan’s Parliament.

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. It states that it cooperates with a number of such organizations, and officials are generally available for meetings with international organizations on human rights issues. However, those organizations often consider Israel’s responses to be inadequate, not all inquiries receive answers, and some groups’ requests for meetings with officials or access to detention facilities have been denied.

The government of Israel stepped up pressure on indigenous human rights organizations in 1988. Five field workers of al-Haq, a Palestinian legal rights organization, either were detained administratively or had detention orders renewed. In addition, two members of the Palestinian Human Rights Information Center and two Gaza human rights lawyers were detained.

Many local groups, Israeli and Palestinian, are concerned with human rights. Their publications and statements are generally allowed to circulate in the occupied territories. Coordination between Arab and Israeli human rights groups continued to grow in 1988.

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

Jewish settlers in the occupied territories are subject to Israeli law while Palestinians are subject to Israeli military occupation law. Under the dual system of governance applied to Palestinians and Israelis, Palestinians are treated less favorably than Jewish settlers in the same areas on a broad range of issues, such as the right to legal process, rights of residency, freedom of
movement, sale of crops and goods, land and water use, and access to health and social services. Jewish settlers involved in security violations have generally been treated more leniently than Palestinians guilty of similar offenses. Crimes against Israelis are often prosecuted more vigorously than offenses against Palestinians. In June the Supreme Court upheld Israel's authority to deny residency to and deport a Palestinian political activist, born in East Jerusalem, who had acquired foreign nationality. Jews retain residency rights under the Israeli law of return, regardless of having acquired foreign nationality.

The use of land by Israeli authorities for military purposes, roads, settlements, and other Israeli purposes which restrict access by Palestinians, discriminates against Palestinians and adversely affects their lives and economic activities. Approximately 2.5 percent of the total area of the West Bank and East Jerusalem has been turned over to Israeli nationals for residential, agricultural, and industrial use by settlers. Palestinians do not participate in the Higher Planning Council, which plans land use in the territories and exercises certain powers transferred from local, municipal, and village councils in 1971.

Israel funds basic services for Palestinians, primarily from tax revenues collected in the occupied territories. In 1988 revenues dropped sharply because of the economic disruption of the uprising and a Palestinian tax boycott. As a result, Israel announced cutbacks in regular services to Palestinians. In July fees at government hospitals for Arabs in the territories were doubled, and referrals to Israeli hospitals were curtailed. Israeli settlers have ready access to Israeli hospitals. Palestinians and persons of Arab descent entering Israel at the airport or the West Bank at the Jordan River bridges, regardless of citizenship, are subject to extensive searches, and many complain of harsh or humiliating treatment. Israel limits funds visitors may bring into the occupied territories for Palestinian use to $1,100 per person every two months unless Israeli authorities grant permission in advance. Arab residents of the territories returning from travel may bring in amounts over $550 only with advance permission. Undeclared funds were frequently seized from Arab-Americans at points of entry and confiscated. Restitution is taking place. There is no limit on funds for Israeli use.

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.*

*Pgs 1366-75 of the report.
Palestinian residents of Jerusalem have the same rights and are governed by the same law as workers in Israel.

a. The Right of Association

Palestinians working in the West Bank are covered by the 1960 Jordanian labor law, which permits any group of 20 or more in a single trade or establishment to form a union. In 1988 approximately 100 unions functioned in the West Bank; of these, 31 were licensed by the Israeli Civil Administration. Many are affiliated with one of three umbrella federations. Any person can hold union office who has not been convicted of a crime. West Bank unions must submit lists of candidates to the CIVAD 30 days before elections; a candidate convicted of a political offense may be banned from running for office. Similar rules apply in Gaza.

In 1988 Israeli authorities, citing security concerns, actively discouraged union activities in the West Bank. Israeli authorities state that the West Bank umbrella federations and many individual unions are fronts for illegal political organizations rather than trade unions. Israel claimed that no legitimate union activities were disrupted, and that its actions were intended to prevent illicit political activity.

Palestinian workers in the West Bank have the right to strike. There were no strikes by unions during 1988 on strictly labor issues. The commercial strikes and stop-work actions which Palestinians mounted in the territories came in the wider political context of the uprising.

The West Bank umbrella labor federations have no direct affiliations to any external regional or international organizations.

b. The Right to Organize and Bargain Collectively

Jordanian law applies in the West Bank; Palestinian unions in the West Bank have the right to organize and bargain collectively. Under the prevailing circumstances of the uprising, it is clearly impossible to engage in collective bargaining. Unions have tended to limit their activities to educating workers about their rights, representing them in shop floor disputes, and providing members with health insurance and legal advice. The situation is similar in Gaza, where Egyptian law applies. 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 ordinance of the Israeli authorities raised the minimum working age in the West Bank and Gaza to 14 years.

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. There is no minimum wage provision in the West Bank or Gaza, nor is there effective enforcement of the maximum hours law.