

لا للحواجز
لا لمחסوم



נשים נגד הכיבוש ולמען זכויות אדם
نساء ضد الاحتلال ومن اجل حقوق الانسان
Women against the Occupation
and for Human Rights
www.machsomwatch.org
054-5300385 • 04-520-385
machsomwatch@gmail.com

The Invisible Prisoners

Palestinians “Prohibited” by the Shabak



November 2006

DRAFT

This report is the result of the work and witness of a MachsomWatch team dedicated to appeal against the General Security Services prohibition, on behalf of the individuals involved. It was written by Sylvia Piterman.

The team members:

Chana Arnon - Jerusalem
Tamar Avraham - Jerusalem
Ofra Bruno – Jerusalem
Micky Fisher – Tel Aviv
Ilana Hamerman - Jerusalem
Nir Navot – Ramat Hasharon
Ana Netzer Shay - Haifa
Sylvia Piterman - Jerusalem
Michaela Rahat - Jerusalem
Rina Rozler - Jerusalem
Lizi Sagi - Tel Aviv
Tami Shellef - Haifa
Raya Tzenter - Haifa
Phyllis Weisberg - Tel Aviv
Orit Yoshinsky - Jerusalem

We thank Att. Limor Yehuda and Firas Alami from the Association of Civil Rights in Israel for their encouragement and their invaluable advice at every step of our work and for submitting the appeal to the High Court of Justice against the system described in this report.

We also thank MachsomWatch women for reading and making important remarks - especially Sara Kliachko and Yael Naaman. Finally we want to express gratitude to Louis Williams for translating this report in no time.

Introduction

Many residents of the Occupied Territories – 180,000 by some counts – are defined as “security prohibited” or “*Shabak* prohibited” [*Shabak* – General Security Service or GSS]. The restrictions imposed on these residents’ movement are greater than those imposed on any others. Thus, for example, GSS prohibited Palestinians are delayed longer at internal checkpoints on the West Bank. They are not entitled to a magnetic card (tantamount to a “certificate of good character”), and generally they cannot obtain entry permits for Israel or the settlements for work, commerce or personal needs, travel permits for vehicles within the Territories or cross the Jordan bridges to go abroad. We encounter GSS prohibited persons in all aspects of our observation: among detainees at checkpoints in the heart of the West Bank, in the villages, and of course in the Civil Administration’s offices (District Coordination Offices – the DCOs).

Many residents who come to the DCOs to request a magnetic card, or one or other permit, are told that they are GSS prohibited and cannot receive their desire – that after many hours of waiting in shameful conditions to reach the service window. None of them ever receive notice of when or why they became “prohibited.” The fact only becomes clear when the applicant first requests a new or renewed magnetic card, or when he asks for an entry permit to Israel, for example, to go to a Palestinian East Jerusalem hospital for medical treatment.

Since the status causes considerable difficulties, GSS prohibited Palestinians tend to come often to the DCOs in the hope of a change in the situation. The soldiers on duty do not explain that any resident can appeal to the Legal Advisor for the West Bank (Judea and Samaria). Relatively rarely is a resident told that he can submit a “request for pardon” to the Civil Administration (CA). The CA refers such requests to the GSS. There is no control by any legal or administrative entity over this process or its outcomes. We have met men who have submitted countless requests for pardon, without any result.

To appeal the security prohibition in the office of the Legal Advisor, the resident has to hire the services of an attorney – something which he cannot always afford. Nevertheless, the majority of such appeals are submitted by private attorneys. In 2004, the Association for Civil Rights in Israel (ACRI) began to submit individual appeals against the prohibition in the name of residents who approached them. Doctors for Human Rights, the Centre for Defence of the Individual and other human rights organizations also submit individual appeals. In June 2005, MachsomWatch followed in their footsteps and began to assist residents in the writing of appeals against security prohibition, under the guidance of ACRI.

In the beginning we dealt only with people met in the course of our visits to checkpoints and DCOs. As time went on telephone applications were added. By 24 September 2006, we had received almost complete answers to 1612 appeal letters regarding 1312 residents (for some, more than one appeal was sent). Thanks to those appeals, the security prohibition was lifted from 290 people (22.1%). All the others remained prohibited. By 5 November 2006 – 17 months after we started writing letters, we had appealed the security prohibition on 1454 people (we sent 1828 appeals).

These are very raw data. A large part of the 1612 appeals were not screened at all, and were rejected for the following reasons: “Doesn’t stand up to the criteria for entry into Israel” (9%); insufficient time elapsed between submission of an attorney’s appeal and our approach – a year in the case of security prohibition, and half a year in the case of non-conformance to the criteria (17%); requests are for freedom of worship, or simply for lifting of prohibition without specific need or other elements (22%). Thus, in practice, the rate of removal of prohibition following our appeals was even greater: of all the appeals submitted until the end of September, only 815 were examined, of which 290 (36%) were removed while 525 cases (64%) were not.

Not every Palestinian who is prohibited may appeal his situation to the Judea and Samaria Legal Advisor. As a general principle, the Legal Advisor only deals with desire to work in Israel, to cultivate lands in the Seam Zone (between Israel and the Separation Fence), or to receive an entry permit for commercial reasons (according to information received from soldiers in the Legal Advisor’s Office, all these account for 90% of the 15,000 appeals dealt with each year). In order to submit an appeal, it is not enough to announce intent to work in Israel or trade with her. A request from an Israeli employer has to be attached, or proofs submitted that the man is a merchant. Thus, anyone interested in appealing his situation in order to get a work permit for Israel or the settlements must find an employer. And how exactly can a resident of the Territories do that if he is prohibited from entering Israel or the settlements to seek work? Despite all the difficulties, it must be noted that many men do find employers, apparently not without substantial financial outlays and even though they know that only in 36% of the cases will they succeed in bringing to fruition their plans to work in Israel.

The Legal Advisor also deals with cases of residents who tried to travel abroad and were returned from the frontiers. A man who knows that he is GSS prohibited must reach the border, and only after he has been returned from it may he appeal to the Legal Advisor. In other words, he has to bear the cost of the journey before he has the certainty that he can indeed travel. We also approached the Legal Advisor: regarding patients not allowed to receive medical treatment in Israel; Palestinians who do not receive travel permits to drive their vehicles across the West Bank; Christians denied permits to visit their holy places; others simply desiring to be removed from the “black list.” We received a response that it is impossible to appeal regarding Christians or people whose whole desire is to clear their names. In other words, in these cases, even if you are placed on the black list by mistake, you will remain there forever with no right of appeal.

From contact with people whose difficulties we deal with, a clear impression arises that the State of Israel uses GSS prohibition as a powerful weapon in its war against the entire Palestinian People, and not only the “terror organizations” (the nickname mostly applied to bodies struggling for the establishment of a Palestinian state). Security prohibition is an important element in holding the Palestinian population at a living standard which is neither life nor death, with no hope, no enlightenment, no education, and no appropriate economic infrastructure – browbeaten, starved, alienated and ultimately atrophied.

ACRI, the Centre for Defence of the Individual and Doctors for Human Rights petitioned the High Court of Justice on 5 October 2006 (HCJ 8155/06) against the Commander of IDF Forces in the West Bank, the Head of the Civil Administration, the Head of GSS and the Legal Advisor for Judea and Samaria. Their request was to cancel the classification of thousands of the

residents of the Territories as “GSS prohibited,” which is done in a fundamentally faulty administrative process, while causing severe and arbitrary damage to their rights. Within the body of the petition are many examples, some of them from the experience of MachsomWatch. In addition, MachsomWatch submitted an affidavit in support of the petition based on the reality described in this report.

Below we describe, briefly, the system of permits that Israel has developed, and present characteristic cases of the security prohibition phenomenon. We open with a description of the most prevalent GSS prohibition – workers for the building industry, and will continue with a presentation of other groups that we encounter in our work: people who refuse to work with the GSS, merchants, people who “do not meet the criteria” for entry into Israel, farmers wishing to get farming permits to work their lands which remained in the Seam Zone (the area between the separation fence and the Green Line), residents of the West Bank married to Israeli citizens or to East Jerusalemites, bereaved families, Christians and the sick.

The Magnetic Card and the Permit System

The system of permits began in the 1990s. In recent years, its intensity has reached peaks that stagger the imagination. The life of the Palestinians to a great extent revolves around the attempts to acquire permits. And in many cases the receipt of a permit is dependent on possession of a magnetic card – a kind of “certificate of good character,” proof that the resident is not on the GSS or police black list. There is no need for a magnetic card to move across the Palestinian areas of the West Bank and pass checkpoints on foot or in public transport. However, the current wisdom is that the holder of a card gets more freedom of movement, even though it is not an absolute guarantee of free passage at the checkpoints. The card is not a permit to enter Israel, but without it there is **no possibility** of receiving a work or commercial permit.

There are many types of permit:

Entry permit for Israel, for work or commerce – all Palestinian workers in Israel from the Territories need a work permit. An Israeli employer interested in hiring a Palestinian has to go to the Labour Exchange to demand an Israeli worker. Only if there isn't an available Israeli will he receive a permit from the Labour Exchange to employ a Palestinian, and then he has to get a work permit for the Palestinian. To get that permit, the worker has to have a magnetic card. Merchants need an entry permit to Israel for commercial purposes, and again possession of a magnetic card is an absolute requirement. Work permits are valid for weekdays between the hours of 05:00 and 19:00; workers in hospitals and tourist guides need special permits that allow them to be in Israel 24 hours a day; commercial permits are from 05:00 till 22:00. The permits are issued for three months and, whenever a closure (of the borders) is ordered, the permits expire and need to be replaced by new ones.

Seam Line permits – residents of the West Bank with land in the Seam Zone also need permits in order to work their fields or groves.

Movement permits for the Territory – truck drivers, hauliers, ambulance drivers or bus and

taxi drivers need permits to move throughout the West Bank and pass the internal checkpoints. The permits are for driver and a specific vehicle.

There is no need for a magnetic card to acquire agricultural permits for the Seam Zone or movement permits for professional drivers, but security prohibition does form a significant obstacle to acquiring these permits.

Permits for personal reasons – for tests in hospitals, family visits, participation in seminars or studies, entry to Christian holy places, etc. These are issued for a few days and are not conditioned on possession of a magnetic card. To travel in a **private** vehicle throughout the West Bank, residents also need special permits – for driver and vehicle. A permit for a stay in Israel is given to residents who are in the process of family reunification. Initiative for grant of this permit lies with the Ministry of the Interior, and it cannot be obtained without a magnetic card.

To sum up, a GSS prohibited Palestinian cannot obtain a magnetic card, and therefore he also cannot acquire a work or commercial permit, or a permit to stay in Israel in the frame of family reunification. He will also find it very difficult to obtain permits that do not necessitate a magnetic card, and will probably not be allowed to travel abroad. A Palestinian holding a magnetic card and a permit of one or other kind cannot be certain that the situation will not change with “the wave of a hand.” The GSS can cancel the validity of cards and permits without giving any explanation or reasoning.

The Image of a Typical GSS Prohibited Palestinian

The decisive majority of “dangerous” people included in the GSS prohibition are poor with large families and children. Their entire hope is to work in construction in Israel. They are not fleeing or hiding. They come openly to Civil Administration offices to request magnetic cards: if they were dangerous, they could be arrested there, at the grille. After all, they are penned in between the turnstiles, and nothing could be easier...

Most did have magnetic cards and permits in the 1990s, up to the onset of the second *intifada* in late 2000, but since then there is no agreement to renew the cards. Many have never been in prison and do not know why they are prohibited. “What have I done,” they ask us. “Let them say what I did... If I am dangerous, then why don’t they take me to prison?” “I want to meet the Shabak and show them that I haven’t done anything. I have gone many times and asked to meet with them, and each time they say ‘Go away! We’re not interested in you.’ They are not even willing to investigate me.”

For a few of the people who came to us, the permits and magnetic cards had been renewed even after 2000. But, in many cases, they abruptly stopped issuing permits. After a period of time they also stopped renewing the magnetic cards of GSS prohibited Palestinians. No explanations are given to anybody. Everything comes as a surprise.

There are men who, when they were in their youth, were detained in prisons for various periods of time during the first *intifada* for throwing stones. Meanwhile they have grown into adults,

raised families, received cards and permits in the 1990s, while today they are GSS prohibited. "It's because I was in prison," they tell us, "but I was a child then," they add. "Many years have passed and today I have a family. I am the father of children. I don't indulge in nonsense."

Denial of magnetic cards and permits to these men sentences them and their families to extreme economic distress. These are not dramatic cases of life or death, but people who are unemployed, with large families to look after, who cannot bring bread home to the table. In their desperation, they enter Israel without permits – not to blow anything up, but to work. And then they are hurt twice over: Israeli contractors exploit them, and on the other hand when they try to return home, they are caught as "illegals" and arrested time and again.

Below a few examples from among the hundreds who have appealed their situation with our help:

I, 47 years old from Hebron, married with seven children; a building worker employed in Israel for more than ten years. He had a magnetic card until August 2003. "I went to Hebron DCO a number of times, but they did not want to accept my application for a magnetic card; they say that I am GSS prohibited. I don't know why. I have done nothing to justify that. I have never been connected to any security problem," he wrote. He asked to remove the security prohibition so that he can earn a livelihood for his large family.

The response: *"The subject's request to allow entry into Israel has been examined by the security authorities and, in paying attention to comprehensive data, including classified intelligence, it is not possible to allow his entry into Israel for security reasons."*

M., 56 years old from Ubeidiya in Bethlehem District, married and father of ten children: a building worker employed in Israel for more than ten years. He had a magnetic card and permit until 2000. "I never did anything to justify security prohibition, and the only problem was linked to my trip to Saudi Arabia (Mecca) to pray. When I returned via the Allenby Bridge, there was some mess up in the lists and they thought that I had not gone out by that route. I was detained for eight days in Maale Ephraim, after which it became clear that a mistake had been made, and I was released," he wrote. He asked to remove the security prohibition so that he can earn a livelihood for his large family.

The response: *"The subject's request to allow entry into Israel has been examined by the security authorities and, in paying attention to comprehensive data, including classified intelligence, it is not possible to allow his entry into Israel for security reasons."*

Y., 40 years old from Ubeidiya in Bethlehem District, married and father of nine: a tiler and general construction worker, employed many years in Israel. "Up to (16 January) 2000 I had a magnetic card and entry and work permits for Maale Adumim and Jerusalem. From that date on, my card and permits were not renewed, and I am unemployed. I simply do not know how I succeed in feeding my children," he wrote. In 1987, aged 17, he was detained for a week and afterwards released unconditionally. He has never had a security problem of any kind He asked to remove the security prohibition so that he can earn a livelihood for his large family.

The response: *"The subject's request to allow entry into Israel has been examined by the*

security authorities and, in paying attention to comprehensive data, including classified intelligence, it is not possible to allow his entry into Israel for security reasons.”

I., 44 years old, from Yatta in Hebron District, father of seven children aged from two to 18. A construction worker, employed in Israel since 1980. He had work permits until the beginning of 2004 which they have refused to renew since then. “Early in 2004 I entered Israel during a closure, and they opened a file on me at Beit Shemesh Police Station. I went to an attorney who got the file closed. Following that they refused to give me permits on the grounds that I was Shabak prohibited, and a lawyer sent a letter for me to remove the security prohibition. They told him that they have a secret file on me. I do not know what I have done that they should open such a file. I am prepared to be interrogated by Shabak in order to prove my innocence,” he wrote.

I. also received the standard response. In practice, that answer was given in all the cases that were examined and the prohibition was not removed – 411 cases. In two or three cases they volunteered more information: the prohibition is because of “hostile sabotage activity” or because of “membership in a terror organization.”

In conversation with us as we wrote the appeal letters for them, and even more so when we delivered the above answers, they would ask: “Why don’t they give me a magnetic card? I have done nothing bad.”

It appears that, for the most part, there is no real reason for the security prohibition – neither the throwing of stones in the past, nor anything else in the present. It was not created for any reason other than to serve the policy of oppression and collective punishment of the population of the Territories. The large number of people prohibited, and the fact that of the people checked the prohibition is removed for a third of them, serve to hint in that direction. The GSS prohibition also serves the quota policy for entry into Israel which is dictated from above. In place of the Civil Administration announcing that the quota is filled, tens of thousands of men are marked as security prohibited, or in the words of Major Liron Alush: “In any case they would not get permits. Therefore, if there is the hint of the slightest doubt, they are prohibited.” Alush is a lawyer and Head of Population Registry in the Office of the Judea and Samaria Legal Advisor – a legal unit that in effect serves the technique.

Recruitment of Collaborators

Many men tell us that the GSS tried to recruit them to work with that body, or in their words: The Captain [as Shabak agents are known among the population – a nickname originating with the all-powerful British agents of Mandatory times] summons them to an interview. After a short interrogation, he asks the interviewee to work with him. At first the Palestinian does not completely understand what is wanted of him, but finally it is clear, and he says that he has children and all he wants is to make a living, however poor, for them. Then comes the response that we heard from many of them: “If you help me, I will help you. If you do not help me, you will never get a magnetic card or permit.” A few examples:

I., 36 years old, married and father of four; a building worker with no security or criminal record. Never received a magnetic card. Fifteen years ago, he was approached by a GSS “captain” to cooperate. He was then only 20, and he signed a piece of paper without even knowing what it said. But, immediately after that interview, he had second thoughts and refused to work with the GSS. The result was that he has never been able to get a magnetic card. And even today, 15 years later, he is still refused.

He got the standard response: there is a secret file on him.

I., 41 years old, lives in Jerusalem with his Jerusalem-born wife and four children He is in the family reunification process. He worked many years as a mechanic in a textile mill in Beit Jalah. Afterwards he was employed in building. Up to 1996 he received entry permits for Israel. Now he cannot work because they will not give him an entry permit. If he leaves his house, he cannot return. I. told us that he met a GSS captain at the Etzion DCO. There were three people present. At the end of the meeting, after having been asked a variety of questions, the captain said to him: “I am prepared to help you in return for you helping me.” At first he did not understand what he was being asked, but after some clarification he grasped that in order to get a magnetic card he must collaborate with the Shabak. I. refused the captain’s offer, and at the end of the encounter he was signed on a document in Hebrew, with no opportunity to read what it said, and was told that the paper confirmed that he was forbidden to ever enter Israel. He did not dare to refuse to sign since he was alone with three men, not knowing of his right to refuse to collaborate, and his right to refuse to sign a paper the meaning of which he could not understand.

The response to his appeal to the Judea and Samaria Legal Advisor was the standard one given above.

The candidates for collaboration tell us that cooperation is unthinkable, since that implies informing on neighbours, friends and even family. Moreover, if they are discovered, they will lose their families and be compelled to run for their lives. If they refuse to collaborate, they are sentenced to forfeit of livelihood and economic distress for their families. Thus, the GSS puts these unhappy people between the hammer and the anvil. They are presented with a terrible dilemma that forces them to choose between two options, each worse than the other. And all this causes them mental and economic anguish, when in fact all they want is to live quietly and earn a living in dignity and respect. It should be noted that conditioning grant of a magnetic card on collaboration is against the law. However, who is there to supervise the legality of the GSS actions?

Many times the candidates for collaboration do not want to note this in their appeal against security prohibition, because they fear additional Shabak retaliation.

A., 35 years old, married and father of 12 children, worked till recently in the Etzion Bloc settlements. He had a magnetic card and a permit for his place of work. Suddenly they refused to renew the permit. He told us: “A few months ago, somebody from Shabak asked me to work with them. After I refused, he said he would cause me trouble. When they refused to renew my permit, I looked for him in order to explain why I can’t work with him. But he wouldn’t meet me. I went a number of times, and waited long hours, but he wouldn’t meet with me. Maybe he is making trouble as he promised.”

A. also received a negative response in the standard boilerplate text.

Such cases of offers of a magnetic card and work permits in return for collaboration with the GSS are very widespread. The GSS prohibition policy therefore serves the need to convert the entire population into collaborators: it creates a huge reservoir of potential collaborators, despite the fact that making such conditions in itself is in violation of the law.

Merchants

Merchants and many owners of businesses were helped by us in requesting removal of their security prohibitions. Merchants with a shop in a specific place need freedom of movement to purchase goods for sale. They usually need a pass for transit **within** the West Bank in their own vehicles. They also need entry permits for Israel to acquire goods, and in some cases to sell in Israel.

Many of the merchants had magnetic cards and permits up to 2002 or 2003. Since then, without reason or explanation, their requests for permits have been refused. Denying a permit to a businessman involves heavy financial losses, and sometimes even extinction since, without “export” of goods to Israel or “import” of goods from Israel, their businesses cannot survive. But even if a merchant or businessman has no connections with Israel, there is little chance of his business surviving without “internal movement permits,” which allow his vehicle to pass the checkpoints located within the West Bank, in order to move freely between districts or the various Palestinian cities. A question arises as to the purpose of the policy that denies permits to merchants: is the objective the destruction of the Palestinian economy, or is it to compel the businessmen to collaborate?

N., age 53, from Beit Sahour, married and father of three; owner of a business that works only in the West Bank cities. He writes: “When I ask for a magnetic card, they tell me I have no need. But, without the card, I have difficulty in passing checkpoints within the Territories. For example, one morning around 08:00 I travelled by taxi in the direction of Ramallah in order to submit a proforma quote. At Wadi Nar (the Container) Checkpoint, the taxi was stopped, the people were removed from it, and I was returned to Bethlehem after a delay of an hour and a half. As a result, I lost the job (a year-long contract). People with magnetic cards did pass. I also need a magnetic card to move around the West Bank in my own car.” He does not know why they refuse him a card. He has done nothing to justify it, and he has no criminal or security record. In the light of that, he requested the removal of the security prohibition and the issue of a card and permits.

The prohibition was lifted, and he did receive a card and permits. But, in that case, why was he denied in the beginning? Why did he have to lose his year-long contract in Ramallah?

We note that many of the traders received the regular response: *“The subject’s request to allow entry into Israel has been examined by the security authorities and, in paying attention to comprehensive data, including classified intelligence, it is not possible to allow his entry into Israel for security reasons.”*

A businessman who came to us after his magnetic card and permits were cancelled, told us the following story:

M., is 38, married with five children. He works in wood, particularly pergolas and roofs. He always worked with Israelis. He has a valid magnetic card, and had a permit as trader. He related that one day, as he was passing Bethlehem Checkpoint in the morning hours, he was handed a summons to a meeting with the GSS in the Etzion Bloc in the afternoon hours. He went to the meeting and the “captain” who met him, and interrogated him, said that he has no problems, and if he will have problems passing a checkpoint, M. can phone him. The agent gave M. his phone number and also said that he will want to meet again in Jerusalem. M. did not respond. The following day, he was not allowed to pass at Bethlehem Checkpoint. M. phoned the agent, and within half an hour the way was open. A few weeks later, M. again went to the checkpoint to pass, and was unsuccessful. This time he did not phone, but simply went back the way he came. A few days later he got a phone call from the “captain,” who inquired after his health and asked to meet him in Jerusalem. He was told that a driver would be sent, and he would be brought to a secret apartment in the city, and no one would know about it. M. said he was not willing to meet in Jerusalem. He was prepared to come for whatever interrogation was necessary at Etzion DCO. The agent pressed him but unsuccessfully. M. did not agree, and has been prohibited ever since.

Since he had refused to collaborate with the GSS, he could no longer work with Israel, and his business was going bankrupt. But who cares?

The case was passed on to the Association for Civil Rights (ACRI).

The “Potentials” – Men who don’t Meet the Criteria for Entry

The GSS defines certain groups in the population as dangerous to Israel, and denies them indiscriminate permits. One of these groups is of young men under 30, and men over 30 but without children. These men cannot, as a general rule, receive permits for work in Israel. They can only work in the settlements, which means that the latter enjoy cheap manpower that has no other choices.

The appeal against GSS prohibition of youngsters who want to work in Israel evoked from the Judea and Samaria Legal Advisor’s Office a long and complicated standard response, the bottom line of which was: “Does not meet the criteria for entry into Israel.” Their applications are not checked at all. The only way open to them to get their situation evaluated is to acquire an employer in the settlements. Whoever does not want, or cannot, get a settlement employer, is not entitled to appeal his security prohibition.

One of the people who does not meet the criteria is:

M., aged 36, married without children. He supports elderly, sick parents and brothers, some of them small and of school age; one of the brothers is disabled (hurt in a traffic accident and completely paralysed). He has worked in a yeshiva since childhood. The

yeshiva is very satisfied with his work, and wants him to continue. He even received a reference from the head of the yeshiva. He has no criminal or security record, and does not present a security risk. After all, he has been working for years in Israel.

But he “does not meet the criteria for entry into Israel.” and so he is forced to smuggle himself in, and risk getting caught, for otherwise his family goes hungry.

The case of P. is an example of the attempt to recruit collaborators among the youngsters who do not meet the criteria... He is 29, married with two children, has an employer willing to employ him in Jerusalem, and the GSS is prepared to approve a magnetic card and the necessary permits if he collaborates. He told us that occasionally, when he is detained at the internal checkpoints (the Container, for example), his “captain” phones to put pressure on him.

He also received the response that he does not meet the criteria for entry into Israel.

Our conclusion is that the GSS prefers to leave a relatively large population of young people without magnetic cards or permits, in order to recruit collaborators with greater ease. Moreover, if the prize to young people for collaboration is a magnetic card and an entry permit, despite their age, then these “benefits” must be given to additional people, since otherwise all the satisfied ones will be identified as collaborators.

The result of this system is chaos: there are no rules, there is uncertainty and confusion, and this is in practice a part of the method. An additional result is, of course, the economic desperation of all those who do not receive a magnetic card and permits. A part of these young people are men with families, with many children despite their own youth, and the economic hardship among them is severe. Since that is the case, but bread must be put on the family table, they take risks, skip over hilltops, bypass checkpoints and walls, and continue to get to their work places until they are caught as “illegals.”

Advancement at Work

A., age 39, from Kalandiya Refugee Camp: married and father of five. Though he works full time and supports his children, he studied Business Management in el-Quds University, and recently completed his obligations for a Master’s degree. When he approached us, he was writing his Master’s thesis. In the light of his Business Management degree, and his employer’s complete satisfaction with his work, A. received a promotion, but to benefit from it he has to enter Jerusalem. He had a magnetic card up to 2000, but when he requested an entry permit for Israel so that he could take up his new position, he was refused. A. has no criminal or security record. He does not know what he is accused of. He is a working man who supports his family. He has done nothing that can be construed as threatening the security of the State of Israel – neither in the past, nor in the present. Clearly, without the permit he will lose the promotion, for which he worked hard. He sent an appeal against the security prohibition, and received the standard response.

A. is simply a family man with ambition and talents, who is willing to invest effort to progress in

life. The refusal to allow him fruition of the promotion seems to us beyond any understanding. After all, he has worked many years in a solid place of employment. It is not conceivable that he is “dangerous.” He will be even less of a danger if he is allowed to progress. We therefore turned to Knesset Member Yossi Sarid, who in turn contacted Ruth Bar, advisor to the Minister of Defence. Her answer was not positive, and yet she wrote in her letter that A. can try again to appeal his situation at the DCO of the area where he lives, and that security bodies are prepared to reinvestigate his innocence.

That appeal did not succeed, but a few days later, A. was summoned to a meeting with Shabak. The joy was great because, so we thought, he could prove his innocence. At the end of the interview, the agent said : *“There is nothing against you, and if I do have anything against you I can arrest you easily enough, but my supervisors told me not to clear you name in the near future.”*

In a letter sent by MachsomWatch to the Judea and Samaria Legal Advisor, was written: *“As the Legal Advisor for the West Bank, with the authority of ‘Legal Advisor to the Government’ as regards the civilian population living under Occupation, is there no limit whatsoever that you can put on the arbitrary decisions of the GSS in relation to innocent people? How can it be that an entire population are turned into offenders when they have done nothing? How is it possible that people are incapable of running their lives and there is nobody to defend them?”*

“I ask that this case be investigated... and that the harm be stopped to the minimal rights of a man who wants to earn a living and progress in life.”

The response was: *“As an exception, the request for removal of prohibition was examined for a second time, and it was found that the intelligence material does not permit compliance.”*

Thus they slammed the door on A.’s chances of advancement at work.

Farming Permits for the Seam Zone

The separation fence was erected, on the face of it, to ensure the security of the residents of Israel. In place of building it on the Green Line, thereby allowing the owners of land to use their right of ownership, it was decided to erect the fence between the lands and the houses of the villages, causing severe damage to the basic rights of the residents. The State and the IDF authorities undertook not to restrict the movement of people, and so the checkpoints would open to permit a free flow of people.

However, contrary to the declarations of the State, the working of the transit points and the regime of permits do grievous harm to the residents. The army opens gates and checkpoints twice a day for short periods – slightly more than that during the olive harvest. These arrangements do not respond in any way to the needs of the residents. The army gives permits when it wants, and denies permits when it wants, victimizes applicants by sending them “from pillar to post,” and generally damages their fundamental rights of property ownership. ACRI

petitioned against the permit system and the operating routines of the passages to the Seam Zone (HCJ 639/04). That petition is still pending.

There are a number of kinds of prohibition on passage to the Seam Zone:

1. Prohibition of landowners where the army does not recognize their ownership, or it has been negated or lapsed after many years of work. These people, when they come to renew their permits, are informed that their property is not theirs, and their ownership is invalid;
2. Whoever rented land or cultivated it as a hired hand for many years, finds himself without a permit; in cases where the owners live in a distant area, the land is subject, after years of non-cultivation, to confiscation by the State;
3. Security prohibited persons, among them those that refused to cooperate with the GSS.

MachsomWatch sent four letters to the Head of the Civil Administration and to the Legal Advisor of Judea and Samaria, listing 335 residents, some of them GSS prohibited, with a request to grant them entry permits for the Seam Zone. The olive harvest is upon us, and the struggle to obtain permits continues.

Family Reunification

Many of those prohibited by the GSS are Palestinian husbands or wives of Jerusalem residents or Israeli citizens. They have moved to live in the West Bank, far from their families, since receiving a letter from the Ministry of the Interior forbidding them to live in Israel. They left to be free of exposure to persecution and arrest. The rest of the family remains in Israel, waiting for better times. These partners almost automatically become GSS prohibited and are unable to receive entry permits for Israel, even for a day or two to visit their families.

Additional “Potentials” – Bereaved Families

A group of people automatically prohibited are residents whose family members have been killed by the security forces – deliberately or by mistake. They are considered “potential avengers,” and virtually all are GSS prohibited. Family members of the deceased are punished twice over: they have to live with their sorrow over the death of their dear ones, and they are also not permitted to earn a decent livelihood and have difficulties in obtaining permits for humanitarian reasons.

Some of these families belong to the Forum of Bereaved Families which fosters peacemaking and coexistence. However, that is of no importance to the GSS, and the prohibition of these people is all encompassing.

The Christians

The Christians are a group considered friendly to Israel. Moreover, they are a minority within a minority – a group between the hammer and the anvil. To our surprise, many Christians are GSS prohibited. Some need magnetic cards and permits to enter Israel for work or commerce. Others want to go to the holy places during festivals, and are not allowed to do so year after year. Entire families go to pray at the Holy Sepulchre and other sites in Jerusalem, while a member of the family remains home, unable to use his right to freedom of worship, or to celebrate with his family.

On 2 April 2006, MachsomWatch approached the Judea and Samaria Legal Advisor with a request that permits be issued to 62 Christians who are GSS prohibited, to allow them participation in Easter rites at the Holy Sepulchre in Jerusalem. None of them had ever been told what they were suspected of, and a large proportion of them (those not needing work or commerce permits) were given no opportunity to appeal against their security prohibition, since the Legal Advisor only checks the appeals of people whom Israeli employers are interested in hiring.

In a response dated 17 April 2006, we were told that the appellants must submit individual requests to the DCO. A similar guideline was proffered by the Public Relations Officer of the Coordinator of Activities in the Territories. However, and contrary to the guidelines, the DCO refused to entertain the individual applications. Accordingly, the requested permits not having been issued, we made another approach to the Coordinator of Activities in the Territories on 18 April 2006. This initiative, and others sent to various office holders, did not result in examination of the case of these applicants, or in issue of the requested permits.

In an additional response from the Legal Advisor, dated 31 May 2006, it was said that: *“Our office does not deal with removal of prevention of entry into Israel for religious reasons. Therefore, to get treatment of this request, you must direct the applicant to the nearest DCO to his place of residence, for the purpose of submitting an application on their concerns. With this, we end our dealings with the aforesaid matters.”*

Residents' requests transferred through the agency of religious institutions are rejected on the grounds that they are listed as “security prohibited”; the DCO refuses to accept their applications; the Judea and Samaria Legal Advisor, responsible for examination of the legality of activities of the army authorities in the territories of the West Bank, refuses to peruse or check their case, while repeatedly referring them to a body that in turn refuses to entertain their applications.

The result is – the continuing arbitrary negation, with no time linkage, of the right to freedom of worship and access to the Holy Places, which is a fundamental right of the population.

On 7 November 2006, MachsomWatch sent a letter to the Head of the Civil Administration and the Legal Advisor of Judea and Samaria, requesting that permits be issued to 110 Christians who are GSS prohibited, to allow them participation in Christmas celebrations at the Holy Places in Jerusalem, with the hope of achieving better results that were achieved at Easter.

The Sick

If you are a GSS prohibited Palestinian then you are better off to be healthy. High level Palestinian health services, centres for medical expertise such as oncology and transplants, are located in East Jerusalem: hospitals such as el-Mukassed, Augusta Victoria, Saint Joseph and Saint John Eye, deal with severe medical cases from the entire West Bank. But to reach these hospitals, the patient must have an entry permit for Israel. The permits are given for humanitarian reasons. However, if the patient is GSS prohibited, he can die before receiving the sought after permit.

We, the women of MachsomWatch, meet at the DCOs many sick people seeking a permit that will allow them treatment in the East Jerusalem hospitals. Requests for such a permit must be accompanied by a medical document detailing all the secrets of the patient's sickness. People with a GSS prohibition, despite the humiliation involved in opening the medical file to a soldier at the grille in the DCO, are often denied their desired permit.

At this point the phone calls begin – to MachsomWatch women who are specialists in the subject, and to the IDF Health Coordinator in the West Bank (Dahlia Bassa), and the Judea and Samaria Legal Advisor, the IDF Humanitarian Centre and Members of the Knesset. In the best of cases, the patient receives an entry permit, though this involves considerable humiliation and suffering. And even if the patient himself is not prohibited, in many cases his companion is. At that point, the hunt begins to find another companion. Thus, for example, a sick woman needing an operation may be accompanied by her son, since her husband is GSS prohibited.

H., age 44, a Christian from Bethlehem, the oldest son of the family, sought to accompany his paralyzed father for a risky spinal cord operation in an East Jerusalem hospital. He also asked to stay with his father in the hospital where his father would be in the men's ward. But H. was GSS prohibited and it was impossible to persuade the security authorities that he is not dangerous and that it was essential to accompany the father, in order to take any emergency decisions that may arise. All his pleas were of no avail, and a much younger brother accompanied the father. Two weeks later, H.'s security prohibition was lifted for commercial purposes.

In our discussions of this case with the Legal Advisor's Office, we were told by Major Liron Alush that the aged and paralyzed father should say "thank you" that he was allowed to have the operation in a hospital "in Israel." In other words, the granting of a right to the sick of the West Bank to receive treatment in Palestinian hospitals, operated by Palestinian doctors and staff, built by Palestinian entities, and financed by the moneys of Palestinian patients, is a charity bestowed by the State of Israel. And this we heard from a senior lawyer of the Judea and Samaria Legal Advisor's Office...

S., age 60, Christian, principal of a school, requested a permit for medical treatment in an East Jerusalem hospital. He received the permit solely thanks to the MachsomWatch women who were on the spot. He must go to the hospital every three months, and he therefore asked for removal of the security prohibition. After all, next time there may not be any MachsomWatch women around.

The response that S. received was that the Legal Advisor's Office only deals with specific cases. In other words, only if issue of a permit for a specific visit is refused, can he appeal to the Legal Advisor with regard that particular hospital visit. Since the issue always arises at the last moment before the next scheduled visit -- because of long lines at the DCO, closures, the setting of too close a date by the hospital, and so on -- the application reaches the Legal Advisor's Office after the date has passed. Consequently, it is extremely difficult to deal with lifting of security prohibitions in such cases. And even if the person is prohibited **by mistake**, and he is asking for the permit solely to visit an East Jerusalem hospital, he will remain GSS prohibited for life, since there is no possibility of appealing the prohibition.

In the final resort, after an additional appeal and debate with soldiers serving in the Judea and Samaria Legal Advisor's Office, S.'s security prohibition was lifted and he could receive three monthly permits for hospital permits without the intervention of MachsomWatch women.

In many cases the people concerned do not succeed in getting the permit for a hospital visit. Some of these "dangerous" people eventually reach the hospital surreptitiously to get the treatment. Others, mostly the disabled, have to forego.

In Conclusion

GSS prohibited Palestinians are, for the most part, innocent civilians who present no danger. They are the victims of collective punishment. They are the victims of a many-branched system of oppression typical of tyrant regimes elsewhere in the world. It is difficult to believe that a nation which was the victim of persecution for generations, has created such a dismal reality in the country's back yard.

Israelis accept with indifference, and without question, the dictates of Shabak (the GSS). Whatever the GSS determines becomes sacrosanct and impervious to appeal. However, silence in the face of oppression and distress, decreed by the GSS for tens of thousands of people, turns us into unwitting partners. Moreover, there is lack of public supervision, and particularly that of the legislative authority, over this giant octopus, whose activities in the darkness are a threat to the fragile democracy of the State of Israel.

The judiciary, which is supposed to stand forth as the brake on the arbitrary rulings of the GSS, acts in practice as the exterior plaster, completing the picture of hopelessness in the face of downtrodden human rights. Reaching a conclusion is not difficult: there is no chance of winning the defence of the Judea and Samaria Legal Advisor, or even of the Supreme Court (for whoever is capable of reaching that high), in order to preserve the fundamental rights that the GSS confiscates from so many people.

What can be done to change this dismal reality? Firstly, the security prohibition must be cancelled for all, unless they have gone through a judicial process and have been given the right of fair hearing. Secondly, the dependence of the population of the Territories on work in Israel should be limited. However, reduction of that dependence is only possible with the development

of sources of livelihood within the Occupied Territories – something which is impossible as long as there is no freedom of movement of the population, and while there is nowhere and no way to export their produce.

Doubtless, the end of the Occupation, the signing of treaties of peace and reconciliation between nations, these are the rightful and desirable solutions to the situations described in this report. The policy of the government towards the Palestinians must change if indeed we seek peace. But before that peace be achieved, the State of Israel must behave according to international law, and permit the Palestinians to live in dignity, to work and make a living. There must be a limit to the unsupervised and uninterrupted control of the GSS over events in the Occupied Territories. The Palestinians must become sovereign in place of authorities in Israel. We, as Israeli citizens, must have a special interest in this. We hope that exposure of the happenings within the system of oppression conducted by the GSS, will persuade the public in Israel that the time has come for an immediate stop to the oppression of the Palestinian population of the Occupied Territories.