

Israel and the occupied territories

Country Reports on Human Rights Practices - 2006

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(The Report on the [occupied territories](#) is appended at the end of this Report.)

With a population of approximately 7 million, including approximately 5.3 million Jews, Israel is a multiparty parliamentary democracy. "Basic laws" enumerate fundamental rights. The 120-member, unicameral Knesset has the power to dissolve the government and mandate elections. On March 28, the 17th Knesset was elected democratically. On May 4, Prime Minister Olmert presented his government to the Knesset.

The judiciary is independent and has sometimes ruled against the executive, including in some security cases. Notwithstanding some cases of abuse by individuals, the civilian authorities maintained effective control of the security forces. (An annex to this report covers human rights in the occupied territories. This report deals only with human rights in Israel.)

Palestinians in the occupied territories are not citizens of the country and do not enjoy the rights of citizens, even if living in areas under full Israeli authority or arrested in Israel. The approximately 20,000 non-Israeli residents of the Golan Heights were subject to Israeli authority and Israeli law. The government generally respected the human rights of its citizens; however, there were problems in some areas, including serious abuses by some members of the security forces against Palestinian detainees. Poor conditions and improper application of security internment procedures (see annex) persisted in some detention and interrogation facilities. Institutional, legal, and societal discrimination against Israeli Arabs continued. Non-Orthodox Jews and other religious groups continued to face discrimination in personal and civil status matters. Women suffered discrimination and, in some cases, violence. The educational systems for Arab and Jewish students remained unequal. Trafficking in and abuse of women and foreign workers remained a problem in some areas and industries although the government passed new antitrafficking legislation. De facto discrimination against persons with disabilities occurred. Government corruption and other criminal activity by political leaders was a problem.

On July 12, the Lebanese terrorist organization Hizballah killed three Israeli Defense Force (IDF) soldiers and kidnapped two others in northern Israel, resulting in a widened conflict in July and August. During that period, Hizballah fired missiles into Israel, killing civilians. Apart from the July-August conflict, Palestinian terrorist attacks killed 10 Israeli civilians and four foreigners during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

On January 19, a border policeman killed Nadim Milham, an Israeli Arab, while reportedly searching for weapons in his home. A family member reported that police beat Milham and shot him when he attempted to escape; the Mossawa Advocacy Center for Arab Citizens of Israel (Mossawa) claimed to have evidence that Milham was shot twice from behind. On November 21, the State Prosecutor's Office indicted the policeman for manslaughter; however, there was no further action by year's end.

On July 3, a police officer killed Mahmoud Ghanim, an Israeli Arab whom police suspected of stealing a car. According to police Ghanim was shot while attempting to run over police officers seeking to arrest him. Witness accounts collected by Mossawa indicated that Ghanim was shot in the back while sitting in his father's nonfunctioning car. At year's end the Police Investigation Department (PID) was investigating the shooting.

On October 4, a border policeman killed Iyad Abu Aya, an illegal Palestinian worker, in Jaffa. Abu Aya was shot during a police operation to arrest illegal workers. According to press reports, eyewitnesses said the shooting was not justified. The police officer was placed under house arrest pending a PID investigation; there were no further developments at year's end.

On January 6, the government assigned a Deputy State Attorney to reexamine the PID decision to close its investigation into the police killings of 13 (12 Israeli Arabs and 1 Palestinian) protesters during October 2000 demonstrations (see sections 2.b. and 5). Nongovernmental organizations (NGOs) and Israeli-Arab community leaders generally welcomed the government's decision to reexamine the PID investigation but questioned the impartiality of the Deputy State Attorney since his direct supervisor was among those responsible for the PID decision not to investigate the killings initially. At year's end the government's review of the PID decision was ongoing.

The Orr Commission of Inquiry, established in November 2000 to investigate the killings, recommended measures, including a Justice Ministry investigation to determine if criminal prosecutions should be initiated against police officials found responsible. The government has not implemented either the Orr Commission recommendations or those of a follow-up interministerial committee. On May 25, the Public Security Minister appointed an officer implicated by the Orr Commission to a position seen by observers as a promotion. On October 25, in response to a petition from the Legal Center for Arab Minority Rights (Adalah), the Supreme Court voided the officer's appointment.

In July 2003 a police officer killed an unarmed Bedouin, Nasser Abu al Qia'an, in his car at a road junction, under disputed circumstances. In September 2005 the Justice Ministry indicted the police officer, who was subsequently tried and found not guilty on the grounds of self-defense. An appeal filed by Mossawa was rejected during the year.

On July 12, Hizballah terrorists killed three and abducted two IDF soldiers during a cross-border raid from Southern Lebanon, resulting in a conflict that lasted until August 14. During the fighting Hizballah fired 3,970 short- and medium-range rockets at Israeli population centers, killing 43 civilians (including four who died of heart attacks during bombardments) and no military personnel, according to government figures.

Hizballah employed cluster munitions in these attacks on civilian population centers. According to Israeli police data, reported by HRW, Hizballah fired 113 cluster munitions rockets into northern Israel, killing one civilian and injuring 12. According to local media reports, the warheads of many of the rockets fired into northern Israel were loaded with ball bearings.

During the year Palestinian terrorists killed 10 civilians and four foreign citizens in the country. The terrorist organization Palestinian Islamic Jihad carried out two suicide bomb attacks, both of them at the same restaurant in Tel Aviv. The first attack, on January 19, wounded 31 persons. The second, on April 17, killed 11 and wounded over 60. On February 5, a Palestinian terrorist stabbed one person to death and injured five others in a shared taxi traveling on a highway outside Tel Aviv.

During the year Palestinian terrorists routinely fired rockets from the Gaza Strip into neighboring Israeli communities. According to the government, the number of Qassam rockets fired at Israeli targets increased during the year to 901, as compared to 377 in 2005. The government reported that four civilians were killed and 83 wounded in the attacks. Two Sderot residents were killed in Qassam rocket attacks on November 15 and 21.

In 2005 in the wake of the Shfar'am attack, after Eden Natan-Zada, a member of the illegal right-wing Jewish movement Kach, killed four Israeli Arabs and wounded others when he fired on a bus, then Prime Minister Ariel Sharon ordered the amendment of existing legislation which authorized compensation only for victims of terrorist actions perpetrated by regular military forces or by an organization hostile to the State of Israel or the Jewish people. On July 19, the government amended the 1970 Compensation Law for Victims of Hostile Acts to include any persons victimized by violence deriving from the Israeli-Arab conflict. Under the amended law, the Natan-Zada victims and their families were recognized as victims of terrorism and eligible for compensation.

In May 2005 the Haifa District Court convicted Alexander Rabinovitch of involvement in several years of terrorist activity against Israeli Arabs in Haifa. In September 2005 Rabinovitch was sentenced to four years in prison for assisting in the 2004 assassination attempt of Israeli-Arab Knesset Member Isaam Makhoul.

b. Disappearance

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

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The law prohibits such practices; however, during the year reputable NGOs filed numerous complaints with the government alleging that security forces tortured and abused Palestinian detainees. The Public Committee Against Torture in Israel (PCATI) filed complaints with the government on behalf of alleged victims of torture, who, PCATI reported, were almost all Palestinian security detainees and prisoners at detention facilities in Israel. According to PCATI Israel Security Agency (ISA) agents used torture in about 20 percent of their interrogations. ISA and State Prosecutor's Office representatives stated that all torture complaints are examined by an ISA complaints examiner, under supervision of the state prosecutor, and disciplinary action or

criminal charges can result if the examiner finds agents tortured a prisoner who was not suspected of holding time-sensitive and life-threatening information.

PCATI stated that no ISA officials had been tried on torture charges during the past five years. PCATI claimed the government took insufficient action to hold accountable ISA interrogators against whom PCATI filed complaints and failed to take any actions during the year to investigate seriously or reprimand interrogators. According to the government, no ISA agents were indicted or convicted for mistreatment or abuse of detainees during the year.

In August PCATI filed a complaint with the Attorney General on behalf of a Palestinian resident of the West Bank village of Koud. The complaint alleged the ISA detained the Palestinian in the Kishon Detention Center for 25 days without access to a lawyer. During that time he was subjected to illegal means of interrogation, including simulated choking, painful positioning, sleep deprivation, beatings, and threats to arrest his family or destroy his home. At year's end the case was being examined by the State Attorney's Office.

In September 2005 PCATI notified the Israel Prison Service (IPS) and the ISA about treatment of a Palestinian resident of Tulkarm held in the Kishon Detention Center. The detainee alleged he was subjected to painful positioning, beatings, long periods of interrogation, threats, and food and sleep deprivation. On February 27, as part of a plea bargain, he was convicted and sentenced to 26 months' imprisonment. On May 7, the State Attorney's Office responded that the ISA suspected the detainee was involved in life-endangering terrorist acts to occur in the near future. Consequently, the Attorney General decided not to initiate legal action against the ISA interrogators. The state's response did not refute the complainant's allegations. In December 2005 the Tel Aviv District Court rejected the state's petition to dismiss a lawsuit filed by Lebanese citizen Mustafa Dirani, who charged that Israeli security forces tortured and raped him during interrogations between 1994 and 2004, while seeking information on the whereabouts of Israeli Air Force navigator Lieutenant Colonel Ron Arad. According to media reports, an Israeli Defense Force (IDF) doctor who examined Dirani prior to his 2004 release--as part of a prisoner exchange--found evidence to support Dirani's claim. The state appealed the ruling of the Tel Aviv District Court to the Supreme Court, which was scheduled to hear the case on January 29, 2007.

During the year IDF soldiers and Border Police officers were indicted and convicted for abuse of Palestinians. On November 6, for example, the PID indicted three Border Police officers for abusing a Palestinian in Jerusalem. The three allegedly beat the Palestinian before making him kiss the police insignia on their uniforms. The case was ongoing at year's end.

Police and IPS officers were also disciplined for abuse or mistreatment of detainees. According to the government, during the year courts convicted seven police officers and two prison officials for unlawful use of force, while 13 criminal indictments were handed down against police officers and IPS officials for this offense. According to government statistics, there were over 100 additional legal and disciplinary actions taken against police and IPS officers during the year.

On March 8, the PID commander told the annual Border Police convention that complaints against its officers had fallen by 36 percent in 2005, to 187. However, in a 2005 report, the State Comptroller's Office criticized the PID for failing to investigate cases of police abuse against foreign workers thoroughly. According to PID data cited in the State Comptroller's Report, 6,702 complaints were filed against the police in 2003, of which 3,916 were for improper use of force; 64 percent of complaints for improper use of force were not investigated.

Between January and November, the Hotline for Migrant Workers (Hotline), an NGO foreign workers advocacy group, helped six foreign workers to file complaints with the PID, accusing police officers of excessive violence during apprehension. Hotline reported that foreign workers usually decided not to file complaints or to testify, due to fear of prolonged detention while their cases were investigated. According to Hotline during the year, fewer migrants were arrested than in 2005. A Knesset Committee on Foreign Workers monitored excessive force by immigration police when detaining foreign workers.

Prison and Detention Center Conditions

The law provides detainees the right to live in conditions that do not harm their health or dignity. However, interrogation facilities for Palestinian detainees were overcrowded and had austere conditions. Conditions and treatment at the Russian Compound interrogation center in Jerusalem remained harsh.

On November 7, a Physicians for Human Rights in Israel (PHR) representative reported medical staff in detention facilities often failed to follow up with prisoners who refused medical treatment. According to PHR prisoners who needed medical attention sometimes refused treatment for reasons such as mental illness or a fear of making the difficult journey--sometimes as long as nine hours--to a medical facility.

On March 3, the IDF transferred control of the Ofer Military Detention Camp to the IPS, leaving only two temporary detention centers in the West Bank under IDF control. Conditions in IPS facilities, which house common law criminals and convicted security prisoners (primarily Palestinians), and in the two IDF-controlled Provisional Detention Centers, which hold convicted Palestinian security prisoners, generally met international standards. The International Committee of the Red Cross (ICRC) had access to IPS and IDF facilities.

On August 13, in response to a case dating to 2003 regarding providing each detainee with a bed, the government announced to the Supreme Court that, barring unusual circumstances, a bed would be provided for every inmate no later than July 1, 2007. In July the Public Defender's Office reported some detention centers were so crowded that there was no privacy for performing personal bodily functions.

In 2005 a reputable international organization reported receiving information that doctors examined prisoners to determine whether the prisoners could withstand further interrogation. The organization reported it intervened with the government about this practice, but by year's end, it had received no further information.

While Israeli citizen prisoners 17 years and younger were separated from adult prisoners, Palestinian prisoners 16 years and older were treated and housed as adults. The ICRC reported that, as of October 31, the government held 522 Palestinians of age 17 or younger; the youngest was 12 years old. The ICRC reported that most Palestinian minors were held in Hasharon and Ofek prisons; all had access to organized education provided by the Ministry of Education. Not all minors were separated from adults, but according to the ICRC, this situation was designed to keep families together or for minors to be close to home. The ICRC examined such cases on an individual basis.

The ICRC regularly monitored IPS facilities, as well as most IDF security prisoner and detention facilities; it did not monitor detention facility "1391."

Pursuant to a 1979 ICRC-Israel agreement, it could not visit interrogation facilities but could meet detainees who had been interrogated in designated areas of these units.

The government permitted some NGOs to monitor some prison or detention facilities. In addition NGOs can send lawyers and representatives to meet prisoners in those facilities. PHR was allowed to inspect police detention facilities and make several inspection tours per year but was not given comparable access to IPS facilities. The Israel Bar Association (IBA) and public defenders were permitted to inspect IPS facilities. The IBA has arrangements with the government allowing selected lawyers to inspect prison, detention, and IDF facilities within the country.

In 2004 in response to a petition by the Center for the Defense of the Individual (HaMoked) to compel the government to release information on facility 1391, a secret IDF detention facility, the Supreme Court gave the government 60 days to respond to its undisclosed suggestions related to the facility.

The court ruled that the government must inform the court should any detainee be imprisoned in that facility. On January 22, the court ruled that the facility was legal but asked the government to restrict its use. On August 8, the government informed the court that it was holding two Hizballah detainees, captured during the summer conflict, in the facility. Details of the court's ruling remain classified.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions for citizens. Palestinian security internees fell under the jurisdiction of military law even if detained in Israel (see annex). Non-Israeli residents of the Israeli-occupied Syrian Golan Heights are subject to the same laws as Israeli citizens.

An arrested person is considered innocent until proven guilty, has the right to habeas corpus, to remain silent, to be represented by an attorney, to contact family members without delay, and to a fair trial. A bail system exists for Israelis and Palestinians; decisions denying bail can be appealed. As a general practice, according to B'Tselem, Palestinians detained for security violations were not granted bail. A citizen may be held without charge for 24 hours before being brought before a judge (96 hours for those suspected of a "security offense"). If the detainee is suspected of committing a security offense, the basis on which most Palestinians are detained, the police and courts can delay notifying legal counsel for up to 31 days. The government may withhold evidence from defense lawyers on security grounds; however, the evidence must be made available to the court. In July in its annual report, the Public Defender's Office charged that the police often violated detainees' legal rights to meet in appropriate conditions with counsel without delay. The IPS responded that efforts were underway to remedy such problems; it cited budgetary constraints as a major impediment.

Role of the Police and Security Apparatus

The ISA (or Shin Bet), under the authority of the prime minister, combats terrorism and espionage in the country and the occupied territories. The National Police, including the Border Police and the Immigration Police, are under the authority of the Minister of Internal Security. An office in the Justice Ministry reviews complaints against police officers and may impose disciplinary charges or recommend indictments against officers.

The National Police were generally effective, but, according to the NGO Movement for Quality in Government, lacked sufficient resources to address government corruption. Police corruption was generally not a problem. The police utilized training programs, often in coordination with human rights NGOs, to promote human rights awareness and cultural sensitivity. For example, police commanders regularly were issued human rights training kits for use in weekly seminars for subordinates; these include modules on religious and cultural sensitivity, diversity awareness and free speech.

Arrest and Detention

The law provides that foreign nationals detained for suspected violations of immigration law be afforded an immigration hearing within four days of detention. They have the right to, but no guarantee of, legal representation. According to Hotline appropriate interpreters were not always present at the hearings, despite a 2002 commitment to provide them. For example, according to Hotline in October hearings were held without appropriate interpretation for Chinese and Thai detainees in the Zohar detention center. According to the Association for Civil Rights in Israel (ACRI), voluntary organizations must obtain a power of attorney from the individual they seek to represent before being permitted to work with him. Attorneys now can meet at Ben Gurion Airport with clients denied admission to the country and awaiting deportation; they can also meet clients who are illegal residents scheduled for deportation, before their clients have undergone the airport departure security check. A lawyer can seek an injunction to delay deportation; however, the client must subsequently wait in the Ben Gurion detention center to await the appeal decision.

According to Hotline foreign detainees were rarely released pending judicial determination of their status. Moreover, if the detainee's country of origin

had no diplomatic or consular representation, detention could last months. This problem worsened during the year, according to Hotline, which in October recorded 118 detainees from such countries held for over six months in the Ma'asiyahu detention center alone, including asylum seekers awaiting a UNHCR decision. During the year Hotline documented a case of arrest and detention of an asylum seeker carrying protection papers issued by the UN High Commissioner for Refugees (UNHCR). An Administrative Tribunal later released the person after UNHCR intervention. During the year the country continued to be a destination for Sudanese nationals; some were fleeing violence in Darfur and others were leaving Egypt following problems with Egyptian authorities. The circumstances of the approximately 280 Sudanese detainees prompted criticism from human rights organizations. Detainees were held either in detention centers or sent to controlled facilities, such as kibbutzim. During the year none received refugee status in Israel (see section 2.d.).

On May 8, responding to a petition from Hotline and the Tel Aviv University Refugee Rights Clinic, the Supreme Court gave the government 30 days to create a new policy to deal with Sudanese detainees. In response the government appointed an advisor to recommend to the Minister of Defense whether to release individuals held under the Infiltration Law. As of November 1, the advisor had reviewed approximately a third of the 280 Sudanese cases and recommended releasing seven detainees, who were paroled into the country to await judicial determination of their status. At year's end 80 Sudanese detainees were being held in kibbutzim and women's shelters, while approximately 200 remained in prison facilities. The Supreme Court scheduled a further hearing for January 2007.

Foreign embassies frequently received belated notification, or none at all, of their citizens' arrests, especially in the cases of foreign nationals alleged to have committed security-related offenses. Pursuant to the 1979 Emergency Powers Law, the Defense Ministry may detain persons without charge or trial for up to six months, renewable indefinitely, subject to district court review. Such detainees are permitted legal representation, but the court may rely on confidential information denied to detainees and their lawyers. Detainees can appeal their cases to the Supreme Court. As of December 23, according to B'Tselem there were 782 administrative detainees in IPS detention centers, while the IDF held two administrative detainees as of November 1.

On January 11, a PCATI field researcher from Hebron, Hassan Zaga, was imprisoned in the Ketziot Detention Center under an administrative detention order. In May a court extended the order for four months. In September a court refused a government request for further detention, and Zaga was released on November 15. According to PCATI Zaga had no opportunity to deny or refute the charges brought against him.

The Illegal Combatant Law allows the IDF to detain persons suspected of "taking part in hostile activity against Israel, directly or indirectly" or who "belong to a force engaged in hostile activity against the State of Israel." Under this law persons may be held for up to 14 days without access to an attorney. In the past human rights groups alleged abuse of administrative security detention orders and claimed such orders were used even when the accused posed no clear danger.

In 2005 the government reported that it had detained Hassan Makded in facility 1391 for over 18 months under "extraordinary circumstances and exceptional grounds." He was subsequently released. The government did not identify the period during which he was detained. On January 22, the Supreme Court upheld the legality of this secret facility but asked the government to minimize its use (see section 1.c.). On August 8, the government informed the court that it was holding two Hizballah detainees in the facility.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The Judicial Branch is organized into three levels: magistrate courts, six district courts, and the Supreme or High Court of Justice. District courts prosecute felonies and adjudicate civil disputes, and magistrate courts prosecute misdemeanors and adjudicate lesser civil disputes. There are military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The High Court of Justice is both a court of first instance and acts as an appellate court when it sits as the Supreme Court. Religious courts, representing the main recognized religious groups, including Christian communities, have jurisdiction over matters of personal status for their adherents (see section 2.c.).

Trial Procedures

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

Trials are public except when, in the opinion of the court, the interests of the parties are determined to be best served by privacy. The legal justifications for holding a closed trial include potential risk to state security, damage to foreign relations of the state, violation of a party's or witness's right to privacy, and to protect a sexual offense victim. Security or military trials are open to independent observers at the discretion of the court, but not to the general public. The law provides for a hearing with legal representation, and authorities generally observed this right in practice. In cases of serious felonies--crimes subject to penalties of 10 years imprisonment or more--indigent defendants receive mandatory legal representation. According to the government, counsel represented approximately 60 to 70 percent of defendants in lesser cases brought before the Magistrate Courts.

Military courts provide a number, but not all, of the rights granted in civil criminal courts. The 1970 evidentiary rules governing trials under military law of Palestinians and others applicable in the occupied territories are the same as evidentiary rules in criminal cases. Convictions may not be based solely on confessions; however, according to PCATI in practice security prisoners have been sentenced on the basis of their coerced confessions, coerced testimony of others, or both. Counsel may assist the accused in such trials, and a judge may assign counsel to those defendants. Indigent detainees do not automatically receive free legal counsel for military trials, although they do in most civilian criminal trials. The defendant and the public receive the charges in Hebrew, and the court can order an Arabic translation. Military and criminal court sentencing procedures were consistent. Defendants in military trials can appeal through the Military High Court and also petition the civilian High Court in cases in which they believe there were procedural or evidentiary irregularities.

There are also custodial courts and four deportation courts to address the removal of illegal immigrants. These courts handle thousands of cases annually.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees. (See annex for discussion of Palestinian political prisoners and detainees.)

Civil Judicial Procedures and Remedies

An independent and impartial judiciary functions for civil issues in lawsuits seeking damages for, or cessation of, a human rights violation.

Administrative remedies also exist; domestic court orders are enforced.

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

Laws and regulations provide for protection of privacy of the individual and the home. In criminal cases the law permits wiretapping under court order; in security cases the Defense Ministry must issue the order. Under emergency regulations authorities may open and destroy mail based on security considerations.

Separate religious court systems adjudicate personal status matters, such as marriage and divorce, for the Jewish, Muslim, Christian, and Druze communities. Jews can marry only in Orthodox Jewish services. Jews and members of other religious communities who wish to have civil marriages, Jews who wish to marry according to Reform or Conservative Judaism, those not recognized by Orthodox authorities as being Jewish, and those marrying someone from another faith must marry abroad to gain government recognition.

In July the Knesset extended the 2003 law that prohibits citizens' Palestinian spouses from the occupied territories from residing in the country. The extension applied also to the 2005 amendment allowing Palestinian men aged 35 and older and women aged 25 and older to apply for temporary visit permits (see sections 2.d. and 5). Civil rights groups criticized the amended law for continuing to deny citizenship and residency status to spouses of Israeli Arabs, who constitute the majority of those who marry Palestinians from the occupied territories. On May 14, the Supreme Court rejected petitions brought by Adalah, ACRI, and others challenging the law and its amendments. In its ruling the court observed that the law was within the bounds of proportionality with regard to the balance between individual rights and state security.

The authority to grant status to a non-Israeli spouse, including Palestinian and other non-Jewish foreign spouses, resides with the Minister of the Interior. An ACRI report indicated that the ministry refused to register children in the population registry born to an Israeli father and foreign national mother without detailed proof of the father's Israeli citizenship; the child would receive a birth certificate but not be eligible for certain state benefits. At year's end an ACRI petition against this policy was pending with the Supreme Court.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

On November 23, according to a report from Adalah, the State Prosecutor's Office announced it would open a criminal investigation for racial incitement over an article in the *Hassidic World* magazine critically describing Arab Muslims and Christians in insulting terms (see section 2.c.).

Nuclear whistleblower Mordechai Vanunu, released in 2004 after serving 18 years in prison for treason and espionage, continued to be subjected to detailed restrictions on speech and movement (see section 2.d.). In April and October, the IDF renewed the prohibition on contacts with the foreign press. In November the Supreme Court continued to consider Vanunu's third petition to annul his restrictions. According to his lawyer, at year's end Vanunu's criminal trial on charges that he violated his restrictions in 2005 was ongoing.

In 2001 Arab Knesset Member (MK) Azmi Bishara was indicted, after the Knesset lifted his immunity, for making allegedly pro-Hizballah statements in 2000 in Syria and later in the city of Umm al-Fahm (see section 2.d.). In January after four years of legal proceedings, the Supreme Court dismissed all criminal charges and ruled Bishara's speeches were protected by parliamentary immunity.

The country has 12 daily newspapers, 90 weekly newspapers, more than 250 periodical publications, and a number of Internet news sites. All newspapers in the country were privately owned and managed. Political parties and religious bodies owned three minor dailies designed for Orthodox Jewish readers. The 1933 Journalism Ordinance and the British Mandate Defense Regulation for the Emergency Time Period were adopted upon establishment of the state; subsequently, the ordinance was never amended. The Ministry of Interior has no authority over the military censor. According to the Journalism Ordinance, anyone wishing to publish a newspaper must apply for a license from the locality where the newspaper will be published. The ordinance also allows the Minister of Interior, under certain conditions, to close a newspaper. In 2004 the High Court heard a petition filed by ACRI challenging the ordinance. ACRI withdrew its petition after the Interior Ministry pledged to prepare legislation effectively canceling the ordinance. At year's end legislation had not been enacted.

The Israel Broadcast Authority, the country's state broadcasting network, controls the Hebrew-language Israel Television (Channel 1) and an Arabic-language channel, as well as Kol Israel (Voice of Israel) radio, which airs news and other programming in Hebrew, Arabic, and many other languages. Both Israel Television and Israel Radio are major sources of news and information. The Second Television and Radio Authority, a public body, supervises the two privately owned commercial television channels and 14 privately owned radio stations. In February 2005 the authority prohibited advertisements for the so-called Geneva Accords in which Palestinian public figures told Israelis, among other points, "You have a partner for a peace agreement." The authority claimed that its regulations on television commercial ethics prohibited it from airing commercials on "controversial issues." A consolidated cable company and one satellite television company carried international networks and programs produced for domestic audiences. The law authorizes the government to censor on national security grounds any material reported from the country or the occupied territories regarded as sensitive. An agreement between the government and media representatives provides for military censorship only in cases involving issues that the armed forces believe could likely harm the country's security interests. All media organizations must submit materials covered by the agreement to the censor for approval. This agreement deals with specific military issues as well as strategic infrastructure issues such as oil and water supplies. Media organizations may appeal the censor's decision to the High Court, and they cannot be closed by the military censor for censorship violations. The military censor cannot appeal a court judgment. Foreign journalists must agree to submit sensitive articles and photographs to the military censor. In practice they rarely complied.

Following an intensive public debate on the role of the media during wartime, as a consequence of censorship concerning, for example, specific locations of Katyusha rocket strikes, the Israeli Press Council established a Special Committee to Examine Journalistic Ethics and Conduct During War. Its conclusions were scheduled for publication following the final committee meeting on February 2, 2007.

On July 16, Walid al-Omary, the Jerusalem bureau chief of Al-Jazeera, was detained by police in the northern coastal city of Acre for six hours. Police accused him of providing information to the enemy by giving specific information on Katyusha rockets landing in Haifa; he was released on bail, and no charges were subsequently filed.

All journalists operating in the country must be accredited by the Israeli Government Press Office (GPO). On September 20, ACRI appealed to the Supreme Court on behalf of a journalist residing in the Golan Heights who alleged that he had been denied a GPO card since 2003 based on political and security considerations.

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

Internet Freedom

There were no government restrictions on Internet access or reports of the government monitoring e-mail or Internet chat rooms. Individuals and groups engaged in peaceful expression of views via the Internet, including by electronic mail. Approximately 3.7 million persons had Internet access through dial-up, broadband, and mobile services.

Academic Freedom and Cultural Events

The government respected academic freedom. There were no government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. In April according to press reports, the Ministry of Internal Security released a study criticizing the police for lacking a clear, explicit policy on appropriate use of force to disperse riots and demonstrations. According to the study, violent confrontations between police and demonstrators occurred in 70 percent of major cases examined during recent years. On November 5, the Attorney General authorized a gay pride parade scheduled for November 10 in Jerusalem, and the Supreme Court rejected several petitions to cancel the parade (see section 5).

In December 2005 Adalah filed complaints with the PID against border policemen for allegedly using excessive force against a demonstration in the Bedouin community of Al-Mashash in November 2005. The demonstration and ensuing police raid were prompted when government officials arrived in the Negev village to deliver demolition orders for illegally constructed buildings. According to Adalah 12 protesters, including a pregnant woman, were injured during the clashes. At year's end the PID had not responded to the allegations.

Freedom of Association

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

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. The Basic Law and Declaration of Independence recognize the country as a "Jewish and democratic state," establishing Judaism as the country's dominant religion. Consequently, the government implements certain policies based on Orthodox Jewish interpretation of religious law, including marriage, burial, and work on the Sabbath. Government allocations of state resources favor Orthodox Jewish institutions.

The law confers recognition on some religious communities, granting them legal authority over their members in personal status matters, such as marriage and divorce. These communities include: Eastern Orthodox; Latin (Roman Catholic); Gregorian-Armenian; Armenian-Catholic; Syrian (Catholic); Chaldean (Uniate); Greek Catholic Melkite; Maronite; Syrian Orthodox; and Orthodox Jewish (both Ashkenazic and Sephardic rites). Since the founding of the country, the government has recognized three additional religious communities--the Druze in 1957, the Evangelical Episcopal Church in 1970, and the Baha'i faith in 1971. The government has defined the status of several other Christian denominations by means of individual arrangements with government agencies.

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

According to government figures, during the year the budget for religious services and religious structures for the Jewish population was approximately \$326 million (1.4 billion NIS). Religious minorities, which comprised approximately 20 percent of the population, received about \$26 million (112 million NIS), or just over 7 percent of total funding.

The government does not explicitly codify recognition of a Muslim community. Lack of codified recognition did not affect the religious rights of Muslims. Legislation enacted in 1961 afforded Muslim courts exclusive jurisdiction in matters of personal status concerning Muslims, although the state regulates judicial appointments to these courts. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Muslims also can bring alimony and property division matters associated with divorce to civil courts.

Under the Law of Return, the government grants citizenship and residence rights to Jewish immigrants and their immediate family members. In March 2005 the High Court ruled that, for the purpose of conferring citizenship rights, the government must recognize non-Orthodox conversions of noncitizen legal residents that were begun in Israel but formalized abroad by acknowledged Jewish religious authorities, even if not Orthodox. In 2004 the High Court held that non-Jews who immigrate to the country and convert according to Orthodox requirements can become citizens under the Law of Return. However, in October conversion officials charged that the Interior Ministry was obstructing such prospective immigrants who had undergone Orthodox conversion courses in the country. The government does not recognize non-Orthodox conversions in the country for the purpose of immigration under the Law of Return. In November 2005 the Israel Religious Action Center challenged this practice in court; on November 12, the Supreme Court held its first hearing on this petition, and the case was ongoing at year's end.

In 2004 ACRI released a report charging that the Interior Ministry's population authority sought to prevent non-Jews--particularly spouses of Israeli citizens--from obtaining resident status. ACRI charged that the Interior Ministry's population registry subjected non-Jewish spouses and non-Jewish adopted children of Jewish immigrants to unfair and at times arbitrary requirements for residency, including having to leave the country before filing a residency application. On March 16, in response to an ACRI petition, the Supreme Court ordered the Interior Ministry to process residency applications for common-law spouses of citizens, without requiring them to leave the country. Most cases involved persons who immigrated under the Law of Return from the former Soviet republics and their non-Jewish spouses and non-Jewish adopted children.

In April 2005 then Prime Minister Sharon established an interministerial committee to draft legislation outlining guidelines by which foreigners might become citizens. At year's end the interministerial committee had not taken action.

Many Jewish citizens objected to exclusive Orthodox control over aspects of their personal lives. Approximately 300,000 citizens who immigrated either as Jews or as family members of Jews are not considered Jewish by the Orthodox Rabbinate. They cannot be married, divorced, or buried in Jewish cemeteries within the country. Jews who wish to marry in Reform, Conservative, or secular ceremonies must do so abroad. According to Central Bureau

of Statistics figures, more than 32,000 citizens married outside the country between 2000-04; almost half were couples in which both husband and wife were Jews. In 1995 the government asked foreign consular officials to stop performing marriages in the country, citing potential legal problems for its citizens who marry in consular services. In April 2005 the High Court instructed the government to inform it within three months of its position on recognizing marriages performed by officials of foreign embassies in the country; at year's end the government reportedly continued to review its policy. On November 21, the High Court issued a ruling requiring the government to recognize same-sex marriages legally performed in foreign jurisdictions (see section 5). A 1996 law requiring the government to establish civil cemeteries has not been implemented adequately. The 1967 Protection of Holy Sites Law protects all holy sites, but the government has issued implementing regulations only for Jewish sites. In 2004 Adalah petitioned the Supreme Court to compel the government to protect Muslim sites; it charged that all of the locations designated as holy sites were Jewish, and the government's failure to implement regulations had resulted in desecration and conversion of individual Muslim sites. Responding to a 2004 Supreme Court order to respond within 60 days, the government said on January 1 that it had appointed an interministerial committee to examine the administrative and budgetary management of holy sites. The Supreme Court, which repeatedly rescheduled the initial hearing since 2004, set it for May 2007. At year's end there were 135 designated holy sites in the country, all of which were Jewish. According to representatives of Christian institutions, visa issuance rates for some of their religious workers significantly declined from rates in previous years. Religious workers based in Jerusalem or the occupied territories were denied entry or re-entry under a general tightening of government criteria for foreign nationals (see section 2.d.). At year's end the government's stricter entry policies were unclear.

The Knesset has not ratified the Fundamental Agreement establishing relations between the Holy See and Israel negotiated in 1993. Government negotiations with the Holy See addressed the continuation of tax exemptions for Roman Catholic institutions and property (churches, monasteries, convents, educational, and social welfare organizations) and the access of the institutions to Israeli courts. Under current law, property disputes involving religious institutions are handled by the executive branch of the government. On November 27, the government and the Holy See agreed to hold further negotiations of the Bilateral Permanent Working Commission. Further discussions were held on December 12. Missionaries were allowed to proselytize, although offering or receiving material inducements for conversion, as well as converting persons under 18 years old remained illegal unless one parent was of the religion to which the minor wished to convert. The Church of Jesus Christ of Latter-day Saints voluntarily refrained from proselytizing under a longstanding agreement with the government. In July 2005 the Messianic congregation in Arad published a letter in *Iton HaTzvi* that reported harassment by members of an ultra-Orthodox community. In September 2005 the High Court heard a petition by ultra-Orthodox Jews seeking the right to demonstrate at the house of a family of Messianic Jews and reversal of a police decision prohibiting such a demonstration. At year's end there was no further information on a court ruling. According to Messianic Jews resident there, since 2004 the Gur Hassidim have demonstrated regularly in front of the homes of Christians and Messianic Jews in Arad to protest alleged Christian proselytizing by this group. In interviews with *Ha'aretz* newspaper on November 14, the mayor and several officials of Arad objected to Messianic Jews in their city, but acknowledged having no legal basis to expel them. In December 2005 approximately 200 ultra-Orthodox Jews disrupted the religious service of a Messianic congregation in Be'er Sheva, assaulting the congregation's pastor, damaging property, and harassing members of the congregation. In June a Be'er Sheva magistrate's court rejected an appeal by the congregation for a restraining order against ultra-Orthodox protesters. At year's end there were no further developments. Societal Abuses and Discrimination According to a spring poll conducted by the Israel Democracy Institute, some 62 percent of Jewish citizens believed that the government should encourage Arab citizens to emigrate.

During the campaign for the parliamentary elections in March, the Herut party used campaign posters depicting a traditionally veiled Arab woman in campaign posters captioned "This demographic will poison us." On March 3, during a prayer service, three members of a mixed Jewish-Christian family from Jerusalem attacked the Basilica of the Annunciation in Nazareth. According to the police and witnesses, after barricading themselves inside, the attackers ignited firecrackers, 19 flammable canisters, and a number of bottles filled with flammable liquid. The attack resulted in a local riot, during which several police and protesters suffered minor injuries and police cars were burned. On September 13, two attackers were convicted of conspiracy to commit a crime, arson, rioting, and disorderly conduct. In May vandals spray painted approximately 20 swastikas on the Ark, Torah scroll, and walls of the Great Synagogue in the city of Petah Tikva. Neo-Nazi graffiti was also sprayed on monuments honoring, and actual gravesites of, several well-known historical figures, including the grave of the country's first Prime Minister, David Ben-Gurion. On December 1, vandals destroyed property and painted swastikas on an ultra-Orthodox Jewish school in Acre.

In May Israeli youths celebrating Lag Ba'Omer, a holiday traditionally marked by lighting bonfires, allegedly attempted to burn an abandoned mosque in the northern city of Acre. According to press reports, they also spray painted "Death to Arabs" on neighboring buildings. The individuals claimed they were simply preparing a bonfire, but police found indications of attempted arson. The case was closed at year's end with none of the individuals publicly identified. On June 28, approximately 100 ultra-Orthodox Jews assaulted approximately 50 Christian tourists in a Jerusalem neighborhood, injuring three of them. Police arrested two attackers, and in October the case was being prepared for indictment. The national public bus service operated sex-segregated transportation in and between cities for ultra-Orthodox Jews. On November 24, a group of ultra-Orthodox men reportedly attacked and beat a woman for refusing to move to the rear of a Jerusalem bus that was not officially sex-segregated. None of the attackers was arrested; however, at year's end the case was under investigation. There were also incidents throughout the year in which ultra-Orthodox Jews threw rocks at motorists to protest their driving on the Sabbath. On November 23, according to a report from Adalah, the State Prosecutor's Office announced it would open a criminal investigation for racial incitement over an article in the *Hassidic World* magazine critically describing Muslims and Christians in insulting terms (see section 2.a.). In August 2005 police arrested Shimon Ben Haim and Victoria Shteinman for desecrating a Muslim holy site by throwing a pig's head, wrapped in a Keffiyeh with "Mohammed" written on it, into the courtyard of a mosque near Tel Aviv. Ben Haim and Shteinman were subsequently convicted of insulting a religion. On December 6, Ben Haim was sentenced to nine months' imprisonment and Shteinman was sentenced to two months' community service.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice for citizens. (See annex for discussion of restrictions on movement within the occupied territories, between the territories and Israel, and the construction of a security barrier.) Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and no administrative restrictions. The government may bar citizens from leaving the country based on security considerations. Citizens, including dual nationals, must enter and leave the country using their Israeli passports only. In addition no citizen is permitted to travel to states officially at war with the country without government permission.

Pursuant to the terms of his release after having served 18 years in prison on espionage and treason charges (see section 2. a.), Mordechai Vanunu continued to be prohibited from obtaining a passport, traveling outside the country, going within 500 meters of airports and overland border crossings, and entering any foreign diplomatic offices. On April 20, the Interior Minister extended these prohibitions for another year. At year's end Vanunu's criminal trial on charges that he violated these restrictions in 2005 continued.

In December 2005 the Interior Minister imposed a 12-month travel ban on Israeli journalist and literary critic, Antwan Shalhat. In January Adalah petitioned the High Court to revoke the ban, arguing it violated Shalhat's basic rights. In March on the recommendation of the court, which reviewed secret evidence in a meeting with government representatives, Adalah withdrew the petition but protested using secret evidence in the case.

In 2001 the Knesset forbade parliamentarians from visiting enemy states without permission from the Interior Minister. In February the Attorney General ordered police to investigate Israeli-Arab MKs Azmi Bishara and Taleb a-Sanaa for their separate trips to Syria and Lebanon at the end of 2005. In early September following the conflict with Lebanon, Bishara and fellow Israeli-Arab MKs, Wasal Taha and Jamak Zahalka, plus two former Israeli-Arab MKs, visited Syria and Lebanon again, prompting the Attorney General to order a new criminal investigation. The Interior Minister also called on the Foreign Minister to revoke their passports and asked the Attorney General for authority to restrict their international travel. At year's end police investigations continued, but there was no action to bar them from leaving the country.

The 2003 Citizenship and Entry into Israel Law bars Palestinians from the occupied territories from acquiring residence or citizenship rights through marriage to Israelis or to Palestinian residents of Jerusalem. In July 2005 the Knesset amended the law so that Palestinian men aged 35 and older and women aged 25 and older were eligible for temporary visitor permits to visit spouses and family in Israel. The Mossawa Center, citing Ministry of Interior statistics, claimed that the law affected "at least 21,298 families," including couples with long-standing marriages whose requests for residence permits were pending. Advocacy groups claimed that, despite the amendment, the law discriminated against Arab citizens and residents. In November 2005 during ongoing Supreme Court hearings on a petition by civil rights NGOs challenging this law, the government informed the court that since 2001,

25 Palestinian spouses of Israeli Arabs had been involved in terrorist activity. In May the Supreme Court upheld the legality of the law, and in July the Knesset extended it for another six months (see sections 1.f. and 5).

During the year there were numerous credible reports of foreign nationals arbitrarily denied entry into the country or the occupied territories and subjected to harsh and abusive treatment. Most, but not all, were foreign nationals of Palestinian heritage, who sought to visit family or pursue business interests in the West Bank; previously such visits had occurred freely on "tourist" visas. During the year hundreds of foreign nationals attempting to renew visas were denied. Religious workers were also denied entry (see section 2.c.). By year's end the government had not clarified its policies on West Bank entry for foreign nationals.

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

Protection of Refugees

The government provides some refugees the protections available under the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and had established a system whereby persons can apply for refugee status. According to the Refugee Rights Clinic at Tel Aviv University, the government receives approximately 1,000 asylum applications annually. Palestinians were registered by the UN Relief and Works Agency for Palestine Refugees and, therefore, not eligible for refugee status.

According to UNHCR's local office, the government received approximately 1,600 asylum applications during the year, of which 250 received temporary protection, with a total of 700 individuals in temporary protection at year's end. UNHCR reported that 100 asylum seekers left the country during the year after UNHCR declared their countries safe for return.

The government cooperated with UNHCR and other humanitarian organizations in assisting Jewish refugees. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and its 1967 protocol. The government provided temporary humanitarian protection to persons from "conflict countries" in Africa.

During the year the government continued to detain approximately 200 Sudanese asylum seekers under the 1954 Infiltration Prevention Law, which does not provide for judicial oversight (see section 1.d.). Of the detained Sudanese, 88 were previously recognized as refugees by the UNHCR in Cairo, and another 137 had been registered by the UNHCR in Cairo but not granted refugee status. According to the Tel Aviv University Refugee Clinic, a UNHCR representative visited the country in the spring and determined the threat posed by a return to Sudan qualified all 280 Sudanese in the country as refugees "*sur place*."

The UNHCR referred eligible refugee applicants to the National Status Granting Body (NSGB), and the Interior Ministry made final adjudication. The Tel Aviv University Refugee Rights Clinic charged that the NSGB's procedures were not transparent, that the NSGB did not publish data on its activities, and applicants were not permitted legal counsel during hearings. During the year the NSGB modified guidelines and provided detailed explanation for individual denials. According to the Refugee Rights Clinic, this new procedure aided rejected applicants in petitions for NSGB reconsideration.

The government did not generally return those denied refugee status to their home countries against their will, and they reportedly could remain in detention facilities for months. For asylum seekers from states with which the country was at war, the government attempted to find a third country to accept them. The government provided asylum seekers with temporary work permits but not social or medical benefits. Children of asylum seekers could enroll in the public education system, according to the Refugee Rights Clinic. Persons granted refugee status received six month visas that can be extended until procedures are complete.

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

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

Elections and Political Participation

The country is a parliamentary democracy with an active multiparty system. Relatively small parties, including those primarily supported by Israeli Arabs, regularly win Knesset seats. On March 28, the Kadima Party, founded in 2005 by former Likud leader Ariel Sharon, won a plurality of Knesset seats, and Kadima leader Ehud Olmert formed a coalition government in which he became Prime Minister. In October the government added a fifth party, Yisrael Beiteinu, to the governing coalition.

The Basic Law prohibits the candidacy of any party or individual that denies either the existence of the State of Israel as the state of the Jewish people or the democratic character of the state, or that incites racism.

The law requires that a party obtain 2 percent of the vote to win Knesset seats.

At year's end the 120-member Knesset had 17 female members, and its speaker was a woman. The 24-member cabinet included two women. The president and six members of the 15-member High Court were women. The Knesset included 11 Arabs and one Druze. Nine of the 11 Arabs represented parties supported largely or entirely by the Arab community. In 2004 for the first time since the establishment of the state, an Arab Christian was appointed as a permanent justice to the High Court. No Muslim or Druze citizens have served on the court.

Government Corruption and Transparency

Investigations of numerous allegations of corruption and misconduct among senior political figures and government ministries occurred during the year. In August President Moshe Katsav was placed under investigation for sexual harassment, illegal wiretapping, and fraud, after he complained to police about an alleged extortion attempt. During the investigation several women presented complaints against Katsav, spanning many years, while they worked on his staff. The investigation was ongoing at year's end (see section 5).

In October Tzachi Hanegbi, Chair of the Knesset's Foreign and Defense Committee, was put on trial for allegedly appointing political associates to positions in the public sector when he was Environment Minister in a previous government. Hanegbi's trial was ongoing at year's end.

Prime Minister Ehud Olmert was investigated during the year by the State Comptroller and Attorney-General for alleged irregularities in political appointments and bank and real estate actions in previous years. The investigations were ongoing at year's end.

Criminal investigations of other politicians, including Minister for Strategic Threats Avigdor Lieberman, MK Omri Sharon, and Opposition Leader Binyamin (Bibi) Netanyahu, continued throughout the year. On March 14, former Likud MK Naomi Blumenthal was sentenced to eight months in prison for bribery and obstructing legal proceedings during the 2002 Likud party primaries. On April 27, former Likud MK Yair Hazan was sentenced to four months community service and a two month suspended sentence for his role in a 2003 double voting incident.

The law affords the public access to government information, and citizens could petition for such access. According to ACRI the government does not effectively implement its Freedom of Information Law. ACRI charged that many government bodies do not disclose their internal regulations, as the Freedom of Information Law requires, and that others failed to publish annual reports. During the year ACRI won a legal case to ensure public disclosure of documentation relating to the government's first prison privatization tender.

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

Numerous domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. A Foreign Affairs Ministry liaison unit develops and maintains relations with international and domestic NGOs.

NGOs must register with the government by submitting an application and paying registration and annual fees. They operated under the laws covering nonprofit organizations. Some registered NGOs were eligible to receive state funding. According to Mossawa Israeli-Arab NGOs received only approximately 1 percent of the nearly \$580 million (NIS 2.5 billion) spent annually by the government on NGOs. Mossawa alleged the government discriminated when determining NGO eligibility for state funds.

During the year the Interior Ministry, operating under a 2002 order, barred entry to all foreign nationals affiliated with certain Palestinian human rights NGOs and solidarity organizations.

According to media reports, at year's end the government held six Hizballah detainees from the July-August conflict in Lebanon, but had barred the ICRC from visiting them after allowing two initial visits.

(See annex regarding NGOs in the occupied territories.)

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, marital status, political beliefs, or age. These laws sometimes were not enforced, either due to institutionalized discrimination or to lack of resources. In September 2005 then Interior Minister Ophir Pines-Paz termed the country's policy toward its Arab citizens "institutional discrimination" and called for affirmative action.

Women

The Equality of Women Law provides for equal rights for women and protection from violence, sexual harassment, sexual exploitation, and trafficking; however, violence against women was a problem. The government reported that between January 1 and November 30, some 18,280 cases of spousal violence were filed with the police. Approximately 78 percent of these were complaints by women against their husbands. The government reported that in 2004 it convicted 1,297 persons of spousal abuse. The Social Affairs Ministry provided battered women with shelter care and operated a national hot line for battered women. The police operated a nationwide computerized call center to inform victims about their cases and employed a computerized database to link sex crime cases and to assist in identifying and locating offenders. A wide variety of women's organizations and hot lines provided services, such as counseling, telephone crisis intervention, legal assistance, and shelters for abused women.

In April two cases of husbands killing their wives and then committing suicide and the conviction of a man for murdering his wife by stabbing her repeatedly drew national attention to the problem of spousal abuse. The director of the Hotline for Battered Women reported spousal violence against

women was a growing problem among new immigrants, especially those from Ethiopia and Russia.

Rape is illegal; nevertheless, NGOs considered the incidence of rape a concern. The number of rape and gang rape cases rose by 28 percent from 2004 to 2005, according to a report issued in March by an association of victim assistance NGOs. NGOs noted that a culture of blaming the victim contributed to underreporting rape.

In past years women's organizations reported instances of Arab women killed by male relatives in "honor" cases, although there was no accurate estimate of the number. In 2005 the Women Against Violence Organization reported that annually an average of 10 Israeli-Arab women were victims of family honor killings. According to Israeli-Arab women's rights group Kayan, there were seven or eight honor killings in the country during the year. For example, on April 6, police arrested five Israeli-Arab brothers from the town of Lod for murdering their 19-year-old sister. Police suspected the oldest brother, a local pediatrician, of helping to plan the murder and providing anesthetics; the young woman's drugged and strangled body was found in late March in a well near the town of Rehovot. At year's end the five brothers were indicted and pending trial.

On May 23, the brother of a 26-year-old Israeli-Arab woman from the town of Ramle stabbed and killed her in a bank parking lot. The crime was witnessed by numerous passersby and recorded on a bank security camera. On June 6, police arrested the brother on murder charges; he reportedly confessed to police, claiming his sister had disgraced the family by raising her daughter in an "improper" way. At year's end, the case was pending trial. On August 18, Justice Minister Chaim Ramon resigned after charges that he forcibly kissed a female soldier at a party. Ramon's trial was ongoing at year's end.

Prostitution is not illegal. The law prohibits operation of brothels and organized sex enterprises, but brothels operated in several major cities.

The Prevention of Stalking Law and the Prevention of Family Violence Law require that suspected victims be informed of their right to assistance. During the year 7,324 restraining orders were issued in cases involving allegations of family violence. In a March 2005 report to the UN Session of the Commission on the Status of Women, several women's NGOs stated that approximately 130,000 women in the country between the ages 25 and 40 had been sexually harassed in the workplace. During the period between January 1 and November 30, the police opened 215 cases involving sexual harassment and forwarded 40 cases for prosecution.

The law provides for class action suits and requires employers to provide equal pay for equal work; however, significant wage gaps remained.

According to a report released in July by the College of Management, women earned 66 percent as much as men. The study, which only examined Jewish workers, also found that Orthodox and ultra-Orthodox women received salaries 10 to 20 percent lower than their secular counterparts.

Religious courts adjudicate personal status law, and these courts restricted the rights of Jewish and Muslim women. Jewish women are not allowed to initiate divorce proceedings without their husbands' consent. Consequently, thousands of so-called *agunot*--literally "chained women"--may not remarry or have legitimate children because their husbands either disappeared or refused to grant divorces. Rabbinical tribunals may sanction husbands who refuse to divorce wives, but may not grant a divorce without his consent.

On November 3, the country's Chief Sephardi Rabbi cancelled without explanation an international conference on the *agunot* scheduled for the following week in Jerusalem. The conference had been organized in part by Jewish women's organizations, which expressed disgust and disappointment, calling the cancellation a "tragedy."

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

Children

The law provides for the overall protection of children's rights and welfare, and the government was generally committed to ensuring enforcement of these laws. The government has continued to legislate against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting. In 2005 there were five shelters for children at risk of abuse.

According to the 2005 report issued by the National Council for the Child, the number of reported cases of child abuse and neglect totaled 39,000 for 2004 and had risen by 130 percent in the previous decade. The police reported to a Knesset committee in December 2005 that children constituted more than 50 percent of the victims of sexual offenses each year.

In May the written comments of a tribunal of Nazareth judges prompted controversy. After sentencing a man to 16 years in prison for raping his stepdaughter over a 10-year period, the judges wrote that since the plaintiff had not complained sooner, she might have "enjoyed and wanted" the sexual relations.

In June researchers at a Hebrew University conference reported that approximately one-sixth of Israeli-Arab children were in "danger and crisis."

Researchers also found that the poverty rate for Israeli-Arab children was 2.5 times higher than for Jewish children, and their infant mortality rate was double that of Jewish infants. Infant mortality among Bedouin Israelis was highest, at 15 percent of all births. A report released by the Van Leer Institute of Jerusalem reported that 54 percent of Israeli Arabs lived below the poverty line in 2005, compared to 18 percent of Israeli Jews. Among the Bedouin communities of the Negev, the poverty rate in legal villages was 66 percent, while in the unrecognized villages it was 79 percent.

Education is compulsory through the ninth grade. The government operated separate school systems for Hebrew-speaking children, Arabic-speaking children, and Orthodox Jews. However, per capita government spending on and services for children was significantly less in Arab areas than in Jewish areas. According to a 2005 study at Hebrew University, three times as much money was invested in Jewish children as in Arab children.

Ultra-Orthodox political parties, such as United Torah Judaism, continued to oppose government interference in its school system. The only nonpublic schools receiving government funding were ultra-Orthodox Jewish schools.

Jewish children attended schools where the language of instruction was Hebrew and the curriculum included Jewish history. Israeli-Arab children, almost without exception, chose schools with instruction in Arabic in which the curriculum had a less Jewish focus. Israeli-Arab advocacy groups charged that the education of Arab children was inferior to that of Jewish children in the secular system. According to an Education Ministry report released in May, only 54 percent of 12th graders passed their matriculation exams in 2005, a drop of 2.4 percent from 2004. The decline was sharpest in the Arab sector, where the number of students passing the exams dropped by 6.6 percent; the decline for Jewish students was 1.3 percent. The NGO Sikkuy stated in its 2004-05 report that the high school dropout rate in Arab schools was twice as high as in Jewish schools. A separate, credible NGO report suggested that the Israeli-Arab dropout rate was three times that of the Jewish dropout level. In September 2005 the Education Ministry informed the Knesset Education Committee there was a shortage of 1,800 classrooms in the Arab sector.

According to the Central Bureau of Statistics (CBS), 43 percent of Jews between the ages of 25 and 34 had attended an institution of higher education, while only 15 percent of Arabs had done so. More than a quarter of all Arab citizens in the same age range left school before the ninth grade. While 90 percent of Jewish three- and four-year-old children attended preschool, only 56 percent of Arab three- and four-year olds did so, according to CBS figures. In June the Follow Up Committee for Arab Education for Toddlers said that there was a shortage of 2,250 preschools in the Arab sector.

Preschool attendance for Bedouin children was the lowest in the country, and the dropout rate for Bedouin high school students was the highest. Arab Knesset members have criticized the lower academic achievements of Arab students and charged that it indicated discrimination in the system.

The minimum legal age of marriage is 17 for both boys and girls.

Trafficking in Persons

During the year the government gave the problem of trafficking higher priority. The trafficking law was amended to criminalize trafficking offenses not only for the purpose of sexual exploitation but also for slavery, forced labor, prostitution, pornography, and sexual abuse. Trafficking, for the purpose of labor as well as for prostitution, remained a serious problem, although the estimates of the extent of these problems varied greatly between the government and some NGOs. The penal code stipulates that coercion to engage in prostitution is a criminal offense, punishable by between four and 20 years' imprisonment.

The law guarantees foreign laborers legal status, decent working conditions, health insurance, and a written employment contract; however, some employers forced individual laborers who entered the country, both legally and illegally, to live under conditions that constituted involuntary servitude.

The country did not severely penalize labor agencies for trafficking because then current law did not criminalize trafficking for purposes other than prostitution. While law enforcement agencies have successfully prosecuted employers for labor law violations, including for violations that were tantamount to trafficking, the sentences applied did not meet minimum standards for sufficient penalties. There were numerous documented cases of foreign laborers living in harsh conditions, subjected to debt bondage, and restricted in their movements. The new amendments to the trafficking law went into force on October 29; no information on enforcement was available at year's end.

The NGO Hotline stated that it knew of only one case of a government investigation and prosecution of trafficking for purposes other than prostitution.

Organized crime groups trafficked women, primarily from Eastern Europe, sometimes luring them by offering service sector jobs. NGOs and the government reported that traffickers generally transported victims across the Egyptian border. Some traffickers reportedly sold foreign-origin women to brothels. According to the police, the number of women trafficked into the country for the purpose of commercial sexual exploitation declined from a high of approximately 3,000 in 2003 to "a few hundred" during the year. The NGO Isha L'Isha reported providing direct assistance to 141 victims in detention centers or shelters during the year. Under a policy enacted in July, the government placed women suspected of being victims of trafficking for prostitution in the Maggan shelter directly, without first holding them in detention centers.

During raids on brothels, police reported finding fewer foreign nationals than in previous years; they attributed this to heightened antitrafficking activity during 2005-06.

Between January 1 and October 1, the courts convicted or upheld the convictions of 12 persons for trafficking in women. Sentences ranged from one to 12 years, with the average sentence being 4.4 years. However, most sentences were suspended. Under the amended law, the maximum allowable prison sentence is 16 years, or 20 years if the offense is committed against a minor.

The Justice Ministry has a guideline that investigations of complaints by foreign workers should be concluded within 45 days. When prosecutors gathered sufficient evidence for indictment, they filed the indictment through an accelerated procedure to ensure that the proceedings would continue even if the foreign worker left the country.

The government-run shelter with a 50-person capacity for victims of trafficking for commercial sexual exploitation was often completely filled; NGOs claimed additional shelters were needed.

On May 31, the government officially appointed an interministerial coordinator to combat trafficking in persons. Concurrently with its new antitrafficking legislation, the government drafted an antitrafficking plan. On December 11, the coordinator met with the Ministry of Foreign Affairs and an institute for judges' training to arrange training classes.

The government worked closely with officials in source countries, especially in Eastern Europe, to investigate and extradite individuals on charges of trafficking in persons.

In May 2005 Sergey Matotov reached a plea bargain resulting in 33 months' imprisonment and 18 months' suspended sentence. Matotov was not convicted of trafficking but of aiding a person to engage in prostitution. Shota Shamelashvili was sentenced to seven years imprisonment (suspended) and \$590 (2,500 NIS) compensation to each complainant. The government appealed the sentence's leniency, and Shamelashvili appealed its severity. The appeal was scheduled to be heard in February 2007.

Persons with Disabilities

The government provided a broad range of basic benefits for persons with disabilities. The law provides for protection and equality of the rights of persons with disabilities. Persons with disabilities continued, however, to encounter difficulties in areas such as employment and housing. According to the government, the Commission for Equal Rights of People with Disabilities, within the Justice Ministry, took legal action in 98 discrimination cases during the year, mainly in the areas of accessibility and employment. Additionally, the commission intervened in 175 cases involving complaints by persons with disabilities. In March 2005 the government enacted a law to require greater building and public area access for persons with disabilities. Other laws passed in 2005 required television stations to include subtitles and sign language for the hearing impaired and directed the courts to accommodate testimony from persons with intellectual disabilities or mental illness. During the year these laws were in the process of implementation. Accessibility to public transportation was not mandated by law.

National/Racial/Ethnic Minorities

The 2003 report of the Orr Commission, which the government established following the police killing of 12 Israeli-Arab demonstrators and a Palestinian in October 2000 (see sections 1.a. and 2.b.), stated that government handling of the Arab sector was "primarily neglectful and discriminatory," was not sufficiently sensitive to Arab needs, and that the government did not allocate state resources equally.

In 2004 the government adopted an interministerial committee's proposals to act on some of the Orr Commission's findings, including: establishment of a government body to promote the Arab sector; creation of a volunteer, national civilian service program for Arab youth; and the creation of a day of national tolerance. At year's end the government implemented neither these proposals nor the original Orr Commission recommendations. On January 6, the government directed a Deputy State Attorney to reexamine the 2005 decision by the PID to close its investigation into the 2000 killings (see sections 1.a. and 2.b.). At year's end there had been no further action.

The Knesset subcommittee, chaired by an Israeli-Arab member to monitor Israeli-Arab sector needs and advocate alterations in the budget to benefit that sector, was disbanded following the March elections.

Advocacy groups charged government officials with making racist statements. Yisrael Beitenenu party chairman Avigdor Lieberman repeatedly called for removing citizenship of some Israeli Arabs and exchanging some Arab towns in the country for Jewish settlements in the occupied territories. In February Supreme Court Vice President Mishael Cheshin said during a hearing on the 2003 Citizenship Law that if Israelis wanted to marry Palestinians, they should move to the West Bank rather than seek permits for their spouses to join them.

Although Arabic is an official language of the country, the National Insurance Institute (NII) required documents submitted for claim be translated into Hebrew. On November 28, Adalah protested this policy in a letter to NII, noting that the Shari'a courts are also government courts and should have their Arabic rulings accepted by other government organizations.

In September MK Effie Eitam called for expulsion of most Palestinians from the West Bank and removal of Israeli Arabs, whom he called "traitors in the first degree," from the political system. According to the Israel Democracy Institute's annual Democracy Index, released on May 9, 62 percent of Jewish citizens believed the government should encourage Arab citizens to emigrate.

Figures for 2005 showed approximately 93 percent of land in the country is public domain, the majority of which is owned by the state, with approximately 12.5 percent owned by the Jewish National Fund (JNF). All public lands and that owned by the JNF are administered by the governmental body, the Israel Lands Administration (ILA). By law public land may only be leased, and the JNF's statutes prohibit land sale or lease to non-Jews. In January 2005 the Attorney General ruled the government cannot discriminate against Israeli Arabs in marketing and allocation of lands it manages, including lands the ILA manages for the JNF. The Attorney General also decided that the government should compensate the JNF with land equal in size to any plots of JNF land won by non-Jewish citizens in government tenders.

Israeli-Arab advocacy organizations have challenged the government's policy of demolishing illegal buildings in the Arab sector. They claimed that the government restricted issuance of building permits for Arab communities, thereby limiting Arab natural growth. According to statistics published by the Arab Center for Alternative Planning, the government issued tenders for the construction of 1,820 housing units in northern Israel, which has an Arab majority, during a five month period in 2004. Only 140 of these were designated for Arab communities, despite a shortage of housing in the Arab sector. In October 2005 the government also launched a development program for all 104 communities in the north, both Jewish and Arab, to attract new residents and investment.

In February 2004 security forces demolished several homes in the Arab village of Beineh, claiming that they were built illegally. In April 2005 Adalah appealed to the Attorney General requesting that he reverse a decision not to indict police officers for alleged assault and property damage involved in the house demolition operation. Adalah claimed the police investigation was negligent and that it was unreasonable not to indict the police officers. At year's end the appeal remained pending.

The Orr Commission found that "suitable planning should be carried out [in the Arab sector] as soon as possible to prevent illegal construction..." An interministerial committee, created to advise the government on implementing the Orr Commission recommendations, called on the ILA to complete master plans for Arab towns. In 2004 the Supreme Court ruled that omitting Arab towns from specific government social and economic plans is discriminatory. At year's end according to the government, master plans had been completed for 23 of the country's 128 Arab communities; another 81 communities were being planned. New construction is illegal in towns that do not have master plans or in the country's 37 unrecognized Bedouin villages.

On August 30, according to a Bedouin advocacy group, the Regional Council for Unrecognized Villages in the Negev (RCUV), security forces demolished all Bedouin homes in the unrecognized village of Twiel Abu-Jarwal. During September according to RCUV, security forces demolished several homes in the unrecognized villages of Um Nmaila, Um Mitnan, Um Ratam, and Al-For'a.

On February 27, the Supreme Court ruled that a 1998 government development policy illegally discriminated against Israeli Arabs. The policy designated certain areas to receive special funding for projects, including education; however, it included only four of more than 500 Arab communities. The court agreed with the petitioners, Adalah and the Arab Higher Follow Up Committee, that the policy was discriminatory and could not be continued without Knesset legislation. The court gave the government a year to cancel the program.

During and after the July-August conflict involving Israel and Lebanon, Arab municipalities and advocacy groups complained that unlike Jewish communities, Arab communities in the north had no bomb shelters or warning sirens to protect from rocket attacks. In August according to media, the government-supervised Small Business Development Center created an expedited loan program to help businesses damaged by the conflict, but announced that only Jewish businesses were eligible. Under longstanding government policy, "front line" communities in the north were eligible to receive full compensation for economic losses from armed conflict. All northern communities except four Arab towns along the Lebanese border were so designated. During the conflict the Finance Minister listed five additional Jewish towns, but still omitted the four Arab towns. On September 13, Adalah petitioned the Supreme Court to include these towns, all of which were damaged during the conflict. At year's end the case was pending.

On September 26, the Finance Minister established a work team to develop a five-year plan to narrow the economic gap between Jewish and Arab communities. The minister also announced that one-quarter of the \$930 million (NIS four billion) allocated for post-conflict rehabilitation would be for the Arab sector.

Israeli Arabs were underrepresented in most universities, professions, and businesses. In June a researcher from Haifa University and Sikkuy reported only 2.8 percent of the country's high technology workers were Arab. The Haifa University researcher also noted 70 percent of Arabs with college degrees in high technology fields failed to find work in the country between 2001 and 2005.

Well-educated Israeli Arabs often were unable to find jobs commensurate with their qualifications. According to a Civil Service Commission report on

Israeli-Arab representation in government, in 2004 only three of 809 Finance Ministry employees were Israeli Arabs, while the Foreign Ministry, with 933 employees, employed seven. Approximately 56 percent of all Israeli-Arab government workers were employed by the Health Ministry, including government hospitals.

In 2003 the government approved an affirmative action program to promote hiring Israeli Arabs in the civil service. However, according to current government figures, only 5.5 percent of civil service employees were from the Arab sector. On March 12, the government ordered the Civil Service Commission to allocate 37.5 new positions annually through 2008 to government offices that employ qualified Arabs, Druze, and Circassians.

A 2000 law requires minorities have "appropriate representation" in the civil service and on the boards of government corporations. As of November according to the government, Arabs filled 54 out of approximately 550 board seats of 105 state-run companies. In April media reported that approximately 1 percent of employees in state-run companies were Arabs.

Israeli Arabs complained during the year of discriminatory treatment by airlines and airport security officials. On December 11, the Arab Association for Human Rights and the Center Against Racism published a joint report detailing degrading treatment of Arabs by security officials at airports and airlines.

It alleged security officials regularly subjected Israeli-Arab travelers to humiliating, abusive inspections and interrogations. In June the newspaper *Ha'aretz* reported a policy of accepting only Jewish passengers for flights by Tamir airlines between Tel Aviv and the northern town of Kiryat Shmona. According to *Ha'aretz* the Transportation Ministry, acting on guidance from the ISA, barred Israeli Arabs from these flights as the northern airport lacked sufficient luggage screening equipment. Subsequently, in June the ministry installed a temporary screening device at Kiryat Shmona airport and resumed allowing Israeli-Arab travelers on Tamir flights.

The law exempts Israeli Arabs from mandatory military service, and in practice only a small percentage of Israeli Arabs so served. Citizens who did not perform military service enjoyed less access to social and economic benefits for which military service was either a prerequisite or an advantage. Israeli Arabs generally were restricted from working in companies with defense contracts or in security-related fields. In 2004 the Ivry Committee on National Service recommended Israeli Arabs be given an opportunity to perform national service. On December 13, the government announced procedures to offer a civilian service program to citizens not drafted for military service. Beginning in June 2007, Israeli Arabs and ultra-Orthodox Jews would have the opportunity to serve for one to two years as volunteers in health, education, or welfare sectors. After completing service volunteers would be eligible for the same national benefits accorded military veterans.

The Israeli Druze community numbered approximately 100,000 and the Circassian community numbered some 3,000. Males were subject to the military draft, and the overwhelming majority accepted service willingly. Some Bedouin and other Arab citizens not subject to the draft also served voluntarily.

The Bedouin sector of the population was the country's most disadvantaged. The Orr Commission report called for "special attention" to the living conditions of the Bedouin community. Approximately 140,000 Bedouin lived in the Negev, half in seven state-planned communities and eight recognized communities, and the rest in 37 unrecognized villages. Recognized Bedouin villages received basic services but remained among the poorest communities in the country. Unrecognized villages paid taxes to the government but were not connected to the national water and electricity infrastructure and not eligible for government educational, health, and welfare services. On August 23, PHR reported that 80,000 Bedouin citizens lacked running water. On September 13, the Water Tribunal decided not to connect unrecognized Bedouin villages in the Negev to the national water system. On November 18, Adalah petitioned the Supreme Court to overturn the decision; the case was ongoing at year's end.

In 2004 the Supreme Court issued a temporary injunction to prevent the ILA from spraying herbicide on Bedouin crops on state-owned land. In February 2005 the ILA admitted to the court that it sprayed Bedouin agricultural fields with chemicals not approved by the Agriculture Ministry and banned from aerial spraying. As of November 1, according to Adalah the injunction remained in force, but the court had not ruled on the case. Government planners noted there were insufficient funds to relocate Bedouin living in unrecognized villages to new townships, and the average Bedouin family could not afford to purchase a home there. Clashes between authorities and residents of unrecognized villages continued during the year. In July the Knesset extended for six months the 2003 law prohibiting citizens' Palestinian spouses from the occupied territories from residing in the country. The extension applied also to the 2005 amendment allowing Palestinian men aged 35 and older and women aged 25 and older to apply for temporary visit permits (see section 2.d.). On May 14, the Supreme Court ruled the law legal and rejected all petitions challenging it.

There are approximately 20,000 non-Israelis living in the Golan Heights; they have been subject to Israeli military authority since 1967 and to Israeli civil law since Israel annexed this Syrian territory in 1981. They are primarily ethnic Druze; however, Syria regards them as its citizens, and they largely have refused Israeli citizenship. Israel accords them permanent resident status; they receive Israeli travel documents and hold identity cards that entitle them to the same social benefits as Israeli citizens. Israeli-Druze, like all citizens, were prohibited from visiting Syria, including making pilgrimages to Druze holy sites in Syria; noncitizen Druze (approximately 95 percent of the Druze population) were not so prohibited. During the year the government allowed Druze pilgrims to stay in Syria for 72 hours rather than 24, as was the previous limit.

Other Societal Abuses and Discrimination

In October and November, Jewish, Christian, and Muslim religious leaders protested plans for a gay pride march in Jerusalem on November 10. On November 5, the Attorney General refused a police recommendation to cancel the parade, and the Supreme Court subsequently rejected several petitions to cancel it. Members of Jerusalem's ultra-Orthodox community threatened to attack parade participants. On November 9, the organizers cancelled the parade and instead held a peaceful rally in a university stadium the following day (see section 2.b.).

During the June 2005 gay pride parade, an ultra-Orthodox Jew stabbed three participants. Police arrested Yishai Shlissel and charged him with three counts of attempted murder. On January 31, Shlissel was convicted and sentenced to 12 years in prison.

On November 21, the High Court required the government to recognize same-sex marriages legally performed in foreign jurisdictions (see section 2.c.). In April 2005 the government announced a policy of recognizing same-sex couples with children as a family for purposes of receiving housing aid.

Section 6 Worker Rights

a. The Right of Association

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

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

Labor laws apply to noncitizens. Documented foreign workers are entitled to many of the same benefits as citizens, such as vacation, maternity leave, severance pay, and compensation for injuries, although not national health care. (Employers are legally required to provide insurance.) However, undocumented foreign workers receive no benefits.

b. The Right to Organize and Bargain Collectively

Citizens exercised their legal rights to organize and bargain collectively. The law specifically prohibits antiunion discrimination. No antiunion discrimination was reported.

According to the government and Histadrut, nonresident workers could organize unions and engage in collective bargaining. Foreign workers must pay an agency fee, and they can also pay union dues, entitling them to employment protection and some entitlements won by collective bargaining agreements. Collective bargaining agreements are extended to nonunionized workplaces in the same industrial sector.

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

There are no Export Processing Zones. In 2004 the government established a Qualified Industrial Zone (QIZ) with Egypt, creating duty-exempt zones for joint Israel-Egypt manufacturing for exports. The government established a comparable QIZ with Jordan in 1998. Since the factories are located in Egypt and Jordan respectively, Egyptian and Jordanian labor laws apply.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred. Civil rights groups charged that unscrupulous employers exploited adult non-Palestinian foreign workers, both legal and illegal, and held them in conditions that amounted to involuntary servitude (see section 6.e.).

d. Prohibition of Child Labor and Minimum Age for Employment

Laws protect children from exploitation in the workplace and prohibit forced or compulsory labor; the government effectively implemented these laws. Children at least 15 years old who have completed their education through grade nine may be employed only as apprentices. Children who are 14 years old may be employed during official school holidays in light work that will not harm their health. Working hours for those between the ages of 16 and 18 are restricted to ensure time for rest and education.

There was no reliable data regarding the incidence of child labor, although NGOs suspected in 2005 that it occurred to a limited degree. In December Histadrut estimated the number of illegal child workers in the country at between 5,000 and 10,000. At year's end Histadrut reported that child labor occurred primarily in restaurants, markets, cleaning, and as apprentices in small factories. During the year Hotline reported no cases of children under the age of 15 working year-around in agriculture. Although in previous years, the government, Histadrut, and NGOs received reports of illegal child labor in the undocumented Palestinian population, they did not report instances of Palestinian child labor during the year.

e. Acceptable Conditions of Work

The minimum wage was approximately 45.6 percent of the average wage, approximately \$835 (3,585 NIS) per month for a 40-hour week. The government considered the minimum wage, often supplemented by special allowances for citizens, to provide a citizen worker and family with a decent standard of living. Some union officials, NGOs, and social commentators disputed this claim. However, during the year Histadrut reported that a noncitizen worker, who was paid the minimum wage, even absent the special allowances for citizens, received a decent standard of living. By law the maximum hours of work at regular pay are 42.5 hours per week.

Employers are required to obtain a government permit to hire Palestinian workers from the occupied territories. Most Palestinians from the occupied territories working legally in the country were employed on a daily basis and, unless employed on shift work, were not authorized to spend the night in the country. However, according to Histadrut there were very few legal Palestinians working in the country on a regular basis during the year. Palestinian employees whose local employers recruited them through the Ministry of Industry, Trade, and Labor received their wages and benefits through that ministry. Palestinian workers were not eligible for all National Insurance Institute (NII) benefits although the ministry deducted a union fee and required contributions to the NII. For example, they did not receive unemployment insurance, disability payments, or low-income supplements although their contributions covered such benefits. Histadrut reported that a legal mechanism established in 2005 for non-Palestinian migrant workers employed in the construction sector assures workers' rights and social benefits such as convalescence pay, severance pay, and annual leave. When a migrant construction worker leaves the country, he receives all his payment at a bank in Ben Gurion airport after presenting his passport. In other sectors such as agriculture and care giving, there was no comparable mechanism. Israeli employers paid Palestinian employees not employed through

the ministry directly after deducting the union fee and NII contribution; workers paid by employers received the same benefits as workers paid through the ministry.

According to agreement between the government and the Palestinian Authority (PA), employers paid an "equalization fee" to the Israeli Treasury, in the amount of the difference in cost between employing a (lower paid) foreign worker and an Israeli worker. The government stated that these sums would be forwarded to the PA when it established a national insurance institute.

Government officials continued to withhold all of the PA payments pending its creation of a social security department to distribute the fees.

Since 2000 the government's closure policy on the occupied territories prevented nearly all Palestinians from getting to employment in the country (see section 2.d. and annex). Closures have continued periodically for the past six years. During periods of nonclosure, Palestinians required Israeli-issued permits to enter the country. Permits may be issued for a single day or for periods of several months. Frequently during closures government authorities invalidated some or all existing valid permits, requiring even long-established travelers to secure new permits, often multiple times during the year. Accordingly, statistics on permit issuance and use do not reflect actual numbers of individual travelers allowed into the country. Many Palestinian laborers may have used the permits to make numerous entries; the government did not provide data as to how many different individual Palestinian laborers received work permits.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace, although resource constraints affected overall enforcement. A November media report cited more than 2,000 complaints and reports had been filed at the Ministry of Industry, Trade, and Labor against employers that have violated labor laws, but there were only 18 inspectors to enforce labor laws that affected approximately 2.5 million workers.

Foreign workers could not legally remove themselves from dangerous work situations without jeopardy to continued employment. Additionally, illegal foreign workers risked immediate deportation. On March 30, in response to a petition filed by Hotline, Kav LaOved (an Israeli NGO for protecting worker rights), and other NGOs, the Supreme Court ruled the policy of employer-dependent status for foreign workers leads to abuse. The court ordered the government to create a new legal mechanism for employing foreign workers; however, the government had not complied by year's end.

All workers could challenge unsafe work practices through government oversight and legal agencies, although according to Hotline, employees in sectors other than construction were not provided information on how to contact the authorities. Hotline also reported that most agencies lacked interpreters. Between March 1 and September 1, the Enforcement Division of the Foreign Workers Department opened 2,087 investigations of employers for suspected violations and issued 1,567 fines for abuses of the rights of foreign workers. Prosecutors filed 35 criminal indictments against employers during the same period.

Brokers and employers are permitted to collect hiring fees from migrant workers. The government limited such fees to about \$710 (3,050 NIS) per worker, but NGOs charged that many foreign workers continued to pay more, up to \$15,000 (63,000 NIS). In a significant number of cases according to NGOs, employers dismissed workers shortly after arriving. Between March 1 and September 1, the Ministry of Industry, Trade, and Labor investigated approximately 85 complaints against agencies licensed to recruit foreign workers and revoked 25 licenses. Dismissed foreign workers who were not deported often sought illegal employment.

Public debate continued regarding non-Palestinian foreign workers. According to the government, between January 1 and October 1, the Ministry of Industry, Trade, and Labor issued 86,072 permits for foreigners to work in the country. CBS figures released in September showed that at the end of 2005 there were 178,000 legal migrant workers. During the year according to the government, non-Palestinian foreign workers, both legal and illegal, constituted approximately 7 to 8 percent of the labor force. The Immigration Authority estimated that there were about 70,000 to 80,000 illegal foreign workers in the country. According to Hotline, most legal foreign workers came from the Philippines, Thailand, China, Turkey, and Romania, while most illegal foreign workers were from African countries. Many foreign workers came from India and Nepal, some legally, others not.

The law does not permit foreign workers to obtain citizenship or permanent residence status unless they are Jewish. In May responding to a Supreme Court order, the Interior Minister announced plans to broaden a provisional 2005 program under which the children of foreign workers would be eligible for citizenship under certain conditions. Under the revised program, a child of at least six years of age who had spent at least five years in the country and whose parents entered the country legally would be eligible for citizenship. In December 2005 responding to a petition filed by ACRI, the Supreme Court ordered the government to lower the minimum naturalization age to six. The Supreme Court also ordered the government not to deport parents of such children eligible for citizenship.

Workers may contest deportation orders in a special court, but often lacked fluency in Hebrew, placing them at a considerable disadvantage. According to Hotline, appropriate interpreters were not always present at the hearings, despite a 2002 commitment to provide them (see section 1.d.).

In 2004 in response to judicial criticism concerning protracted detention of foreign workers, the Attorney General ordered that they be brought before the court within four days of arrest. The government generally honored the Attorney General's directive. Advocacy groups generally were allowed to assist workers facing deportation (see section 1.d.).

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

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. In 2006 the population of Gaza was approximately 1.4 million, of the West Bank (excluding East Jerusalem) approximately 2.4 million, and of East Jerusalem about 415,000, including approximately 177,000 Israelis. Approximately 250,000 Israelis resided in the West Bank. Various agreements transferred civil responsibility to the Palestinian Authority (PA) for Gaza and parts of the West Bank and divided the territories into three types of areas denoting different levels of PA and Israeli control. However, after Palestinian extremist groups resumed violence in 2000, Israeli forces resumed control over a number of these areas, citing the PA's failure to abide by its security responsibilities. During the year both violence and Israeli-imposed internal and external access restrictions increased.

The PA has a democratically elected president and legislative council, which select and endorse a prime minister and cabinet. In January 2005 Palestine Liberation Organization (PLO) Chairman Mahmud Abbas won approximately 62 percent of the popular vote in a presidential election regarded as generally free and fair. Palestinian Legislative Council (PLC) elections were held on January 25; international observers concluded the elections generally met democratic standards, despite some irregularities. Israel exercised occupation authority through the Ministry of Defense's Office of Coordination and Liaison.

During the year 660 Palestinians were killed during Israeli military operations. On December 28, the Israeli nongovernmental organization (NGO) B'Tselem claimed that of the 660 Palestinians killed, at least 322 were not engaged in hostilities when killed and 141 were minors. A total of 23 Israelis, including six Israeli Defense Force (IDF) soldiers, and six foreigners were killed by Palestinians in terrorist attacks in both Israel and the occupied territories.

Since formation of the Hamas government in March, the Preventive Security Organization (PSO), Civil Police, and Civil Defense came under the authority of the Minister of Interior. The National Security Forces (NSF) and General Intelligence Services (GI) remained under the authority of President Abbas. President Abbas and his subordinates maintained control of security forces in the West Bank and over some forces in Gaza. The Hamas-controlled Interior Ministry created a new security branch, the "Executive Force," in Gaza, over which President Abbas had no authority. The Executive Force killed or injured several Palestinians affiliated with security forces loyal to President Abbas or the Fatah movement. Neither the president nor the Interior Ministry maintained effective control over security forces under their respective authorities, and there were reports that members of security forces committed numerous, serious abuses. The Israeli government maintained effective control of its security forces; however, there were reports that Israeli security forces used excessive force, abused, and tortured Palestinian detainees.

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

Regarding the PA there were reports of torture, arbitrary and prolonged detention, poor prison conditions, insufficient measures to prevent attacks by terrorist groups either within the occupied territories or within Israel, corruption and lack of transparency, domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor.

Regarding the Israeli occupying forces, there were reports of death and injuries to civilians in the conduct of military operations, numerous serious abuses of civilians and detainees, failure to take disciplinary action in cases of abuse, improper application of security internment procedures, temporary detention facilities that were austere and overcrowded, and limited cooperation with NGOs.

Regarding Palestinian terrorist organizations, there were several instances of terrorist attacks on Israeli civilians, resulting in deaths and injuries in the West Bank and Israel.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Killings by Palestinian and Israeli security forces and by Israeli settlers and Palestinian militant groups remained a serious problem.

According to Human Rights Watch (HRW), as of June 2005, the IDF reported 131 ongoing criminal investigations into the use of weapons that resulted in injury or death, resulting in 28 indictments and seven convictions, with the remaining cases still in process. In the same time frame, the IDF also reported that 611 investigations had been opened in response to complaints of physical abuse, such as beatings, and complaints of property destruction. These investigations have led to 77 indictments. There was no further IDF reporting during the year.

According to B'Tselem Israeli security forces killed 22 Palestinians in targeted killings during the year and an undetermined number of bystanders. On December 14, the High Court ruled that targeted killings are not per se illegal; however, the legality of a particular case must be meticulously examined. Other Palestinians were killed by IDF at security check points or during military operations (see section 1.g.).

On February 13, IDF soldiers shot and killed Nafia Abu Musaid, a 25-year-old Palestinian shepherdess, near the Kissufim checkpoint in Gaza. On March 29, the IDF Military Advocate General began an investigation into her death; at year's end there were no results. On August 9, an IDF helicopter attacked and killed two Palestinian men (20 and 27 years old) in the Jenin Refugee Camp. The men were sought by Israeli security forces and found hiding in a home with other wanted men. On November 8, IDF artillery shelled the Gazan town of Beit Hanoun, killing 19 Palestinians and injuring others. Israeli authorities announced an investigation, stating that the shells missed the intended target. In a November letter to the Judge Advocate General, B'Tselem claimed that the action should be investigated as a possible war crime; however, at year's end no investigation results had been released.

In August 2005 Asher Weisgan, from the settlement of Shvut Rachel, shot and killed four Palestinian workers and wounded two others. On September 28, the Jerusalem District Court convicted him of murder and sentenced him to four consecutive life sentences plus an additional 12 years in prison.

In July 2005 an Israeli security guard at the separation barrier shot and killed a 15-year-old boy. According to Palestinian witnesses, he was working in his family's fields in the West Bank. Israeli authorities placed the guard under house arrest pending police investigation. At year's end there were no results from the investigation.

There were no developments in the September 2005 case of IDF soldiers who shot and killed an unarmed 13-year-old Palestinian boy during a predawn raid on the Askar refugee camp, near Nablus. An initial IDF inquiry concluded the soldiers violated rules of engagement. At year's end the findings of a military police investigation had been forwarded to the Military Attorney General.

In November 2005 an Israeli border police officer killed Samir Ribhi Da'ari, a Palestinian from East Jerusalem. Israeli authorities initially claimed Da'ari attempted to drive his vehicle over the officer. An autopsy revealed Da'ari was shot in the back; at year's end court action against the police officer was scheduled for closing arguments on January 2, 2007.

On March 29, an Israeli motorist picked up a hitchhiker who detonated a bomb concealed in a suitcase at the entrance of the Kedumim settlement south of Nablus killing the four Israelis in the car. The Al-Aqsa Martyrs' Brigades claimed responsibility.

On March 31, Abu Yusuf, Popular Resistance Committees (PRC) military leader, was killed by a bomb as he walked past a parked car. The PA created a committee to investigate the killing although it was believed to be the result of factional rivalry. At year's end the investigation had not concluded.

On June 25, Eliyahu Asheri, an 18-year-old Israeli resident of the Itamar West Bank settlement, was kidnapped and subsequently killed; the Palestinian PRC admitted responsibility.

On September 15, unknown assailants shot and killed Brigadier General Jad al-Tayeh of the Palestinian GI and his four bodyguards in Gaza. On October 10, media published the names of five Palestinian suspects. The PA Interior Ministry confirmed the names, but stated that the suspects had not yet been indicted, and at year's end no one had been arrested.

In early October Palestinians clashed in Gaza and West Bank cities over unpaid public sector wages. Public buildings were damaged, 12 persons were reportedly killed, and over 130 injured.

On October 14, members of the Hamas-led Ministry of Interior's Executive Force (EF) shot and killed Ali Shikshik, a GI officer, while traveling in his car in Gaza City.

On December 11, unknown assailants fired on a car carrying the school children of the senior intelligence officer in the PA; three boys and their driver were killed, and a number of bystanders injured. At year's end the attackers had not been individually identified or arrested.

There were no developments in the February 2005 case of Palestinian gunmen that attacked the Gaza Central Prison and killed three prisoners. The gunmen took one individual from the prison to the al-Burayj refugee camp and killed him publicly. At year's end there had been no arrests.

In October 2005 Israeli security forces arrested Abed Al-Muaz Div Joaba, a Palestinian from Hebron, who confessed to stabbing two yeshiva students and killing one in August 2005. He was indicted by the Jerusalem Magistrate's Court later that month. On July 10, Joaba was sentenced to life imprisonment for murder and an additional 20-year imprisonment for attempted murder.

There were no developments in the September 2005 killing of Musa Arafat, former PA Gaza National Security Forces chief. At year's end the PA had issued but not served an arrest warrant for one PRC member.

There were no developments in the December 2005 case of a Palestinian on trial for stabbing and killing an Israeli soldier at the Qalandiya checkpoint north of Jerusalem.

In 2004 an Israeli settler, Boaz Albert, killed Salman Yussuf Safadi; Albert claimed self defense. On January 31, the case was dismissed for lack of evidence; however, on June 22, Albert was prohibited from living in the West Bank. After violating this order, Israel detained him administratively in Ramla at year's end.

In 2004 an Israeli settler, Yehoshua Elitzur, shot and killed Sa'al Jabara near Nablus. Witnesses stated Elitzur shot Jabara at close range after he slowed his car to ask whether Elitzur needed assistance. In June 2005 an Israeli court convicted Elitzur of manslaughter. Subsequently, Elitzur fled and therefore had not been sentenced at year's end.

In 2004 unidentified assailants threw grenades into a room holding suspected Palestinian "collaborators" (providing potential information to Israel), killing two prisoners. Palestinian security officials arrested two policemen, who allegedly carried out the attack on behalf of Hamas. At year's end the officers had been released and no legal action taken.

Three US security personnel in a diplomatic convoy were killed in an attack in Gaza in October 2003. At year's end there was no progress by the PA, and the case remained unsolved. During the year the US government continued to press the PA to resolve the case.

b. Disappearance

There were several reports of politically motivated disappearances during the year (see section 1.g.).

On February 9, in Gaza City two masked gunmen fired at a diplomatic vehicle and kidnapped Egypt's military attaché to the PA. He was released on February 11. A previously unknown Palestinian militant group "the al-Ahrar Brigades" claimed responsibility.

On March 14, unknown militants kidnapped over a dozen international workers in Gaza to protest an Israeli arrest operation at Jericho prison. They were released several hours later. On the same day, unidentified gunmen kidnapped a Western citizen in Jenin and held him hostage for several hours.

On June 19, a Western student was kidnapped in Nablus and released to the IDF on June 20. He told police that he was forced to videotape an appeal to release Palestinian prisoners.

On June 25, PRC and HAMAS militants tunneled from Gaza to Israel and attacked an IDF outpost. They killed two soldiers and abducted a third, Gilad Shalit. By year's end Shalit had not been released.

On December 28, the NGO Reporters Without Borders issued a report that 10 foreign journalists had been kidnapped in the occupied territories since August 2005. It also noted that during the year six foreign journalists were kidnapped in Gaza. For example, on August 14, in Gaza City armed

Palestinians kidnapped two FOX News journalists (see section 2.a.). After PA official intervention, the kidnappers released their victims, but the kidnappers were not apprehended. On October 24, an unidentified armed group kidnapped an Associated Press photojournalist but released him on the same day.

The PA neither prevented nor adequately investigated kidnappings of Palestinians or foreign nationals in the West Bank and Gaza.

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

PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups stated that torture was a significant problem, and its use was not restricted to persons detained on security charges.

Torture by PA security forces reportedly was widespread. Documentation of abuses by PA security forces was very limited, due partly to hesitancy by alleged victims to make public claims of torture or abuse against PA authorities. Palestinian security officers have no formal guidelines regarding legal interrogation conduct; most convictions were based largely on confessions.

Israeli law, as interpreted by an Israeli High Court decision, prohibits torture and several interrogation techniques but allows "moderate physical pressure" against detainees considered to possess information about an imminent terrorist attack. During the year the Israeli NGO the Public Committee Against Torture in Israel (PCATI) noted it submitted more than 40 cases of torture to the Attorney General (AG); however, in every case the AG responded that these persons had information deemed vital for state security and no further action would be taken. Specifically, PCATI noted the case of Rafah resident Mustafa Abu Ma'amar who was arrested in June and reportedly extensively abused by Israeli security officials. Israeli human rights organizations reported that during the year Israeli security forces used psychological abuse more frequently, including threats of house demolition or of questioning elderly parents, and kept prisoners in harsh conditions, including solitary confinement for long periods, instead of subjecting them to direct physical abuse. Israeli law prohibits forced confessions, but most security case convictions were based on confessions made before defendants had legal representation. A detainee by Israel may not have legal representation until after interrogation, a process that may last weeks. The International Committee of the Red Cross (ICRC) is notified of arrests 12 days after they occur, and the ICRC is allowed to visit detainees 14 days after arrest. Detainees sometimes stated in court that their confessions were coerced, but there were no instances in which judges excluded such confessions. During the year there were a number of claims of abuse by IDF soldiers. For example, on February 9, according to Palestinian statements given to B'Tselem, two IDF soldiers at the al-Fawwar checkpoint in the southern Hebron area blindfolded, beat, and threatened two Palestinian men. B'Tselem requested an IDF investigation; however, at year's end the IDF had not replied. In July and August, B'Tselem gathered testimony from Palestinians who detailed beatings and other abuse by IDF soldiers in the West Bank area of the Ramin Plain. B'Tselem petitioned the Judge Advocate General, and on September 13, the IDF Central Command informed B'Tselem the military police would investigate eight of the incidents. At year's end there was no further information. On August 11, an Israeli Border Police soldier fired a rubber bullet at the head of Lymor Goldstein, an Israeli demonstrator protesting construction of the separation barrier in the West Bank village of Bil'in, injuring him and requiring surgery to remove the bullet. No action was taken against the police. There were no developments in the September 2005 case in which IDF soldiers forced residents of a home in Tulkarm to undress in the street or the November 2005 report that IDF soldiers assaulted Palestinian students in Hebron.

There were numerous credible reports of violence by settlers against Palestinians, particularly by residents of the Ma'on settlement in the southern Hebron Hills. On May 9, more than 30 Israeli artists and intellectuals sent a letter to the Israeli prime minister urging IDF protection for Palestinian children in the area. According to *Ha'aretz*, on May 10, the defense minister reportedly instructed IDF and police to increase the security for these Palestinian children on their way to and from school. However, settler harassment of the children continued without police response. On May 31, the Ma'on farm settlers reportedly were ordered to evacuate due to their attacks on schoolchildren; however, at year's end the Ma'on settlement remained.

On April 1, four settlers reportedly attacked and severely beat 72-year-old Palestinian Saber Shtiyeh as he was working in his field near the West Bank village of Salem, near Nablus. On April 7, representatives from Rabbis for Human Rights and the Kibbutz Movement requested IDF protection for the Palestinian farmers; however, the request reportedly was refused.

A June report by the Israeli human rights organization Yesh Din stated there was a "general phenomenon of absence of adequate law enforcement by the authorities upon settlers who commit offenses against Palestinians." For example, on November 19, settlers attacked a group of escorts for Palestinian school children in Hebron, seriously injuring a Western woman. At year's end, none of the attackers was charged (see section 2.d.).

Prison and Detention Center Conditions

PA prison conditions were poor; most were destroyed during the Intifada and have not been reconstructed; prisoners were kept informally incarcerated and subject to intrusions by outsiders. The PA generally permitted the ICRC access to detainees and allowed regular inspections of prison conditions; however, the PA denied access to some detainees for 14 days following their arrests. The PA permitted monitoring of its prisons, but human rights groups, humanitarian organizations, and lawyers reported difficulties gaining access to specific detainees. Human rights organizations stated their ability to visit PA prisons and detention centers varied depending on which organization ran the facility, and they rarely could see inmates being interrogated.

Conditions of Israeli permanent prison facilities generally met international standards. Provisional detention centers were less likely to meet standards. According to the 2004 Israel Public Defender's Office report on detention facilities of the Prison Service and Police, detainees in the Jerusalem Russian Compound facility endured overcrowded cells and suffocating conditions. Detention and interrogation facilities for Palestinian detainees, including the four interrogation centers (Shikma, Kishon, Petah Tikva, and the Jerusalem Internment Center), were austere, overcrowded, and provisional. According to the Mandela Institute, in December Israel held 93 Palestinian prisoners in some form of solitary confinement. Israel permitted monitoring of prison conditions by the ICRC and other groups, although human rights groups reported delays and difficulties in gaining access to specific detainees. Human rights groups reported frequent, unnotified transfers of detainees and significantly limited ability by families of Palestinians imprisoned in Israel to visit. According to the Israeli Prison Service, its regulations require separation of minors and adults; however, at year's end at least one person, age 16, was kept with adults in Ofer Prison. In November the NGO Palestinian Prisoners Club reported that there were approximately 1,259 medical cases in Israeli prisons. Since 2004 Israeli authorities increased medical attention and authorized several private doctors to visit prisoners; however, prisoners continued to claim that medical attention was inadequate.

There was no official response to the July 2005 PCATI demand for an investigation of the death in detention of Jawab Abu Maghasib.

d. Arbitrary Arrest or Detention

Palestinian law prohibits arbitrary arrest and detention; however, it allows police to hold detainees without charges for 24 hours. Courts may approve detention without charges for up to 45 days. A trial must start within six months of arrest or the detainee must be released. In practice the PA detained many Palestinians without charge for months.

Role of the Police and Security Apparatus

Israeli security forces in the West Bank and Gaza consisted of the IDF, the Israel Security Agency (Shin Bet), the Israeli National Police (INP), and the Border Police, an operational arm of the INP that is under IDF command when operating in the occupied territories. Israeli military courts tried Palestinians accused of security offenses.

Operational control over Palestinian security forces was divided between President Abbas and the Hamas-controlled Interior Ministry. Palestinian police

were normally responsible for security and law enforcement for Palestinians and other non-Israelis in PA-controlled areas of the West Bank and Gaza.

Palestinian security forces included the National Security Forces (NSF), the Preventive Security Organization (PSO), the General Intelligence Service

(GI, or Mukhabarat), the Presidential Guard (PG), and the Coastal Police. Other quasi-military security organizations, such as the Military Intelligence Organization, exercised the equivalent of law enforcement powers. The 2005 General Intelligence Law placed the Mukhabarat under President Abbas's authority.

The PSO, the civil police, and the civil defense fall under the legal control of the Interior Minister. Subordinates of President Abbas retained operational control over all security branches in the West Bank and some forces in Gaza. Armed militias played a major role in both local security and abuses of human rights. For example, Hamas Executive Force members attacked PA government installations in Gaza on several occasions and killed opponents in the Fatah movement or Palestinian security forces.

PA security forces detained persons without informing judicial authorities and often ignored laws protecting detainee rights and court decisions calling for release of alleged security criminals. At year's end Palestinian sources estimated the PA imprisoned approximately 263 suspected of collaboration with Israel. Alleged collaborators often were held without evidence and denied access to lawyers, their families, or doctors.

Arrest and Detention

Under applicable occupation orders, Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed or being likely to commit a security-related offense. Israeli Military Order 1507 permits Israeli security forces to detain persons for 10 days, during which period they cannot see a lawyer or appear before court. Administrative security detention orders could be issued for up to six-month periods and renewed indefinitely by judges. The law expressly authorizes an appeal of the circumstances of each security detention order to the Israeli Supreme Court. No detainee has ever successfully appealed a detention order under this process.

Israeli Military Order 1369 provides for a seven-year prison term for anyone not responding to a summons in security cases. Suspects are entitled to an

attorney, but this right can be deferred during interrogation, which can last up to 90 days. Israeli authorities stated that they attempted to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days.

Additionally, a military commander may request a judge to extend this period in security cases indefinitely. On June 26, the Knesset passed a law permitting detention and arraignment of a security suspect to be held without the individual present and that a person can be interrogated without judicial oversight for 96 hours. The Israeli military orders required notification of family members of specific cases of detention; however, many families reported serious problems in learning of the status and whereabouts of prisoners. Evidence for administrative detentions in security cases was often unavailable to the detainee or his attorneys due to security classification, but it was made available to the court.

Palestinians claimed that security detainees held under Israeli security detention military orders were in fact political prisoners. At year's end the Mandela Institute estimated Israel held 10,633 Palestinian security prisoners. B'Tselem's end of year report said there were 9,075 Palestinians in custody as of November, 738 of whom were in administrative detention. One illustrative case reportedly was Ziyad Hmeidan, an employee of Al-Haq, a Palestinian NGO, arrested in May 2005 and subsequently detained without charge. His petition for release in September was rejected by the High Court; at year's end Al-Haq planned further petitions in Hmeidan's behalf. Also, Hassan Zaga, field worker for PCATI, was released on November 15 after his January 11 arrest and detention without charge.

During the year Israel conducted some mass arrests in the West Bank; however, most arrests targeted specific persons. On June 29, the IDF arrested approximately 90 Hamas members in the West Bank, including eight PA cabinet ministers and more than 29 PLC members. At year's end four ministers and 32 PLC Hamas members remained in jail in Israel.

Palestinians transferred to prisons in Israel had difficulty obtaining legal representation because only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit them. Lawyers said they had better access to clients than in previous years. Israeli authorities in

some instances scheduled appointments but then moved the prisoners to other prisons to delay lawyer-client meetings for as long as 90 days.

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

During the year Israel transferred two Palestinian from the West Bank to Gaza. On June 21, the IDF deported Hamas activist Rasmi Sbeih to Gaza after having held him for two years as an administrative detainee. On December 26, the IDF deported Abdullah Saadi, a Fatah activist from Jenin, to the Gaza strip after releasing him following six months of administrative detention. At year's end approximately 40 other persons awaited permission to return to the West Bank from Gaza. These are previous West Bank residents deported to Gaza and not permitted to return.

e. Denial of Fair Public Trial

The PA court system is based on PA legal codes as well as Israeli military orders and Jordanian and Ottoman Law that predate the 1967 occupation. A High Judicial Council maintained authority over most court operations. In June 2005 PA President Abbas ordered retrials for those sentenced to death by the state security courts; no retrials were held during the year, but the security courts were abolished. Military courts, established in 1995, have jurisdiction over police and security force personnel as well as crimes by civilians against security forces. In November 2005 President Abbas established a court for election issues composed of nine judges. Following the January elections, it examined petitions; however, it took no action that changed election results.

PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. A severe shortage of funds and judges and an absence of lawyers and witnesses, due to check points and other travel restrictions, resulted in one estimate of a 70,000 misdemeanor and felony case backlog in Gaza and the West Bank. Although these problems predated PA jurisdiction, they were aggravated by continued lack of PA attention. PA executive and security services frequently failed to implement court decisions and otherwise inhibited judicial independence.

Continued violence adversely affected PA administration of justice. Many police stations and incarceration facilities were damaged or destroyed, including the Jericho Prison on March 14 following an Israeli raid. Travel restrictions, curfews, and closures significantly impeded administration of justice.

Israeli law provides for an independent judiciary, and the government generally respected this in practice. The IDF usually tried Palestinians accused of security offenses in the occupied territories in military courts in the West Bank. The law comprehensively defined security offenses and may include charges as varied as rock throwing or membership in terrorist organizations. Military prosecutors brought charges. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal.

Trial Procedures

Trials of Palestinians before Israeli military tribunals follow the same evidentiary rules as in regular criminal cases. The accused is entitled to counsel, and a judge may assign counsel. Charges are made available to the defendant and the public in Hebrew, but the court may order an Arabic translation. The court may hear evidence in security cases denied to the defendant or his attorney; however, a conviction may not be based solely on such evidence. Convictions may not be based solely on the defendant's confession, although in practice some security prisoners were convicted on the basis of allegedly coerced confessions by themselves and others. Defendants can appeal through the Military High Court or to the civilian high court in certain instances.

The Israeli government sometimes delayed trials for very extended periods, occasionally for years, because Israeli security force witnesses did not appear, the defendant was not brought to court, files were lost, or travel restrictions delayed attorneys (see section 2.d.). Palestinian legal advocates

alleged that delays were designed to pressure defendants to settle their cases.

Crowded facilities, poor arrangements for scheduling and holding attorney-client consultations, and confessions prepared in Hebrew hindered defense efforts.

Israeli settlers were tried under Israeli law in the nearest Israeli district court. Civilian judges presided; Israeli law (not military orders) governed the standards of due process and admissibility of evidence. The Israeli government rarely prosecuted settlers for crimes against Palestinians and, in the rare instances when convicted, they regularly received lighter punishment than Palestinians convicted in Israeli courts (see section 1.a.). According to B'Tselem during 2005 the Israeli police claimed that it had conducted 299 investigations into reported settler attacks on Palestinians; indictments were filed in 65 of these investigations. According to a June study by Yesh Din, for investigations relating to offenses committed by Israeli civilians against Palestinians in 2005-06, more than 90 percent of complaints and investigations were closed without indictments. Of the files on trespassing (including all the cases of damaging or destroying trees) in which the investigation was completed, 96 percent were closed without indictments as were 100 percent of the property offenses and 79 percent of assault files. Yesh Din determined that approximately 5 percent of the complaints filed were lost and apparently never investigated.

In 2004 a Tel Aviv District Court convicted West Bank Fatah leader and PLC member, Marwan Barghuti, of murder and attempted murder involving terror attacks. Barghuti rejected the court's jurisdiction, did not mount a legal defense, and did not appeal his five consecutive life sentences. There was no further legal action during the year.

Pursuant to law the PA can impose the death penalty on a person convicted of any of 42 offenses. Military courts and state security courts have imposed most death sentences attributed to the PA. There is no judicial procedure to appeal these sentences, and only the PA president has the authority to ratify or alter the sentence. If he does not act, the individual remains in jail; the president took no action during the year.

In June 2005 the PA executed four men; the state security courts, established by the presidential decree in 1995 but terminated by the PA Justice Ministry in 2003, convicted one of the four. There have been no subsequent executions.

Political Prisoners and Detainees

Palestinian sources estimated the PA imprisoned approximately 263 persons suspected of collaboration with Israel. Palestinians claimed that security detainees held under Israeli security detention military orders were in fact political prisoners (see section 1.d.).

Civil Judicial Procedures and Remedies

Civil lawsuits are handled by the PA civil and magistrate courts. Any citizen can file a petition or a lawsuit against the government and, in some cases, the president personally. However, because of general problems in the judicial system, the execution of court orders was not systematic.

Palestinians were not permitted to file cases in the Israeli court system; however, Israeli NGOs have done so for them.

Property Restitution

The Palestinian Authority sometimes enforced court orders with respect to restitution or compensation for taking private property under domestic law. Individuals reported that their property was taken by government officials without compensation. At year's end some cases were being tried in the PA judiciary.

The Israeli government confiscated Palestinian property for construction of the separation barrier or military installations; it offered some compensation to landowners, however, Palestinians largely declined to accept compensation out of concern that this would legitimize the Israeli land confiscations. Specific cases document the exceptional difficulty Palestinians have in attempting to prove their land ownership to the standards demanded in Israeli courts.

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

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

The PA required the Attorney General to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Police searched homes without the consent of their owners. In some cases police forcibly entered premises.

Under occupation orders an IDF officer of the rank of lieutenant colonel or above could authorize entry of private homes and institutions without a warrant, based upon military necessity. On some occasions IDF personnel beat occupants and destroyed or looted property. Israeli authorities stated these were punishable violations of military regulations with compensation due.

There was no change in Israeli policy regarding punitive home demolitions. Since February 2005 there have been no punitive home demolitions. Previously, Israel demolished and sealed homes of Palestinians suspected of terrorism or their relatives. Under this policy according to B'Tselem, 666 homes were demolished between October 2001 and January 2005 as punishment.

Following the withdrawal from Gaza in August 2005, Israel directed air strikes against homes in Gaza suspected of concealing tunnels or weapons. According to human rights groups and media, the Israeli government notified residents and warned them to evacuate prior to impending air attack. Israeli forces reoccupied portions of northern Gaza between June 28 and November 25. On September 6, the UN Development Program estimated damage to the Gaza infrastructure between June 28 and August 27 to be approximately \$46 million (197 million NIS).

Israeli authorities limited Palestinian home construction, notably in East Jerusalem. Israeli authorities generally restricted Palestinian home building elsewhere in the West Bank and near Israeli settlements. According to the Israeli Committee Against House Demolitions, approximately 12,000 structures in East Jerusalem were defined by the Israeli government as illegal. Consequently, during the year Jerusalem municipal authorities and the Interior Ministry systematically demolished such structures including 81 buildings (63 residential) in East Jerusalem.

During the year the IDF destroyed numerous citrus, olive, and date groves and irrigation systems in Gaza, stating that Palestinians had been firing Qassam rockets from those areas. Human rights groups reported that over the past five years, Israeli settlers and the IDF destroyed thousands of Palestinian olive trees.

According to media reports, Israeli human rights groups praised a September announcement by Minister of Defense Amir Peretz promising action against anyone interfering or harassing farmers during harvesting. The announcement followed a two-year legal effort by the Association for Civil Rights in Israel (ACRI) and Rabbis for Human Rights. Still, Palestinians complained that the IDF measures gave insufficient time to complete the harvest and that they were limited in their ability to protect their property by curfews and travel restrictions. According to Yesh Din, settlers committed 18 major instances of olive theft and violent disruptions of the harvest during the year.

The IDF also cleared and took permanent control of privately owned Palestinian land to construct the separation barrier. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the separation barrier route has been extended from 670 kilometers (416 miles) to 703 kilometers (437 miles) upon completion. OCHA noted as of July the Israeli authorities, through military orders, had confiscated approximately 8,887 acres of West Bank land to construct the separation barrier. According to Israel it sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation. Palestinians largely declined to seek compensation out of concern that this would legitimize the Israeli land confiscations. Additionally, numerous cases were filed in Israeli courts challenging the route of the fence.

On December 13, the High Court rejected the petition filed by ACRI and the human rights organization Bimkom against the section of the separation barrier that severs the Palestinian community a-Ram from East Jerusalem. On November 26, the High Court approved a barrier route around five Palestinian villages northwest of Jerusalem, creating an enclave that will separate them from East Jerusalem and neighboring Palestinian villages. The five villages in the enclave have a total population of more than 15,000 persons.

g. Use of Excessive Force and Other Abuses in Internal and External Conflicts

Palestinian members of Hamas, Fatah-affiliated militant groups, and Palestinian Islamic Jihad attacked and killed Israeli civilians, foreign nationals, and soldiers, both in Israel and in the occupied territories. They inflicted casualties on noncombatants by suicide bombs, rockets, and mortars. In addition they often fired at Israeli security forces from civilian population areas, increasing the risk that Israeli return fire would harm noncombatants. PA President Abbas made repeated public statements calling for an end to violence, but these steps did not prevent numerous attacks.

During the year Palestinian militants repeatedly fired rockets from northern Gaza into Israel, killing two and wounding a number of persons, and

destroying property. For example, on November 15, a Qassam rocket killed an Israeli woman in Sderot and wounded two other Israeli civilians. Palestinian militants claimed responsibility for the attack.

According to the PA Health Ministry, the Palestine Red Crescent Society (PRCS), and Palestinian and Israeli human rights groups, at least 660 Palestinians were killed in the West Bank, Gaza, and Israel during Israeli military and police operations through year's end. The IDF stated that the majority of Palestinians killed were armed fighters or persons engaged in planning or carrying out violence against Israeli civilian and military targets. On December 28, B'Tselem contended that "at least 322 of those killed did not take part in the hostilities at the time they were killed." According to the PRCS, IDF operations and clashes with Palestinians resulted in injuries to approximately 1,805 Palestinians.

During the year according to B'Tselem, 22 Palestinians directly died in targeted killings. According to Palestinian security and media reports, IDF forces killed at least 60 bystanders in these operations. Some were civilians; others were affiliated with terrorist organizations.

According to a June 2005 HRW report, Israeli military investigative practices were not "impartial, thorough, or timely." The report charged the IDF had criminally investigated less than 5 percent of civilian deaths between September 2000 and November 2004, fostering a climate of impunity within the IDF. In response in 2005, IDF stated it conducted 130 investigations and issued 28 indictments, with seven convictions and one acquittal; the remaining 20 court cases were ongoing. The other incidents were still under investigation.

The IDF conducted numerous military incursions into Palestinian population centers in response to Palestinian mortar and antitank fire from the centers. These actions often resulted in civilian casualties. Israeli forces fired tank shells, heavy machine-gun rounds, and rockets from aircraft at targets in residential and business neighborhoods where they believed Palestinian gunfire originated. Palestinian gunmen fired upon Israeli forces and booby-trapped homes and apartment buildings. In response throughout the year, the IDF usually raided and often destroyed these buildings and raided other locations allegedly harboring militants. In February the IDF launched a large-scale military operation into the city of Nablus and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)-run Balata refugee camp; five Palestinians were killed and more than 24 injured. During this operation the IDF and Border Police entered an UNRWA-run girls' school in Balata Camp and used it for three days as a detention center and firing position, causing extensive damage. UNRWA staff sought compensation and assurances of nonrepetition of similar conduct from the Israeli government; however, the government had not responded as of year's end.

From June 28 until August 21, the IDF undertook operation "Summer Rains" in Gaza, following the PRC kidnapping of an Israeli soldier, Gilad Shalit, on June 25. Summer Rains involved numerous Israeli air and ground attacks and incursions throughout Gaza. The attacks killed over 200 Palestinians, including civilians; four IDF soldiers also were killed. Subsequently, operation "Autumn Clouds" between November 1 and 7, according to PA medical sources, killed at least 56 Palestinians and injured approximately 220. On November 26, a ceasefire was agreed in Gaza whereby militant factions halted firing rockets towards Israel and the IDF withdrew from northern Gaza. Despite nearly 70 rockets fired from northern Gaza into Israel by year's end, the IDF did not resume operations in Gaza. The ceasefire was not extended to the West Bank by year's end. On April 10, IDF artillery fire killed an eight-year-old Palestinian girl in the northern Gaza suburb of Beit Lahia. On June 9, an explosion on a Gaza beach killed eight Palestinians. Palestinian witnesses claimed the explosion resulted from Israeli naval artillery fire. An IDF investigation denied the charge; however, a senior IDF officer said on June 13 that IDF forces fired 17 artillery shells into an area approximately 700 meters from the incident. HRW described the IDF investigation as "incomplete" and called for an independent investigation. On June 20, the Israeli Air Force killed three Palestinian children and injured others in an air strike in Gaza City. On July 8, missiles from an Israeli aircraft struck a Palestinian home in the al-Muntar area east of Gaza City, killing three and injuring four family members. On November 6, a minibus at the Jabaliya-Beit Lahia intersection north of Gaza City was struck by Israeli shelling; three Palestinians were killed and seven others wounded.

At year's end there were no results from the IDF investigation of the July 2005 incident in which the IDF fired in the direction of Palestinians waiting to cross the Abu Holi checkpoint in Gaza, killing a 14-year-old boy. In January 2005 IDF gunfire killed a 10-year-old Palestinian girl and injured a second inside their UNRWA school in Rafah. The IDF opened an investigation into the shooting; however, at year's end there was no public report of the investigation results.

IDF soldiers reportedly fired without warning on trespassers in or near restricted areas. Israeli security personnel operating checkpoints also killed a number of Palestinians. On January 26, IDF soldiers shot and killed a Palestinian girl, Aya al-Astal, near the Kissufim checkpoint in Gaza.

There was no resolution of the April 2005 case in which IDF soldiers killed three Palestinian teenagers near the border fence separating Gaza from Egypt or the August 2005 case in which an IDF raid of the Tulkam refugee camp killed five unarmed Palestinians. Investigations remained incomplete at year's end.

In 2004 IDF soldiers shot and killed Iman al-Hams, a 13-year-old schoolgirl, as she approached an IDF outpost in southern Gaza carrying a bag of schoolbooks that troops suspected contained explosives. After the girl had been shot from a distance, the IDF company commander allegedly repeatedly fired his automatic weapon into her at close range. In February 2005 a military court released the company commander after soldiers who witnessed the incident recanted testimony. On December 14, the High Court accepted the petition of the girl's parents and PCATI and ordered an investigation to determine whether illegal open fire orders were given in the area of the military post which led to the killing.

While protecting construction of the separation barrier, Israeli security personnel killed a number of Palestinians. In May 2005 Jamal Jaber Ibrahim Assi, age 15, and Odai Mufid Mahmud Assi, age 14, were shot and killed near Bayt Liqya, west of Ramallah, during clashes between protesters and soldiers. According to Palestinian witnesses, IDF soldiers initially used nonlethal weapons, but subsequently fired live ammunition. The IDF ordered a military police investigation and suspended the deputy company commander from operational duty until the completion of the investigation. At year's end there were no conclusions from the investigation. Weekly clashes continued in Bil'in village in the West Bank; there were injuries but no fatalities. On June 28, as part of the Summer Rains operation, the Israeli Air Force destroyed three bridges and the transformers of the only electricity plant in Gaza. After several months the plant was repaired.

During the year Israeli forces delayed the movement of, and occasionally fired upon, medical personnel and ambulances. HRW claimed that between May 30 and June 20, IDF forces attacked Palestinian medical emergency personnel on at least six separate occasions in Gaza, including two attacks by missile-firing drone aircraft.

The IDF abuse of Palestinians or their vehicles at checkpoints continued. In its monthly reports during the year, Machsom Watch (an Israeli women's organization that monitors checkpoints in the West Bank and Jerusalem) alleged a series of abuses. On January 3, a Machsom Watch volunteer observed IDF soldiers strip and search Palestinians, including an ambulance-attending doctor, at the Jubara checkpoint.

Israeli forces continued to use Palestinians as "human shields" in violation of Israeli law despite High Court rulings in 2002 and 2005 and an IDF Chief of Staff order in 2005.

On July 20, B'Tselem announced its initial investigation into a July 17 incursion by Israeli forces into Beit Hanun in northern Gaza indicated that soldiers seized control of two buildings in the town and used six residents as human shields. The Military Police Investigation Unit informed B'Tselem it was investigating the case; however, at year's end there were no developments.

Media reported that in a series of incidents in November, local officials from Fatah, Hamas, the Popular Front for Liberation of Palestine, and other groups urged civilians to surround homes of militants targeted for attack by Israeli forces, which resulted in them acting as human shields.

In a December 12 ruling, the High Court struck down part of a 2005 amendment to the Civil Wrongs Law prohibiting Palestinians residing in the occupied territories from seeking compensation for death, injury, or property damage at the hands of the IDF, even for acts that were not part of combat action. The ruling held that section 5c, which almost totally prevented Palestinians injured by actions of security forces in the occupied territories from suing for compensation, was illegal.

Palestinians frequently threw stones and Molotov cocktails, and on occasion fired live ammunition at Israeli security forces. Israeli security forces on

various occasions responded with tear gas, rubber bullets, and live fire, including tank fire.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The PA does not have laws providing for freedom of press; however, the law permits every person the right to freedom of thought, conscience, and expression, and the right to express opinions orally, in writing, or through any other form. However, a 1995 presidential decree included injunctions against writing anything critical of the PA or the president. Although the PA did not restrict freedom of speech or press, members of the ruling Hamas faction restricted freedoms of speech and press.

Working conditions for journalists in the West Bank and Gaza deteriorated noticeably during the year. Following the January Palestinian legislative elections, tension between the Hamas-led government and the Fatah movement resulted in polarization of the Palestinian press, with reduced press freedom, notably for local-level journalists. Numerous incidents against journalists, particularly those working in Gaza, included assaults, intimidation, and abduction in retaliation for reporting perceived as biased by one faction or the other.

In April several Palestinian journalists, including Muwafaq Matar, a reporter for the pro-Fatah al-Hurriya radio station in Gaza, received death threats for their critical coverage of Hamas. Reuters reported the Palestinian Journalists' Union received complaints from seven journalists in Gaza who had been threatened by e-mail, telephone, or fax for their writings.

On May 20, masked arsonists burned three cars belonging to the Al-Jazeera satellite station in Ramallah. According to an Associated Press report, the attack was carried out by Fatah supporters against the station for not reporting an anti-Hamas demonstration in Ramallah.

On September 19, unknown assailants attacked three journalists, including a photographer for the pro-Fatah *Al-Hayat Al-Jadida* daily newspaper, during a Hamas demonstration in Gaza. Also on September 19, masked men attacked the offices of the official pro-Fatah news agency WAFA in Khan Younis in Gaza, assaulting journalist Amr Al Farra and destroying the contents and furniture of the outlet.

There were three Palestinian daily and several Palestinian weekly newspapers. There also were several monthly magazines and three tabloids. The PA operated one television station and one radio station. There were approximately 30 independently owned television stations and approximately 25 such radio stations.

In 2005 the PA took steps to end incitement to violence in Palestinian media; however, no additional action was taken during the year. During 2005 the Palestinian Broadcasting Corporation reduced its inflammatory material, including incitement to violence.

The Israeli occupation authorities limited freedom of expression. In East Jerusalem Israeli authorities prohibited display of Palestinian political symbols; displays were punishable by fines or prison, as were public expressions of anti-Israeli sentiment and of support for Islamic extremist groups. Israeli authorities censored press coverage of the Intifada and reviewed Arabic publications for security-related material.

As a general rule, Israeli media covered the occupied territories, except for combat zones where the IDF temporarily restricted access. The government claimed such restrictions were necessary for journalists' security.

Closures and curfews limited the ability of Palestinian and foreign journalists to do their jobs. Journalists complained of area closures, long waits at the Gaza border crossing, and the government's inadequate transportation provisions. During the year IDF soldiers beat journalists on several occasions, detained others, and confiscated their press cards in Bil'in village where there were weekly protests over construction of the separation barrier (see section 1.g.).

There were reports by foreign and Israeli media that the IDF fired upon journalists.

On July 12, media reported that Ibrahim Atla, a cameraman with Palestinian public television broadcasting, was seriously injured by shrapnel from a tank shell, and two other journalists were also injured.

On July 19, Al-Hurra reporter Fatin Elwan was struck by two rubber bullets fired by an Israeli soldier while covering the Israeli siege of the presidential compound in Nablus. Reporters Without Borders also noted that three other journalists, including Al-Jazeera television technician Wael Tantous, were injured when Israeli soldiers fired rubber bullets at local reporters covering the event.

On August 27, according to press reports, Israeli aircraft fired two missiles at an armored Reuters vehicle, wounding five persons, including two cameramen. A spokesman stated the Israeli Air Force did not realize journalists were in the car and attacked because it was being driven in a suspicious manner.

On November 3, Hamza Al Attar, a cameraman for Palestinian news agency Ramattan, reportedly while wearing an orange vest marked "Press" was shot in the back and critically wounded while filming a protest by Palestinian women in Beit Hanun, Gaza.

In January 2005 Majdi al-Arabid, a journalist working for Israeli Channel 10 TV in the Gaza Strip, was shot near Bayt Lahia while reporting on IDF operations against Palestinians suspected of firing rockets into Israel. An IDF spokesperson stated soldiers were unaware journalists were in the area and fired only on Palestinian gunmen. The IDF reportedly opened an investigation; however, at year's end there was no information on the status of an investigation.

In 2003 James Miller, a British national, was killed by the IDF while filming a documentary in Rafah in the Gaza Strip. In April 2005 a disciplinary military court acquitted an IDF officer on charges of illegal use of firearms; subsequently, he was cleared of all charges. On April 6, a coroner's court in London ruled Miller's death was an "unlawful killing." Miller's family urged the British government to seek extradition of the IDF officer who killed him.

On May 24, Israeli authorities released Awad Rajoub, a reporter for the Arabic language Web site of Al Jazeera, reportedly after being detained since November 2005; no reason was given for his detention.

On October 6, IDF officials arrested Reuters cameraman Emad Mohammad Bornat in the West Bank village of Bil'in and detained him for two weeks. Bornat was charged with "attacking an officer"; however, according to Reuters he was subsequently found innocent by an Israeli court.

Rising levels of lawlessness in the Gaza Strip subjected journalists to harassment and kidnappings.

On March 15, three foreign journalists (Caroline Laurent, Alfred Yaghobzadeh, and Yong Tae-young) were taken at the Al-Dira hotel in Gaza by unidentified gunmen. On March 16, according to news reports, all three were released.

On August 14, unidentified gunmen in the Gaza Strip kidnapped two Fox News journalists. They were released on August 27.

On October 24, photojournalist Emilio Morenatti of AP was abducted by unidentified Palestinian gunmen in Gaza City; he was later released.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. According to a poll conducted by the Ramallah-based Near East Consulting public opinion firm, approximately 50 percent of Palestinians reported using the Internet.

On November 29, four Internet cafes in Gaza City were bombed, and reportedly other Internet cafes were threatened. The Islamic militant group "Swords of Right" claimed responsibility.

Academic Freedom and Cultural Events

There were government restrictions on academic freedom and cultural events. During the year the PA did not interfere with education; however, the

violence and restrictions on the movement of Palestinians by Israeli security forces adversely affected academic institutions. Israeli closures, curfews, and the separation barrier restricted access to Palestinian academic institutions. The separation barrier also prevented some students from taking examinations. Israeli shelling and gunfire during military operations damaged a number of schools and, in some cases, killed schoolchildren (see section 1.g.). According to the UN Children's Fund (UNICEF), 269 school buildings were damaged between 2000 and the end of 2005. The PA Education Ministry calculated physical damage to schools and universities at more than \$10.7 million (46 million NIS). In some instances Israeli authorities entered campuses to arrest students.

The PA did not restrict cultural events; however, the separation barrier limited access to some such events.

b. Freedom of Peaceful Assembly and Association
Freedom of Assembly

PA law permits public meetings, processions, and assemblies, within legal limits; however, the PA imposed some formal limits on freedom of assembly. While it required permits for rallies, demonstrations, and large cultural events, it rarely denied these permits. In Gaza police approval was required for political meetings at specific halls and for buses to transport passengers to attend such meetings. The PA prohibited calls for violence, displays of arms, and racist slogans, although it rarely enforced these provisions.

Israeli military orders banned public gatherings of 10 or more persons without a permit. Although previously Palestinians could ignore this order without punishment, during the January PLC election campaign, Israeli authorities arrested candidates and broke up meetings.

Israeli security forces used force against Palestinians involved in demonstrations (see section 1.c.). Israeli and Palestinian authorities disputed whether Palestinians attacked security forces during such demonstrations. In 2001 the IDF authorized gunfire to suppress rock-throwing.

Since February 2005 Palestinians and Israelis nonviolently demonstrated each week in the village of Bil'in, west of Ramallah, against construction of the separation barrier. During the past two years, confrontations between the IDF and protesters resulted in numerous injuries. Since 2005 soldiers beat, injured with rubber bullets, or tear gassed at least 187 protesters.

Freedom of Association
PA law allows for the freedom of association. In practice the PA limited freedom of association; however, charitable, community, professional, and self-help organizations operated.

In 2001-03 Israeli officials closed prominent Palestinian centers and offices in East Jerusalem, claiming they operated under PA supervision in violation of signed agreements. At year's end all remained closed.

c. Freedom of Religion
Palestinian law provides for religious freedom, and the PA generally respected this right in practice.

Islam is the official religion of the PA. Religion must be declared on identification papers, and personal status legal matters must be handled in ecclesiastical courts. The PA's Ministry of Waqf and Religious Affairs constructed and maintained mosques and paid salaries of imams. Christian clergymen and charitable organizations received limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories; these areas were generally under Israeli control.

The PA judiciary failed to adjudicate numerous past cases of seizures of Christian-owned land in the Bethlehem area by criminal gangs. There were credible reports that PA security forces and judicial officials colluded with gang members to extort property from Christians. During the year several attacks against Christians in Bethlehem remained unaddressed by the PA, but authorities investigated attacks against Muslims in the same area.

On September 14, following Pope Benedict's remarks on Islam, Palestinians attacked five churches in the West Bank and Gaza with firebombs and gunfire. Damage was minor; however, after investigation no one was charged with the attacks.

The PA required that religion be taught in PA schools and provided separate instruction for Muslims and Christians.

Israeli authorities generally respected religious freedom and permitted all faiths to operate schools and institutions. There were reports that the Israeli government seized land belonging to several religious institutions to build its separation barrier. According to the Israeli government, where private land was used, it provided opportunities for compensation; however, Palestinians generally refused compensation, arguing that acceptance would recognize Israeli right to take the land.

Religious workers from Christian organizations in Jerusalem, the West Bank, and Gaza found it increasingly difficult to obtain or renew visas from the Israeli government. The shortage of foreign clergy impeded the functioning of Christian congregations and other religious and educational institutions.

Internal and external closures prevented tens of thousands of Palestinians from reaching places of worship in Jerusalem and the West Bank, particularly during religious holidays. Citing security reasons the Israeli government frequently prevented nearly all West Bank Palestinians and most male Muslim worshippers with Jerusalem blue identification cards under the age of 45 from attending Friday prayers inside the Haram al-Sharif/Temple Mount, the third holiest site in Islam. Israeli authorities restricted most West Bank residents and virtually all Gaza residents from entering Jerusalem during Ramadan.

Israeli police continued to escort tourists to the Haram al-Sharif/Temple Mount to assert the right of non-Muslims to visit the shrine. Non-Muslims were not permitted to worship publicly at the shrine; however, Waqf officials accused Israeli police of permitting Jewish groups to worship publicly.

Societal Abuses and Discrimination

Palestinian media frequently published and broadcast material about the Israeli occupation that included anti-Semitic content. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism. Some Muslim religious leaders preached sermons on the official PA television station that included expressions of anti-Semitism. Some Palestinian religious leaders rejected the right of Israel to exist. Observers interpreted such attitudes as de facto anti-Semitism. Conversely, in October 2005 Israeli media quoted PLO Chief Negotiator Sa'eb Erekat's statement that the Iranian president's declaration that Israel should be wiped off the map was "unacceptable."

The PA Ministry of Education and Higher Education (MOEHE) continued to revise its primary and secondary school textbooks. International academics concluded Palestinian textbooks did not cross the line into incitement; however, critics noted the new textbooks did not recognize Israel on its maps and often ignored historical Jewish connections to Israel and Jerusalem.

For more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The PA generally did not restrict freedom of movement. The Israeli occupation authorities restricted the daily movement of Palestinians and frequently heightened these restrictions citing military necessity.

The Israeli government continued construction of a security barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. Palestinians filed a number of cases with the Israeli Supreme Court challenging the routing of the barrier. In June 2004 the court ruled that a section of the barrier must be rerouted; determining that the injury caused by the routing of the barrier did not stand in proper proportion to the security benefits; various portions of the barrier route were rerouted. In July 2004 the International Court of Justice issued an advisory opinion, concluding that the construction of the barrier was in a number of aspects contrary to international law. In September 2005 the Israeli Supreme court reaffirmed its earlier decision that the separation barrier is permissible under both international law and Israeli law; however, it questioned whether the segment of the barrier at issue (near Jerusalem in the West Bank) utilized the least intrusive route available, and it asked the government to consider whether there was an alternative route.

On March 22, the Tel-Aviv Magistrate Court voided a section of the barrier that would have cut off the residents of Sheikh Sa'ed from East Jerusalem. On June 15, the Israeli Supreme Court ordered the Israeli government to dismantle the eastern portion of the barrier surrounding the Zufin settlement. The court ruled that an earlier petition on the issue was rejected after "the complete picture was not presented to the court" and "the court rejected the petition on the basis of information, only part of which was well-founded." On July 17, the High Court rejected a petition by Palestinian residents of villages around the Ariel settlement opposing the section of the separation barrier that surrounds the settlement. On November 26, the High Court approved the plan to construct a barrier around five Palestinian villages northwest of Jerusalem, enclosing them in a "Bir Nabalah" enclave that will separate them from East Jerusalem and neighboring Palestinian villages. On December 13, the High Court rejected a petition filed by ACR1 and the human rights NGO Bimkom against the section of the barrier that severs the Palestinian community al-Ram from East Jerusalem.

At year's end over 40 petitions remained active.

By year's end the route of the barrier divided approximately 142,130 acres with a population of 60,500 Palestinians from the rest of the West Bank. According to OCHA the barrier impeded Palestinians from reaching their land to harvest crops and graze animals. Residents' access to schools, medical care, and other services was also impeded. Israeli military orders require the approximately 5,000 Palestinians residing in "seam zones" between the separation barrier and the Green Line to obtain residency permits to remain in these areas. Permits are valid for up to a year for residents and only for one gate.

Areas near the barrier or its projected route have been designated as military zones; Palestinians had no expectation they could obtain permits to build near Israeli communities or the barrier.

During periods of unrest (in the aftermath of terrorist attacks or during military exercises), Israeli authorities prohibited travel between some or all towns within the West Bank. Such "internal closures" were supplemented, during periods of potential unrest and during major Israeli and Muslim holidays, by "comprehensive, external closures," which precluded Palestinians from leaving the West Bank. During the year there were more comprehensive closures than in 2005. A B'Tselem report through July identified 78 days of closure versus 44 in the same period of 2005. During the year there were blanket closures during Israeli religious holidays, and several Gaza crossing points were simultaneously closed for extended periods, completely closing off Gaza. During the year Israeli authorities prohibited passage between Gaza and the West Bank except for a very limited number of Palestinians holding permits issued by Israel. Palestinian travel from Jericho and in the Jordan valley was extensively limited in early April and remained restricted by ad hoc checkpoints throughout the year. In February B'Tselem claimed that Israel in effect had annexed the Jordan Valley thru residency restrictions and road closures.

In December 2005 Israeli authorities, in response to Qassam rocket fire, implemented a "buffer zone" in the northern Gaza Strip encompassing former Israeli settlements. Palestinian militants had used the area to fire rockets at Israeli communities.

West Bank Palestinians can enter Jerusalem only with an Israeli-issued travel permit. Israel also imposed curfews in some areas, which confined Palestinians to their homes in areas where the IDF conducted military operations. During the year the frequency of curfews remained the same but their duration lessened. The IDF imposed temporary curfews during almost all of its arrest operations--which were conducted virtually daily in the West Bank. However, in contrast to previous years, there were fewer extended curfews.

Beginning in September Israeli authorities required thousands of Palestinian schoolchildren, who resided on the eastern side of the separation barrier around Jerusalem, to transit gated checkpoints to attend school in East Jerusalem.

In 2004 a terrorist attack extensively damaged the Rafah terminal and killed five Israeli soldiers. The IDF closed the terminal and the crossing until February 2005. Following the kidnapping of IDF soldier Shalit on June 25, the Rafah terminal was closed 127 of the next 149 days. In a report on the first year of operation of the Agreement on Movement and Access (AMA), OCHA reported Israel did not act consistently with its provisions, severely restricting movement of persons and goods in and out of Gaza. Since June the Rafah crossing was open only 14 percent of the time. The Karni/al-Mintar crossing opened erratically and at significantly reduced capacity for most of the year. Exports from Gaza averaged less than 20 truckloads per day. Exports in December averaged 44 truckloads a day, in comparison with the AMA goal of 400 per day.

The PA issued passports for Palestinians in the West Bank and Gaza. Because there are no commercial flights from the territories, travelers must depart by land into Jordan or Egypt. Transit passes for travelers using Ben Gurion airport were not available, except for a few humanitarian cases. NGOs claimed that Israeli authorities harassed their representatives who were attempting to enter via Ben Gurion airport. In repeated incidents throughout the year, Western citizens of Palestinian ethnicity had difficulty obtaining or renewing visas permitting them to enter the West Bank and Israel both from Ben Gurion airport and land entry points.

Palestinians with Jerusalem identification cards issued by the Israeli government needed special documents to travel abroad. Israeli Arabs required a special permit to enter area A (the area, according to the Interim Agreement, in which the PA exercises security responsibility). However, they could travel abroad using their Israeli passports without restrictions. Upon request the Jordanian government issued passports to Palestinians in the West Bank and East Jerusalem. Palestinians in East Jerusalem who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. Travelers could obtain applications for bridge-crossing permits to Jordan at East Jerusalem post offices. Israeli officials conducted screening at Allenby Bridge.

External and internal closures contributed to increased unemployment and poverty. According to World Bank figures, approximately 61,000 West Bank and Gaza workers, representing approximately 9 percent of the Palestinian work force, depended on daily employment in Israel, the settlements, and Jerusalem in the first quarter of the year. Closures also impeded Palestinians from reaching jobs or markets in the occupied territories and disrupted internal and external trade. In December UNICEF reported that there was a 31 percent unemployment rate in the Palestinian territories. In December UNRWA reported that 87 percent of Gaza and 56 percent of West Bank residents lived below the official poverty line and were unable to support themselves and their families without international assistance. In addition Israel's strict closure policies frequently restricted the ability of Palestinians to reach places of worship.

Since 2000 many of the 350 Gazans enrolled in Birzeit University returned home after West Bank permits expired. During the year there were approximately 35 Gazans studying at the university, many of whom had not seen their families in five years. According to *Haaretz* on September 8, the IDF stated it would continue to ban Palestinian students from Gaza from studying in the West Bank. Hundreds of Palestinian students petitioned the Israeli High Court to instruct the state to allow them to complete their studies. At year's end the IDF was preparing its response to the petition. Media reported that Israeli authorities also limited West Bank Palestinians from university study in East Jerusalem; dozens of students had difficulty obtaining permits to attend schools in Israel.

Apart from closures, delays at checkpoints and roadblocks affected all aspects of life, particularly emergency health care. According to OCHA approximately 1,661 kilometers (1,000 miles) of roads and sections of roads (including military roads) are used primarily for Israelis in the West Bank. Most Palestinians were not permitted to use these roads. According to OCHA in the West Bank at year's end, there were 527 obstacles to movement, including 71 fully manned checkpoints, 11 occasionally manned checkpoints, 207 earth mounds blocking roads, 62 cement roadblocks, 83 road gates, 14 earthen walls, 12 trenches, and 67 road protection fences. In addition there were 73 gates along the separation barrier. Of the gates along the separation barrier, 38 were accessible to Palestinians in possession of permits. Some gates were not opened even during the harvest season. The operating hours of the accessible gates to Palestinians were short and sometimes irregular; although schedules were announced in advance, openings and closings were erratic and different for every region.

According to OCHA the 527 obstacles to movement in the West Bank compared with 463 at the end of 2005. Ambulances continued to have difficulty attempting to reach remote West Bank villages.

For example, villagers from Jayyus in the West Bank had difficulty exiting the village to tend fields or graze sheep. In April 2005 the IDF confiscated eight dunums (approximately three acres) of their farmland along the Palestinian side of the separation barrier to create a security road. There were two operational gates in the barrier between their village and their fields. One gate was open for 35 minutes, three times per day. The other gate was open 12 hours per day, but the IDF announced that this gate would close once another gate is opened. Palestinians said the confiscation and closures would bar them from land they own and rely on for income. Approximately 500 Palestinian farmers have land on the west side of the barrier. Only those farmers with valid permits from the civil administration could access Jayyus lands west of the barrier; during the year Israeli authorities rejected between 115 and 120 applications for access permits.

Israeli settlers abused Palestinians. According to B'Tselem on March 26, settlers attacked Palestinian shepherds sleeping in tents in the southern Hebron hills. Also in March settlers beat Jamal al Nawaja'a and his wife in Susiya. In October settlers attacked olive pickers in front of IDF soldiers in the Bethlehem District. Israeli authorities have not implemented effective measures to prevent such abuses. A June study by Yesh Din noted that more than 90 percent of complaints submitted against settlers were closed without an indictment being filed. There was no resolution of the cases in March 2005 in which Israeli settlers beat and shot at Palestinian shepherds.

Palestinians residing in the Israeli-controlled section of Hebron (H2), which includes the Old Arab Market and areas adjacent to four Israeli settlements, faced extensive restrictions on movement. According to OCHA there were 87 significant obstacles to movement in H2. Access for Palestinians to the Old City was limited to six IDF-controlled gates. IDF closures of businesses, prolonged curfews, and settler harassment forced Palestinian shopkeepers to relocate. Of the 1,610 shops officially licensed in H2 before September 2000, more than a thousand closed, one-third by military order. In November the IDF Civil Administration extended the closure of nearly 650 Palestinian shops in the center of the city for an additional six months. Hebron-based companies attempting to send products to Gaza through the Karni/al-Mintar crossing reportedly faced extended delays.

Attendance at three Palestinian schools near four Israeli settlements in Hebron has declined by almost 50 percent. Settlers harassed children when they attempted to walk to school. In April according to a human rights worker, there were at least eight attacks by settlers on Palestinians, including school children. On November 19, Israeli settlers attacked a group of human rights workers escorting school children, seriously injuring a 19-year-old Western woman. IDF soldiers intervened after the attack; however, by year's end none of the attackers was charged (see section 1.c.).

In the early 1970s and again in the early 1990s, Israel offered Palestinian residents citizenship following its 1967 occupation of East Jerusalem. Most chose not to accept Israeli citizenship but instead sought a residence permit, known as a Jerusalem identification card. Under the law such residents risk loss of status if their ties with Jerusalem lapse, although human rights groups reported that such revocations were infrequent and selectively enforced. In July 2004 an Israeli ministerial committee reportedly adopted an unpublished resolution calling for the application of the 1950 Absentee Property Law to East Jerusalem. In February 2005 the Israeli Attorney General ordered the government not to apply the Absentee Property Law to land and buildings in East Jerusalem owned by Palestinians living in the West Bank. The government apparently had not attempted to implement that law in East Jerusalem.

The Israeli government, under the Interior Ministry, and the Jerusalem municipality continued to demolish Palestinian houses and other structures in East Jerusalem constructed without building permits. It was a slow and expensive process for Palestinians to receive permits to build in East Jerusalem; 120 permits were issued during the year compared with 100 in 2005.

Residency restrictions affected family reunification. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or who subsequently lost residence permits, to reside permanently with their families in the occupied territories. It was difficult for foreign-born spouses and children of Palestinian residents to obtain residency. Palestinian spouses of Jerusalem residents must obtain a residency permit and reported delays of several years before being granted residency. According to B'Tselem there were 120,000 outstanding family reunification requests to permit Palestinians to live with foreign spouses in the occupied territories; some have been outstanding for years. The Israeli government occasionally issued limited-duration permits, but renewing the permits could take up to eight months, which resulted in many Palestinians falling out of status. Palestinians in East Jerusalem also reported extensive delays in registering newborn children with Israeli authorities.

Neither the Israeli government nor the PA used forced exile or forcibly deported anyone from the occupied territories during the year.

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

Elections and Political Participation

On January 25, the 132-member PLC was elected in a process that international observers concluded generally met democratic standards, despite some irregularities. On February 19, Hamas formed a new government with Ismael Haniyeh as the prime minister. In November 2005 violence and reported fraud disrupted voting in primary elections to determine Fatah candidates for the January 25 PLC elections; primary elections were suspended in Gaza and the West Bank. They were completed in the West Bank in December 2005, amidst allegations of fraud and irregularities, but never completed in Gaza. Efforts to organize the electoral system, candidate and party lists, and campaign rules continued until the January election. Israeli authorities restricted campaigning for the PLC elections in Jerusalem. Hamas candidates participated in the January PLC elections, but only under the name "Reform and Change Movement" not "Hamas." In January 2005 Palestinians elected Mahmud Abbas as PA president. Seven candidates competed in a vigorous election campaign. In both the 2005 presidential election and the PLC election, the Israeli government and the PA followed the 1996 parameters for Palestinians residing in East Jerusalem to vote, but inadequate arrangements kept turnout in Jerusalem low.

Three Hamas PLC members and one Hamas minister have been jailed since January 28; all hold Jerusalem residency. They have petitioned the High Court regarding their imprisonment on charges of membership in an illegal organization (Hamas); at year's end a threatened Israeli revocation of their Jerusalem residency was pending a court decision.

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

During the year there were 17 women in the 132-member PLC, and a woman served in a ministerial-level position. There were seven Palestinian Christians in the PLC.

Government Corruption and Transparency

There was a widespread public perception of PA corruption, notably within the security forces. Many social and political elements called for reform. The PA security forces made little progress in rationalizing the security forces' payroll and rooting out corruption in the services. In September 2005 President Abbas appointed a new attorney general to focus on corruption. Local NGOs praised the appointment and hoped he would effectively address PA corruption. The Attorney General had announced investigations into several corruption cases; however, there was little progress on the cases. At year's end there were no proceedings at any of the PA courts on corruption charges. PA members and the general Palestinian public widely criticized the growing lawlessness inside the West Bank and Gaza and the failure by PA security forces to provide security.

On April 13, Fatah-associated militants briefly seized government offices in Ramallah; media reported the action was prompted by corrupt practices associated with distribution of taxi permits. On June 13, gunmen attacked the PLC building in Gaza, damaging and setting ablaze the third floor of the building.

The law requires official PA institutions to "facilitate" acquisition of requested documents or information to any Palestinian; however, the law does not require any PA agency to provide such information. Many Palestinians cited the law when seeking to acquire information; however, there were no PA court cases. NGOs sought to make it mandatory to provide information to Palestinians; however, there was no action during the year.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights
Local Palestinian human rights groups and several international organizations monitored the PA's human rights practices. By the end of 2005, approximately 305 NGOs were registered; another 45 remained in processing. In May the PA Ministry of Interior froze new NGO registration, reflecting general government paralysis.

PA officials usually met NGO representatives. Since the beginning of the Intifada, several NGOs voluntarily decided to defer criticism of the PA's human rights performance. Observers noted documentation of abuses was very limited. NGOs, however, criticized the PA's inadequate security performance.

At year's end the killers and their motives remained unknown in the 2004 Gaza City shooting death of Khalil al-Zaban, a journalist and advisor on human rights and the media to then PA president Arafat. Al-Zaban headed the PA's government-appointed NGO Council and published its monthly newsletter.

Some PA security organizations, including the General Intelligence Service in the West Bank and the police, appointed officials as liaisons with human rights groups. These officers met human rights organizations and diplomats to discuss human rights cases.

Israeli, Palestinian, and international humanitarian and human rights NGOs monitored the Israeli government's practices in the occupied territories. The Israeli government permitted human rights groups to publish and hold press conferences and provided the ICRC and other groups with access to detainees (see section 1.c.). Some organizations criticized Israeli government practices and cooperation. During the year Israel established direct contact with NGOs and human rights groups. Human rights groups, however, continued to report that Israeli closures impeded and, at times, completely prevented their work.

At year's end the assailants in the 2004 attack on members of the Christian Peacemakers Teams, Amnesty International, and an Italian NGO ("Operation Dove") remained unidentified and had not been apprehended. The group escorted Palestinian children from the village of Tuwani to a nearby school. While walking past the settlement of Ma'on, masked settlers attacked the escorts, seriously injuring a volunteer.

On April 10, a London coroner's court concluded that Thomas Hurndall was unlawfully killed. In 2004 Hurndall, a British International Solidarity Movement (ISM) activist, died from injuries sustained in 2003 when an IDF soldier shot him as he attempted to move Palestinian children to safety during clashes in Rafah. In August 2005 an IDF court sentenced Sergeant Wahid Taysir, earlier convicted of manslaughter and obstruction of justice in Hurndall's killing, to eight years in prison. On February 7, the military prosecution appealed Taysir's sentence, requesting a 20-year sentence instead; at year's end there was no decision on the appeal.

In 2003 gunfire from an undetermined source struck ISM activist Brian Avery, while he was walking during curfew in Jenin. The IDF denied responsibility for the incident. Following a 2004 legal petition to investigate Avery's shooting, in February 2005 the High Court ordered the IDF to investigate the incident further; however, the Judge Advocate General, after interviewing civilian eyewitnesses, decided not to launch a criminal investigation. On September 20, the High Court instructed the government to explain why it opposed an investigation of the shooting. On November 23, the government stated the chief military prosecutor saw no reason to change the previous decision; however, "to remove any doubt," he ordered a military police criminal investigation. The government agreed to pay Avery's court costs of \$3,495 (15,000 NIS).

UNRWA and other groups reported increased difficulties transporting goods to Palestinian refugees in Gaza due to frequent closures of Karni, the main commercial crossing between Israel and Gaza, as well as the inability of local staff to acquire border crossing permits. UNRWA also reported experiencing frequent delays at checkpoints and roadblocks throughout the West Bank. UNRWA estimated that during the year, it incurred over \$2 million (8.582 million NIS) in excess charges because of an inability to transport humanitarian supplies through during border closures as well as substantial staff delays at checkpoints and roadblocks throughout the West Bank and exiting Gaza at the Erez Crossing. For example, in December UNRWA international staff was delayed for approximately 97 hours at estimated cost of more than \$70,000 (300,000 NIS).

UNRWA staff in the West Bank and Gaza, and refugees receiving assistance were harassed by Palestinians. On October 19, seven Palestinian gunmen broke into the UNRWA Relief Office in Rafah and fired shots in the air and inside the building, demanding assistance to reconstruct their family's home, which was destroyed by an Israeli Air Force attack five days earlier. On September 4, reportedly for the first time in six years, a delegation from the Israeli human rights organization, Physicians for Human Rights was permitted to travel to Gaza to meet with Palestinian counterparts.

The Palestinian Independent Commission for Citizens' Rights serves as the PA's ombudsman and human rights commission. It enjoys the cooperation of the PA and issues an annual report detailing violations of citizens' rights in the occupied territories by both Palestinian and Israeli authorities. The report documents complaints the organization has received and the recommendations it makes to the appropriate Palestinian authorities.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law states that all Palestinians are equal without discrimination because of race, gender, color, religion, political views, or disability. However, the law does not cover a number of areas, and there was societal discrimination against women, persons with disabilities, and homosexuals; child abuse also persisted.

Women

There were no reliable data on the incidence of violence against women. PA law does not explicitly prohibit domestic violence, but assault and battery are crimes; however, according to HRW few cases were successfully prosecuted. Rape is illegal, but its legal definition does not address spousal rape.

There were reports that Palestinian domestic violence had increased since 2000. Human rights groups reported continued family "honor" killings during the year.

During the year family members killed three women in so-called honor crimes, according to human rights groups. On August 10, PA police discovered the bodies of two Palestinian women in their twenties in the Gaza Strip. The police stated the women had been shot and killed. The police noted that they were investigating the incident and that the women were victims of honor killings. At year's end there were no arrests.

On August 21, the body of an unidentified woman was found in an abandoned water well near Qalqilia. PA police investigated, and initial findings indicated it was an honor killing. On August 21, the police arrested and briefly questioned the woman's brother; however, at year's end there was no further legal action.

On November 3, according to media and HRW reporting, civilian women were human shields for Hamas militants as they exited a mosque in Gaza where they had been cornered by IDF forces.

Prostitution is illegal. There was no openly practiced prostitution.

There were no special laws regarding women's rights in the workplace. Before 2000 women increasingly worked outside the home, often encountering discrimination and, occasionally, sexual harassment. Women were underrepresented in professional life, although a small group was prominent in politics, medicine, law, teaching, and NGOs.

There were a handful of NGO-funded women's shelters in the West Bank; there were no shelters in Gaza. Women generally approached village or religious leaders for assistance.

Palestinian women endured social prejudice and repression. Education and cultural restrictions associated with marriage occasionally prevented women from completing mandatory schooling or attending college. Families often disowned Muslim and Christian women who married outside their faith. Local officials sometimes advised such women to leave their communities to prevent harassment. Media reported sporadic instances of women being attacked in Gaza for not wearing Islamic dress.

For Muslims personal status law is derived from Shari'a (Islamic law). Ecclesiastical courts rule on personal status issues for Christians. Shari'a pertaining to women is part of the 1976 Jordanian Status Law, which includes inheritance and marriage laws. Women can inherit under Shari'a but not an equal share. Legally, men may take more than one wife; the practice was rare. Women may make "stipulations" in marriage contracts to protect their interests in divorce and child custody; however, only an estimated 1 percent did so. Children often stayed with the mother after divorce. Until a child reached legal maturity, men paid child support and alimony, depending on the man's income.

Children

Although MOEHE's stated commitment is to provide children access to educational facilities and ensure their welfare, it must rely on the international community for assistance to build capacity for child protection and development.

The September World Bank Education Sector Report stated that in 2005, 88.4 percent of girls age 16 to 17 and 81 percent of boys of the same age were enrolled in school for an average increase of 13.2 percent from 2000. According to the same report, student enrollment for five- and six-year-olds decreased by 7.7 percent from 2000-06. Girls who married before the ninth grade left school at the behest of husbands, and in rural areas and refugee

camps, boys left school to help support their families.

In September 90 percent of West Bank PA public school teachers went on strike, and most Palestinian students were unable to attend classes. In some districts teachers who taught the final year of high school held classes despite the strikes. West Bank teachers returned to work in November, following agreement with the government concerning immediate payment of salaries. In Gaza most PA teachers also struck in September but returned to work within a month.

Internal closures, checkpoints, and the separation barrier significantly impeded students and teachers in reaching educational facilities (see sections 2.a. and 2.d.).

Also according to the September World Bank Education Sector Report, in 2005 the average student-teacher ratio in government schools was 26 to one. According to that report, class sizes in the West Bank were much smaller than in Gaza where 56 percent of elementary school classes had more than 40 students, in contrast to 18 percent of classes in the West Bank. In 2005 UNRWA schools' average student-teacher ratio was 33 to one.

Education and health care professionals judged that the violence produced lack of focus, nightmares, and behavioral problems. OCHA reported during 2005 that 42 percent of students in Gaza recorded lower school achievement since 2000. One-third of Palestinian children have had their education disrupted.

According to a 2003 report by the Jerusalem Center for Social and Economic Rights, Palestinians constituted 33 percent of the city's total population, but the municipal budget accorded only 10.9 percent to East Jerusalem.

In 2001 the Israeli High Court ordered the municipality to build 245 new classrooms within the next four years. According to a September report by the Jerusalem-based NGO Ir Amim, 48 new classrooms were built in East Jerusalem between 2001-06.

The PA Health Ministry immunized children, and PA insurance provided basic children's medical care for a small monthly fee. The latest available figures showed a slight improvement in nutrition from 2003 when 3.4 percent of Palestinian children suffered from acute malnutrition and 10.7 percent suffered from chronic malnutrition.

Unlike in previous years, child abuse was reported to be a widespread problem. A November study by HRW cited the preliminary findings of a PA statistics bureau survey of domestic violence indicating high levels of violence perpetrated by family members, aggravated during times of political violence. The Basic Law prohibits violence against children and sanctions parents who failed to protect children from abuse; however, PA authorities rarely punished familial violence. PA courts may protect children in cases of neglect or abuse.

The law provides that no one under 14 can work. Those between 15 and 18 can be employed under limited conditions (see section 6.d.). There is no juvenile court system, but certain judges specialized in juvenile cases.

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

The IDF allegedly used minors as human shields; Palestinian terrorist groups used minors to conduct attacks, smuggle weapons, or act as human shields. On July 17, according to B'Tselem, during an incursion by Israeli forces into Beit Hanun in the northern Gaza Strip, IDF soldiers seized control of two buildings and used six residents, two of whom were minors (ages 14 and 16) as human shields (see section 1.g.). On February 2, the IDF arrested a 15-year-old and a 16-year-old Palestinian boy at the Huwwara checkpoint, near Nablus, as they attempted to smuggle 11 pipe bombs into Israel.

Trafficking in Persons

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

Persons with Disabilities

The Basic Law states all Palestinians are equal under the law and before the judiciary, without discrimination because of race, sex, color, religion, political views, or disability. Access to public facilities was not mandated in the occupied territories. There was societal discrimination against Palestinians with disabilities in most spheres, including education, employment, transportation, and access to public facilities. In 2005 the Health, Development, Information, and Policy Institute estimated that 10 percent of the approximately 29,000 Palestinians injured in the past five years would have permanent disabilities.

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

Other Societal Abuses and Discrimination

There was no legal discrimination against homosexuals, and there were no specific reports of abuse because of sexual orientation. However, cultural traditions and religion reject homosexuality, and Palestinians alleged that public and PA security officers harassed, abused, and sometimes arrested homosexuals because of their sexual orientation.

Section 6 Worker Rights

a. The Right of Association

The law permits workers to form and join unions of their choice without previous authorization. Birzeit University conducted a project to disseminate the 2001 labor law and to draft bylaws. By the end of 2005, the PA approved all the bylaws, which were published in the *Palestinian Gazette*.

Workers may establish unions without government authorization. The two most active union organizers were the General Union for Palestinian Workers and the Palestine General Federation of Trade Unions (PGFTU). The PGFTU was a member of the International Trade Union Confederation. Both were registered with the Labor Ministry.

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

Palestinians working in Israel or Jerusalem prior to 2000 were partial members of Histadrut; 1 percent of their wages was withheld. Partial membership entitled them to limited benefits. Histadrut and West Bank union officials negotiated an agreement in 1995 to transfer half of this fee to the PGFTU, which claimed it was owed \$6.96 million (29.9 million NIS). One Palestinian official, however, claimed Histadrut owed Palestinians \$2.35 million (10.1 million NIS) over the same period. At year's end no money had been transferred.

b. The Right to Organize and Bargain Collectively

The labor law provides for the right to strike. Prospective strikers must provide written warning to the other party and the Ministry of Labor two weeks in advance of the basis for the strike. (Strikes affecting public utilities require four weeks notice.) In practice strikers had little protection from retribution. Unions seeking to strike must accept Labor Ministry arbitration and are subject to disciplinary action if they reject the result. If the ministry cannot resolve a dispute, it can be referred to a special committee and, eventually, to a special court. Accordingly, in practice the right to strike remained questionable.

On September 2, PA employees launched a general strike to protest the PA's failure to pay salaries. On November 11, teachers returned to work after the PA agreed on partial salary payments. Health sector workers secured a similar agreement in early December. Although receiving partial salary payments, most West Bank PA employees remained on strike at year's end. The general strike was not strictly observed in Gaza.

There were no functioning Export Processing Zones in the occupied territories.

c. Prohibition of Forced or Compulsory Labor

The law states that work is a right, duty, and honor and that the PA will strive to provide it to any individual capable of performing it. According to a Labor Ministry official, the PA also interpreted this law to mean that forced and compulsory labor is prohibited.

d. Prohibition of Child Labor and Minimum Age of Employment

The minimum employment age is 15, and there are special conditions for employment between 15 and 18. The law states that children shall not be exploited or allowed to perform work which might damage their safety, health, or education. The law also prohibits minors from working at night, hard labor, and travel beyond their domicile. However, many underage children worked in family farms and shops, as street vendors, or in small manufacturing enterprises. Representatives from the PA Ministries of Labor and Social Affairs stated that Palestinian children working in Israeli settlements faced security problems, exploitation, and harassment since there was no enforceable law to monitor and protect child laborers. The Israeli government estimated that 16,800 Palestinians worked in Israeli West Bank settlements and industrial areas; however, it was unclear how many were minors. Officials stated Palestinian child workers illegally entered green-line Israel where they could be exploited.

In 2005 the PA had 10 child labor inspectors for the West Bank and Gaza. Although generally Palestinian students continued their education, thousands who left school sought work and were potentially subject to exploitation.

e. Acceptable Conditions of Work

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

The normal workweek was 45 to 48 hours, but maximum workweek laws were not effectively enforced. The PA observed religious holidays, but they were not formally incorporated in labor law. Although it is not obligatory for an employer to provide Christians with Sunday off, employers are required to allow Christians to attend church on Sunday if the employee desires. In some establishments employers offered Christians the option of taking Sunday off, rather than Friday.

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