

2008 Human Rights Report: Israel and the occupied territories

Bureau of Democracy, Human Rights, and Labor

[2008 Country Reports on Human Rights Practices](#)

February 25, 2009

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

Israel is a multiparty parliamentary democracy with a population of approximately 7.3 million, including Israelis living in the occupied territories. Israel has no constitution, although a series of "Basic Laws" enumerate fundamental rights. Certain fundamental laws, orders, and regulations legally depend on the existence of a "State of Emergency," which has been in effect since May 19, 1948. The 120-member, unicameral Knesset has the power to dissolve the government and mandate elections. March 2006 elections for the Knesset were considered free and fair. On September 17, Prime Minister Ehud Olmert announced that he would resign following a Kadima Party primary election but remain as caretaker prime minister pending the outcome of general elections scheduled for February 10, 2009. Civilian authorities generally maintained effective control of the security forces within Israel. (An annex to this report covers human rights in the occupied territories. This report deals only with human rights in Israel and the Israeli-occupied Golan Heights.)

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

Palestinian rocket and terrorist attacks killed 24 civilians in Israel during the year. One terrorist attack allegedly perpetrated by radical members of the Jewish settlement movement injured one Israeli civilian.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

On March 21, two police officers beat Sabri al-Jarjawi, a 25-year-old Bedouin man from the Negev, until he fell into a coma for three months before dying. A friend of al-Jarjawi, who was present during the incident, stated that the attack was unprovoked. According to a police statement, the two officers resorted to force after one of the two Bedouin men assaulted one of the officers. A Police Investigation Department (PID) investigation continued at year's end.

In October 2007 a Palestinian prisoner, Mohammed al-Askar, was killed during a riot at Ketziot Prison in southern Israel. Prisoners alleged that security forces improperly used crowd-dispersal weapons, including rubber bullets and bean bag projectiles. An internal Israel Prison Service (IPS) investigation concluded during the year and was forwarded to the district attorney for review, according to the government. The result of the IPS investigation was not revealed to the public, and there were no further developments at year's end.

On January 17, border policeman Avraham Tomer was convicted of manslaughter for killing Palestinian laborer Iyad Abu Aya during a 2006 raid near Tel Aviv. Court documents revealed that Tomer and two other border police officers detained and beat three undocumented Palestinian laborers with clubs before Tomer shot and killed Abu Aya. On November 9, Tomer was sentenced to one year in prison.

On November 11, in an initial hearing, a border policeman pled not guilty in the 2006 killing of Nadim Milham, an Israeli Arab. The policeman, searching for weapons in Milham's home, allegedly beat and shot him from behind when he attempted to escape, according to the nongovernmental organization (NGO) Mossawa Advocacy Center for Arab Citizens of Israel (Mossawa).

In 2006 the attorney general ordered a review of the PID decision to end its investigation of the 2000 police killings of 13 protesters. Following the review the attorney general announced on January 27 that he was upholding the PID decision to close the case without indictments. The decision was met with protests and strikes throughout the Arab-Israeli community.

Palestinians killed 24 civilians (23 Israelis and one noncitizen) in rocket and other terrorist attacks.

For example, on February 4, a Palestinian suicide bomber struck a shopping mall in the southern town of Dimona, killing one person and injuring nine others. Israeli police killed a second attacker before he was able to detonate his bomb belt. Two terrorist groups, the al-Aqsa Martyrs Brigades and the Popular Front for the Liberation of Palestine, claimed joint responsibility for the attack.

On March 6, a Palestinian resident of East Jerusalem shot and killed eight students and wounded 11 others at the Mercaz Harav Kook Yeshiva (Jewish religious school) in West Jerusalem. An off-duty soldier entered the yeshiva and killed the assailant.

On July 2, a Palestinian resident of East Jerusalem killed three persons and wounded at least 18 others with a bulldozer in West Jerusalem before being shot and killed by an off-duty soldier. The government defined the incident as a terrorist attack, but the police were unable to determine a clear motive.

Palestinian terrorists routinely fired rockets and mortars from the Gaza Strip into Israel. According to the government, citing numbers from the Intelligence and Terrorism Information Center, Palestinians fired 1,571 rockets and 1,531 mortars into Israel, up from 896 rockets and 749 mortars in 2007. Rocket, mortar, and sniper fire from the Gaza Strip killed 10 civilians during the year.

According to the NGO B'Tselem, Israeli military operations killed an estimated 782 Palestinians in the West Bank and Gaza, including at least 315 by year's end as a result of Israeli Air Force (IAF) airstrikes. The strikes were targeted against Hamas security installations, personnel, and other facilities in the Gaza Strip. The Israeli military operation continued at the end of the calendar year (see Annex).

b. Disappearance

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

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

According to a 1999 High Court ruling, torture and the application of physical or psychological pain are illegal. However, Israel Security Agency (ISA) interrogators may be exempt from criminal prosecution if they use such methods in extraordinary "ticking bomb" cases. Human rights NGOs alleged that the ISA applied this exemption more often than the court intended. In November three NGOs--the Association for Civil Rights in Israel (ACRI), HaMoked: Center for the Defense of the Individual, and the Public Committee against Torture in Israel (PCATI)--filed a contempt of court motion to enforce the High Court's ruling. The motion was pending at year's end.

During the year NGOs filed numerous complaints alleging that security forces tortured or abused Palestinians from the occupied territories (see Annex).

On June 20, HaMoked reported that three police officers detained and severely beat one of its employees, East Jerusalem resident Tareq Abu Laban, while he was visiting friends in Tel Aviv. A PID investigation continued at year's end.

On July 19, police arrested two soldiers for attacking two Druze families on a beach near Haifa. One of the victims, an off-duty border policeman, suffered moderate injuries when he was beaten with rifle butts, batons, and a fire hydrant, according to witnesses cited in press reports. The victims told police the two soldiers were drunk and made racist remarks throughout the attack. The police investigation continued at year's end.

The NGO Hotline for Migrant Workers (Hotline) reported receiving four complaints regarding violence by the immigration police, down from six in 2007.

On April 13, two policemen allegedly detained and beat Fadi Darab'i, an undocumented Palestinian laborer, at a construction site in the Israeli town of Gan Yavneh. Darab'i accused one of the policemen of twisting his arm while the other kicked him in the groin. According to Darab'i and other Palestinian detainees, police at the station where Darab'i was taken refused his request for an ambulance. Darab'i eventually received treatment for his injuries at a Palestinian hospital in the West Bank, where he underwent surgery to remove a damaged testicle. On October 28, the PID indicted officers the two officers, Iyad Huzeyl and Dani Havery, for assault involving grievous injury. The case continued at year's end.

On September 25, prominent Hebrew University professor and critic of the settlements Ze'ev Sternhell was wounded when a pipe bomb, allegedly planted by radical members of the settlement movement, exploded as he opened the door of his home in West Jerusalem. After the attack police found flyers near Sternhell's home calling for the establishment of a new state in the West Bank based on Jewish religious law. The flyers, signed by a Jewish extremist group called the Army of the State Liberators, also offered 1.1 million NIS (\$314,000) to anyone who killed a member of the NGO Peace Now.

In 2006 three border police officers--Eliran Levy, Moshe Yekutieli, and Almit Asarsa--were indicted on charges of aggravated assault for abusing Abd

Tareq Ahrub, a West Bank resident caught in Jerusalem without a permit. During the year the case was scheduled for a hearing in January 2009. In October 2007 the Supreme Court began considering the state's appeal of a district court decision not to dismiss a lawsuit filed against the state by Lebanese citizen Mustafa Dirani, who charged that Israeli security forces tortured and raped him during interrogations between 1994 and 2004. The case was awaiting a Supreme Court hearing date at year's end.

Prison and Detention Center Conditions

The law provides detainees the right to conditions that do not harm their health or dignity. Conditions in IPS facilities for common criminals and security prisoners generally met international standards. (Conditions in four facilities for detainees are covered in the annex.) The International Committee of the Red Cross (ICRC) regularly monitored IPS facilities, interrogation facilities, and the two Israel Defense Forces (IDF) Provisional Detention Centers. The Israel Bar Association (IBA) and public defenders were permitted to inspect IPS facilities. Overcrowding remained a significant problem. Regulations require at least 48 square feet of living space per person, but the Prison Authority reported in October 2007 that the average space was 31 square feet per prisoner.

In August the IBA issued a report on Sharon and Hadarim prisons alleging that security prisoners did not receive adequate health care, and that special IPS units assigned to the prisons routinely used dogs to attack prisoners. Unsanitary and poorly lit cells were also cited as problems. The IPS disputed the report and stated that the accusation that prison guards used dogs to abuse prisoners had been examined and found false.

In July the Public Defender's Office released its annual report covering conditions in Israeli prisons and detention centers in 2007. The report revealed that in one-third of prisons visited, inmates and detainees complained that guards regularly treated them with violence, threats, and humiliation. The report applauded the IPS for creating a special team to deal with shortcomings in the previous year's report but noted that almost nothing had been accomplished to improve conditions.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The ISA (or Shin Bet), under the authority of the prime minister, combats terrorism and espionage in Israel and the occupied territories (see Annex).

The National Police, including the Border Police and the Immigration Police, are under the authority of the Ministry of Internal Security. Police corruption generally was not a problem.

The PID, within the Ministry of Justice, reviews complaints against police officers and may impose disciplinary measures or recommend indictments.

Human rights groups alleged that the PID lacked independence and failed to investigate adequately complaints filed against police officers by Arab Israelis and Palestinians. In 2006 in response to a State Comptroller report, the PID announced a six-year plan to cede control over police investigations to a new civilian body. According to the government, the PID hired and trained 15 civilian investigators during the year.

The police carried out training programs in coordination with academic institutions and human rights NGOs to promote human rights awareness and cultural sensitivity. During the year the National Police provided mandatory Arabic language and culture classes for all new cadets.

Arrest and Detention

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

Under a 2006 "temporary law" on criminal procedures that has twice been renewed, individuals suspected of a security offense may be held for 96 hours before being brought before a judge. The law, which is set to expire again in December 2010, allows the court to authorize holding a detainee for up to 20 days without an indictment and to bar a detainee from consulting a lawyer for up to 50 days. Decisions may be further extended and made without the detainee being present or, in some cases, informed of the hearing.

The 1979 Emergency Powers Law allows the Defense Ministry to detain persons administratively without charge for up to six months, renewable indefinitely. Such detainees, almost all Palestinians, were permitted legal representation. The court may rely on classified evidence denied to detainees and their lawyers. Detainees can appeal their cases to a military court and ultimately to the Supreme Court.

Persons detained under the 2002 Illegal Combatant Law have the right to see an attorney within seven days, can be held for 14 days without judicial review, may be denied access to counsel for up to 21 days, and may be held indefinitely subject to twice yearly district court reviews. The law also established a military court system inside Israel that may, under certain circumstances, rule on requests to extend a detainee's incarceration. In June the government extended for an additional four years a "temporary provision" that exempts law enforcement personnel from the law requiring them to film and audio record all interrogations of detainees suspected of security offenses.

Human rights groups alleged administrative security detention orders by military commanders based on "security reasons" were used even when the accused posed no clear danger. As of November 30, according to the NGO B'Tselem, there were 569 administrative detainees in IPS detention centers, while the IDF held none as of October 29. While most administrative detainees were held for periods ranging from six months to three years, in August the IBA reported that at least one administrative detainee in Sharon Prison, Mahmoud Azan, had been imprisoned for 10 years without charge.

The law provides that a foreign national suspected of immigration violations be afforded a hearing within four days of detention. They have the right to, but no guarantee of, legal representation. According to Hotline, appropriate interpreters were not always present at the hearings, despite a 2002 written commitment by the government to the Supreme Court to provide translators. Hotline reported that in Ketsiot, where most asylum seekers are detained, translators were rarely present during hearings. According to Hotline, persons held in immigration detention rarely were released pending judicial determination of their status. Moreover, if the detainee's country of origin had no diplomatic or consular representation, he or she could remain in detention for months. According to Hotline, at the end of the year more than 1,000 detainees were waiting for determination of their asylum claims, more than 100 of them children.

e. Denial of Fair Public Trial

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

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

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The country's criminal justice system is adversarial, and professional judges decide all nonmilitary court cases. Administrative detainee hearings are not trials and do not follow established trial procedures.

Trials are public except when the court determines that a closed trial is required to protect state security, foreign relations, a party's or witness's right to privacy, or a sexual offense victim. Security or military trials are open to independent observers at the discretion of the court but not to the general public. All indigent defendants facing imprisonment receive mandatory representation. According to the government, counsel represented all defendants in district and Supreme Court trials and in approximately 80 percent of cases in the magistrate courts.

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

Military courts provide some, but not all, of the procedural 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, B'Tselem, PCATI, and other NGOs alleged that in practice security prisoners have been sentenced on the basis of coerced confessions, coerced testimony of others, or both. The use of secret evidence is widespread in military trials. Counsel may assist the accused in such trials, and a judge may assign counsel to defendants. Indigent detainees do not automatically receive free legal counsel for military trials. The defendant and the public receive the charges in Hebrew, and the court can order an Arabic translation. Interpreters and translators were not always available. Defendants can appeal through the Military High Court and petition the High Court of Justice. Military courts treat Palestinian minors ages 16 and 17 as adults.

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

Political Prisoners and Detainees

There were no reports of Israeli citizen political prisoners or detainees (see Annex).

Civil Judicial Procedures and Remedies

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

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

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

On June 27, a new law went into effect allowing police officers and other public investigators to request court orders to obtain personal information from private communications companies, including landline and cellular telephones and Internet service providers (ISPs). To access private communications records under the new law, investigators must demonstrate that their goal is to save or preserve life, investigate or prevent crime, or seize property in accordance with the law. Civil rights NGOs accused the government of seeking to interfere with citizens' right to privacy. The government countered that the law codified existing practices and was necessary to fight crime.

Separate religious court systems adjudicate personal status, such as marriage and divorce, for the Jewish, Muslim, Christian, and Druze communities. Jews can marry only in Orthodox Jewish services. Civil marriages, marriages of non-Orthodox Jews, or marriage to someone from another faith must take place abroad in order to be recognized. According to the NGO New Family Organization, more than 5,000 couples marry in civil ceremonies abroad each year, most in Cyprus. The government allows consular marriages as long as both parties are classified as having no religion or belonging to a religious community the state does not recognize.

The authority to grant status (citizenship and residency) to a non-Israeli spouse, including Palestinian and other non-Jewish foreign spouses, resides with the Ministry of the Interior (MOI). On July 1, the Knesset extended for another year the temporary 2003 Citizenship and Entry Law, which prohibits a citizen's Palestinian spouse from the occupied territories from residing in the country. A Palestinian male spouse age 35 and older and female spouse age 25 and older may apply for temporary visit permits. In 2007 Mossawa, citing MOI statistics, claimed the law affected "at least 21,298 families," including couples with long-standing marriages. Civil rights groups criticized the denial of citizenship and residency status to spouses of Israeli Arabs, who constitute the majority of Israelis married to residents of the occupied territories. In March 2007 the Knesset also expanded the law to bar family reunification in cases where one spouse is a non-Jewish citizen of Iran, Iraq, Syria, or Lebanon.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Israel has 13 daily newspapers, at least 90 weekly newspapers, more than 250 periodicals, and a number of Internet news sites. All newspapers were privately owned and managed. Journalism laws dating from the British mandate period require that the MOI license newspapers and allow the minister, under certain conditions, to close a newspaper.

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

A cable company, HOT, and one satellite television company carried international networks and programs produced for domestic audiences. In July 2007 HOT dropped the Christian network Daystar TV from its subscriber package citing "editorial and content considerations" following complaints about proselytizing. A petition by Daystar TV to the Supreme Court was pending at year's end.

The law authorizes the military to censor sensitive material reported from Israel or the occupied territories. Under an agreement between the government and media representatives, all media organizations must submit to military censors materials that deal with specific military issues as well as strategic infrastructure issues, such as oil and water supplies. The censor's decisions may be appealed to the High Court, and the censor cannot appeal a court judgment. Foreign journalists were required to submit sensitive articles and photographs to the military censor but in practice rarely complied. The MOI has no authority over the military censor.

All journalists operating in Israel must be accredited by the Government Press Office.

News printed or broadcast abroad may be consumed in Israel without censorship, apart from security exceptions. There were no reports that the government fined newspapers for violating censorship regulations during the year.

The government prohibited Israeli journalists from entering the Gaza Strip, and those who did were subject to legal penalties such as fines and restraining orders. In early November the government also started preventing foreign journalists from entering the Gaza Strip. On November 24, the Foreign Press Association (FPA) in Israel filed a petition to the High Court requesting that it overturn the ban on foreign journalists entering the Gaza Strip. On December 31, the High Court ruled in favor of the FPA petition. The government had not complied at year's end.

Internet Freedom

There were generally no restrictions on Internet access. The government monitored cellular and landline telephones and ISPs. The December 2007 survey results published in Globes newspaper indicated Israelis averaged 37.4 hours per month of Internet usage. Approximately four million persons had Internet access.

Academic Freedom and Cultural Events

There were generally no government restrictions on academic freedom or cultural events.

Israeli universities are required to justify to the IDF acceptance of Palestinian students from the occupied territories. According to revised government criteria submitted in response to a November 2007 High Court order, as many as 70 students from the West Bank may pursue graduate studies in Israeli universities at any given time, provided there is no practical alternative and the chosen program is not in a field that could provide knowledge or skills capable of harming Israel. There were no students from Gaza (see also Annex).

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

On May 15, approximately 15,000 Arab Israelis and other activists marched to the former Arab village of Safouriya, now a Jewish community, as part of a demonstration to mark the 60th anniversary of the establishment of the State of Israel. The procession, which started peacefully, ended with clashes between demonstrators and security forces. The police stated that they acted with restraint and appropriate force after several demonstrators began throwing stones at them, while the demonstrators claimed that the police attacked first. The Israeli NGOs Adalah and the Arab Association of Human Rights (AAHR) released video footage that, according to press reports, showed police beating or kicking some demonstrators in the head and face as they sat handcuffed on the ground. According to press and NGO reports, police attacked several local and international journalists, including a CNN correspondent, and in some cases confiscated cameras and erased footage. On September 25, Adalah and AAHR submitted a formal complaint to the PID. The PID investigation continued at year's end.

Freedom of Association

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

On April 10, Adalah appealed to the attorney general to halt ISA interrogations of political activists from the Israeli-Arab Balad party, which holds three Knesset seats. Adalah stated that the ISA was intimidating Balad members and interfering with the legitimate political activity of the Arab minority. In his May 12 response, the attorney general denied Adalah's appeal and argued that the ISA's activities were necessary to ensure that relationships between former Balad leader and Knesset member Azmi Bishara (who fled the country in 2007 amid espionage allegations) and Balad members still in the country could not be exploited to harm Israel.

c. Freedom of Religion

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

The Basic Law and Declaration of Independence recognize the country as a "Jewish and democratic state," while also providing for full social and political equality, regardless of religious affiliation. The government recognized only Orthodox Jewish religious authorities in personal and some civil status matters concerning Jewish persons. The government implemented policies including marriage, divorce, education, burial, and observance of the Sabbath based on Orthodox Jewish interpretation of religious law, and allocations of state resources favored Orthodox Jewish institutions. According to government figures, during the year the budget for religious services and religious institutions for the Jewish population was approximately 1.6 billion NIS (\$457 million). Religious minorities, which comprised slightly more than 20 percent of the population, received approximately 65 million NIS (\$18.6 million), or just less than 4 percent of total funding.

The law confers recognition on some religious communities, granting them authority over their members in personal status matters. Recognized communities are: Eastern Orthodox, Latin (Roman Catholic), Gregorian-Armenian, Armenian-Catholic, Syrian (Catholic), Chaldean (Uniate), Greek Catholic Melkite, Maronite, Syrian Orthodox, Orthodox Jewish (both Ashkenazic and Sephardic rites), Druze, the Evangelical Episcopal Church, and the Baha'i. The status of several Christian denominations is defined by arrangements with government agencies. Legislation enacted in 1961 afforded Muslim courts exclusive jurisdiction in matters of personal status concerning Muslims, although the state regulates judicial appointments to these courts. Secular courts have primacy over questions of inheritance, but parties may bring cases to religious courts by mutual agreement. Muslims also may bring alimony and property division matters associated with divorce to civil courts.

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

Under the Law of Return, the government grants immigration and residence rights to individuals who meet established criteria defining Jewish identity. Included in this definition is a child or grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew, and the spouse of a grandchild of a Jew. The government uses a separate, more rigorous standard based on Orthodox Jewish criteria to determine the right to full citizenship, entitlement to government financial support for immigrants, the legitimacy of conversions to Judaism performed within the country, and Jewish status for purposes of personal and some civil status issues.

Many Jewish citizens objected to exclusive Orthodox control over aspects of their personal lives. Approximately 310,000 citizens who immigrated either as Jews or as family members of Jews are not considered Jewish by the Orthodox Rabbinate. They cannot be married, divorced, or buried in Jewish cemeteries within the country. A 1996 law requiring the government to establish civil cemeteries has not been fully implemented.

The 1967 Protection of Holy Sites Law protects all holy sites, but the government implemented regulations only for 137 Jewish sites, leaving many Muslim and Christian sites neglected, inaccessible, or threatened by property development. The Holy Sepulchre and other well-known sites have de facto protection as a result of their international importance; however, community mosques, churches, and shrines often faced threats from developers and

municipalities that Jewish sites did not face. Christian pilgrimage sites around the Sea of Galilee faced regular threats of encroachment from district planners who wanted to use parts of the properties for recreation.

In response to a court order, in 2006 the government appointed an interministerial committee to examine the administrative and budgetary management of holy sites. In August 2007 the Supreme Court ordered the government to explain its failure to protect Islamic holy sites and to provide funds for their maintenance. On March 5, the government responded that the promulgation of specific regulations was not necessary to maintain and protect the holy sites of any religion. The government also announced it would grant a special two million NIS (\$571,000) budget to the Israel Land Administration (ILA) for the upkeep of unused mosques on lands the ILA manages.

Offering or receiving material inducements for conversion, as well as converting persons under 18 years of age, remained illegal unless one parent was of the religion to which the minor wished to convert. The Church of Jesus Christ of Latter-day Saints refrained from proselytizing under an agreement with the government. While officially legal, missionaries faced harassment and discrimination by some Haredi (Ultra-Orthodox) Jewish activists and organizations and certain local government officials.

On April 28, immigration police arrested German student Barbara Ludwig and prepared to deport her for failing to maintain a valid student visa. According to Ludwig and her attorneys, Ludwig made repeated attempts to renew her student visa but was denied because the Interior Ministry determined that she was a Messianic Jew. In an April 29 article, the Jerusalem Post described letters addressed to Ludwig from the MOI criticizing her alleged missionary activity.

The legal defense NGO Jerusalem Institute of Justice (JIJ) also alleged that MOI officials denied services to certain citizens based on their religious beliefs. The JIJ's legal defense caseload for such cases contained approximately 143 open files during the first half of the year. This included numerous cases dealing with MOI attempts to revoke citizenship or failure to process immigration applications from persons entitled to citizenship under the Law of Return, if it was determined such persons held Messianic or Christian beliefs.

On April 16, the High Court responded to a petition filed by the JIJ on behalf of 12 immigration applicants born of Jewish fathers and non-Jewish mothers by ruling that the government could not deny status to a person eligible to immigrate under the Law of Return on the basis of that person's identification as a Messianic Jew, as long as that person was not defined as Jewish according to the Chief Rabbinate's Orthodox criteria. The High Court did not prohibit the government from discriminating on the basis of religious belief in cases involving immigrants who meet the Orthodox criteria for being a Jew, for example by having a Jewish mother or by undergoing a Chief Rabbinate-recognized Orthodox conversion.

Societal Abuses and Discrimination

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

Members of Jehovah's Witnesses reported an increase in assaults and other crimes against their membership in 2007 and during the year and noted the difficulties their members faced convincing the police to investigate or apprehend the perpetrators. Between September 2007 and September, members of Jehovah's Witnesses filed 46 criminal complaints against antimissionary activists, most of whom belong to the Haredi antimissionary organization Yad L'Achim. The crimes ranged from harassment to assault. Police responded to 15 of 35 calls for assistance during the same time period, according to the Jehovah's Witnesses legal department. The JIJ noted a similar increase in crimes and violent assaults against members of the congregations it represents. In September the police reissued a 1999 directive to police reminding them of their duty to investigate fully crimes against minority religious communities.

On May 15, residents of the Tel Aviv suburb of Or Yehuda publicly burned hundreds of Christian Bibles missionaries had distributed in the community. The incident was reportedly organized by the deputy mayor of Or Yehuda, Uzi Aharon, after he received complaints about the Messianic Jewish presence from area residents. Aharon told the newspaper Maariv the municipality operated a team of activists devoted entirely to uprooting missionary activity, including the burning of New Testaments, and that their activities were a fulfillment of the commandment to "burn the evil from your midst." Aharon subsequently expressed regret for any damage done to Jewish-Christian relations, but he later stated on the country's Army Radio that it was necessary to "purge the evil among us."

On May 27, the Chief Rabbinate, joined by Christian and Muslim leaders from the country and the West Bank, issued a statement condemning the Or Yehuda New Testament burnings but also condemning all attempts to convert a person from one faith to another. On May 29, the Foreign Ministry condemned the burnings as "contrary to the values of the State of Israel."

On March 3, unknown vandals broke into the Hassan Bek Mosque in Tel Aviv, damaging the gardens and property.

On August 13, unknown arsonists attacked the Beit Yaakov Synagogue in the Tel Aviv suburb of Bnei Brak, destroying the synagogue's Torah scrolls.

In September 2007, during the Jewish Holy Day of Yom Kippur when driving is prohibited in Jewish areas, a 20-year-old Arab-Israeli man, Ashad Shibli, ran over a nine-year-old girl while she was riding her bicycle in the northern town of Kfar Tavor. Witnesses stated that he had tried to run over two other residents earlier in the same day. On October 12, authorities indicted Shibli for manslaughter. The trial continued at year's end.

In 2006 approximately 100 Haredi Jews assaulted approximately 50 Christian tourists in a Jerusalem neighborhood, injuring three. Two of the attackers were subsequently convicted of assaulting a policeman and participating in a riot. Sentencing was scheduled for November 10.

The national public bus service operated sex-segregated transportation for Haredi Jews. Haredi passengers also tried to impose sex segregation on some mixed buses. According to press reports, women who refused to sit in the rear of such buses were regularly harassed and sometimes assaulted.

Following a legal petition against the legality of sex-segregated public buses, the High Court recommended on January 21 that the government establish a committee to examine legal and operational issues related to the operation of sex-segregated buses. The committee, headed by the transportation ministry, continued to deliberate at year's end.

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

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/q/drl/irf/rpt.

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).

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 any state officially at war with the country without government permission.

During the year there were numerous reports of foreign nationals with Arab or Muslim names subjected to harsh and degrading treatment at border crossings. Diplomatic missions regularly protested such treatment regarding their nationals.

Arab Israelis required a special permit to enter area A (the area, according to the Interim Agreement, in which the Palestinian Authority exercises security responsibility). They could travel abroad using their Israeli passports without restriction. Arab Israelis regularly complained of discrimination and degrading treatment by airport security officials. In May 2007 ACRI and Adalah petitioned the High Court to demand that the Israel Airports Authority, Shin Bet, and the Ministry of Transportation no longer use Arab ethnicity as a sufficient reason for conducting intensive security checks at Israeli airports. The case was pending at year's end.

An August 4 Physicians for Human Rights-Israel report accused the ISA of preventing Palestinians from leaving Gaza to seek medical treatment in Israel or abroad unless they agreed to become informers for Israeli intelligence. According to testimony collected in the report, the ISA used blackmail and coercion to elicit cooperation from gravely ill patients, some of whom required urgent treatment for life-threatening illnesses. The ISA denied the allegation.

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

Protection of Refugees

Israel is party to the 1951 UN Refugee Convention and its 1967 protocol. Israel has not enacted any legislation implementing the 1951 Convention or 1967 Protocol but in practice has established a system for the reception and consideration of asylum claims.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern in Israel.

UNHCR registered 7,483 new asylum seekers during the year, of whom 40 percent were Eritrean and 29 percent were Sudanese, and estimated that almost every new arrival transited Egypt en route to Israel. The government estimated that there were approximately 15,000 asylum seekers in Israel at year's end; approximately 4,000 were Sudanese, and 5,000 to 7,000 were Eritrean.

Although the government complied with its obligation not to return persons to a country where their lives or freedom would be threatened, Israeli and international NGOs and UNHCR protested "coordinated returns" of some asylum seekers to Egypt because of allegations that those individuals were later sent back to their countries of origin in violation of international agreements against refoulement. Between August 24 and 28, the IDF Liaison Unit turned 91 asylum seekers who crossed into Israel from Egypt over to Egyptian authorities. According to NGO and media reports, the number was higher, and they were at risk because Egypt often deported such persons to their countries of origin. Hotline submitted portions of what it claimed were letters of protest to the minister of defense from two reserve soldiers who participated in the deportation. One section stated that while performing reserve duty during August, the soldier participated in or witnessed four or five occasions in which asylum seekers were returned to Egyptian authorities after they entered Israel. The letter claimed the asylum seekers were blindfolded and handcuffed.

The government considered the Eritreans and Sudanese to be receiving temporary protection, as their status was considered differently than other asylum seekers and "infiltrators." On that basis, the government provided temporary protection to approximately 9,000 to 11,000 individuals during the year.

The government does not have its own status determination system and relies on UNHCR, which referred eligible refugee applicants to an advisory

committee, the National Status Granting Body (NSGB). The MOI renders final adjudications based on NSGB recommendations. The Tel Aviv University Refugee Rights Clinic argued that the NSGB's procedures were not transparent.

Refugees recommended by UNHCR and recognized by Israel received six-month visas renewable until final status determination. A refugee's status is evaluated after one year. No legal option exists for a refugee to become a naturalized citizen.

Those denied asylum and unwilling to leave may remain in immigration detention indefinitely. Some newly arrived illegal migrants were placed in hotels, kibbutzim (Israeli cooperative communities), and other employment situations. UNHCR reported that the MOI released an unknown number of asylum seekers from detention during the year without reference to the Immigration Tribunal and UNHCR. Hotline reported that most asylum seekers who entered during the year were taken to the Ketziot facility and released after several months, under geographically restricted conditions.

A July MOI decision stated that Eritrean asylum seekers would be restricted to locations removed from the center of the country to improve employment opportunities. NGOs argued that this placement hindered access to social services in the Tel Aviv area. On January 7, the MOI started giving six-month work visas to approximately 2,000 Eritreans who arrived in Israel prior to December 2007. Hotline stated that the approximately 3,000 Eritreans who arrived after this date spent months with no legal possibility of work and were forced to live in substandard conditions in crowded shelters in Tel Aviv. For asylum seekers from states officially at war with Israel, the government attempted to find a third country to accept them.

According to the state comptroller's annual report submitted to the Knesset in May, between 2000 and 2007, 8,377 Africans requested refugee status and political asylum; 109 were granted refugee status and asylum.

In July the government created the Authority for Immigration and Border Crossings to implement government policy and hold MOI authority over foreign nationals and population issues. The authority was designed to consolidate all relevant bodies dealing with immigration issues, including asylum seekers. Most asylum officers have not yet received sufficient training to make refugee status determinations, and at year's end the government had not yet assumed status determination responsibility from UNHCR.

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

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

Elections and Political Participation

Israel is a parliamentary democracy with an active multiparty system. Relatively small parties, including those primarily supported by Arab Israelis, regularly win Knesset seats. The Basic Law requires that a party obtain 2 percent of the vote to win Knesset seats. Prime Minister Ehud Olmert resigned following a Kadima Party primary election on September 17 but remained as caretaker prime minister at year's end.

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

At year's end the 120-member Knesset had 18 female members, including the speaker. The Knesset included 10 Arabs and two Druze. The 29-member cabinet included two women, one Druze, and one Arab-Israeli Muslim. Five members of the 14-member High Court, including its president, were women. An Arab Christian was on the High Court, but no Muslim or Druze citizens have served.

Government Corruption and Transparency

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

Prominent political figures were prosecuted. For example, on April 1, Member of Knesset (MK) Shlomo Benizri was convicted of bribery, fraud, and breach of trust for crimes committed between 1996 and 2001 when he was minister of health and minister of social affairs. Benizri was sentenced to 18 months' imprisonment and an 80,000 NIS (\$23,000) fine.

On June 4, prosecutors indicted former finance minister Avraham Hirschson, who resigned from the cabinet in July 2007, on charges of bribery and aggravated fraud, money laundering, breach of trust, and falsifying corporate documents. The case continued at year's end.

During the year the state comptroller and attorney general investigated Prime Minister Olmert for a range of alleged crimes, including fraud, bribery, breach of trust, money laundering, and tax offenses. Six separate criminal investigations were under way throughout the year, one of which was closed for lack of evidence on December 4. No charges had been filed by year's end. The public reaction to the allegations forced Prime Minister Olmert to announce his resignation on September 20.

Criminal investigations or trials of other officials, including Finance Minister Ronnie Bar-On, MK Tzachi Hanegbi, MK Ruhama Avraham, MK Yaakov Edri, MK Yitzhak Ziv, and numerous senior law enforcement and civil service officials continued throughout the year.

On February 27, former MK Omri Sharon began serving a seven-month prison sentence following a 2005 conviction on corruption and fraud charges for crimes committed during the 1999 Likud party primary campaign of his father, former prime minister Ariel Sharon. Omri Sharon was released after five months for good behavior.

The government does not effectively implement its 1998 Freedom of Information Law. Many government bodies did not disclose their internal regulations as required, and others failed to publish annual reports. The 2008 State Comptroller's report found that approximately half of government authorities investigated did not make available to the public their administrative directives or procedures for requesting information or services. In April 2007 the High Court started deliberations on a 2005 ACRI petition demanding that the IDF and Ministry of Defense make their unclassified archives available to an Israeli journalist for research purposes. At year's end the case continued.

In December 2007, in response to a petition filed by five human rights NGOs, the Jerusalem Administrative Court ruled that the MOI violated the law by withholding from the public its regulations concerning the Population Registry, which governs determinations regarding citizenship, residency, and entitlements. The court ordered the ministry to publish its regulations on the ministry's Web site within 30 days, which it did by January 7.

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

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

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

Some registered NGOs were eligible to receive funding from government ministries. According to government figures, such funding amounted to approximately 2.5 billion NIS (\$715 million) per year. Government funding for NGOs disproportionately favored Jewish NGOs, especially those that promote "traditional and religious Jewish activities."

During the year the MOI, operating under a 2002 order, barred entry to all foreign nationals affiliated with certain Palestinian human rights NGOs and solidarity organizations (see Annex).

Between January 20 and 27, Asma Jahangir, UN special rapporteur on freedom of religion and belief, visited the country. Special rapporteurs on three other subjects had outstanding requests to visit at year's end. Nine special rapporteurs or UN missions concerned with human rights visited the country in the last three years, according to the UN High Commissioner for Human Rights.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape is illegal, and the law doubles the penalty if the perpetrator assaults or rapes a relative. Through September the government reported 796 open rape files, 342 prosecutions, and six convictions.

On April 8, former president Moshe Katsav withdrew from a plea bargain he had agreed to in 2007. Women's rights activists and government transparency NGOs had opposed the plea bargain, which carried convictions for indecent acts and sexual harassment but dropped two rape charges against him and imposed a suspended prison sentence. At year's end no charges had been refiled.

The Equality of Women Law provides equal rights for women and protection from violence, harassment, exploitation, and trafficking; however, domestic violence against women was a problem. Through September the government received 13,612 spousal abuse complaints filed by women.

The Social Affairs Ministry provided a battered women's shelter and operated a hot line. The police operated a call center to inform victims about their cases. Women's organizations provided counseling, crisis intervention, legal assistance, and shelters. Prostitution is not illegal and was widespread but not highly visible. The law prohibits operation of brothels and organized sex enterprises. Between January and November the police opened 244 cases for managing a place for the purpose of prostitution and arrested 46 suspects in these cases. In addition, 50 brothels were closed, and 78 suspects were arrested for trafficking or related offenses, of whom 11 remained in custody pending completion of their trials.

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 the government opened 290 files, and the State Attorney's office opened 58 cases of sexual harassment, resulting in six indictments and one conviction. At year's end 81 police files on sexual harassment were pending.

In December Mahmoud Abu-Ghanem was arrested for allegedly murdering his teenage sister Dalia of Ramle, who had been missing for more than two weeks. Police believed she was the ninth woman in the Abu-Ghanem family to fall victim to an honor killing. According to the November 7 Kull al-Arab newspaper, human rights activist Ayidah Tuma-Sulayman, head of Association of Women Against Violence, charged that at least three other women were the victims of honor killings and that families may claim the acts were something other than honor killings because of the severe sentences such crimes receive.

"Modesty patrols" harassed Haredi women in Haredi communities. According to one indictment, in June seven men entered a woman's apartment in Jerusalem, beat her as they interrogated her about her relations with men, and threatened further assaults and death if she did not move out of her apartment building. Also in June, a 14-year-old girl in Betar Illit, predominantly an ultra-Orthodox community, reportedly had acid thrown on her face and body in an incident the press attributed to a modesty patrol.

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

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

On November 10, the High Court of Justice accepted an appeal submitted by the Wake Up Jerusalem movement, which ran candidates for the capital's city council, and ruled that companies in Israel cannot refuse to display election posters of female political candidates.

The law provides for class action suits and requires equal pay for equal work. As of August women comprised 38.5 percent of officers of corporations listed with the Board of Government Corporations. Numerous government policies and programs worked to eliminate economic discrimination against women. For example, the government enacted several amendments during the year to the Women's Employment Law that improved women's maternity benefits. In April legislation provided further incentives to employers to modify workplaces and work conditions for women and parents. The Ministry of Education established a department dedicated to the promotion of gender equality within the school system.

The Mahut Feminist Center in Haifa reported that more than 65 percent of employees in part-time jobs were women, more than 35 percent of working women earned minimum wage or less (compared to 14.2 percent of working men), and women made up 70 percent of employees working in contractor companies that provided lower wages, lack of employment stability, and no social benefits.

Children

The law provides for the overall protection of children's rights and welfare, and the government generally was committed to ensuring enforcement of these laws. According to the National Council for the Child, social welfare offices treated a record number of 62,273 children in 2006 considered at risk from physical, sexual, or emotional abuse or neglect.

Education is compulsory through the ninth grade. The government operated separate school systems for Hebrew-speaking children, Arabic-speaking children, and Orthodox Jews. Haredi political parties continued to oppose government regulation of their government-funded school systems.

Academic institutions and advocacy groups have long charged that resources devoted to the education of Arab children were inferior to those devoted to Jewish children in the public education system. The State Comptroller's February 10 report on local governments noted that in the 28 Arab communities surveyed, there was a combined shortage of 1,082 classrooms in local schools. In June a joint committee of the Education Ministry and the Higher Arab Monitoring Committee reported the Arab sector would need an additional 9,236 classrooms by 2012 to keep pace with national standards.

Trafficking in Persons

Trafficking in persons for the purposes of both prostitution and labor is prohibited under the law. Israel is a destination country for trafficking for the purposes of labor and prostitution. Neither the government nor NGOs could quantify accurately the extent of the problem. The government, NGOs, and the media expressed concern at an apparent rise in internal trafficking of citizens for the purposes of prostitution, although the government's antitrafficking coordinator classified such cases as prostitution rather than trafficking.

The government reported that most victims of trafficking for prostitution in the country came from the former Soviet Union, primarily from Ukraine, Moldova, Russia, and Uzbekistan. Antitrafficking and women's advocacy NGO Isha L'Isha reported a new trend of trafficking women from China and the Philippines for prostitution. Organized crime groups trafficked women for prostitution, luring them with promises of service-sector jobs. Some reportedly sold women to brothels.

The penal code stipulates that coercion to engage in prostitution is a criminal offense, punishable by four to 20 years' imprisonment, depending on the specific type of crime. Civil law verdicts have begun to favor the victims, and most verdicts involved compensation, although NGOs expressed a need for larger compensation awards.

Hotline charged that there are forms of trafficking the law does not cover, including what it described as "trafficking to obtain financial advantage" or a "flying visa," whereby a worker pays a commission to an agency in the home country to get a work permit for work in Israel but arrives in Israel to find that there is no job. In such a case, the worker does not have a valid permit under Israeli law and is subject to arrest and deportation.

The government reported that during the year the police conducted nine criminal investigations on trafficking in persons for the purpose of prostitution, which resulted in six indictments and five convictions for trafficking for the purpose of prostitution and related offenses. The government reported 12 cases were pending at year's end, in addition to seven pending appeals.

Victims of labor trafficking varied by sector. The most significant groups were Thai agricultural workers, Chinese construction workers, and domestic/nursing care workers from the Philippines, India, Nepal, and Sri Lanka.

The labor law was amended in 2006 to criminalize trafficking for slavery, forced labor, prostitution, pornography, sexual abuse, and organ selling, and provides a maximum sentence of seven to 20 years depending on the offense. In November the State Attorney's Office and the Immigration Administration jointly filed the first indictment for forced labor under the new amendments to the trafficking law. The case remained pending at year's end. Four additional cases were in various stages of preparation and review by the State Attorney's Office at year's end (see section 6.c.). Two additional cases (involving four defendants) concerning fraud perpetrated against migrant workers were also pending at year's end.

The Tel Aviv shelter, the only government-operated shelter for victims of trafficking for commercial sexual exploitation, had the capacity for 50 women. The government reported that at year's end, the shelter housed 25 women and five children, all of whom police referred to the shelter during the year. The shelter provided free medical care and other services. The government reported that all trafficking victims in the shelter received temporary visas and work visas if requested, whether or not they chose to testify against their traffickers. A woman who chose to testify also received a visa for the duration of the court proceedings, generally lasting one year. Isha L'Isha reported that it was difficult to admit trafficked women into the shelter if they had children and noted the Ministry of Health had not yet found a solution outside the shelter for women who had no medical insurance.

On November 16, the government enacted an amendment to the Legal Aid Law to provide free legal aid to every victim of trafficking and slavery. On the same day, the Protection of Witnesses Law was also enacted.

The Department of State's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

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

The Commission for Equal Rights of People with Disabilities (CERPD) within the Justice Ministry took legal action in the areas of accessibility and employment. In a 2007 study, the CERPD found that 85 percent of employers do not employ any persons with disabilities, and 25 percent of employees stated they had no interest in employing such a person in the future.

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

National/Racial/Ethnic Minorities

Arab Israelis continued to suffer various forms of discrimination in public and private life. Tensions between Arabs and Jews also remained high in areas where the two communities overlap, such as the Galilee and Negev, and in certain mixed cities with separate Jewish and Arab neighborhoods.

According to press reports, Jewish residents of Jerusalem perpetrated at least 20 violent assaults against Palestinian residents of Jerusalem during the year, most often using knives, clubs, and other weapons. Many of these attacks were reportedly premeditated.

On March 14, a policeman from the town of Kfar Saba attacked two Arab Israelis while shouting, "Death to Arabs." Another police officer who witnessed the attack intervened to prevent injury.

On October 8, violence erupted between Israeli-Jews and Arabs in the city of Acre (Akko) at the beginning of the Jewish Holy Day of Yom Kippur after an Arab resident drove into a predominantly Jewish neighborhood. Driving on Yom Kippur was generally prohibited in Israel. Rioting ensued for several days, as Jewish and Arab extremists incited their communities against one another. While the inflammatory rhetoric was mutual, the majority of those inciting to violence were Jewish, according to the Northern District police commander. According to press reports, both communities suffered significant property damage, and several Arab families were displaced from their homes in or near Jewish neighborhoods. Police continued to pursue and arrest the chief instigators after the violence subsided. On October 20, police arrested six young Jewish men in Tel Aviv for allegedly firebombing two Arab homes in an attempt to spread the anti-Arab incitement to Jaffa and other mixed neighborhoods around Tel Aviv.

On September 9, a number of Jewish local and district-level government leaders held a conference under the banner of the Renewing Zionism Movement in the Galilee town of Kfar Tavor, during which the leaders urged the need to "Judaize" the Galilee and warned of dire consequences if Jews lose their majority in the Galilee.

In contrast the neighboring Gilboa Regional Council actively promoted Jewish-Arab coexistence, including by holding a Gilboa Coexistence Festival in August and cohosting, with the NGO Abraham Fund Initiatives, an interfaith breaking of the Ramadan fast on September 11.

During the year the Israel Land Fund NGO launched a program to purchase Arab land in the Galilee and market it at discounted rates to Jewish buyers by distributing flyers to synagogues throughout the region stating the time was ripe to redeem the "Land of Israel."

Public debate continued over the idea of "transferring" Arab-Israeli communities from Israel to the Palestinian territories (in return for transferring Jewish settlements in the West Bank to Israel) as part of a negotiated solution to the Israeli-Palestinian conflict. Arab Israelis overwhelmingly condemned the proposal, while Jewish opinion ran the gamut from support to condemnation. Members of Yisrael Beiteynu, a right-wing party headed by Knesset Member Avigdor Lieberman, advocated the idea in media interviews at public gatherings throughout the year. In a March poll commissioned by the Knesset television station, 75 percent of the Jewish public supported the transfer of at least some Arab Israelis as part of a peace deal with the Palestinians, including 28 percent who believed all Arab Israelis should be forcibly transferred.

Although Arabic is an official language, the National Insurance Institute requires that documents submitted for claims be translated into Hebrew.

Approximately 93 percent of land was in the public domain, and of this approximately 12.5 percent was owned by the Jewish National Fund (JNF), whose

statutes prohibit sale or lease of land to non-Jews. In 2005 the attorney general ruled the government cannot discriminate against Arab Israelis in marketing and allocation of lands it manages, including those of the JNF. As an interim measure, the government agreed through the Israel Lands Administration (ILA) to compensate the JNF for any land leased to an Arab by transferring an equal amount of land from the ILA to the JNF. Legal petitions against the JNF policy of leasing public land only to Jews were ongoing at year's end.

Arab-Israeli advocacy organizations have challenged the demolition of illegal buildings in the Arab sector on grounds that the government restricted building permits, limiting Arab natural growth. New construction is illegal in towns that do not have master plans and in the country's 46 unrecognized Bedouin villages. In 2004 the Supreme Court ruled that omitting Arab towns from specific government social and economic plans was discriminatory. At year's end, according to the government, master plans were completed for 29 of the country's 128 Arab communities. According to the Harvard International Human Rights Clinic, between January and August, authorities demolished 97 Bedouin homes. On December 15, authorities demolished the entire Bedouin village of al-Atrash, consisting of at least 12 homes.

At year's end the government had not complied with a 2006 Supreme Court ruling that government development policy making impoverished areas eligible for special funding was discriminatory because it included only four Arab communities among the 539 communities slated for enhanced assistance.

Arab Israelis were underrepresented in most fields of employment, including government, despite a five-year-old affirmative action program to promote hiring Arab Israelis (including Druze and Bedouin) in the civil service. According to the government, 6.2 percent of government employees in 2007 were Arab.

A 2000 law requires that minorities have "appropriate representation" in the civil service and on the boards of government corporations. As of December 2007, Arabs (including Druze and Circassians) filled 51 of 528 board seats of state-run companies. Of the 55,000 persons working in government companies, 1 percent were Arab.

The law exempts Arab Israelis from mandatory military service. Citizens who do not perform military service enjoy less access to social and economic benefits. Arab Israelis generally were ineligible to work in companies with defense contracts or in security-related fields. In June the government started a civilian service program for citizens not drafted for military service, giving Arab Israelis and Haredi Jews the opportunity to serve and be eligible for the same benefits accorded military veterans. According to press reports, the National Service Administration registered almost 600 Arab-Israeli volunteers during the 2007-08 academic year.

The Israeli Druze community comprised approximately 8.3 percent of the minority population, and the Circassian community numbered some 3,000. Males of both communities were subject to the military draft, and the majority accepted willingly. Some Bedouin and, to a lesser degree, other Arab citizens not subject to the draft also served voluntarily. Non-Jewish military veterans complained that they continued to receive fewer benefits from their service than Jewish veterans.

The Bedouin population was the most disadvantaged. Half of the 160,000 Bedouin lived in seven state-planned or eight recognized communities, which were impoverished but received basic state services. The seven state-planned townships were among the eight poorest communities in the country, according to a March 31 report by the NGO Human Rights Watch. The other half of Israel's Bedouin lived in at least 46 unrecognized villages, which did not have water and electricity and lacked educational, health, and welfare services. The unrecognized villages, made up mostly of tents and shacks, evolved as a result of the government's refusal to recognize Bedouin land claims based on traditional usage prior to the establishment of the state. 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 in existing townships. Many Bedouin also complained that moving to government-planned townships required giving up claims to land they had lived on for generations. On December 11, the government-appointed Goldberg Committee for Regulation of Bedouin Settlements in the Negev urged the government to recognize officially and extend services to unrecognized villages where existing structures were not obstructing regional master plans, and to provide assistance for the relocation of others.

On April 1, the government acted on a 1993 pledge by the late Prime Minister Rabin to authorize the construction of a permanent community for members of two Bedouin tribes in the Negev who had appealed to Rabin for assistance to overcome their unrecognized status.

In 2006 Adalah petitioned the Supreme Court to overturn a Water Tribunal decision not to connect unrecognized villages to water service. The Supreme Court's ruling was pending at year's end.

The approximately 20,000 non-Israeli residents of the Golan Heights are subject to Israeli authority and Israeli law. Israel accords them permanent resident status, but most of them are Druze and citizens of Syria who largely have refused or been denied Israeli citizenship. As legal residents, they received Israeli travel documents and held identity cards that entitled them to many of the same social benefits as Israeli citizens. However, Druze communities in the Golan Heights received little or no support for municipal services or infrastructure maintenance (see Annex for discussion of Palestinian residents of East Jerusalem).

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

Other Societal Abuses and Discrimination

Societal violence and discrimination based on sexual orientation or against persons with HIV/AIDS existed in isolated cases. The government continued to uphold laws criminalizing discrimination on the basis of sexual orientation or HIV/AIDS.

In 2006 the High Court issued a ruling requiring the government to recognize same-sex marriages legally performed in foreign jurisdictions. There was no information available about whether the government recognized such marriages in practice.

Section 6 Worker Rights

a. The Right of Association

Citizens generally may join and establish independent labor organizations. Most unions belong to Histadrut (the General Federation of Labor) or to a smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). Both are independent. There were no restrictions on collective bargaining agreements, and no prior government approval was required. According to a 2001 amendment to the Collective Agreements Law, workers are protected from discrimination resulting from their membership in or activity with a labor organization. The government reported that litigation stemming from discrimination of this kind was negligible.

Legal foreign workers, who constituted approximately 45 percent of the foreign work force, and nonresident Palestinians may join Israeli trade unions and organize their own unions in Israel. Benefits and protections in Histadrut work contracts and grievance procedures extend to legal nonresident workers in the organized sector, but these workers cannot vote in Histadrut elections. In April the government agreed to approve an additional 5,000 employment permits for Palestinians within Israel.

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

b. The Right to Organize and Bargain Collectively

Citizens' legal rights to organize and bargain collectively are protected by law and these laws are enforced. The law specifically prohibits antiunion discrimination, and none was reported.

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

There are no export processing zones in the country.

c. Prohibition of Forced or Compulsory Labor

Israeli laws prohibit forced or compulsory labor, including by children, and criminalize gradations of labor exploitation.

The law provides 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 Crime Unit in the Immigration Administration, working with the State Attorney's Office, opened 16 investigations concerning forced labor during the year. Following investigations by the Immigration Administration of cases involving migrant workers, the government filed 15 indictments on fraud offenses and 10 indictments on exploitation and withholding of passports offenses. Civil rights groups and NGOs, however, claimed unscrupulous employers exploited adult non-Palestinian foreign workers, both legal and illegal, and held them in conditions that amounted to involuntary servitude. On October 10, the newspaper Maariv quoted a representative from Hotline as stating that many "pressure groups" in Israel--the report named farmers, the handicapped, and contractors--enjoy cheap labor, and that the state was subsidizing them by not enforcing labor laws.

There were numerous documented cases of foreign laborers living in harsh conditions, subject to debt bondage, and restricted in their movements. Hotline charged that the Immigration Police failed to act quickly or adequately when they alerted them to some of these cases, and that the police sometimes returned the person to the employer.

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 generally enforced these laws. Children at least 15 years of age who have completed education through grade nine may be employed as apprentices. Those who are 14 may be employed during official school holidays in light work that will not harm their health. Working hours for those between 16 and 18 are restricted. The government reported that through September it inspected more than 2,000 potential cases involving minors, opened 565 investigations, and imposed 293 fines on employers.

e. Acceptable Conditions of Work

The minimum wage was approximately 47.5 percent of the average wage, 3,850 NIS (approximately \$1,100) per month for a 43-hour week. The government considered the minimum wage, supplemented by special allowances for citizens, to provide a citizen worker a decent standard of living. Some union officials, NGOs, and social commentators disputed this claim. Histadrut charged that occupational health and safety standards were not adequate or adequately enforced by the Israel Institute for Occupational Health and Hygiene.

The law allows a maximum 43-hour workweek at regular pay. Premium pay was 125 percent for the first two hours and 150 percent for any additional

hours, with a limit of 15 hours of overtime per week. Histadrut reported that Israeli and foreign workers operated under the same rules. Labor laws also apply to noncitizens, although enforcement was not adequate, according to workers' rights NGO Kav LaOved. Documented foreign workers were entitled to many of the same benefits as citizens but not national health care. Employers were legally required to provide such insurance, and most employers did so. All labor laws also apply to undocumented foreign workers. Enforcement of labor law in the home health care sector, which employs numerous foreign workers, was particularly difficult.

An employer must obtain a government permit to hire non-Israeli workers who live in 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. According to Histadrut, there were few such regular workers during the year.

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

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

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

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace, although resource constraints affected overall enforcement.

According to the government, a foreign worker can remove him or herself from a dangerous work situation and seek alternate employment. However, according to Kav LaOved, a comprehensive system to do so, which included the home health care sector, was not implemented by year's end. All workers could challenge unsafe work practices through government oversight and legal agencies. Through September the government imposed 1,873 administrative penalties for violations of the Foreign Workers Law and 64 penalties for violation of the minimum wage law. The Immigration Administration estimated that nursing-care workers from India, Nepal, Sri Lanka, and the Philippines--particularly women--and construction workers from China were at greatest risk for abuse.

Brokers and employers are permitted to collect hiring fees from migrant workers. The government limited such fees to 3,135 NIS (approximately \$895) per worker, but NGOs charged that many foreign workers continued to pay as much as 80,000 NIS (\$23,000). The government reported that through September it held 79 hearings on cancelling or restricting permits to employ foreign workers, resulting in 23 restricted and nine cancelled permits in the nursing sector, two restricted and 44 cancelled permits in the agriculture sector, and one permit cancelled in the construction sector.

During the year the Enforcement Division of the Foreign Workers Department in the Ministry of Industry, Trade, and Labor (MITL) opened 2,685 investigative files opened against employers suspected of violations and imposed 2,367 administrative fines on employers. The Prosecution Division of the MITL Foreign Workers Department filed 4,400 criminal indictments against employers for violations of foreign workers law and the minimum wage law, which the government described as a significant increase. On August 31, the licenses and permits of all the private bureaus in the nursing care field were canceled. New licenses and permits were granted on September 1 exclusively to private bureaus "geared towards bringing, mediating, and caring for foreign workers in the nursing care." Caregiver licenses were particularly sensitive because of the widespread employment of foreign workers.

On November 10, the government reported that it issued 93,950 permits for non-Palestinian foreign workers during the year and that there were approximately 100,000 legal foreign workers and 80,000 to 150,000 illegal foreign workers. On October 10, a Maariv article claimed there were 200,000 foreign workers, 55 percent of whom were illegally present in the country. Workers may contest deportation orders, but lack of fluency in Hebrew placed them at a considerable disadvantage. According to Kav LaOved, the lack of interpreters in various governmental agencies continues to be a grave problem." Kav LaOved also charged that, "despite numerous promises from the authorities" on this issue, leaflets on worker rights were not provided to workers upon arrival or voluntarily provided by the authorities at any other point during a migrant worker's stay in Israel, and such leaflets were only available online at the MITL Web site, which was not available to most migrant workers without Internet access.

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. During the year the Palestinian population of Gaza was approximately 1.5 million, of the West Bank 2.35 million, and of East Jerusalem 210,000. Approximately 191,000 Israelis resided in East Jerusalem and 290,000 in the West Bank. During the 1990s various agreements transferred civil responsibility to the Palestinian Authority (PA) for Gaza and parts of the West Bank. However, after Palestinian extremist groups resumed violence in 2000, Israeli forces resumed control over a number of these areas, citing the PA's failure to abide by its security responsibilities. PA civilian authorities' control over its security forces in the West Bank improved during the year.

The PA has a democratically elected president and legislative council, which select a prime minister and cabinet. In 2005 Palestine Liberation Organization (PLO) Chairman Mahmud Abbas won 62 percent of the vote in a presidential election regarded as generally free and fair. In 2006 Palestinian Legislative Council (PLC) elections, Hamas, a terrorist organization, backed candidates under the name "Reform and Change Movement" and won 74 of 132 seats in elections that generally met democratic standards. In February 2007 Hamas formed a national unity government (NUG) with the Fatah party, but in June 2007 Hamas staged a violent takeover of PA government installations in Gaza and killed hundreds in the Fatah movement and PA security forces. Since June 2007, when President Abbas dismissed the NUG, a cabinet of independents led by Prime Minister Salam Fayyad has governed the West Bank, while elements of the former Hamas government formed the de facto ruling authority in Gaza.

On June 19, Hamas and Israel began a six-month "calm," which generally led to a reduction in the number of rocket and mortar attacks from Gaza into Israel, although rocket and mortar attacks continued. On November 4, citing an imminent threat from crossborder tunneling by Hamas-affiliated terrorists, Israel launched a raid into the Gaza Strip. In response to a sharp increase in the number and frequency of rocket attacks into Israel shortly prior to and following the formal expiration of the "calm" on December 19, the Israeli Air Force (IAF) launched airstrikes on December 27 targeted against Hamas security installations, personnel, and other facilities in the Gaza Strip. The Israeli military operation continued at the end of the calendar year and resulted in the deaths of at least 315 Palestinians, including some civilians, by December 31.

President Abbas and his subordinates controlled PA security forces in the West Bank. Armed militias and terrorist organizations were still active in some areas. In Gaza Hamas established de facto security forces. The Israeli government maintained effective control of its security forces.

There were reports of PA torture, arbitrary and prolonged detention, poor prison conditions, insufficient measures to prevent attacks by terrorist groups, impunity, corruption, and lack of transparency. Domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor remained serious problems. In Gaza there were reports that Hamas security forces continued to kill, torture, kidnap, arrest, and harass Fatah members and other Palestinians with impunity. Hamas and other Palestinian factions in Gaza shelled civilian targets in Israel.

Both Israeli and Palestinian nongovernmental organizations (NGOs) reported that Israeli authorities used excessive force, abused civilians and detainees, tortured Palestinian detainees, failed to take proper disciplinary actions, improperly applied security internment procedures, maintained austere and overcrowded detention facilities, imposed severe restrictions on internal and external freedom of movement, and limited cooperation with NGOs. A partially completed Israeli-built separation barrier isolated portions of the West Bank and restricted Palestinian movement and access to West Bank land west of the barrier.

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 security forces occurred, but with less frequency than previous years. Killings by Palestinian terrorist groups and Israeli security forces remained a serious problem. Killings of Palestinians by Palestinians also dropped sharply, from 346 in 2007 to 18 through November. Palestinians killed 10 IDF soldiers and 19 Israeli civilians in the territories. Palestinians killed 24 civilians in terrorist attacks in Israel, including eight killed by a gunman at a religious school in West Jerusalem and one killed by a suicide bombing in Dimona. Israeli military operations killed an estimated 782 Palestinians in the West Bank and Gaza, including at least 315, including some civilians, as a result of airstrikes on Hamas security installations, personnel, and other facilities in the Gaza Strip in late December.

On February 22, Majid al-Barghouti, an imam believed to be affiliated with Hamas, died in the custody of the Palestinian Authority General Intelligence Service (GI) after being detained in the West Bank on February 14. Human Rights Watch (HRW) concluded based on photographs of the body and interviews with fellow prisoners that al-Barghouti's death was a result of torture. PA officials stated that al-Barghouti suffered heart failure, and President Abbas directed the attorney general to investigate. By year's end no information was released.

On June 26, Hamas police arrested 72-year-old Taleb Mohammed Abu Sitta and took him to Dir al-Balah police station, where he subsequently died in custody. On June 27, Abu Sitta's body was taken to Gaza City for forensic examination. His son, who was also incarcerated, told a human rights organization that Hamas repeatedly beat his father during his brief incarceration.

On July 12, Bassam Anani, a Fatah leader from Nusseirat refugee camp, died after two weeks in a hospital from injuries sustained while detained by Hamas.

On August 2, clashes between Hamas security forces and members of the Hilles clan in east Gaza City resulted in the death of 15 persons and injury to at least 103 others. The incidents occurred as a result of attempts by Hamas security forces to arrest members of the Hilles clan suspected in a July 25 bomb explosion on a Gaza City beach that killed five members of the armed wing of Hamas and one child.

Palestinian terrorist groups killed Israeli civilians in Israel with rockets, mortars, and one suicide bombing (see the Israel report). They frequently fired at Israel from civilian areas, increasing the risk that return fire would harm noncombatants. PA President Abbas made repeated public statements calling for

an end to violence against Israel and internal violence between Fatah and Hamas, but these statements did not prevent numerous attacks. The IDF conducted numerous incursions into Palestinian areas to carry out arrest operations and kill suspected terrorists. Palestinian gunmen fired on Israeli forces and booby trapped homes and apartment buildings. In response, the IDF raided and often destroyed buildings allegedly harboring militants. These actions often resulted in civilian casualties. Multiple incursions in Jenin and Nablus hampered the PA's efforts to deploy its own security forces. Israeli NGO B'Tselem estimated that 39 percent of the 444 killed during Israeli military and police operations through November were civilians not taking part in the hostilities at the time of their death. According to the Palestine Red Crescent Society (PRCS), 1,807 Palestinians were injured during the year by live ammunition, rubber-coated bullets, tear gas, and blast shrapnel.

On April 16, an IDF tank fired an antipersonnel shell dispensing metal darts into the central Gaza strip, killing Reuters cameraman Fadel Shana'a and three others, including a 14-year-old and 17-year-old. HRW claimed there was evidence the tank crew knowingly targeted the journalist. According to Palestinian NGOs, Shana'a was covering the aftermath of a missile attack near Juhor al-Dik earlier that day, in which two missiles fired from an Israeli aircraft killed three adults and six minors and wounded six adults and 12 minors. In August the IDF announced its investigation cleared the tank crew, but several human rights organizations criticized the IDF's investigations as lacking seriousness.

On July 29, in one of several incidents connected to protests against construction of the separation barrier near Na'alín village, 11-year-old Ahmed Moussa was shot with live fire by an IDF soldier responding to demonstrations near the village. On August 4, Yousif Ahmed Amira died after being shot by IDF soldiers in the head with two rubber-coated bullets on July 30. On August 17, an internal affairs unit at the Ministry of Justice informed B'Tselem it had opened an investigation into Amira's death. No additional information was available at year's end.

In 2006 the High Court ruled that targeted killings were not per se illegal, but each case must be meticulously examined through an independent investigation. According to B'Tselem, during the year Israeli forces targeted and killed 14 Palestinians, many affiliated with terrorist organizations. According to a September study by the Israeli NGO Yesh Din, the Israeli Military Police Criminal Investigation Division launched 1,246 criminal investigations between September 2000 and December 2007 into cases in which soldiers were suspected of killing, injuring, and committing criminal offenses against Palestinian civilians. Of the 1,246 investigations opened, 6 percent (78) led to indictments against a total of 135 soldiers. As of September, 113 had been convicted of at least one offense, four had been acquitted of all charges, eight had their cases dismissed, and 10 cases were still pending.

During the year reports continued of Palestinians being killed in the perimeter zone, as reported in previous years. Israel declared this area off limits to Palestinians in response to attacks against Israelis originating in those areas.

IDF prosecutors informed B'Tselem that the June 2007 case of the killings of 14-year-old Ahmed Sabri Suliman Ali Abu Zubeida and 13-year-old Zaher Jaber Muhammad al-Majdalawi was pending. According to press reports, IDF troops saw the boys crawling towards the fence, shouted a warning over a loudspeaker, fired warning shots, and then shot live fire. According to B'Tselem, they had been flying a kite.

In January 2007 10-year-old Abir Aramin died from a wound to the back of the head as she was leaving school during clashes between Israeli Border Police and Palestinians. The Jerusalem District Prosecutor closed the investigation for lack of evidence. In September 2007 the Israeli NGO Yesh Din appealed, alleging that according to 14 witnesses and independent Israeli pathologist Dr. Chen Kugel, she was shot with a rubber-coated bullet while running away. On February 12, the State Prosecutor's Office denied Yesh Din's petition to reconsider the decision to close the investigation.

There were no developments in the following 2007 killings of Israelis in the West Bank: Erez Levanon, Ahikham Amihai, David Rubin, or Ido Zoldan. There were no developments in the 2007 killings outside Beit Hanoun by a shell fired from an IDF tank of eight-year-old Mahmoud Mousa Hassan Abu Ghazala, 11-year-old Yahya Ramadan Atiyah Abu Ghazala, and eight-year-old Sarah Suliman Abdallah Abu Ghazala.

There were no investigations into the 2007 IDF killings of Jihad Khalil Hussein al-Shaer or Muhammad Ali Mesbah Jabarin, and no charges were brought in the 2007 IDF killing of Anan Muhammad Assad al-Tibi.

There were no developments in the investigation started in March 2007 into the 2006 IDF killing of Palestinian Nafia Abu Musaid.

On February 26, the IDF advocate general announced that no military police investigation would be launched into the 2006 IDF artillery shelling in the Gazan town of Beit Hanoun, which killed 19 Palestinians and injured others. The advocate general attributed the incident to a malfunction in the artillery control system.

There were no developments in the 2006 killings of Abu Yusif, military leader of the terrorist Popular Resistance Committees (PRC); Brigadier General Jad al-Tayeh of the GI and his four bodyguards; and three children of a senior PA intelligence officer and their driver.

On April 28, the Jerusalem District Court sentenced border policeman Yanai Lazla to six and a half years in prison. Lazla was one of four officers prosecuted for the 2002 Hebron killing of 17-year-old Imran Abu Hamdiyah, who was beaten and ejected from a moving police vehicle. On July 1, Lazla failed to appear to begin serving his sentence. In 2005 the first of the four officers was sentenced to four and a half years' imprisonment. At year's end the trial of the remaining two officers continued.

b. Disappearance

There were fewer reports of politically motivated kidnappings and disappearances in connection with internal Palestinian conflict than in previous years. On April 13, individuals in two vehicles abducted Sami 'Atiya Khattab of Dir al-Balah in the Gaza Strip. On April 15, Hamas-controlled police informed the family that Khattab's body was found southwest of Gaza City. According to a human rights organization, the body showed cuts, bruises, and other signs of violence.

There were no developments in the 2007 abduction and killing of Maher Halim Daoud Juri.

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

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

The PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups reported that torture was a significant problem. Torture by PA security forces and the Hamas Executive Force reportedly was widespread and not restricted to security detainees. The PA's actions to properly investigate, punish, and discourage torture and other abuses by its forces were minimal, lacked transparency, and were not generally effective. Hamas took no action to investigate reports of torture. Documentation of abuses was limited, due partly to fear of retribution by alleged victims. Palestinian NGOs alleged in previous years that the PA pressured individuals not to communicate allegations of abuse to NGOs. PA security officers have no formal guidelines regarding interrogations; convictions were based largely on confessions. Until issuance of a presidential decree in November 2007, the Preventive Security Organization (PSO) lacked the legal authority to detain suspects or manage detention facilities.

On July 29, HRW released a report documenting abuses by Hamas security forces against Fatah-affiliated officials in Gaza and by Fatah against Hamas members and supporters in the West Bank.

There were reports of significant abuses by PA security forces. The PSO and the GI were more frequently implicated in complaints of abuse than other security organizations. The Military Intelligence (MI) organization frequently exceeded its legal authority to investigate other security services' officers and detained civilians.

There continued to be reports of widespread abuse and violence by Hamas security forces against Fatah-affiliated officials in the Gaza Strip. In July 2007 Hamas Executive Force members detained Fatah member Muhammad Kamel al-Shekhrit during a demonstration and beat him at the former headquarters of the National Security Forces in Rafah. In August 2007 Izz ad-Din al-Qassam Brigade members beat Yasser Ouda Joma Abu Shabab, a police officer from Rafah, and interrogated him about his ties to Fatah. In September 2007 MI detained and beat Hamas member Raseem Khattab Hasan Mustafa in Nablus. In September 2007 PA Preventive Security officers beat Fawaz al-Tarada during the arrest of his brother, Hamas-supporter Fawwaz Hisham Hussein al-Tarada, and during interrogation in Hebron beat Fawwaz with a stick. No investigations were opened.

Israeli law, as interpreted by a 1999 High Court decision, prohibits torture and several interrogation techniques but allows "moderate physical pressure" against detainees considered to possess information about an imminent terrorist attack. The decision also indicates that interrogators who abuse detainees suspected of possessing such information may be immune from prosecution. Human rights organizations reported that "moderate physical pressure" has been used in practice to include beatings, requiring an individual to hold a stress position for long periods, as well as painful pressure on shackles and restraints applied to the forearms.

Incidents of IDF abuse of Palestinian detainees continued to be a significant problem. Abuses did not appear to be limited solely to certain units, but incidents involving the Kfir Brigade were particularly prominent. The IDF said it made efforts to retrain the brigade through simulations and workshops facilitated by human rights organizations, but there were reports that such training did not eliminate incidents of abuse. The IDF attributed an increase in incidents to growing willingness among commanders to report abuses.

On January 29, the Israeli press reported that soldiers in the Kfir Brigade beat and kicked detainees and documented their actions on cell phone cameras.

On February 11, three soldiers from the Haruv Battalion of the Kfir Brigade were indicted as a result of assaults near the West Bank settlement of Shavei Shomron. On June 3, the soldiers were convicted of beating two handcuffed and blindfolded minors and applying a heating device to the face of a detainee. They were sentenced to five and a half months in jail.

On March 11, two policemen from Ma'ale Adumim police station were arrested for severely abusing a Palestinian from Bethany. The Israeli NGO the Public Committee on Torture in Israel (PCATI) complained that in November 2007 the officers beat and urinated on the man, in addition to inserting objects into his body cavities. At year's end no additional information was available.

On July 7, in Na'alín village, an IDF soldier shot Ashraf Abu Rahma in the foot at close range with a rubber-coated bullet, while Abu Rahma was handcuffed and blindfolded. The soldier who fired the shot alleged that the battalion commander, Lt. Col. Omri Borberg, ordered him to shoot. On August 7, Borberg was charged with conduct unbecoming an officer and reassigned by the IDF chief of staff from his duties as commander of the 71st Armored Battalion. On August 19, the Israeli NGO the Association for Civil Rights in Israel filed a petition with the High Court seeking to compel the judge advocate general to file a more serious charge. On October 6, the High Court asked the IDF to consider charging a more serious crime. On November 4, the military advocate general announced that the original charge would not be changed.

According to an August 12 report in the newspaper Yedioth Ahronoth, four soldiers from the Haruv Battalion received administrative punishments for hitting a bound Palestinian and throwing him on the side of the road. The soldiers were punished for agreeing not to report the incident; three received a reprimand, and a fourth, the most senior, was confined for 21 days and suspended for 14 days.

Also in Na'alín, on September 1, IDF soldiers searching a house for a demonstrator shot Awad Srour at least three times in the head and chest with rubber-coated bullets. As a result, Srour lost an eye. IDF operations in Na'alín were frequent and linked to protests against the separation barrier, which often involved rock throwing by demonstrators and use of tear gas and rubber-coated bullets on by the IDF.

On July 27, a volunteer for Christian Peacemaker Teams was attacked by a masked settler while escorting children from nearby Al Tuwani village between their homes and summer camp. The volunteer sustained head injuries and was treated at a nearby hospital.

Israeli law prohibits forced confessions, but a detainee may not have legal representation until after interrogation, a process that may last weeks. Most convictions were based on confessions made during this period. Detainees sometimes stated in court that their confessions were coerced, but in previous years Israeli NGOs reported there were no instances of judges excluding such confessions. In May 2007 B'Tselem and HaMoked reported that isolation from the outside world is a common Israel Security Agency (ISA or Shin Bet) practice whereby detainees are prevented from meeting with attorneys, International Committee of the Red Cross (ICRC) representatives, and their families during the initial period of interrogation or for its duration. They also reported sleep deprivation, protracted handcuffing, insults and humiliation, threats, and naked body searches.

Israeli human rights organizations reported that Israeli interrogators used psychological abuse more frequently in recent years, including threats of house demolition or of questioning elderly parents, and kept prisoners in harsh conditions, including solitary confinement for long periods. In October 2007 PCATI submitted a letter to the attorney general citing three cases in which family members were detained allegedly to put psychological pressure on detainees. In his response the attorney general agreed that such actions were not appropriate and stated that the ISA agreed to refrain from such methods. On April 13, PCATI submitted a report to the Knesset Constitution, Law, and Justice Committee, documenting its allegations.

For example, on February 1, the ISA arrested and began interrogating Jalal Sawafta. After six days of interrogation, Sawafta's parents were brought to the interrogation room and asked to convince Sawafta to confess to involvement in rigging a car to explode. The ISA interrogator allegedly threatened to demolish the family home if Sawafta's parents did not convince Sawafta to confess. On February 28, PCATI filed a complaint with the Ministry of Justice and received a response indicating the complaint would be investigated. No results had been released at year's end.

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

There were no updates in the following 2007 cases: Amin Saud Mahmoud Hasuna and his brother, Yasser, and Jalal al-Batsh.

In January 2007 the Hebron police opened an investigation into Jewish Quarter resident Yifat Alkobi's verbal and physical assault on the Abu Aysha family, which was documented on video and broadcast on the media. At year's end there was no information available on the status of the investigation. There were no developments in the 2007 beating of children from the Abu Hatah family in Hebron by settlers from Kiryat Arba or in the 2007 case of 15 Israelis from Ma'on settlement, who attacked two shepherds from Mufaqara.

There were no further developments or investigations had not concluded in the following 2006 claims of beatings and other abuse: of an ISA detainee from the village of Koud at Kishon Detention Center, or by IDF soldiers at al-Fawar checkpoint, in Ramin Plain, and in Bil'in village.

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

Prison and Detention Center Conditions

PA prison conditions were poor. Many prisons were destroyed during the Intifada and were not reconstructed. Prisoners were kept informally incarcerated, and conditions of detention and imprisonment varied widely. During the year the PA generally permitted the ICRC access to detainees and regular inspections of prison conditions; however, the PA denied access to some detainees within 14 days following their arrests as required. The PA permitted independent monitoring of its prisons by the Independent Commission for Human Rights (ICHR, formerly known as PICCR) and other Palestinian NGOs, but human rights groups, humanitarian organizations, and lawyers in past years reported difficulties gaining access to specific detainees. Human rights organizations stated their ability to visit PA prisons and detention centers varied depending on which security organization ran the facility.

Gaza prison conditions were reportedly poor, and little information was available. The ICRC was able to conduct monitoring visits to prisoners held in Gaza by Hamas in most cases but not to captured IDF soldier Gilad Shalit.

IDF detention centers were less likely than Israel Prison Service (IPS) prisons to meet international standards with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. A November 2007 petition filed before the High Court asked for improved holding cells, regular toilet access, drinking faucets, three daily meals, and improved ventilation for detainees. At year's end the legal case between PCATI and the Ministry of Justice was pending.

Israel permitted independent monitoring of prison conditions by the ICRC. The Israeli Bar Association and other NGOs sent representatives to meet with prisoners and inspect prison, detention, and IDF facilities. Human rights groups reported delays and difficulties in gaining access to specific detainees, frequent, transfers of detainees without notice, and the significantly limited ability of families of Palestinians imprisoned in Israel to visit.

According to the NGO Palestinian Prisoners Club, Israel held 24 Palestinian prisoners in some form of solitary confinement during the year.

Palestinian prisoners in Israeli custody 16 years and older were treated and housed as adults. B'Tselem reported that as of November, the IPS held 318 Palestinians under the age of 18, including 25 minors age 15 or younger. The IDF held six Palestinian minors in its two Provisional Detention Centers as of October, according to B'Tselem. An international organization reported that most Palestinian minors were held in Hasharon prison, while the remainder were housed at Damoun and Ofek prisons; all were being held as security prisoners. Minors in the two IDF facilities, where detention is limited to 21 days, were not separated from adults.

According to the PA Ministry of Prisoners' Affairs, there were 161 critical medical cases of Palestinians in Israeli prisons in 2007. Since 2004 Israel authorized several private doctors to visit and increased medical attention; however, prisoners continued to claim inadequate medical attention.

d. Arbitrary Arrest or Detention

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

Israeli law prohibits arbitrary arrest and detention, but the security services did not always observe these prohibitions. Palestinian security internees were under the jurisdiction of military law, which permits 10 days' detention without seeing a lawyer or appearing before court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks. The ICRC is required to be notified of arrests within 12 days after they occur and allowed to visit detainees within 14 days after the arrest.

Role of the Police and Security Apparatus

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

PA security forces included the National Security Forces (NSF), the PSO, the GI, the Presidential Guard (PG), and the police. Quasi-military security organizations, such as the Military Intelligence, exercised the equivalent of law enforcement powers. The PSO, the civil police, and civil defense fall under the legal control of the interior minister, who reports to the prime minister. President Abbas has legal authority over the NSF, PG, and GI, although all PA security branches have been put under the interior minister's operational control. The interior and justice ministries investigate complaints regarding conduct of the PA security forces.

Hamas exercised de facto authority over the Gaza Strip, including policing and security functions.

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

Arrest and Detention

PA security forces often ignored laws by detaining persons without warrants and without bringing them before judicial authorities. PA security forces also occasionally disregarded court decisions calling for release of alleged security criminals. Suspects often were held without evidence and denied access to lawyers, families, or doctors. The law provides for a prompt judicial determination of the legality of detention and was observed in practice. Detainees were informed of the charges against them, although sometimes not until interrogation. There was a functioning system of bail.

Both Hamas and the PA detained hundreds of individuals because of their affiliation with the rival faction without recourse to judicial review. On August 1, Fatah leadership including Khan Yunis Governor Usama al-Farra, and Gaza Governor Muhammad al-Qidwa were arrested and released after nearly two months in jail. In the West Bank, more than 100 Hamas affiliated municipal council members and activists were detained because of their political affiliation as of late August, according to a Palestinian organization.

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

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

On July 23, IDF soldiers arrested Jamal Hussein Amira during a protest against the separation barrier near Na'alín village. Amira's daughter filmed the July 7 shooting of a handcuffed and blindfolded Palestinian by an IDF soldier. Human rights activists expressed concern that the arrest may have been in retribution for the family's role in exposing the previous IDF abuse. A military judge agreed, noting that out of all those protesting at the time, it was the

girl's father who was arrested. The charges were dismissed for lack of evidence.

According to Palestinian and Israeli NGOs, there were approximately 8,300 Palestinian prisoners and detainees, including 1,800 common law criminals in IPS prisons and the three IDF detention centers in Israel and the West Bank. This number included approximately 325 minors and 570 administrative detainees.

Israel conducted some mass arrests in the West Bank; however, most arrests targeted specific persons. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the number of IDF search and arrest campaigns increased during the first 10 months of the year. From January 1 to October 31, the IDF arrested an average of 83 persons weekly in the West Bank. There were a total of 4,078 search and arrest campaigns conducted in the first 10 months of the year, compared to 2,613 in the same period in 2007. At year's end 37 of the 132 members of the PLC remained in jail in Israel, including 33 from the terrorist group Hamas, three from Fatah and one from the terrorist group Popular Front for the Liberation of Palestine (PFLP). Of those, 20 were awaiting trial, four remained in administrative detention, and 13 were serving sentences.

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

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

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. The Basic Law provides for an independent judiciary, but in practice, the PA sometimes avoided prosecuting cases against politically connected individuals and circumvented the authority of the courts when expedient. A High Judicial Council maintained authority over most court operations. Military courts, established in 1995 and guided by the 1979 PLO Penal Code, have jurisdiction over security personnel and crimes by civilians against security forces. They do not provide the same rights as nonmilitary courts and generally apply longer sentences. There is a nine-judge court for election issues.

In September 2007 former Hamas Prime Minister Ismail Haniyeh named a de facto High Judicial Council for Gaza. Hamas-affiliated members replaced PA prosecutors and judges. The PA declared the council illegal; however, it continued to function in Gaza.

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

IDF restrictions on access and movement throughout the West Bank significantly impacted the PA's efforts to improve administration of justice.

Palestinian lawyers and judges reported frequent delays of several hours and difficulty obtaining approval to transport prisoners across checkpoints.

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

Trial Procedures

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

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

PA law allows the death penalty for certain offenses, including types of treason and murder. In recent years, most PA death penalty convictions were issued by military courts under the PLO Revolutionary Penal Code of 1979. Trials conducted in PA military courts lacked due process protections, and human rights organizations criticized the PLO code for allowing the death penalty to be applied to a broad range of offenses.

On July 15, a PA military court in Jenin sentenced Wael Said Saad Saed and Mohammad Saed Mahmoud Saed to death by firing squad. Palestinian NGOs reported that the trial was hasty and that journalists were prevented from entering the courtroom until the sentences were given and were prevented from taking photographs.

On April 28, a PA military court in Hebron sentenced Imad Saad to death for collaboration with Israel. Saad was arrested in August 2007 on allegations that he provided Israeli intelligence services with the locations of four Palestinian gunmen who were subsequently killed by the IDF. Saad is the first person sentenced by the PA to death for the charge of collaboration since 2004. At year's end his sentence had not been carried out because it had not been ratified by PA President Abbas.

(For information on the rights granted in Israeli military courts, see the Israel Report.)

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

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

A May report by Yesh Din on police investigations into settler violence against Palestinians determined that 8 percent of the 205 cases being tracked resulted in indictments. The remaining 92 percent were dismissed.

Political Prisoners and Detainees

Palestinian sources estimated the PA imprisoned 22 persons suspected of collaboration with Israel during the year. During the year seven persons were arrested on charges of collaboration and other charges. Many of those held in Gaza as Israeli "collaborators" reportedly were released in 2007 after Hamas took over (see section 1.d.). Hamas executed, kneecapped, or arrested an unknown number of Palestinians in Gaza, including supporters of Fatah, in late December. Hamas claimed those arrested and killed were collaborating with Israel.

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

Civil Judicial Procedures and Remedies

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

Israeli law permits Palestinians residing in the occupied territories to seek compensation for death, injury, or property damage at the hands of the IDF.

An investigation continued in the 2004 case in which IDF soldiers shot and killed 13-year-old Iman al-Hams as she approached an IDF outpost in Gaza carrying a bag of schoolbooks that troops suspected contained explosives. In November 2007 the parents' petition for compensation, which had been accepted by the High Court, was transferred to the military attorney general. At year's end the case was pending.

Property Restitution

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

On June 16, the IDF confiscated 89 acres of land to expand a military base near the settlement of Roi. Palestinian officials claimed the land was privately owned Palestinian land and expressed concern that the confiscation would cut off access to the village of al-Hadidiya.

On October 31, the IDF razed Bedouin dwellings in communities south of Hebron and east of Ramallah, leaving 142 homeless, according to media reports. The Israeli planning rights NGO, Bimkom, in a June report, said Israeli data showed that between 2000 and September 2007: 4,820 buildings received demolition orders in area C, which is designated under the Oslo accords as West Bank land under full Israeli civil and military authority; 1,626 buildings were demolished; and 1,624 applications for building permits in area C were submitted by Palestinians, of which 91 permits (5.6 percent) were approved.

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

A July 2007 OCHA report on the humanitarian impact of Israeli settlements concluded that 40 percent of West Bank land includes Israeli infrastructure including 1,032 miles of roads, military bases, nature reserves, settlements, and outposts. According to the Israeli Central Bureau of Statistics (ICBS), the population of Israeli settlements grew 5.6 percent in 2006-07, while Israel's population grew 1.6 percent. There were no updated statistics available during the year. ICBS also reported that the number of starts on new construction in settlements was 42 percent higher between January and June than in the same period in 2007.

In March 2007 the Israeli Ministry of Finance transferred to the government of Israel ownership of 7.5 acres of olive orchard known as "Mufti's Grove" in East Jerusalem's Shaykh Jarrah neighborhood. In April 2007 the Israeli government leased the land to the Ateret Cohanim settler group. In December 2007, responding to a petition submitted by Arab Hotels Company Limited contesting ownership of Mufti's Grove, the High Court of Justice set a September 26 hearing date, which was subsequently delayed. At year's end no hearing had taken place.

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

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

The PA required the attorney general to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements.

Under occupation orders, only IDF lieutenant colonels and above could authorize entry into private homes and institutions without a warrant, based upon military necessity. Israeli authorities stated that violating this order entailed punishment, but there were no reported cases of IDF soldiers punished for

acting without fulfilling this requirement.

Israeli forces are prohibited from using "human shields" by law, High Court rulings, and an IDF order, but the prohibition was not always observed. There was no additional information available in the disciplinary proceedings against Brigadier General Yair Golan who ordered the 2007 operation in which 24-year-old Samah Amira was held at gun point to serve as a human shield as the IDF searched houses in Nablus. In October 2007 IDF Chief of Staff Gabi Ashkenazi initiated a disciplinary proceeding against Brigadier General Yair Golan for authorizing the operation. In 2006 B'Tselem claimed that during an incursion in northern Gaza, IDF soldiers seized control of two buildings and used six residents as human shields. The IDF previously informed B'Tselem that the investigation continued; however, at year's end there were no developments.

Israeli authorities limited Palestinian home construction, notably in East Jerusalem. The municipality of Jerusalem demolished 88 houses in East Jerusalem during the year because they were defined by the Israeli government as illegal. Additional demolitions of houses by the IDF in Jerusalem were not tracked by the municipality. The NGO Israeli Committee Against Home Demolitions recorded a total of 93 demolitions in Jerusalem during the year. Israeli authorities generally restricted Palestinian home building elsewhere in the West Bank and near Israeli settlements. According to OCHA, 110 homes were demolished in the West Bank and Gaza, leaving 489 Palestinians homeless.

During the year the IDF destroyed numerous citrus, olive, and date groves and irrigation systems in Gaza, stating that Qassam rockets were being fired from those areas. For example, on January 6, the IDF carried out land-leveling operations in conjunction with a military operation in al-Bureij camp in Gaza, uprooting 20 acres of olive trees. On January 23, IDF bulldozers operating on agricultural land northeast of Beit Hanoun uprooted approximately 85 acres of olive and citrus trees.

As in previous years, there were numerous incidents of vandalism of Palestinian olive groves by Israeli settlers. On October 2, following the IDF evacuation of the illegal outpost at Shavut 'Ami, settlers burned 2.5 acres of land belonging to farmers from Immatin village near Qalqiliya, destroying an estimated 100 olive trees. On October 11, settlers from Yitzhar injured three Palestinians and cut down 18 olive trees before IDF soldiers intervened. During the year violent attacks by settlers against Palestinians increased significantly. On June 20 and July 21, settlers from Yitzhar and Har Bracha settlements launched multiple improvised rockets at nearby Palestinian villages. Israeli police arrested Gilad Herman, a student at Od Yosef Hai Yeshiva in Yitzhar following an investigation of the June 20 incident. On July 28, a Molotov cocktail attack on a house on the outskirts of Burin, next to Har Bracha, caused significant damage when it landed in a child's crib. The family was not at home.

Palestinian villages in the south Hebron hills and south of Nablus were particularly affected. The press widely covered a June 8 attack on Tamam al-Nawajah and two other members of her family who were farming near Susiya settlement. Press coverage was in large part due to the availability of footage taken by a member of al-Nawajah's family. On June 17, Israeli police arrested three residents of Susiya in connection with the assaults. They were later released for lack of evidence. At year's end the investigation continued.

On July 5, settlers from Ashael tied Madahat Abu Kirash to a telephone pole and beat him. The incident was also filmed and widely reported in the press. A spokesman for a South Hebron Hills settler organization denied involvement and alleged that Palestinians or leftist activists had staged the attack. Israeli police arrested three people who were released to house arrest with electronic monitoring bracelets pending trial. They were prohibited from entering the West Bank.

Israeli authorities arrested 19-year-old Daniel Avraham, a settler from Yitzhar settlement, and charged him on August 25 with possession of weapons and endangering lives on a road in an August 1 attack in which a large stone thrown onto a vehicle wounded a pregnant woman and two of her daughters. At year's end no additional information was available.

In September Yesh Din reported that Israeli police regularly failed to bring charges in cases of alleged settler violence against Palestinians. A continuing review of 205 cases determined that 163 files had been closed, with 13 resulting in indictments and 149 closed without charges. The most common reasons cited were lack of evidence and unknown identity of the attacker.

The IDF cleared and took control of privately owned Palestinian land to construct the separation barrier. According to OCHA, at the end of 2007, 254.2 miles of the 449.4 mile-barrier had been constructed and 8,887 acres of West Bank land confiscated in the process. There were no updated statistics available during the year. Israeli government policy was to build the barrier on public lands where possible, and where private land was used, provide opportunities for compensation. Numerous cases were filed in Israeli courts challenging barrier route (see section 2.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

There were three Palestinian daily and several weekly newspapers, several monthly magazines, and three tabloids. The PA operated one television and one radio station. There were approximately 30 independent television and 25 independent radio stations. Violence between Hamas and Fatah resulted in polarization of the Palestinian press. Working conditions for journalists in the West Bank and Gaza deteriorated noticeably during the year; however, some international news outlets maintained offices in Gaza.

Since June 2007 the PA has maintained its distribution ban on the pro-Hamas Al-Risala twice-weekly and Felesteen daily, both Gaza-based publications.

On July 27, Hamas banned distribution of the three dailies in Gaza. On August 24, the ban was lifted against Al-Quds newspaper but remained in place against Al-Ayyam and Al-Hayat Al-Jadida. According to officials from those newspapers, Hamas demanded that its own newspapers, Al-Risalah and Felesteen, be allowed to circulate in the West Bank in order to lift the ban against the two West Bank-based papers.

On February 10, a Hamas-run court in Gaza ruled in support of banning the distribution of the independent daily Al-Ayyam, while sentencing the paper's editor and its main political cartoonist (both resident in the West Bank) to suspended jail terms. The decision was the result of a court case alleging defamation filed by several Hamas legislators, over a political cartoon published in the paper in November 2007.

In June 2007, following its take-over of the Gaza Strip, Hamas closed down all Fatah-affiliated broadcast outlets in Gaza. The Fatah-allied Palestinian TV and Voice of Palestine radio buildings in Gaza City were taken over by Hamas gunmen and closed down. Both stations have since been operating from Ramallah. Two other Fatah-affiliated radio stations in Gaza, Al-Hurriyah and Al-Shabab, also went off the air at the same time.

The NGO Reporters Without Borders (RSF) reported that after the takeover of Gaza in 2007, Hamas leaders announced that they would apply a 1995 press law that was drafted but never passed by the PLC, under which journalists can be imprisoned for up to six months and newspapers closed for reports liable to "jeopardize national unity or incite crime, hatred, division or sectarian dissension or for criticizing the police and security forces."

Pro-Hamas journalists in the West Bank were exposed to threats. Only pro-Hamas broadcast media and PFLP-affiliated radio outlet Voice of the People have operated in Gaza since June 2007. In 2007 Hamas closed Voice of the People for two and a half months and again during the year between August 2 and August 6. According to RSF, at least nine news media outlets stopped operating in Gaza, three of which were state owned and six privately owned. On January 1, PA forces arrested four journalists in the West Bank city of Tulkarm, including the head of Hamas-affiliated Al-Aqsa television in the West Bank, Muhammad Shteivi; a reporter for the same television station, Tariq Shahab; a reporter for the Hamas daily Felesteen, Salim Tayeh; and a fourth journalist, Fareed As Sayed. Both Shahab and Tayeh were released shortly after their arrest. Shteivi was held for three days before being released and was subject to periodic questioning by PA security forces but was not subsequently held in custody.

On March 12, the independent Ramattan News Agency reported that PA security forces forcibly entered the agency's offices in Ramallah and arrested the editor in charge, Nawwaf Al-Amer. Al-Amer was held for questioning and then released by PA security forces.

On July 26, Hamas forces arrested Fouad Jarrada of the Palestinian Broadcasting Corporation, the official Palestinian television station, and Amro Farra of the official Palestinian WAFA News Agency. The press reported that Hamas forces raided the office of WAFA in Gaza as part of a crackdown on Fatah activists and institutions, following a large explosion in Gaza believed by Hamas to be a Fatah attack against Hamas.

Also on July 26, the PA intelligence services in the West Bank arrested Alaa el Titi, a correspondent of the Hamas television station Al Aqsa, and Mostapha Sabri, the editor of the Hamas daily Felesteen.

Again on July 26, Hamas arrested Sawah Abu Saif, a cameraman working for Germany's ARD television network. He was released on July 30. According to press reports, Abu Saif was arrested by Hamas forces in an effort to gather information on staff and correspondents of ARD, accused by Hamas of producing negative reports about its government and the overall situation in Gaza. On July 31, ARD closed its office in Gaza.

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

As a general rule, Israeli media covered the occupied territories, except for combat zones where the IDF temporarily restricted access. Since November 6, journalists were prohibited from entering the territory by the IDF. The military's ban on travel by journalists continued at year's end.

Closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs (see section 2.d.).

In July 2007 al-Aqsa television cameraman Imad Ghanem was shot by IDF soldiers while covering an IDF operation in al-Barij Camp in Gaza and subsequently lost both legs. RSF called for an investigation, but there was no known investigation by year's end.

On July 10, the IDF closed the independently owned Afaq TV in the West Bank city of Nablus. According to press reports, the IDF closed the station for one year, accusing it of affiliation with a terrorist entity.

On August 20, the IDF raided three Hebron media outlets reportedly looking for the source of interference with Ben Gurion airport operations, according to staff at the outlets. IDF soldiers damaged and confiscated some equipment and detained two employees.

Internet Freedom

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

Academic Freedom and Cultural Events

There were no PA restrictions on academic freedom and cultural events. During the year Palestinian authorities did not interfere with education;

however, violence and restrictions on movement adversely affected academic institutions (see section 2.b.). In Gaza Hamas continued to remove Fatah-affiliated employees from all sectors, including firing several principals and teachers. Israeli authorities continued to prohibit Palestinians from undergraduate university study in Israel.

Israeli authorities prevented many Palestinian cultural events that they reportedly perceived to be associated with Palestinian political ambitions. Seven times during the year, including most recently on November 21, the Ministry of Interior closed the Palestinian National Theater, al-Hakawati, for lack of proper licenses. The theater and event organizers claimed the performances did not require a license and that the closures were intended to reduce Palestinian cultural activity in Jerusalem.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

PA law permits public meetings, processions, and assemblies within legal limits. It requires permits for rallies, demonstrations, and large cultural events, but authorities rarely denied them. The PA prohibited calls for violence, displays of arms, and racist slogans, although it rarely enforced these provisions. Following November 2007 Fatah-Hamas clashes in Gaza, Hamas banned rallies, impeded freedom of assembly, and the carrying of arms by Fatah members. Hamas members were permitted to hold demonstrations and display weapons in public in Gaza.

On April 26, Hamas decreed that any public assembly or celebration was required to receive prior permission, in contradiction to the Basic Law.

On May 10, four plainclothes Hamas security forces entered the Commodore Hotel in Gaza and broke up the annual conference of Bada'el Media Research and Studies Center, citing the failure of the conference to obtain permission from the police.

In June Hamas detained Fatah activists mourning the anniversary of the June 2007 killing of Jamal Abu al-Jidyan, a senior al-Aqsa Martyrs Brigade member and Fatah Secretary for northern Gaza.

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

Freedom of Association

PA law allows for the freedom of association, but it was limited in practice. PA security services frequently raided and closed Hamas-affiliated organizations and charities. On August 6, the PA raided four charitable organizations and two printing houses in Hebron Governorate and confiscated vehicles and computers.

Between July 26 and July 28, in the aftermath of a July 25 explosion on a Gaza beach, Hamas closed at least 45 NGO offices. Most of the NGOs were Fatah-affiliated, but a number were independent of any political affiliation.

Overnight on July 7 and July 8, the IDF conducted a series of raids in Nablus against organizations allegedly affiliated with Hamas, including a major commercial mall.

Prominent Palestinian centers in East Jerusalem, such as the Chamber of Commerce and Orient House, remained closed by Israel on grounds they operated under PA supervision. On July 2, Israel closed the Palestinian Housing Council (PHC) in East Jerusalem on the grounds that it was acting as a representative of the PA. The organization released a statement saying it had been a registered Israeli company since 1991. PHC reopened on December 31 after the closure order expired without further action by the government of Israel.

c. Freedom of Religion

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

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

The PA's Ministry of Religious Endowments and Religious Affairs (Awqaf) constructed and maintained mosques and paid salaries of imams. Christian clergymen and charitable organizations received limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories; these areas were generally under Israeli control. The PA required that religion be taught in PA schools and provided separate instruction for Muslims and Christians.

Due to the Hamas take over of the Gaza Strip, the PA was unable to pursue cases of religious discrimination there. Attacks on the Christian community in Gaza increased in 2007, and the press reported the Hamas regime did not arrest suspects in these attacks. There were numerous attacks in the Gaza Strip by Muslim extremist groups who went by variations of the name "Swords of Right," "Swords of Justice," and "Swords of Islam." Some Gazan Christians stated that they believed they were under scrutiny for being different from their Muslim neighbors, and they raised concerns that no authority was willing or able to rein in extremist groups.

There were multiple attacks on schools and institutions affiliated with the small Christian community in Hamas-controlled Gaza. On February 15, armed men broke into the YMCA compound in Gaza City and attacked the guards. They set off two bombs, including one in the library that damaged thousands of books. On February 21, armed militants forced their way into the Lighthouse Baptist School in Gaza City, assaulted a guard, and vandalized classrooms.

On March 20, a 15-year-old boy from the West Bank settlement of Ariel was seriously wounded by shrapnel after explosion of a bomb that was concealed in a Purim gift basket in front of his home. The boy's father, a Messianic Jew, was previously the victim of a smear campaign by Orthodox Jews, who hung posters of his face with the caption "dangerous missionary." It was widely reported that the family was attacked because of their religious beliefs.

On May 16, unknown assailants detonated a bomb outside a Christian school in Gaza City, causing no injuries. Hamas officials stated they were looking into the incident, and the case remained open at year's end. On May 31, unidentified militants again attacked the Lighthouse Baptist School in Gaza City, injuring a guard and stealing a bus from the Holy Book Association.

There were no developments in the October 2007 cases of Rami Khader Ayyad, who was abducted and killed on his way home from work at the Baptist-affiliated Holy Bible Association in Gaza, or the arson at a synagogue near the settlement of Dolev in the West Bank.

Israeli authorities generally respected religious freedom and permitted all faiths to operate schools and institutions; however, some increases in societal abuses and discrimination contributed to a slight decline in respect for religious freedom during the year. Israeli permit restrictions on entering Jerusalem prevented many Christian and Muslim worshippers from reaching holy sites in the city.

Religious workers from Christian organizations in Jerusalem, the West Bank, and Gaza found it increasingly difficult to obtain or renew visas from the Israeli government. In October 2007 the Interior Ministry announced it had cancelled all reentry visas for Christian clergy in the occupied territories. Clergy who wished to return to or visit their parishes in the occupied territories were required to apply for new, single-entry visas at Israeli consulates abroad, a process that could take months.

In October 2007 the Interior Ministry told the newspaper Ha'aretz that the unannounced mass visa revocation was conducted at the request of security officials, and that the ministry was "trying to coordinate a means of operation that would make it easier for clergymen and women to travel." According to the President of the Holy Land Christian Ecumenical Association, quoted in an October 2007 Ha'aretz report, some clergy refused to leave the occupied territories, fearing that they would not be allowed to return, while others remained outside the country after being turned back by border officials while trying to return home. As in past years, the shortage of foreign clergy impeded the functioning of Christian congregations and other religious and educational institutions.

The construction of the separation barrier by Israel, particularly in and around East Jerusalem, limited access to mosques, churches, and other holy sites, and seriously impeded the work of religious organizations; however, at times the Israeli government made efforts to lessen the impact on religious communities. For security reasons, the Israeli government frequently prevented nearly all West Bank Palestinians and most male Muslim worshippers with Jerusalem identification cards under a certain age (usually 45 or 50) from attending Friday prayers inside the Haram al-Sharif/Temple Mount, the third holiest site in Islam. Israeli authorities restricted many West Bank and virtually all Gaza residents from entering Jerusalem during Ramadan.

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

Societal Abuses and Discrimination

Palestinian media frequently published and broadcast material that included anti-Semitic content. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders carried on the official PA television. Some Palestinian religious leaders rejected the right of Israel to exist. Hamas' al-Aqsa television station carried shows for preschoolers extolling hatred of Jews and suicide bombings. Israeli settler radio stations often depicted Arabs as subhuman and called for Palestinians to be expelled from the West Bank. Some of this rhetoric contained religious references.

The PA Ministry of Education and Higher Education completed the revision of its primary and secondary textbooks in 2006 and began a process to consider further revisions. International academics concluded the textbooks did not incite violence against Jews, but showed imbalance, bias, and inaccuracy. There are cases where the maps in Palestinian textbooks do not depict the current political reality. Palestinian textbooks are inconsistent in defining the 1967 borders and labeling areas and cities with both Arabic and Hebrew names.

On December 31, 2007, Israeli settlers from Elazar and Newe Daniyyel burned a 700-year-old mosque in Khirbet Humeida village near Bethlehem. There was no known investigation.

For more detailed discussion, see the 2008 International Religious Freedom Report at www.state/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The Basic Law provides for freedom of movement, and the PA generally did not restrict freedom of movement.

The IDF restricted the movement of Palestinians and frequently heightened these restrictions citing military necessity. These restrictions on movement affected virtually all aspects of life, including access to places of worship, employment, agricultural lands, schools, hospitals, and the conduct of

journalism and NGO activities.

The Israeli government continued construction of a separation barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. As of September, 57.2 percent of the route of the separation barrier was completed, 8.6 percent was under construction, and 34.2 percent was not yet constructed. The route of the barrier separated approximately 9.5 percent of the West Bank, totaling approximately 135,000 acres, including East Jerusalem, from the rest of the West Bank. Areas near the barrier or its projected route are designated military zones where Palestinians were not able to obtain building permits.

A 2004 International Court of Justice advisory opinion concluded that construction of the barrier was in a number of aspects contrary to international law. In 2005 the High Court reaffirmed its 2004 decision that the barrier is permissible under both international and Israeli law if properly routed; however, it questioned whether a segment near Jerusalem in the West Bank utilized the least intrusive route available and asked the government to consider an alternative. The High Court has ordered the government to reroute three specific sections of the barrier. At year's end the government had not begun to implement the 2005 ruling regarding the barrier near Alfe Menashe settlement or the September 2007 ruling regarding the portion near Bil'in village. In November work implementing the 2006 ruling on the routing near 'Azzun and Nebi Alias villages began.

Palestinians filed a number of cases with the Israeli High Court challenging the route of the barrier, several of which remained active at year's end. In September 2007 the High Court ordered the IDF to redraw, partially dismantle, and rebuild the route of a 1.1 mile section of the barrier around Bil'in that separated Palestinian residents from much of their farmland. The High Court instructed the IDF to present a revised plan within a reasonable period of time and explicitly required a parcel of land belonging to the village allocated for expansion of the settlement of Modiin Ilit to be placed on the Palestinian side of the barrier. During the year two proposed reroutings were offered by the IDF, each of which was rejected for not meeting the requirements of the September 2007 court decision. At year's end following a December 15 ruling against the most recent proposal, the IDF was drafting a third draft revision to the routing of the existing barrier.

During the year Israeli authorities required thousands of Palestinian schoolchildren who resided on the eastern side of the barrier to transit gated checkpoints to attend school in East Jerusalem. Students from Bir Nabala, which is surrounded by the barrier, were prohibited from crossing near their homes; instead, they were forced to take hour-long detours of seven to 10 miles to pass Rafat/Masyion and Qalandiya checkpoints to reach school. Near Jerusalem, Highway 443 crosses the West Bank southwest of Ramallah and since 2006 has been restricted by military order from use by nearly all Palestinians. On March 5, the Israeli High Court deferred a decision on the legality of Highway 443 until an update could be provided on the progress of an alternate road for use by Palestinians, effectively sanctioning the restrictions in place at the time. Human rights organizations said that land for Highway 443 had originally been expropriated for the purpose of improving transportation for Palestinians between Ramallah and outlying villages. In "seam-zone" communities in the West Bank, located between the separation barrier and the Green Line, Israel requires Palestinians to obtain residency permits to remain in their homes. Services for these communities are generally located on the east side of the separation barrier, so children, patients, and workers must pass through barrier gates to reach schools, health services, and workplaces. Gates are neither open around the clock nor are ambulances allowed free access.

In the aftermath of terrorist attacks or during military exercises, Israeli authorities prohibited travel between some or all West Bank towns. Such "internal closures" were supplemented, during periods of potential unrest and during major Israeli, Jewish, and Muslim holidays, by "comprehensive, external closures," which precluded Palestinians from leaving the West Bank. The IDF imposed temporary curfews confining Palestinians to their homes during arrest operations; the West Bank was under curfew a total of 873 hours in 2007.

Since June 2007 Israel has enforced a strict blockade of Gaza, seriously impeding people and goods from entering or leaving. Virtually no humanitarian goods or fuel entered Gaza between November 5 and December 25 during a flare-up of hostilities between Israel and Hamas. Israel permitted additional humanitarian goods to enter Gaza immediately prior to and during IAF airstrikes that began on December 27. The shortages of fuel caused by the closure resulted in widespread blackouts throughout Gaza and damaged electrical grid infrastructure. Israeli prohibition of access to Gaza beginning in early November for foreign journalists resulted in widespread protests by international news agencies. Israel also denied entry to Gaza to foreign staff of international NGOs working in Gaza from November 4 until the end of the year.

In response to Qassam rocket fire, the IDF announced in 2005 that Palestinians should keep a distance of 460 feet from the Gaza perimeter fence and declared the former northern settlement block a "no-go" zone. Entry into this area for the 250 Palestinian residents requires prior coordination with the IDF. Although the official buffer remained 460 feet, Palestinians were often prevented from approaching areas as far as 3,280 feet from the fence in some areas. According to OCHA, since May 2007, due to continuing IDF military activities, Palestinian farmers have been unable to reach their farms in the area.

Access to Israel and Egypt for medical treatment by Gazans continued to be highly restricted. However, between February and March, several hundred medical patients were allowed to leave Gaza using shuttles. On August 4, Physicians for Human Rights reported that the ISA questioned patients transiting Erez checkpoint from Gaza and could refuse passage to persons refusing to provide intelligence information to ISA. Jerusalem-based ambulances were not permitted to serve Palestinian patients in nine communities located within the Jerusalem municipality but isolated by the separation barrier. PRCS ambulances from the West Bank were subjected to delays or refused entry to Jerusalem by IDF soldiers at checkpoints. PRCS employees reported being objects of verbal or physical abuse on 30 occasions through October.

According to OCHA, as of September, in the West Bank there were 630 obstacles to movement, including 75 fully manned checkpoints, 18 occasionally manned checkpoints, 230 earth mounds, 68 cement roadblocks, 97 road gates, 46 earthen walls, 22 trenches, and 74 road protection fences. There were an additional 69 obstacles in the H2 area of Hebron not otherwise counted as staffed checkpoints which OCHA counted separately from the total number of obstacles. During the year of the 71 gates or checkpoints along the separation barrier, 40 were accessible only to Palestinians in possession of permits. Operating hours of the accessible gates were limited and although schedules were announced, openings and closings were erratic. Closure of major checkpoints was at times arbitrary and hindered Palestinians from reaching workplaces, school, places of worship, and health services.

Between January and October, OCHA recorded 3,078 "temporary" checkpoints in the West Bank, a weekly average of 76.2, due to arrests or other operations. Over the same period Israeli forces made 3,341 arrests.

Israel continued to restrict access to the Jordan Valley by Palestinians residing in other areas of the West Bank. Highway 90, the main north-south highway in the Jordan Valley, was not explicitly restricted from use by Palestinians, but Palestinians not resident in the valley have been prohibited from driving cars across the four main access points since April 2007.

Palestinians in the Israeli-controlled section of Hebron (H2), according to OCHA, faced 78 significant obstacles to movement. According to a November-December 2006 B'Tselem survey, these policies have since 2000 resulted in Palestinians abandoning more than 1,000 homes (40 percent of all Palestinian homes) and at least 1,829 (more than 76 percent) businesses in H2.

West Bank and Gaza residents can enter Jerusalem only with an Israeli-issued travel permit. During the year Israeli authorities prohibited passage between Gaza and the West Bank, except for a very limited number of Palestinians holding Israeli permits. During the month of Ramadan, only Palestinian men over 50 and women over 45 were permitted to enter Jerusalem without a permit. Palestinians under the age limit were required to obtain a permit.

In December 2007 a court-ordered, IDF-operated shuttle service between Gaza and the West Bank ceased operating. The shuttle, started following the June 2007 closure of the Rafah crossing in Gaza, allowed students and holders of long-term visas, residency, or citizenship of a foreign country to leave Gaza. The shuttle system operated four times, and 550 people were allowed to leave, but after Israel declared Gaza a "hostile entity" in September 2007, the shuttle service was discontinued. In response to a petition by the Israeli NGO Gisha (Legal Center for Freedom of Movement), the High Court in October 2007 ordered that it be renewed, and in December the shuttle service transported 484 students and their families.

In January the High Court petition filed by Gisha was withdrawn after all named petitioners either reached universities or had admissions to overseas universities cancelled. Gisha estimated that approximately 70 students were granted exit permission for foreign study on a case-by-case basis during the year on the condition that diplomats from the countries of study escorted students while transiting Israel to and from Gaza.

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

The PA issued passports for Palestinians in the West Bank and Gaza. Because there were no commercial flights from the territories and permits to use Ben Gurion airport were not available, travelers departed by land into Jordan or Egypt. NGOs claimed that Israeli authorities harassed their representatives who landed at Ben Gurion airport. Foreign citizens of Palestinian ethnicity had difficulty obtaining or renewing visas permitting them to enter the West Bank and Israel both from Ben Gurion airport and land entry points.

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

Residency restrictions affected family reunification. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or who subsequently lost residence permits, to reside permanently in the occupied territories. It was difficult for foreign-born spouses and children of Palestinians to obtain residency. Palestinian spouses of Jerusalem residents must obtain a residency permit and reported delays of several years.

Palestinians in East Jerusalem also reported delays in registering newborn children. In September 2007 the High Court ordered reconsideration of the freeze on family unification in the West Bank. There were no further developments at year's end.

The Basic Law prohibits forced exile, and the PA under President Abbas did not use forced exile in practice. Revocations of Jerusalem identification cards continued in recent years. B'Tselem reported that 1,363 were revoked in 2006. In 2007, the most recent year for which data were available, HaMoked stated that the Israeli Ministry of Interior recorded 289 revocations. Reasons for revocation include having acquired residency or citizenship in a third country, living abroad for more than seven years, or, most commonly, being unable to prove a "center of life" in Jerusalem.

The Internal Displacement Monitoring Centre of the Norwegian Refugee Council, citing data gathered by Palestinian refugee-rights NGO BADIL in September 2007, estimated there have been more than 110,000 internally displaced persons (IDPs) since 1967. The UN Relief and Works Agency (UNRWA) estimated that between January and March, at least 544 individuals, including 159 children, were displaced as a result of 74 residential structure demolitions in the occupied territories, almost exclusively in the West Bank. This internal displacement in the West Bank is primarily the result of actions by the Israeli government, including home demolitions, land expropriation, and revocation of Jerusalem residency rights.

Internal displacement in Gaza was significant, resulting from damage to housing and flight from conflict areas during the IAF air strikes in the last five

days of December. At year's end UNRWA estimated that 370 people were living in shelters in Gaza as a result of continuing Israeli military operations. With limited exceptions, Israel did not provide protection or assistance to IDPs in the occupied territories. Israel made available monetary compensation for land expropriations, which was generally refused by Palestinians. The PA provided some assistance through rental subsidies and financial assistance to reconstruct demolished houses. International response and assistance to internally displaced persons lacked coordination, and there was no single agency responsible for protection of IDPs during the year.

Neither Israel nor the PA forcibly returned IDPs to their original residences under dangerous conditions during the year.

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

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

In 2006 the 132-member PLC was elected in a process that international observers concluded generally met democratic standards in providing citizens the right peacefully to change their government. The PLC did not meet during the year due to lack of a quorum (see section 1.d.).

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

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

While Palestinians with residency permits were eligible to vote in Jerusalem municipal elections, most did not recognize Israeli jurisdiction in Jerusalem and did not participate. Turnout among Palestinians resident in Jerusalem was extremely low in November elections, and there continued to be no Palestinians on the Jerusalem City Council.

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

Government Corruption and Transparency

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

There was a widespread public perception of corruption, notably within the PA security forces and the Hamas Executive Force. Many social and political elements called for reform. PA ministers were subject to financial disclosure laws, and the PA attorney general's office is responsible for combating government corruption.

The law requires official PA institutions to "facilitate" acquisition of requested documents or information to any Palestinian, but it does not require PA agencies to provide such information. Reasons for denial generally referred to privacy rights and security necessity.

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

Palestinian human rights groups and several international organizations monitored the PA's human rights practices. According to the PA Ministry of Interior, at year's end approximately 4,700 NGOs were registered and 1,700 were active in the West Bank. PA officials usually cooperated with and permitted visits during the year by UN representatives or other organizations such as ICRC; however, since the beginning of the Intifada, several NGOs voluntarily deferred criticism of the PA's human rights performance, and documentation of abuses was very limited. NGOs, however, criticized the PA's inadequate security performance.

The GI and the civil police in the West Bank appointed liaisons with human rights groups.

Israeli, Palestinian, and international NGOs monitored the Israeli government's practices in the occupied territories and published their findings, although the security situation, including closures in the West Bank and fighting and access restrictions in Gaza, increasingly made it difficult to carry out their work. The Israeli government permitted human rights groups to publish and hold press conferences and provided the ICRC and other groups with access to detainees.

The IDF entered UNRWA facilities 14 times during the year, causing some damages, usually in the course of arrest operations in the West Bank. PA security forces in the West Bank entered UNRWA facilities twice. UNRWA recorded multiple incidents during the year of UN staff being harassed or having weapons pointed at them by IDF soldiers at checkpoints.

The quasi-governmental ICHR serves as the PA's ombudsman and human rights commission.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

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

In April the Palestinian NGO Society Voice Foundation released the results of a field study concluding that in the Gaza Strip 75 percent of women witnessed verbal, physical, sexual, or other types of violence, and 42 percent were victims of violence.

According to the UN Children's Fund (UNICEF), conditions in Gaza were associated with increased levels of violence against women. In 2007 two in five women in Gaza reported being victims of violence, up from one in five in 2006. There were a handful of NGO-funded women's shelters in the West Bank; there were no shelters in Gaza. Women generally approached village or religious leaders for assistance.

The PA Ministry of Women's Affairs reported there were 51 honor killings from 2004 to 2007.

Prostitution is illegal, and it was not openly practiced.

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

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

Children

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

According to the Jerusalem-based NGO Ir Amim, 48 new classrooms were built in East Jerusalem between 2001-06 after a 2001 Israeli High Court order that the municipality build 245 new classrooms within four years. On September 9, two additional schools containing a total of 46 classrooms were inaugurated in the East Jerusalem neighborhood of Umm Lison. Ir Amim, citing a 2006 study by the Knesset Education Committee, stated that by 2010 the projected shortfall of classrooms in East Jerusalem would be 1,900.

Child abuse was reported to be a widespread problem. A 2006 HRW study cited a Palestinian Central Bureau of Statistics survey indicating high levels of domestic violence, aggravated during times of political violence. There were no updated statistics during the year. The Basic Law prohibits violence against children; however, PA authorities rarely punished perpetrators of familial violence.

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

The IDF used minors as human shields; Palestinian terrorist groups used minors to conduct attacks, smuggle weapons, and act as human shields. OCHA reported that between January 1 and December 23, 71 children were killed in Gaza by the IDF. Palestinian factional violence killed 15 children in Gaza over the same period. In the West Bank, 17 children were killed, including 13 by the IDF, two by Israeli settlers, and one by Palestinians. Excluding the final week of the year in Gaza, a total of 618 children were injured in the West Bank and Gaza. The IDF and Israeli settlers were responsible for 99 percent of the 397 injuries to children OCHA recorded in the West Bank (352 were reported as injured by the IDF and 41 by Israeli settlers).

Trafficking in Persons

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

Persons with Disabilities

The Basic Law states all Palestinians are equal without discrimination because of disability. Access to public facilities was not mandated. There was societal discrimination against Palestinians with disabilities. In 2005 the Health, Development, Information, and Policy Institute estimated 2,900 Palestinians injured since 2001 would have permanent disabilities.

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

Other Societal Abuses and Discrimination

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

The PA Ministry of Health provided treatment and privacy protections for patients with HIV/AIDS; however, societal discrimination against affected individuals was high.

Section 6 Worker Rights

a. The Right of Association

The law permits workers to form and join independent unions of their choice and was respected in practice. Labor unions in Gaza continued to operate, despite a severely weakened economy during the year.

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

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

Palestinians working in Israel or Jerusalem prior to 2000 were partial members of Histadrut and entitled to limited benefits. Histadrut and West Bank union officials negotiated an agreement in 1995 to transfer half of their dues to the PGFTU. At year's end the PA Ministry of Labor and Social Affairs (MOLSA) reported that 20 percent of dues had been transferred.

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

Accordingly, in practice the right to strike remained questionable.

PA employees organized three short-term strikes over salary payment issues against the PA during the year. The strikes pertained to the payment of salary arrears and teacher contracts in East Jerusalem schools. All these issues were resolved within a day or two of the strike.

Individual offices within the PA ministries in Gaza conducted strikes and work stoppages against Hamas-led public offices in Gaza throughout the year.

Public sector health care workers and teachers held extended strikes against Hamas for reported discrimination against non-Hamas affiliated PA employees. At year's end these types of strikes continued in Gaza with reduced rates of participation compared to earlier strikes.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law, and this law has been enforced in certain cases. However, there were reports that PA enforcement of collective bargaining rights for unions serving other than PA employees was limited in recent years. Collective bargaining agreements covered 20 percent of workers. Antiunion discrimination and employer interference in union functions are illegal, and the government enforced these prohibitions. Most unions in the West Bank and Gaza serve Palestinian Authority employees, and negotiations on labor issues occur between union leadership and the prime minister's office. Trade unions of non-PA employees have had good relations with the PA and have received PA permission to operate and negotiate on PA contracts. During the year the PA was more effective at protecting bargaining rights for unions of non-PA employees in the West Bank than in previous years.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

d. Prohibition of Child Labor and Minimum Age of Employment

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

However, many underage children worked in family farms and shops, as street vendors, or in small enterprises. The UN estimated that during the year, 17,000 Palestinians worked in West Bank settlements and industrial areas, but it was unclear how many were minors.

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

e. Acceptable Conditions of Work

There was no minimum wage. Prior to 2000, average wages for full-time workers provided a decent living standard; however, living standards dropped significantly over the past eight years due to increases in cost of living which outpaced salary increases.

According to Palestinian Central Bureau of Statistics, the unemployment rate in the third quarter of the year was 36 percent in Gaza and 17 percent in the West Bank. In September the World Bank reported that two-thirds of Palestinians lived below the official poverty line and were unable to support themselves and their families without international assistance. In October OCHA reported that 88 percent of the Gaza population lived in poverty and depended on international assistance.

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

Responding to a petition filed by the Israeli NGO Kav La Oved, the High Court in October 2007 ruled that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements and in the occupied territories. The ruling granted Palestinian workers the same rights and benefits as workers in Israel. On November 28, a Dutch NGO, United Civilians for Peace, reported that Palestinian workers in settlements continued to receive wages below the Israeli minimum wage and often worked extra hours without compensation.

MOLSA 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. Employees of small construction and service firms were at greatest risk for work place injuries, according to union officials. Unions complained that smaller worksites were not effectively monitored by the PA and were at times below legal standards for safety. Palestinians who work in Israel must contribute to the National Insurance Institute and are eligible for limited benefits.