

SOCIETY OF ST YVES
"I am my brother's keeper"
Catholic Human Rights Legal Center

Introduction.

We are now entering the third calendar year of the so-called Al Aksa Intifada. No one really refers to the situation in those terms any more. Everyone knows that we are in a situation of low-grade war. The Palestinian people living in the West Bank and Gaza Strip can certainly be said to be living in their own homes and own neighbourhoods, but their homes have been turned into prison cells, their neighbourhoods into prison blocks and their towns into open prisons.

The people and their living space has been taken over by the Israeli Defense Forces, which dictate on a day to day, hour to hour basis if and where a person may walk on the streets. Curfews for the most part are declared early in the mornings at around 5 am, but it is often not certain what has been declared because the soldiers on the loudspeakers like to play jokes and make fun of the locals. After all they have been on the night watch and are bored and restless by the time the dawn is approaching. Sometimes this leads to confusions and people send their children off to school after consultation with the school staff, only to find out an hour later that there was a curfew imposed. More confusion and panic drives the parents to the schools to retrieve their children and return them home.

The streets are not safe and people are nervous during these outings. Very few would now consider taking their private cars as this very often results in being stopped by the soldiers in Jeeps and questioned for long periods of time. There is a game the Soldiers like to play in situations like this and it's called the "Key Game." After the questioning the soldiers declare that the driver is free to go and they themselves drive away in their Jeep with the driver's car keys in their possession. Drivers who have learned the rules of this game and have kept a spare set of keys hidden so that they could drive away afterward, soon found themselves stopped again and their car keys confiscated and thrown into the thick grass of a field or into a huge pile of rubble and refuse.

Jeeps screaming through the streets and alleys and announcing through loud hailer that the roads must be cleared impose daytime curfews abruptly and unpredictably, and the people have got used to getting inside quickly, "like rats back into their holes!" as one man described it to me. Curfews also have the effect of severely disrupting an already shattered economy. Workers can never know when or if they will be able to be at work and at what time they will have to head home to meet the curfew deadlines. The imposition of curfews is just one of the means of humiliation of the Palestinian population and the further destruction of the Palestinian economy. There are many others, not the least of which is the quickly spreading poverty. Most people's life savings have been exhausted and there is virtually no Palestinian economic sector to speak about. Unemployment in the West Bank is over sixty percent while fifty five percent live below the poverty line. In Gaza over fifty percent are unemployed and seventy percent are living below the poverty line. There is food in the shops but very little money around with which to buy it. Some thirty five percent of children under the age of five years are suffering from some degree of malnutrition from mild through acute to chronic.

Over 10 thousand homes in the West Bank and Gaza strip have been demolished during Israeli incursions and tens of thousands of residential buildings have suffered partial or even substantial damage during these incursions. Over seven hundred thousand trees, most of the fruit bearing have been uprooted over the past two years. Bands of armed settlers actively protected by the Israeli Defense Forces prevented Palestinian owner farmers from harvesting the olive crop in their own groves. In some cases the settlers harvested the crop for themselves and in a number of other cases Israeli activists harvested the crop alongside their Palestinian brothers in order to give some protection and support but they too were physically abused, assaulted and even shot at, all under the clear view of the Israeli Defense Forces.

This has been the backdrop to the work of the Society of Saint Yves in the Holy Land in the year 2002. It would appropriate now to deal with the specific effects this has had on the management of the Society's two offices and its caseload in the different areas of legal struggle.

The Bethlehem Office.

The Bethlehem office has continued to function in much the same manner as was reported in the narrative report of the first half-year. That is to say the two women who staff the office continue to interview clients and through telephone and fax communications with the Jerusalem office, clarify issues and urgency of matters and assemble the required documents for the Jerusalem lawyers to proceed with the file effectively. The planned two days a week when one of the Jerusalem lawyers would be in attendance in the Bethlehem office to interview clients and clarify matters have been unworkable. This was reported in the mid year report although the curfews at that time sometimes lasted for days and days without curfew were rare. The situation today is better but the curfews are completely unpredictable and it is often not possible to cancel Jerusalem appointments in order to take advantage of an "open day" in Bethlehem. In short the lawyer days in Bethlehem have become fewer in number although Bethlehem continues to be a vital station for client contact and for the gathering of the documents and evidence to proceed with the prosecution of cases.

It is also true that the area around Bethlehem is increasingly under threat as the Israeli Administration continues its policy of confiscating more and more lands in order to consolidate settlement groups and on which to build its so called "Security Fence/Wall" and roads leading from settlement to settlement. The Palestinian Legislative Council, through Representative Salah Tamari the Chairman of the Land and Settlement Committee, asked the Society to petition the High Court of Justice on the passage of one such road through valuable agricultural land in the area of the Municipality of Za'aterah east of Bethlehem. The road was being rushed through without even the slightest regard to planning or the fact that it would completely divide a community from its lands. The road's course also threatened to destroy or bury gravesites dating back to Nabatian times, some sites still in use. It was being rushed through by the use of multiple units of the heaviest land moving machinery under the guard and protection of tanks and armored vehicles. In spite of the immanent and serious danger to the Palestinian community, the High Court of Israel gave the State Prosecutors Department some two weeks in which to submit reasons why the construction of the road should be allowed to continue. The High Court did not issue an Interlocutory Injunction or a stop work order as would be normal and expected in any democratic, law-abiding country in order to settle the matter by law. Rather it gave the

government two full weeks to continue the project. The State Prosecutor replied basically that roads service all communities and their development and therefore should proceed. In spite of the fact that the road exists to join the Techoa settlements to the settlement of Har Homa, the High Court set a hearing date for the 2nd April, by which time the road should be completed and the need for a hearing well and truly academic. But we will have more to say on the High Court later. Nevertheless our experience in this case and many others strengthen our belief that a base in Bethlehem is vital to the Society's service capabilities to the Southern West Bank region, no matter what the difficulties might present themselves from week to week.

The Jerusalem Office.

The Jerusalem office continues to function well. In fact it might be said to be functioning too well. Even a cursory glance at the comparative figures in all the case areas and in all the files combined indicates a dramatic increase in the caseload of the Society. This is partly due to the fact that we are functioning as an office rather than as an office and field unit.

I made reference to this in the mid year report where I said "... our lawyers have reciprocated by making field trips in Al Hader and the villages around eastern Ramallah. That was true until April and the start of the reinvasion of the West Bank. Today many of those trips would be perilous indeed. It is true that the fieldwork has become much more difficult and a certain flavour is missing from the work because of that. Seeing clients on their land, photographing the olive groves under threat of the bulldozer or the terraced slopes that will soon be replaced by yet another arm of a settlement heightens the sense of urgency and commitment to the legal battles ahead." Be that as it may we have been going out into the field as much as is possible and it is true that it helps to make one keen to do battle.

The majority of the increase in caseload however comes from the economic sector. Nearly eighty new cases came directly from the bite of the growing poverty in the community caused by the destruction of the Palestinian economy. At this level it must be noted that the work of the Society is focused entirely on annexed East Jerusalem. It is also true that any Jerusalemite will tell you that his own suffering pales in comparison to the suffering of his brother Palestinian in Bethlehem, Tulkarem, Nablus or Hebron to say nothing of the dreadful distress of the outlying villages. After that the area of greatest increase was in the West Bank Home Demolition cases, which reveal the continued expansionism of Israeli Government policy and the determination of the settlement community to the policy of "Greater Israel."

Dialogue and Cooperation.

We have continued to place emphasis on working in cooperation and coordination with other organizations and to some good effect. Our cooperation with the Committee Against Home Demolitions and with the Metetz faction in the Jerusalem Municipality led to our taking on the case of Ahmed Dabash of the Jerusalem village of Sur Bahair. This was a particularly difficult home demolition case and one involving the planned further demolition of the whole or part of the family home. The Society, primarily through the negotiating skills and persistence of advocate Yossi Schwartz, managed to "come to a deal" whereby the home that houses fifty five family members (each with a living space of about three meters per member) would be saved. We regarded it as no small achievement.

Overall however, there has been a downturn in inter-organizational cooperation and I believe this is due to the competition for funding. There is a feeble show of a united front but clearly behind it is self-interest. Who will get the donor dollar? Perhaps it is all part of the plan, or at least it plays into the plan of division and separation that we see as the reality all around us. Bethlehem separated from Hebron and Hebron from Ramallah and Ramallah from Nablus and so on and so forth. Part of the planned division of the Palestinian population into constituencies or cantons competing for the favour of the colonial master by the demonstration of successful suppression of the frustrations and the legitimate ambitions of their masses. Perhaps rather, it is just the reality of division that competition propagates. I sense also that many of the donor organizations are fatigued by this conflict and see their worthwhile working dollars dissipated in an internecine dispute in which they participate but in which, more and more, they see no discernable “sustainable community development.”

The Society, through the efforts of Yossi Schwartz and Khalil Doughbaj, is presently researching and preparing a petition to the High Court of Justice concerning the discriminatory practices of the Ministry of the Interior against the East Jerusalem Arab population. The Ministry’s only office in East Jerusalem receives people on for half a day and people are forced to queue from mid afternoon through the night to even have a chance to enter the next day. This practice has been going on for over a year and the security situation is blamed for it. Not only is it difficult to enter the offices, the people must wait in a cage for hours before they can even approach the entrance. Though the bulk of the work will be done by the Society, we have made overtures to several other organizations to join in the petition in order to demonstrate unity and solidarity.

Case area report and strategy.
Family Reunification.

As noted in the **Mid Year Review**, family reunification cases came to a virtual standstill after the Minister of the Interior declared that it would be the policy of his department not to deal with Palestinian questions of reunification for the foreseeable future. The Society entered two petitions to the High Court of Justice arguing that such a declaration by a minister was *ultra vires*, that is beyond his power, and that only the Parliament itself could introduce such measures and even then it would be a questionable decision in a democracy. The petitions have yet to be heard. The policy of the Ministry of the Interior was subsequently adopted by the Civil Administration and applied to West Bank residents so that in effect a person born in the West Bank and who had lived there all his or her life was prevented from receiving an Identification Document and of being registered in the Population Registry. This has tremendous consequences for any young person reaching the age of sixteen. For instance it makes school registration difficult and receiving the “Tawgia” – the high school matriculation or completion certificate is impossible and thus registration at a university or other tertiary institution also impossible. Receiving travel documents, driver’s license or even a marriage license also become impossibilities. The Society again petitioned the High Court and the Court agreed that the Civil Administration could not apply such a policy and must consider each case on its merits, adding that the Civil Administration could take into account the “security situation.” The victory has profound ramifications in the lives of some twelve thousand young applicants and we passed on the judgment of the court to the Palestinian Ministry of the Interior and the Population Registrar in order that they could take advantage and also test the judgment.

Home Demolitions.

As noted in the **Mid Year Review**, the Society currently has 90 Petitions against the demolition of over 100 homes, agricultural buildings and wells in both the greater Jerusalem area and throughout the southern West Bank region. We must take pride in the fact that the Society has not lost a home to demolition in the year 2002. The greater Jerusalem cases have been pleasing in so far as they have yielded low fines, long deferment of demolitions or outright wins on the Society's part. The Dabash case has been mentioned earlier. The mayor of Jerusalem, Ehud Olmert, before the recent parliamentary elections, declared that the year 2003 would be a moratorium year against illegal Arab building in greater East Jerusalem and that demolitions would be factual rather than theoretical. Thankfully he has been absorbed into the Knesset and a new mayor has replaced him, so we are in a wait and see period. As far as West Bank demolitions are concerned, we have notice from the High Court that in the future it will view petitions much more specifically on the merits of their location and the particular circumstances of land appropriations or the so called, illegal constructions. The Society has responded with a number of petitions that have detailed discriminatory practices between Jewish and Arab building practices and regulatory controls. For the moment the court has accepted the arguments. There is little hope that it will continue to do so.

A Note on the High Court of Justice.

During the elections prior to the last Knesset elections, the Society filed a petition in the High Court of Justice asserting that the "non vote," the "white ballad" vote, which had been urged by all the Arab parties after the killings of more than a dozen Israeli Arabs, should be counted as legitimate votes of protest. The petition was lost and the Society fined 10,000 shekels. The High Court since that time has displayed a more openly protectionist stance towards the extension of the major settlement blocks and the networks of roads that link them. The court walks hand in hand with the government and is not ashamed to do so.

Land.

Three new and very important land cases were taken on in the second half of the year. The road linking the Techoa settlement block with Har Homa on the outskirts of Bethlehem overlooking Beit Sahour has been discussed earlier and this case we were asked to take by the Palestinian Legislative Council. A second case involves land in the Al Hader area that was sold to a Palestinian from the Jerusalem village of Beit Safafah, who then sold it to an Israeli settlement group. The piece of land dominates a number of cross roads through which Palestinian farmers access their agricultural lands. The settlers have put caravans on the piece of land and closed and barricaded all of the access roads. They prevent the passage of the Palestinian landowners by force of arms. Certainly we will petition the High Court in this matter and we hope for a fair and reasonable judgement. However, we have seen this pattern in many of our cases in the area of Land and West Bank House Demolitions and we know we are in for a long and hard struggle in which the police and army will protect the settlers and the court will ask the Palestinian landowners to prove their ownership of their lands. To do this they will need to survey their lands and in our experience this can take years because of settler harassment.

Miscellaneous Cases and National Insurance.

These two areas account for the greatest increase in the Society's caseload with over seventy new cases in the half-year period. In a note on the File Report under National insurance I said, "At first glance it appears that we have taken far more cases than we have the capacity to prosecute effectively. There are reasons for this apparent overextension. Projecting from the success of the first half year where the Society was instrumental in bringing into the Palestinian economy nearly a million shekels in benefits, many of them recurring, we accepted many cases on the assumption that they could be processed with the same speed and efficiency as was encountered in the first half of the year. The second half of the year however was characterized by wildcat strikes in the public sector that culminated with a prolonged strike in the Ministries, including the Ministry of the Interior and the National Insurance Institute that lasted for some two months. Thus the period from mid August through mid December was marred by full strikes, wildcat strikes and "go slow" orders that left letters and telephones unanswered for many months. In spite of all this the Society has about 50 files virtually awaiting "rubber stamping" in order to complete and close the files. With some luck procedures will improve after the Parliamentary elections in late January and the subsequent formation of a government and allocation of new ministerial portfolios. In the meanwhile the Society is taking on only the most desperate and pressing of cases."

At the time of writing, February 15th, over 60 of these files have been successfully closed and another 20 to 30 will be closed within the coming month. Khalil Doughbaj initiated this area of the Society's work and he has trained Raffoul Rofa in its management.

The area of National Insurance and lately Miscellaneous Cases has given us not only a huge success rate but great satisfaction as well. One of the principal and most effective methods used by this Israeli administration to cow and punish the Palestinian population has been through imposing economic hardships. As noted earlier the Palestinian economy in the occupied Territories has been brought to a virtual standstill. East Jerusalem is not as badly off as the Territories but unemployment is very high and people's life savings are diminishing.

The Society's work in the areas of unfair income taxation assessments, over assessment of Municipal rates and taxes as well as in having peoples rights to social benefits awarded or restored has brought well over a million shekels into the East Jerusalem Palestinian economic sector.

Conclusions.

The year 2002 was a year of reorganization and readjustment for all of the staff of the Society of Saint Yves and I presume for the members of the Board of Directors and the various committees created out of the Board. The staff had to continue the fight and the board had to learn how best it could serve and direct this small band of dedicated legal human rights workers. It was a very difficult year. The year was yet another marred by useless death and destruction. But the year was also a year of learning and a year of carrying on under difficult circumstances.

Together we achieved much good. The longstanding support and partnership with organizations and devoted friends in Germany and the Netherlands has enabled us in the Society to contribute another year of work and effort for peace and justice in the Holy land.

Bill Docherty. For the Society of Saint Yves.