DON'T KNOW WHY AND THERE'S NOWHERE TO TURN June 2007 - September 2011 WATCH DIDTIN

PRISONERS

INVISIBLE

A General Security Service (Shabak) blacklisted Palestinian cannot get an entry permit for work or commerce in Israel or the settlements. He also encounters great difficulties when applying for a one-time permit to visit family or to be treated at a Palestinian hospital in East Jerusalem, or for travel abroad. That same Palestinian resident may find himself on that same blacklist for many years, without a chance of receiving any permits. Alternatively, he may have been blacklisted a second ago: arriving at a checkpoint, with a work or commerce permit in hand, he is told: "entry forbidden." And then he discovers that he is on the Shabak blacklist.

"Why am I blacklisted? What did I do? Who informed on me - maybe a neighbor jealous because I have work and he doesn't? Where do I turn? He approaches the Shabak to clarify the reasons, and to prove his innocence. Often the Shabak representative lets him wait for hours, and then sends him away by saying: "Don't need you!" If at the end of the rejections and runarounds he does succeed in meeting the representative, the discussion ends with the oft repeated bottom line: "Help us and we will help you: if you do not help us, there will be no entry permits to Israel at any time."

So appearing before the Shabak did not help. Where does he turn to now? This is the beginning of the Kafkaesque saga: sometimes he finds an address. And sometimes he doesn't. Sometimes because the address does not exist at all, sometimes because it is unknown to the people who are supposed to deal with the matter. Often the requirements for submission of a request to remove the security blacklisting are almost intolerably difficult, as is the case today. This report covers the saga from June 2007 until September 2011.

The widespread Shabak blacklisting among the Palestinian population is one aspect of the regime that flourishes in the Territories. To hold millions of people under occupation, the occupier needs to keep them hungry, frightened and socially splintered. The Shabak, under a halo of "security," serves this purpose alongside the Civil Administration, the army, the settlers and the judicial system in the Territories and in Israel - all orchestrated by the Knesset and the Government, For generations we will be unable to wash our hands clean and clear our conscience from what we are doing to another people.

MACHSOMWATCH

MACHSOMWATCH IS AN ISBAELL WOMEN'S ORGANIZATION THAT MONITORS ONE OF THE GRAVEST ASPECTS OF THE OCCUPATION -THE RESTRICTION OF FREE MOVEMENT BY PALESTINIANS IN THE OCCUPIED TERRITORIES



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INVISIBLE PRISONERS

DON'T KNOW WHY AND THERE'S NOWHERE TO TURN

June 2007 - September 2011



INVISIBLE PRISONERS

DON'T KNOW WHY AND THERE'S NOWHERE TO TURN June 2007 - September 2011 "Don't Know Why and There's Nowhere to Turn" is the continuation of the Invisible Prisoners report which contained information on the permits regime and security blacklisting of Palestinian residents, and the process of its removal up to April 2007. Since then the personal distress and economic Kafkaesque trap in which Palestinians blacklisted by the General Security Services (hereinafter *Shabak*) find themselves has not changed. Now, as then, they still have to chase after "why," or hunt for an appropriate address to turn to in an attempt to change the evil decree. In October 2009, a review on "The Obstacle Race En Route to the Magnetic Card" was published on the MachsomWatch site: it is presented in its entirety after the appendices to the present report.

The current report describes events and changes in the procedures of appeal against blacklisting since April 2007. Here too the information is the fruit of observation and activity of a MachsomWatch team that has been working with blacklisted Palestinian merchants and workers for six years, in order to appeal against their blacklisting. From this activity emerges a harsh picture of the oppressive system orchestrated by the *Shabak*, the Civil Administration, and the military commander in the West Bank, with the backing of the Government and the Knesset.

The report was written by Sylvia Piterman. It was sent on 3.11.2011 to the Coordinator of Government Operations in the Occupied Territories, but a response is yet to be received.

The members of the MachsomWatch team, who during these years, together with blacklisted Palestinians, wrote an endless series of requests for removal of blacklisting, are:

Rachel Afek, Ramat Hasharon Chana Arnon, Jerusalem Elka Bitan Gal, Jerusalem Ofra Bruno, Jerusalem Micky Fisher, Tel Aviv Karin Lindner, Tel Aviv Anna Netzer Shai, Haifa Sylvia Piterman, Jerusalem Rina Rozler, Jerusalem Tami Shellef, Haifa Raya Tsenter, Haifa Phyllis Weisberg, Tel Aviv Rina Zur, Tel Aviv Additional MachsomWatch members greatly assisted the team when needed.

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MachsomWatch is an Israeli women's movement. Founded in 2001 by three human rights activists, it monitors, documents and protests against human rights violations at the physical and bureaucratic checkpoints that restrict the Palestinians' freedom of movement. It numbers several hundred volunteers all over Israel, united in their opposition to the Occupation and their commitment to the defense of human rights in the occupied territories.



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MACHSOMWATCH INVISIBLE PRISONERS

Abbreviations

ACRI - Association for Civil Rights

CAPAO - Civil Administration Public Affairs Officer

DCL – District Coordination Liaison
ESO – Employment Staff Officer

JAG – IDF Judge Advocate General
LAWB – Legal Advisor for the West Bank

Preface: Overview of the System

Blacklisting of Palestinians by the Israeli General Security Services (Shabak) is one of the many tools of oppression aimed at avoiding resistance on the part of the population in the Occupied Territories. It is widely used and there are tens of thousands of blacklisted people in the West Bank. This report refers to them.

The blacklisted cannot obtain entry permits for work or trade in Israel or in the settlements. They also get outright rejection on their applications to receive permits to work their own lands in so far as these were suddenly located on the wrong side of the Barrier built to isolate the Palestinian population. Some are even denied access to treatment in East Jerusalem Palestinian hospitals or hospitals in West Jerusalem and other parts of Israel, or entry for other personal needs. Some of the blacklisted persons are not allowed to travel abroad for holidays or medical treatment.

Israel has always suppressed local Palestinian initiatives by raising endless obstacles, such as denying freedom of movement essential for a business to survive. Therefore, working and trading in Israel is the main source of breadwinning in the Occupied Territories. But the blacklisted cannot work in Israel legally. If they don't work in Israel their families are condemned to live in poverty. If they work illegally they are forced to live in inhuman conditions in their place of work and are not able to see their families except for a few days every month. The illegals are also exposed to arrest, harassment and detention by the Police. The blacklisted are thus, economically, socially and psychologically affected. They are the invisible, spectral prisoners of "the system".

The large majority of those blacklisted have done nothing to deserve being on the list. They are victims of a system that aims at maintaining a big pool of potential collaborators. Moreover, blacklisting helps to keep the population frightened, hungry, vulnerable and in continuous uncertainty. The system also hampers social cohesion since the tendency of the blacklisted is always to suspect their neighbors or family members to have informed on them. It helps the occupier to keep the population submissive, manageable and obedient.

The vast amount of documentation we have gathered leads us to conclude that the contribution of the Shabak to the violation of Palestinian human rights is not a random event or one that depends on specific security threats but, rather, it is systematic and always operates in the same way.

For example: If you are asked to collaborate and you refuse, you become blacklisted. If you have some close relative in jail – you become blacklisted regardless of whether or not you have anything to do with his/her charges. If there is someone in your vicinity who belongs to Hamas or Jihad or the Popular Front or any other organization that Israel has determined to be illegal, you become blacklisted. And if you are involved in social or community activities organized by those organizations, you also become blacklisted.

If someone in your family is killed by the army or by Israeli civilians – you become blacklisted. If someone in your family only gets hurt – you are also blacklisted, especially if you dare to sue. If you ask for a raise in salary and your employer doesn't approve, you become blacklisted. If you are a proud, brilliant Palestinian, you become blacklisted. If you are active in 'peace activities' you become blacklisted. If you participate in peaceful demonstrations you become blacklisted.

Even today, after the system has been operating for so many years, Israelis and even Palestinians don't realize that this permanent witch-hunt has nothing to do with any personal wrongdoing. The assumption is always that there must be a reason or that it is a mistake. Israeli employers who work with Palestinians for many years don't know what to think when suddenly one veteran worker becomes blacklisted. Generally employers say to themselves: "it is surely a mistake". Or... "for sure there is something here"... No one blames the system.

Procedures to try and get off the blacklist exist in theory but the overwhelming majority of the blacklisted have no access to them. In addition, the development of rules and regulations pertaining to appeal procedures for workers is aimed not only at decreasing to the minimum the number of people that may appeal but also at changing the status of Palestinians from protected civilians to foreign workers who are at the employer's mercy.

It is common practice on the part of the Israeli authorities in the Occupied Territories to discontinue existing procedures without any prior warning and without notifying lawyers and human rights organizations in advance. Needless to say, the blacklisted themselves are never informed of procedures. Not only is access to appeal procedures much more difficult, but there is also a tendency to implement the change retroactively. That is to say, people that took the trouble to apply through former procedures while they were still in force will not get any answer unless someone is watching and protesting.

If you belong to the minority that satisfied all the conditions to successfully submit a request to remove your security prevention and it was refused or was not answered after a reasonable time, you may appeal to the Court if you can afford it – the Court's fee is very high by

Israeli standards, especially for Palestinians whose average income is a tenth of the Israeli one. Of those few who do manage to turn to the court, seventy percent are removed from the blacklist before the Court deals with their files, because there is nothing against them that the Shabak is willing to show the Court.

The remaining thirty percent is now at long last allowed to know what the alleged charges against them are. They may swear that the charges are lies but at this stage nothing helps. For 15 or 20 minutes judges are shown secret material, which they have no way to check: no witness, no defendants or lawyers are present. Judges always find this reasonable and the file is withdrawn from the Court without a verdict. Sadly, so much for the legal system.

In this report we deal only with one aspect of the system of oppression, which hugely affects Palestinian society. Most blacklisted Palestinians do not know why they have been blacklisted and have no access to channels to argue their innocence – there is nowhere to turn. Palestinians are protected civilians of the Occupied Territories and as such they have rights provided by International Humanitarian Legislation. Israel has the duty to care for their welfare and their needs. Moreover, as any human being they have the right to respect, work, natural justice and fair trial. But Israel doesn't fulfill its duties and doesn't respect those rights.

On September 22, 1967 an advertisement, signed by 12 people, was prominently published in Ha'aretz:

"Our right to defend ourselves from extermination does not give us the right to oppress others. Occupation entails foreign rule. Foreign rule entails resistance. Resistance entails repression. Repression entails terror and counter-terror. The

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victims of terror are mostly innocent people. Holding on to the occupied territories will turn us into a nation of murderers and murder victims. Let us get out of the occupied territories immediately."

We have already been there for too long and this recommendation is today more pertinent than ever.

Don't Know Why and There's Nowhere to Turn

K. came to a small village to serve as land surveyor. According to him, the Count summoned him for that purpose. But to start work he had to enter the castle and meet the Count. It did not seem at all simple. The castle had many unknown entrances with hidden openings, many permits needed to be obtained, forms filled and requests submitted. He had to recruit endless middlemen and, at every stage, the demands and conditions changed.

In starting, K. was resourceful, sure that he would succeed in attaining his objective, but as time passed he despaired. The more effort he made, the further away his meeting with the Count, and even an encounter with Klamm, the key official, became impossible. He waited a few days, a week, two weeks. Everyone told him to be patient. At a certain stage K. no longer believed the middlemen and functionaries who met him and promised a meeting with Klamm, but he continued to approach them. There was no other way.

That is the story of K. from Kafka's *The Castle*. It is also the story of the Palestinians blacklisted by the General Security Services (hereinafter *Shabak*), who do not understand why it has happened to them, and who are trying to change the evil edict. They want entry permits to Israel or the settlements for work, trade or other personal needs.

Put yourselves for a moment in their place, primarily that of workers whose permits are confiscated from one moment to the next. For years you daily set out for work, only to be suddenly informed:

"That's it, it's over. No more work!" "Why?" "No, the company has not declared bankruptcy, just that you are forbidden to go to work." This though you have done nothing to provoke dismissal.

You begin to suspect workmates, neighbours and acquaintances of informing on you – perhaps from jealousy because you, after all, are working in place of the many who cannot even earn a meager living. What can be done? To whom do we turn? With whom can we talk? Of what are we accused? Maybe if we talk to the manager, everything will work out... But, it becomes clear that there is no real personal reason for you becoming "blacklisted," therefore nothing real to clarify. You are honest, and all you want is a livelihood for your family.

The guilt lies in the system designed to continue and reinforce the Occupation; for its sake the population must be kept fearful, in uncertainty and in lack of social unity. The method is also designed to maintain a large pool of Palestinians in need of *Shabak* benefits, so that they may be enlisted by cynical exploitation of their most burning needs, in their weakest moments. When a man comes to beg for a work permit that has been confiscated, it is the most convenient and appropriate moment to seize him by the throat and obligate his cooperation: "Help me and I will help you," says the *Shabak* 'captain'1. There is no better method of recruitment.

What can be done in such a situation is an attempt to appeal the blacklisting. If the blacklisted know where to try for removal, there is some chance of success. However the appeal procedures are not

^{1 &#}x27;Captain' is the accepted nickname for a Shabak investigator. The summons to a meeting with the Shabak usually on Israel Police headed paper, notes that the meeting will be with a certain captain. From this we learn that the summons is to a Shabak interrogation rather than a police investigation.

published, and the rules and requirements change very frequently. Up to June 2007 requests for removal of security blacklisting² were submitted to the Legal Advisor for the West Bank³ (hereinafter – LAWB).

In June 2007 a unique appeal procedure was set for each category of resident asking for a permanent entry to Israel: for laborers, merchants, church and international organization employees, medical staff, teachers, or family reunification. At first the blacklisted applied to various entities in the Civil Administration⁴, or to various Palestinian Authority bodies in contact with the Administration, but their requests went unanswered since the entities referred to were unaware of their status as the address for these requests, even those that belonged to the Administration.

According to the new procedures only employers are entitled to request removal of blacklisting for their employees. Merchants – and only they – are entitled to submit appeals for themselves. All oth-

² Throughout the entire period, including the present, requests for removal of security blacklisting could only be submitted in the event of denial of permanent entry permits for work, trade, family reunion in Israel, or denial of transit abroad. Palestinians requiring temporary permits to visit a hospital or for personal needs are not entitled to appeal the blacklisting: they may appeal only the specific denial of permit.

³ This was reported in detail in Invisible Prisoners – Palestinians Blacklisted by General Security Services, from April 2007: http://www.machsomwatch.org/files/InvisiblePrisonersHebDec09.pdf.

^{4 &}quot;Israel's policies in the Occupied Territories are implemented by an extensive and oppressive bureaucratic regime run by the Civil Administration. It operates according to criteria that apply to collectivities rather than to individual needs. It is thus able to maintain full control over a population that has been suppressed for decades (MachsomWatch Alerts – the last months of 2010, 16.1.2011 http:// www.machsomwatch.org/en/machsomwatch_alerts_final_months_2010).

ers wanting to remove their names from the *Shabak* blacklist have themselves no right of appeal. In June 2009, the workers' appeal mechanism stopped functioning and, during the course of a year, it was not possible to appeal at all (MachsomWatch sent numerous letters of complaint). Finally the Civil Administration decided to allow Palestinian workers to appeal themselves at the District Coordination Liaison (DCLs)⁵.

The possibility of submitting appeals at the DCL in the area of residence, and of receiving confirmation of submission, opened in March-April 2010. Submission of appeals at the DCLs was not a simple procedure, and residents sometimes spent many hours in their attempts to submit documents, though generally the appeals were received and finally answered. This procedure ended on 17.3.2011.

Since 30.5.2011 the method by which the employer had the right to decide whether to appeal an employee's blacklisting was reinstated. The procedure is very demanding and, is taken to the extreme, contrary to what was usual until June 2009. Therefore only few workers may appeal.

Merchants could appeal the blacklisting themselves or through lawyers. But, it took three years – from June 2007 to March-April 2010,

⁵ DCL – District Coordination Liaison, a local office of the Civil Administration where Palestinians receive magnetic cards, and where most entry permits to Israel and the settlements are issued. Most bureaucratic activities connected with the Administration are supposed to be at the DCLs, as are explanations of the various procedures. A policeman is supposed to receive the public daily. Eleven West Bank DCLs are each matched by Palestinian Liaison Offices, which mediate between residents and the DCL (a resident requests a permit from the Palestinian Liaison Office and receives it there, though the permits are issued by the DCLs).

and many protest letters until the process began to function. There are still severe problems in submitting blacklist removal requests.

Workers and merchants whose requests were denied can petition the courts. MachsomWatch has a project for submission of petitions in their names. Petitioning the courts is very expensive, and relatively few can afford it. However, 283 petitions were submitted between the beginning of the project in January 2007 and September 2011, and in 70% of the cases the blacklisting was removed. Removal of security prevention in those cases happens before the courts respond. If there is resistance from the *Shabak* and a hearing ensues, the judges do not intervene and the petitions are withdrawn from the court without a ruling. The petitioner in that case remains blacklisted for the time being.

In this report we will review the development of the appeal procedures for workers and merchants between June 2007 and September 2011. A dismal picture arises from the description that follows and the many complaints that MachsomWatch sent. We will also describe a remarkable phenomenon of the period: a flood of permit confiscations to an extent previously unknown which took place in early 2009, and the introduction of a new category for workers and merchants called "debriefing."

In the first chapter we will cover the "Sharpening of Procedures" from June 2007. The second will describe the struggle to prevent retroactive activation of changing procedures. In the third chapter, we discuss the way in which "sharpened" procedures functioned regarding workers, and a number of its outstanding phenomena: from mid 2007 until September 2008, a period in which there was one address; from September to December 2008 – after splitting addresses; the wave of permit confiscations that took place in the first

months of 2009; activation of what was to us a new category –"debriefing"; January to June 2009, an increasing attention to the rules; June 2009 to March-April 2010, absence of an address; March-April 2010 to 17.3.2011, restoration of workers' right to appeal for removing blacklisting themselves; and from 30.5.2011 greater enforcement of the rules and conversion of the Palestinian workers into "foreign labor." In the fourth chapter, we review happenings in appeal procedures for merchants.

The chaos in appeal procedures for the removal of blacklisting, both for workers and merchants, creates side effects of corruption and cheating, of which we will write briefly in Chapter 5. The sixth chapter is an account of the project to submit appeals to court for workers and merchants. We conclude with a few remarks in Chapter 7.

1. "Sharpening of procedures" from June 2007

Until June 2007, there was one address for requests – the LAWB. A blacklisted man could himself submit a request for removal of the security blacklisting while noting the purpose for removal. Human rights organizations and lawyers were entitled to assist and submit requests in the names of those blacklisted. The Association for Civil Rights in Israel (ACRI) published in September 2005 a Rights Leaflet entitled "Restrictions on Freedom of Movement – Permits and Security Classifications" (Appendix 1), which noted the ways open to those blacklisted to appeal their status.

On 6 June 2007 the LAWB published "Sharpening of Procedures" and, on 17 June, a clarification (for both documents, see Appendix 2). According to both circulars, it was incumbent on employers to submit permit requests for any worker they wished to employ. If the permit was refused for security reasons, the employers could request removal of the security blacklisting from the same entity to which they had submitted the permit request (Appendix 2, document from 6.6.2007).

"Thus, a request for removal of security blacklisting following a request for a permanent entry to Israel for commercial purposes will be submitted by the resident to the regional DCL; a request for removal of security blacklisting following a request for permanent entry to Israel for workers will be submitted by the employer to the Employment Staff Officer (ESO)

in the Civil Administration⁶; a request for removal of security blacklisting following a request for permanent entry to Israel in order to work in a recognized organization will be submitted by the organization to the Civil Administration body dealing with their requests (for example, workers of international organizations will be dealt with by the International Organizations Branch of the Civil Administration; workers in a medical team will be dealt with by the Health Coordinator in the Civil Administration; teachers will be dealt with by the Education Coordinator in the Civil Administration, and so on)."

Upon implementation of these rules a number of problems emerged, two of which are described below:

• One basic requirement for applying for an entry permit is the possession of a magnetic card, but in June 2007 individuals blacklisted for alleged security reasons did not receive magnetic cards. Although magnetic cards began to be issued to all Palestinians in April 2007 – as reported in a previous summary – their provision was stopped after one month and only renewed in June 2008. This being so how could blacklisted Palestinian workers or their employers request a permit, receive a refusal because of the blacklisting, then try to have it removed, if the worker did

⁶ ESO – Employment Staff Officer is responsible for subjects relating to emploment of Palestinian residents in Israel beginning from issue of work permits in Israel and the settlements and up to solution of problems created between workers and employers. In principle, by definition, ESO was to maintain a reasonable level of employment among residents of the Occupied Territories, but in practice, to the best of our knowledge, he does nothing within this sphere. Increasing unemployment testifies to the fact.

not have a magnetic card and could not apply for a permit in the first place?

This problem was circumvented in that the ESO settled for the employer's letter of intent, and he was not required to apply for a worker permit as a necessary condition for dealing with the security blacklisting. The same was also true for merchants; an application for removal of the blacklisting, with attached documents for receipt of a commercial permit, was enough, without actually requesting the permit.

• The right to appeal security blacklisting is only accorded to residents requesting a permanent entry permit. A person who needs an entry permit to Israel only from time to time – for medical reasons or various personal needs – or does not have a need to enter Israel for a certain purpose, but is personally bothered that his name adorns the Shabak blacklists, cannot appeal the security blacklisting.

For applicants asking for a permanent work entry permit to Israel, the person requesting removal of the blacklisting according to these rules is the employer, not the employee. In other words, these procedures do not relate to Palestinian workers as protected residents with rights, but as foreign labor completely dependent on the employer's will, not only to receive a permit but also to delete their names from the *Shabak* blacklists.

Since imposition of these procedures there have been huge problems in implementation, meaning that many blacklisted residents wishing to appeal must run around between different addresses, without any savior. Despite the difficulties, between June 2007 and

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June 2009 we succeeded in assisting the submission of appeals against blacklisting for 1000 people a year (some of them residents applying repeatedly)⁷.

⁷ This is, of course, the tip of the iceberg. It is important to remember that the inclusive number of blacklisted individuals runs to many tens of thousands (according to an estimate made in mid-2000, there were 180,000 on the security blacklist in the West Bank).

2. Demand for Answers from the Legal Advisor of the West Bank

In the last months before the procedure change of June 2007, the rate of LAWB response to applications for removal of security blacklisting was extremely slow. After the change, no responses were received at all; so on 15.7. 2007 MachsomWatch volunteers wrote to the Consultant Officer in the LAWB Population Registration Section. In the absence of an answer in the following two weeks, on 2.8.2007 the volunteers sent a letter to the Legal Advisor in person with a request not to activate the new rules retroactively – in other words, to respond to all those who submitted requests before the change of procedures. A list of some 200 people who had submitted requests to the LAWB for removal of the security blacklisting, and were not answered, was attached to the above-mentioned letter. At that time these people had been waiting three months on average.

With no response to those blacklisted, despite a verbal assurance to Machsom-Watch that the rules would not be applied retroactively, the volunteers again wrote, on 24.8.2007, to the IDF Judge Advocate General (hereinafter "JAG") and the Head of Civil Administration. The average waiting time for response to the 200 or so people on the list had now reached four months. The letter stated:

"The people to whom we refer had approached the Legal Advisor for the West Bank, who was then almost the only address for appeals as far as they were concerned. These men are entitled to answers. If there is a decision to implement the change in procedures retroactively, we request to receive this decision in writing. These are hard-working people, whose livelihood is dependent on these responses."8

Following this letter answers began to flow, but on 6.9.2007, 83 residents still had received no response. On 14.10.2007 JAG wrote to MachsomWatch (see Appendix 3) that answers are not dependent on the legal and administrative entities to whom MachsomWatch was turning, but on the *Shabak*. It is clear from the JAG's letter that the *Shabak* is above the law, and under no obligation to respond within a reasonable time, and the LAWB and JAG have no power to prevent many months of *Shabak* delay.

Replies continued to materialize, yet according to our notes from 6.11.2007, 23 days after JAG's response, 64 people were waiting for answers: 23 people whose appeals were sent on 3.6.2007 had been waiting five months; the others had been sent earlier, beginning in January 2007 and were obviously waiting longer. The last replies were received at the beginning of January 2008.

⁸ The letter – dated 24.8.2007 – appears in Appendix 3.

3. Appeal Procedures for Workers – From the Status of Protected Residents to that of Foreign Labor

a. From June 2007 to September 2008 - One Address

The new address for submission of requests for removal of security blacklisting by workers and their employers was the Civil Administration's ESO, whose office was in Beth El. Shortly after the sharpening of procedures, workers and employers began to submit their requests on a special form, designed for the purpose and distributed together with information about those procedures (Appendix 2).

Responses were slow, so MachsomWatch wrote letters of complaint about the absence of answers to administrative and legal entities, and to the Head of *Shabak*. The following are details of these letters:

Table 1: Complaints on non-response to requests for removal of security blacklisting

Since the change of procedures and until the end of 2008

| Date of complaint | To whom request was sent | No. of residents waiting for response | Period of time in which requests were sent |
|-------------------|---|---|---|
| 25.11.2007 | Employment Staff Officer | 65 | 14.6.2007–31.10.2007 (Waiting up to 5 months for response) |
| 14.1.2008 | Employment Staff Officer | 91 | 14.6.2007–8.12.2007 (Waiting up to 7 months for response) |
| 16.3.2008 | Employment Staff Officer | 113 | 9.8.2007–30.1.2008 (Waiting up to 8 months for response) |
| 7.4.2008 | Head of Shabak & Head of Civil Administration | 110 | 28.9.2007–30.1.2008 (Waiting up to 6 months for response) |
| 2.6.2008 | Head of Shabak & Head of Civil Administration | 23(18 from list sent on 7.4.2008) | 28.10.2007–30.3.2008 (Waiting up to 7 months for response) |
| 12.10.2008 | Employment Staff Officer | 152 | 29.6.2008–15.9.2008 (Waiting up to 3.5 months for response) |
| 24.10.2008 | Head of Shabak & Head of Civil Administration | 152 | 29.6.2008–15.9.2008 (Waiting up to 4 months for response) |
| 3.12.2008 | Employment Staff Officer | 38 | 8.7.2008–15.9.2008 (Waiting up to 5 months for response) |

The letters from 7.4.2008 and 24.10.2008 appear in Appendix 4

A letter was sent to the Heads of *Shabak* and the Civil Administration on 7.4.2008 (Appendix 4):

"We demand that residents submitting requests for removal of their security blacklisting together with their employers, receive answers within a reasonable time. There are in the attached list about 100 Shabak blacklisted residents – and their employers – who requested removal of the blacklisting in the months September 2007 to January 2008, and have not yet received answers. On 14.1.2008 and 16.3.2008, reminders were sent to Mr. Ami Kabilo from ESO, but we were told that there is no possibility of giving a response as long as there is no reply from Shabak.

"The residents concerned and their employers applied to ESO since he is almost the only address for appeals. These men are entitled to an answer.

"These are hard-working men, whose livelihood depends on those answers. We hope you will intervene in this matter."

After this complaint and another sent on 26.10.2008, the rate of response improved for a while, but – as can be seen in the table – the phenomenon recurred. However, despite long delays, in all this period employers and workers did succeed in submitting requests and receiving replies.

b. From September to December 2008 – Splitting of Addresses

The ESO has three "branches" in the West Bank: at Tulkarm DCL (Shaar Ephraim) serving the employers of residents of the northern West Bank (districts north of Ramallah); at Ramallah DCL (Beth El) serving employers of residents of Ramallah District and the Je-

rusalem Envelope; at Bethlehem DCL (Etzion) serving employers of residents in the southern West Bank (Bethlehem, Hebron and Jericho Districts).

Companies and contractors employing Palestinian workers in Israel are obliged to manage a file at the Payments Unit in the region where they live or where their businesses are located. The Payments Unit currently belongs to the Ministry of Interior, and was previously in the Ministry of Industry, Commerce and Employment. Its role is the transfer of wages to the Palestinian worker and collection from his employer of levies and deductions for the employee's rights.

An employer with a file in the unit submits his requests for renewal or issue of new permits for his workers. If the Payments Unit approves the request (provided that the application is within the employer's "quota" for Palestinian workers), it is transferred to the ESO branch to which the worker belongs according to his address. The function of these branches is the issue of the permits and the sending of them to the Palestinian Labor Exchange where the worker will receive them. These ESO branches also serve as Labor Exchanges and issuers of permits for employers from the settlements. The employer and the settlement security officer must endorse the applications for those permits.

We note that, with the Hamas victory in the 2005 elections and for more than a year, contact between the Civil Administration and the Palestinian institutions was severed. The flow of permits from the ESO to the Palestinian Labor Exchanges stopped. The ESO has no contact with workers, but only with employers, and therefore the latter had to circulate between branches to get permits for their workers. This was quite a burden, demanding much time and stamina from busy employers who live far from the branches.

During that period, in our weekly visits to Etzion DCL, we met workers with expired permits who had come to try for the new ones at the ESO branch in the DCL. Since their entry was forbidden and they could not talk directly with the official at ESO, the workers would beg help from settlers coming to make their own arrangements in the Labor Exchange Office, and a few would agree to accept the workers' ID cards and enquire about their permits. We (MachsomWatch volunteers) also dared to enter with the IDs to demand the permits. Very quickly the staff there denied us entry.

After a few hard months, the ESO at Etzion DCL agreed to collect IDs from workers waiting at the gate and, after some time (occasionally a few hours), a DCL employee would stand behind the gate and distribute permits and IDs through the bars. When contact with the Palestinian institutions was renewed, the procedure returned to what it had been.

As explained above, since the June 2007 change of procedures there was only one address for requests to remove workers' blacklisting: the ESO at Beth El. On 15.9.2008, it was decided to split the addresses. Employers and workers were to submit the requests at ESO branches in the district where the workers lived. Since the ESO's employee who handled the requests from June 2007 till September 2008 moved to Etzion DCL, the routine of dealing with requests from residents of Hebron and Bethlehem, and their employers, continued as usual.

Between 28.9.2008 and 9.12.2008, 59 requests from workers and their employers were sent to the ESO in Ramallah DCL (Beit EI). These requests were unanswered, and attempts to get the woman in charge of the matter on the phone were unsuccessful. After more than two months, we did get through, and her response was that she wasn't the address; the right address was the ESO desk at Bethle-

hem DCL (Etzion). During two and a half months, 59 applications had piled up on her desk in Ramallah DCL, and she had not found it necessary to forward them to the right address or return them to the senders. This of course is not surprising to anyone familiar with the bureaucracy of the Occupation.

In an inquiry we held, it became clear that the Bethlehem DCL functionary did not know that he was also responsible for handling removal of security blacklisting requests from Ramallah and Jerusalem Envelope residents. A few days later we were told that all 59 requests should be resubmitted, this time – to Bethlehem DCL. On 11.12.2008 all landed on the ESO desk in Bethlehem DCL, and the applicants finally received responses – even if very late...

Many problems were also apparent at the ESO office in Tulkarm DCL. Some of the employers received no answers whatsoever, whether because the request did not match requirements, or was disqualified for another reason, or simply because of many months of red tape. In any event the employers were not informed of the disqualification. Phone clarifications were almost impossible because the ESO there was hard to obtain. Attempts by MachsomWatch members to follow up on the requests and ascertain their status were met with refusals. Moreover, we heard from employers that the ESO representative in Tulkarm DCL would threaten not to issue permits at all because they were in contact with us.

c. Early 2009 – Sweeping Confiscation of Veteran Workers' Permits

At the beginning of 2009, a flood engulfed residents with permits, sweeping the documents from their hands. Men who had worked

20 or even 30 years in Israel suddenly became *Shabak* blacklisted. Desperate men phoned us every day to report that their permits had been confiscated at the entry checkpoints into Israel. We encountered them every day at the DCLs.

During February-March 2009, permit confiscations became a real plague. Nobody knew the reason – as if it was done in the dark. Terrified employers turned to the Labor Exchange, which could do nothing: "Shabak blacklisted" was the response. The employers did not understand. A worker who had become a member of the family was suddenly blacklisted? Employers were muttering: "Clearly this was a mistake: the Shabak does holy work and it knows what it is doing, but about my worker – there is a mistake." Veteran workers who still had permits were frightened. Every day they passed through the checkpoint without the permit being confiscated they would "thank God."

We had already worked on security blacklisting and its appeal for six years. In all that time, people in this situation came to us, but never so many with these characteristics. We sent a request for removal of blacklisting to the ESO for every worker or employer who approached us, but we only saw the tip of the iceberg. Those workers who had until recently been employed, who could (still) afford to hire lawyers, submitted their requests through them – without our assistance.

In the Civil Administration's ESO office they were aware of the problem because employers approached them. We turned to the Civil Administration Public Affairs Officer (hereinafter – CAPAO) who said that he did not understand what we were talking about and moreover, "if the *Shabak* confiscates permits, it knows what it's doing."

In mid-March we turned to Haaretz journalist Akiva Eldar, and he

contacted the *Shabak*. They were not prepared to relate to the larger phenomenon, saying that it did not exist; systematic confiscation does not exist, only specific cases. Eldar approached them with details of four workers. Three permits had recently been confiscated, while the fourth had been confiscated some time back and this worker already had a negative answer to his request from *Shabak*.

Four days after Eldar's approach, the blacklisting of the three was removed. The negative response given to the fourth was unchanged at this stage. Eldar heard from the *Shabak*: "the workers were blacklisted but the blacklisting has been removed." Blacklisted for a week... They were security threats for a week, and the danger passed over in seven days? And this just happened to be the three about whom Akiva Eldar had asked?!

On 19 March 2010 a constant stream of complaints reached Machsom-Watch phones from workers at Bethlehem Checkpoint: "slow checkpoint," "long lines, no chance of getting to work today." The complaints and inadequate responses of army officers caused us considerable disquiet, so we tried to ascertain what was happening. We found out that *Shabak* had started a new exercise. "Captains" were sitting in a number of rooms around the checkpoint, and most passers-by were compelled to enter these "interrogation cells" for interviews. Around 8 am all were allowed to continue on their way, but we could anticipate the real results a few days later. How could the workers' mood be described that day? Many had lost a day's work, and all were scared of losing their source of livelihood from jobs in Israel. They were terrified and helpless – all in all it was scary and sad.

The *Shabak* wrote to Akiva Eldar: "Examination of applicants for entry to Israel is professional and to the point." To the point? Workers entering Israel daily for decades, and whose family livelihood

was dependent on their work, had become a security risk so severe that their permits needed to be confiscated momentarily?! This with regard to a population that maintains good relations with Israelis. Their whole lives are here. It is extremely difficult to understand the purpose of the *Shabak* in confiscating their permits. Is the intent to make us hated by these Palestinians? Does the *Shabak* have no other way to acquire collaborators than to turn on men who have worked decades with us? Or maybe it is the solution to an economic crisis – a way to release jobs for Israelis? In construction?

The *Shabak* related to events as localized: four workers were a security threat on a personal level, and their issue was checked personally – in localized fashion. Although each was blacklisted, a check decided that three of them are not a security threat and the blacklisting could be lifted.

The individual approach, in examining both residents' personal requests and their appeals, is very comfortable for the *Shabak*: there is no control over the general policy. The *Shabak* is always straightforward, checking item by item and giving answers: "The security blacklisting has been removed," or "this man's request to allow him entry into Israel has been examined by the security authorities and, after considering all the relevant information, including classified intelligence, it is not possible, for security reasons, to permit him entry to Israel..." We have thousands of responses in exactly that boilerplate laconic language.

However, as aforesaid, ESO did know what was happening – because they see the overall picture. They are responsible for issuing work permits, and when these are cancelled, they know about it. Moreover, employers contacted the ESO Labor Exchanges in the West Bank, which are responsible for issuing permits, to ask what

to do: permits of veteran workers essential to the running of their companies, workers who were part of the employers' households, had been confiscated. "What's happening here??? This must be a mistake!" Moreover, the applications for removal of blacklisting from workers and their employers landed on these ESO desks...

Veteran workers, some after weeks or months of permit confiscation, continued to turn to us. When asked why they didn't contact us earlier, the typical answer was: they did not know where to turn. These hard working men, leaving home in the early hours of morning, spending hours at a checkpoint, then rushing to work and returning home exhausted after a hard day's labor, had not expected this to happen to them. It did not dawn on them that there was a way to appeal and, of course, they had not kept photocopies of the permits.

These workers shared common characteristics: families with many children, among them grown offspring who were not working, unemployed brothers also with large families, aging parents – all around the table of the one who works in Israel. These are men without savings. They ate what they earned. Left without work, there was no bread for them or the extended family. Even if the permits were ultimately returned, the *Shabak* had upset the lives of many people and sown fear and distress.

Akiva Eldar, with a list of 36 whose permits had been confiscated, again asked the *Shabak* whether this was by chance. A week later *Shabak* responded:

"Akiva shalom,

Hereinafter the General Security Service's Answer to Your Request The Service carries out, from time to time, examination of those who are included as prohibited from entering Israel, this in order to update the list according to the evaluation of the current risk regarding their entry to Israel.

In this context it is to be emphasized that the entry of Palestinians into Israel is not a given right and this matter has also been expressed in constant rulings of the Supreme Court.

In the context of timely examination, a great number of those prohibited from entry have been removed from the list and their entry to Israel has become possible. At the same time, a much limited number of those prohibited has been listed – and this, as aforesaid, on the basis of evaluation of the current threat

Yours, etc.
Shabak Communications"

The Spokesman's contention that, at the time, blacklisting of many men had been removed – was not felt on the ground. It is important to stress: no one informed those blacklisted that their names had been removed from the list. Checking if one is blacklisted or not involves considerable effort, and is therefore not an action to be done easily by those blacklisted on a daily basis. According to our data, during those same months blacklisting was lifted from fewer people than in the past, not because of the security risk posed by workers, but because of the hardened procedure for appeal. Fewer men could submit applications for deletion of their security blacklisting.

Despite the contention that Palestinian entry for work is not a right, the courts in fact do discuss appeals against prohibited entry to Israel or the settlements. The judicial authority is the only control mechanism over *Shabak* decisions regarding management of the "privilege regime" of the giving of permits. The residents of the area are protected by the rulings of International Law, and are not "foreigners" devoid of any rights when it comes to the sovereign prerogative of entry to Israel. As protected residents, the military commander of the area is under obligation to avoid deterioration of their economic situation as a part of his concern for civil life in the Occupied Territories. Early in 2009, the *Shabak* upset the lives of many residents who had been working for years in Israel, and harmed their ongoing livelihood.

On 7.4.2009, Akiva Eldar wrote in his weekly "Border Control" column⁹:

If Netanyahu examines the security officials' policy regarding Palestinians working in Israel, he will find that his economic peace does not really matter to them. Recently the Shabak confiscated dozens of transit permits for residents of the territories, to the chagrin of their Israeli employers. Volunteers from MachsomWatch themselves have a list of 57 Palestinians, some of whom worked for decades in Israel, who have lost their source of income. One of them, Awani Amarna, 58, from Bethlehem, is the sole breadwinner for eight people; for the past 10 years has served as a caretaker in the Conservative movement center in Jerusalem.

Amarna says that over a month ago he arrived at the checkpoint, as usual. The soldier glanced at the computer, took the

⁹ For full column, see http://www.haaretz.com/hasen/spages/1077066.html.

permit away from him and sent him to the Civil Administration. From there he was sent to an interview with a member of the Shabak, who informed him that until further notice he was "denied entry."

Amarna has no security history and says that he has no idea why he has been denied the permit. Since then he has been sitting idle in his house and using up his meager savings.

The Shabak responded that the organization occasionally carries out checks of those denied entry into Israel, in order to match the list of those denied entry with the up-to-date situation assessment regarding the threat posed by their entry.

In the context of this "occasional check" many of those denied entry were allowed to enter Israel. At the same time, the decision was made to greatly reduce the number of those denied entry.

The Shabak noted that the entry of Palestinian residents into Israel is not an automatic right and that this was also reflected in the decision of the Supreme Court of Justice.

Yesterday there were reports of a substantial increase of the quota of entry permits into Israel for Christians, as a goodwill gesture in advance of the pope's visit next month (most of those newly denied entry are Muslims).

If the security situation makes it possible to allow the entry of hundreds of additional Palestinian workers, why did they have to wait until the pope's visit? And since when is the right to earn a living determined according to the worker's religion? On 16.4.2009, *Haaretz* published our response in "Letters to the Editor" ¹⁰:

"It is difficult to describe the insufferable ease with which the Shabak denies people a livelihood for no fault of their own. The people about whom Akiva Eldar reports are extreme examples of the phenomenon: they have been working many years in Israel and provide a livelihood not only for their families with their many children, but also for their parents and the families of their brothers with many children; these brothers are unemployed, or are working in the Territories for a tiny wage.

"The Shabak contends in response that the entry of Palestinian residents into Israel is not a given right. They ignore the fact that residents of the Territories are protected by the rulings of International Law and are not in the category of "foreign residents" without any entry rights.

"The International Conventions and Rules applied in Israel and the West Bank, and accepted as obligatory in Israeli jurisprudence, determine unequivocally that the military commander must care, not only for the security of the area, but also for the welfare of its inhabitants, and inter alia guarantee their livelihood in reasonable fashion. In the West Bank the rate of unemployment is very high, and whosoever does work earns a mere pittance. Almost the only source of livelihood to be found today is in Israel, and preventing entry brings in its wake severe economic distress. The creation of economic distress in the Territories not only sows the seeds of hatred

¹⁰ http://www.haaretz.co.il/opinions/2.418/1.1255783 (Hebrew)

without contributing to security, but is also a gross violation of the obligation imposed on Israel by the International Conventions."

By mid May, we had a list of 72 workers and 11 merchants whose permits had been confiscated in February and March and who had appealed against the security blacklisting. Of the list of 36 residents sent to the *Shabak* by Akiva Eldar, 74% of the permits had been returned. With regard to men who came to us later, 60% were returned. This was a higher percentage than the average response since 2005 which, up to early 2009 was 35%, but it was lower than that achieved by Eldar's list.

Table 2: Responses to Residents with Confiscated Permits
Appealing with Our Help

Comparison between Those on Lists Given to Eldar and Those Coming to Us Later

| | | Prohibition Removed | | Total Responses | No Re- sponse | Total |
|---|-----|------------------------|----|-----------------|------------------|-------|
| Till 23.3.2009 (Given to Shabak by Akiva Eldar) | No. | 25 | 9 | 34 | 2 | 36 |
| | % | 74 | 26 | 100 | | |
| After 23.3.2009 till 17.5.2009 | No. | 27 | 18 | 45 | 2 | 47 |
| | % | 60 | 40 | 100 | | |

d. "Debriefing"

In sterile legal language they say "debriefing" instead of "attempted recruitment of collaborators." Interrogation of Palestinians is a daily

event in the *Shabak* West Bank chronicles. Countless residents have been, and are summoned to a meeting with the "captain" and, after innocuous questions and answers the "captain" says: "Help me and I will help you." If the resident does not agree, the turn of threats arrives: "You will never receive a permit." "Your brothers will not receive permits." "Your entire family in all its coming generations will not receive permits."

However, since late 2008 the word "debriefing" was used to characterize a certain category of workers and merchants. We do not know whether the category was linked to recruitment of collaborators or not, for that is done "in the dark" while, strange as it seems to us, the "debriefing" category is largely transparent.

Many incoming complaints from permit owners related to delays at the entry checkpoints to Israel: sometimes ten minutes, occasionally an hour, often two hours; sometimes going to Israel, sometimes returning from Israel, or both; sometimes they were not allowed to pass at all. Usually veteran workers suffered, and we knew some of them from our observations at Bethlehem Checkpoint.

It is very difficult to maintain a work routine in these conditions. And if employers did not dismiss the workers, it was because they were hard to fire as veterans, both due to their key functions and for humanitarian reasons.

Apparently the *Shabak* assumed that after a few days, weeks or months of such delays – a kind of Chinese torture – the resident would be ready for anything if only they would let him pass through to work in a regular fashion. And then it would be possible to summon the worker to a "debriefing."

These residents are tagged as "Shabak listed" that can receive permits. We learnt that this kind of blacklisting couldn't be appealed. Under the prevailing system, the appeal is for non-receipt of a permit, not the blacklisting itself. Therefore applications by employers and workers for removal of the blacklisting received the immediate response: "debriefing." And the residents would receive a permit and then undergo the considerable suffering of the delays described above.

The first response of this kind was received on 18.12.2008. Meanwhile there have been 33 such answers, mostly in the first half of 2009. Recently we have learnt of a number of such cases but answers were only given verbally. As we write these lines – in September 2011 – we know of one case of a long standing veteran worker delayed every day at the checkpoint.

It will be noted that some of the people that appealed to the Supreme Court of Justice were converted from "prohibited-prohibited" to "prohibited-debriefing." These appeals were not withdrawn from the Court until the blacklisting was completely removed.

e. Return to Appeal Procedures for Workers – From January to June 2009 – "Meticulous" Rules

According to the rules published in June 2007, only in the case of a "Shabak blacklisted" response to a permit request by the employer, can the worker, together with the employer, submit an appeal to the ESO. But in June 2007 it was impossible to maintain this procedure, because for the employer to be able to request a worker, the latter needed to hold a magnetic card, and these were not then being issued to the blacklisted. Therefore, in practice, up to the end of 2008

the application by employer and his worker was based on the former's declaration of intent to employ the worker.

In June 2008 magnetic cards began to be issued to all applicants, so since then the rules could have been applied as written, in other words – without giving up the stage of permit request by the employer, but the implementation had not begun. In January 2009, with no prior notice, the ESO began to invalidate requests for removal of security blacklisting that were submitted together with the employer's declaration of intent – as had been the process for a year and a half – and began to demand that the employer requests a permit before submission of the application to remove the blacklisting.

During that period a number of requests were denied, with the inscription: "Invite the employer to a meeting," the intention being a meeting with the ESO representative at Etzion DCL. Employers from the central area were required to travel all the way to Etzion DCL for it to be possible to appeal the worker's security blacklisting. What employers would bother?

Additional requests were invalidated on the contention that "the employer does not have a file in the Employment Service in Israel," or "inactive employer (no quota)" or "employer not active from [date]..." Such comments had occasionally been raised in the past, but never at this intensity.

Slightly later, in February 2009, requests were invalidated with inscriptions: "direct the employer to the Employment Service"; "submit request for approval of the Employment Service and appeal later"; "the employer must request a permit and afterwards appeal"; "direct the employer to submit a request at the Labor Exchange"; "please direct the employer to the ESO at Etzion DCL"; and other variations.

All these comments came from the ESO located in Etzion. The ESO representative at Tulkarm DCL outdid himself by not dealing with the requests at all, without informing anyone.

In the light of these comments, we explained to workers who approached us during this period that the employer must submit a request for permit, and only afterwards was it possible to appeal the blacklisting. In practice, therefore, the ESO was dealing almost only with appeals of men whose permits had been confiscated because they had no need to apply for a permit – there was one. Only a minority of men who had been blacklisted for a long time, and whose employers were required to request a permit before applying for removal of the blacklisting, succeeded in fulfilling the conditions, and there were therefore almost no applications for removal of security prevention for them.

f. From July 2009 to March 2010 - Nowhere to Turn

From the end of June 2009 till April 2010 – almost a year – employers and their workers or lawyers received no answers from ESO Etzion DCL, because the employee who was supposed to deal with these applications suddenly left his job. In a phone conversation with the Civil Administration Public Affairs Officer (CAPAO) in mid July 2009, we were told that employers and workers could continue to send requests for removal of blacklisting as usual. A veteran woman employee, who was filling in for the functionary who had left ESO in Etzion DCL, would deal with the requests. Employers indeed continued to send requests, though there were fewer applications than previously.

In a phone conversation with the woman veteran at ESO Etzion DCL, at the end of July 2009 (she could not be reached by phone earlier),

we were told that the sending of requests should stop because "I have nowhere to send them."

We again contacted CAPAO, who said that the workers were to hand in their requests at Etzion DCL, at a window manned by soldiers. We asked for the ruling for workers from districts other than Bethlehem, but there was no answer except for a promise to check.

The chain of events was documented in a letter-dated 4.8.2009 sent to the Head of the Civil Administration (Appendix 5):

"Since 30.6.2009 there has been no functionary in ESO dealing with requests from residents of Hebron, Bethlehem, Jerusalem Envelope, Ramallah and Jericho. Since then no responses have been received by 56 workers who submitted requests for removal of security blacklisting, among them holders of valid permits that were confiscated or owners of permits that were not renewed."

A list of 56 names was attached to the letter.

On 9.8.2009 two workers tried to submit requests at the window in Etzion DCL, in their own and their employers' names, for removal of security blacklisting. The DCL refused to accept them.

In a phone call of ours to CAPAO, it was said that employers should continue to submit the requests to the ESO as they had before. The requests would be transferred from ESO to the Liaison Officer in Etzion DCL and he would handle them. A similar answer was given in our phone call to the LAWB Head of Population Registration Section. Following these conversations employers and their workers continued to send their requests to the ESO at Etzion DCL.

In the absence of responses to the employers or lawyers, we sent on 25.8.2009 a letter to the LAWB Head of Population Registration Section entitled "Absence of Responses to Residents of Ramallah, Jerusalem Envelope, Bethlehem, Hebron and Jericho who Requested Removal of Security Blacklisting."

Since the answer to our 4.8.2009 letter lingered on, CAPAO agreed to check over the phone the list then sent. Many responses were received, but we were told that a not insignificant number of appeals were "not being dealt with." On 16.9.2009 we began to send to the ESO in Etzion DCL reminders of each application for removal of blacklisting that had not received an answer or had not been transferred for processing (copies were sent to the Head of the Civil Administration and to LAWB).

The first four copies to reach LAWB were answered in LAWB's name on 8.10.2009 by a non-commissioned legal officer in the Population Registration Section: "The Legal Advisor of the West Bank no longer deals with requests of this kind." An explanatory page was attached: "Handling of Requests for Employment Permits – Sharpening of Procedures" which contained, *inter alia*:

"According to the procedures of the Civil Administration, in cases where a request for employment permit is refused by the ESO because of the existence of a security blacklisting against the resident, the employer is entitled to submit to the ESO an appeal of that decision, by means of a request to remove the security blacklisting."

On 7.10.2009 we sent a letter to the LAWB Head of Population Registration Section, with an explanation of why the reminders were also sent to LAWB:

"In the light of absence of ESO responses to requests from workers and their employers for removal of security blacklisting – even after a list of these men had been sent to the Head of Civil Administration and to you – repeated requests were sent to the ESO. In parallel we sent copies of these also to the Head Civil Administration and the Legal Advisor of the West Bank, since it was not clear whether these requests had been recorded or dealt with – this in contradiction to written procedures..."

In parentheses we note that on 9.11.2009 we received a letter of complaint from a Consultant to the LAWB Population Registration Section about the ecological damage (!) caused by the many faxes that we were sending to them. In our response, dated 14.11.2009, we said:

"The appellants whose permits were confiscated, have for a good part worked for many years in Israel and have now suddenly lost the source of their livelihood. At the DCLs there is no answer as to the reason for the confiscation. Now they have been sentenced to endless runaround in an attempt to ascertain the reason for the blacklisting. They try to meet the Shabak who lets them wait for hours and then sends them home with the message 'we don't need you.' When the Shabak representative deigns to meet with the resident, the punch line is: 'Help us and we will help you – and if you don't you will never receive a permit.' And when they apply together with their employers in the appeal procedure against blacklisting which is open to them, there are no responses. A blank wall. Meanwhile time passes – time critical for them and their employers.

"This behaviour is a blatant violation of human rights. Resi-

dents of the territories are protected by the rulings of International Law, and the fact of Israel holding the region in warlike grasp makes it owe obligations to those same residents, and inter alia the obligation to care for their welfare and the needs of their lives. Therefore, together with the complaint about ecological damage that we cause, we would expect a reference, however minimal, about the human damage and harm to basic human rights that the ESO and Civil Administration cause.

"In the light of your request not to send individual reminders we attach to this letter a list of residents and their employers for whom reminders are being sent this morning. We hope that you relate to this as a copy of requests to you."

In September 2009 we asked to meet the Head of the Civil Administration, primarily to complain about the lack of possibility to appeal security blacklisting. On 18.10.2009, before the meeting, which was set for 21.10.2009, we sent a letter to the Head of the Civil Administration on "Prevention of Information from Residents, Faults in the Procedures for Removal of Security Blacklisting and Severe Problems in the Seam Zone." (Appendix 5). The letter which spelled out many of the problems before the Head, also described the problem of total lack of response from the ESO at Etzion DCL:

"From responses that employers received orally we get the impression that at the ESO at Bethlehem DCL they do not understand the importance of giving answers to requests. It appears to the ESO that the required response should be 'blacklisted' or 'not blacklisted'. We note that receipt of a written response to a request for removal of security blacklisting is very essential for the worker. The response includes the

date when it is possible to appeal again – one year after the date of the current response. Moreover, many workers want to petition the court against the security blacklisting and the absence of response hampers them.

"We note that the scope of non renewal and confiscation of permits due to Shabak blacklisting has increased considerably since the beginning of 2009 and many residents who have not received responses are those whose permits were confiscated at a crossing, or not renewed, despite the employer's request. The length of time taken in examining the requests of these people is crucial for them since their chance of livelihood and their place of work are at risk."

A list of 58 workers and their employers, who have been waiting two months or more for a response, was attached to the letter.

On 20.10.2009, CAPAO wrote in answer to our 4.8.2009 letter regarding a change in appeal procedures against security blacklisting of workers. In place of submitting the requests for removal of blacklisting to the ESO, the employer was to submit to the Payments Unit in the area where he lives, or the worker's representative should submit the requests to the Palestinian Liaison Office in the area where the worker resides.

On 25.10.2009 we sent a letter to the Head of Civil Administration with a demand **not to implement the new rules retroactively**, because 112 men were waiting for answer, some for many months. A list of people not included in the previous list, and who had not yet received a response from the ESO, was attached.

The meeting with the Head of the Civil Administration set for

21.10.2009 and postponed to 26.10.2009 was again postponed at very short notice to 24.11.2009. On 27.10.2009 a complaint was sent to the Head of the Civil Administration, and within it a protest at the cancellation of the meeting and a repeated list of our complaints.

On 24.11.2009 a meeting took place between MachsomWatch representatives, the Head of the Civil Administration, people from his office and the Head of Population Registration Section in the LAWB office. Many problems were discussed, and the following is an extract from our minutes of the meeting (Appendix 6):

The Operations Staff Officer of the Civil Administration maintains that there are no problems in procedures – they are alive, breathing and changed from time to time. Occasionally there are hitches or non-compliance, but the procedures are adequate. There is no place for an attorney, certainly not for 'big shots' who 'arrange permits' and steal money from Palestinians, nor is there room for activists as representatives of the Palestinians. Thousands of requests for removal of security blacklisting arrive every month at the DCL and are dealt with.

"The procedures are two-pronged:

"Through the employer, who applies to the Payments Unit, submitting the form for removal of blacklisting after having requested a permit for the Palestinian worker and being refused. And through them he will receive a response.

"Directly by the blacklisted man, who submits a form, which exists also in Arabic, to the Israeli DCL or Palestinian Liaison Office. The forms will be accepted at the DCL, transferred for Shabak examination and the response will be given to the Palestinian on the phone if he submitted directly to the DCL, or through the Palestinian Liaison Office if he submitted there.

"We were promised that a form in Arabic would be sent to us.

"Regarding the list of unanswered requests sent to the Civil Administration: the above mentioned officer will send responses for some of the men. We will send him the additional lists that were sent to the Civil Administration, and responses will be given to 'all'."

The officer ignored in his remarks the fact that *Shabak* blacklisted individuals and their employers do not know to whom to turn, what documents and forms are required and how to fill in these forms. He ignored the fact that this is why they turn to lawyers or to us. In that period and previously, the DCL received many "requests for pardon" from *Shabak* blacklisted individuals – Istirham in Arabic – but they were not dealt with, and no answers whatsoever were sent.

ACRI (The Association for Civil Rights in Israel) in its time published a "Rights Leaflet" but, after it was printed the procedures changed and the Civil Administration never issued a page explaining what a Shabak blacklisted resident could do to appeal the blacklisting. To this day the form in Arabic is not seen around, and the Civil Administration did not keep the promise to send us a copy. The Palestinians are required to fill in the form in Hebrew, and in some districts there are typists who complete it. In recent times a new initiative began: in certain districts an office was opened close to the Palestinian Liaison Office, where the forms were completed at a higher level.

As for the procedure open to employers, the rule described by the Operations Officer was not observed. On 29.11.2009, CAPAO's response was received in relation to the list we sent on 25.10.2009. Of 54 residents on the list, five blacklistings were removed, five were denied, and of 44 it was said "no relevant request was found" or "no mention of confiscation of the permit was found – the resident is blacklisted and is not entitled to a work permit." There were a few other responses. The significance of all these replies was that the requests submitted for these residents, including copies that were sent to the Head of Civil Administration and the LAWB (causing "ecological damage" there) had evaporated out of the system.

Since there was no referral to the lists sent on 18.10.2009 (58 residents) and on 26.11.2009 (28 residents), a reminder was sent to CAPAO, but no response was forthcoming.

The procedures detailed in CAPAO's 20.10.2009 letter also did not function. The Interior Ministry Payments Unit, where employers submit requests for permits – the new address for submission of requests for removal of blacklisting – had never heard of the new procedure, and employers and lawyers who applied to them were turned away empty handed.

According to the 20.10.2009 rules residents could submit requests at the Palestinian Liaison Offices. But these requests had a strong tendency to vanish. It is not clear whether or not they were passed on to the DCLs, but even if they were there was no mechanism guaranteeing that they would be dealt with. Many were not handled at all. Some of the Palestinian offices received an unequivocal order from the Israeli DCLs not to accept the requests, so they indeed stopped.

Individual complaints about this matter were sent to CAPAO and, since December 2009, new rules were distributed selectively. The rules reached us from residents who had paid lawyers, and the latter had submitted requests for removal of blacklisting to CAPAO. In addition to noting that they were not the address for the purpose, CAPAO's office did name the existing relevant addresses. Despite our repeated requests to receive the rules in writing, they were not sent to us.

On 18.1.2010, a letter was sent to the Deputy Head Civil Administration stating, *inter alia*:

"Since October, the system has been totally paralysed. The sharpened procedures ordered employers to submit requests for removal of blacklisting from their workers at the Payment Units (Labor Exchange) at their place of residence. Employers in the settlements must submit requests to the Labor Exchange in the Civil Administration offices in Bethlehem or Tulkarm. The Administration did not ensure that the Payments Units were aware of the new arrangement, and in a few places (Netanya, Rehovot) they absolutely refused to accept the form from the employers. Even when the form was accepted, the employer had no way of ensuring that it was transferred and did reach the ESO and continued on to Shabak examination. Attempts by employers to telephone the ESO office in Bethlehem were a total failure. The ESO office in Tulkarm was also difficult to reach, though experienced employers with contacts did succeed in transferring forms there.

"In the three months that have passed since the sharpened procedures started, apart from cases that could be counted on the fingers of one hand, no answers were received. "Letters of complaint and request sent by us to Civil Administration Public Affairs Officer were not answered, and in phone calls with her, the officer answered that despite her willingness to help she does not yet have at hand responses or solutions.

"Employers, for all their resolve to employ a particular worker, were forced to forego and employ someone else. Devoted workers, some of whom had been employed in Israel with permits for two decades had, overnight, become Shabak blacklisted, could not submit a simple request to examine and remove the blacklisting, and had to wait for months while they were forced to sit at home, unemployed."

On 7.2.2010 we sent another complaint to the Head Civil Administration and LAWB on the non-function of the above-mentioned procedures, and the lack of any practical possibility to appeal the security blacklisting (Appendix 5). We also reported the instructions issued by an ESO representative at Etzion DCL:

"In the ESO offices employers are questioned to see whether they are in touch with us. Moreover, on 21.1.2010 Linda Salem from ESO at Etzion DCL phoned one of us – Tami Shellef. She stressed the fact – known from the beginning of 2009 – that it was only possible to submit a request for removal of blacklisting at the ESO for workers for whom a request had been submitted for approval at the Payments Unit, and that they and their employers conform to the criteria for receiving permits. In addition she noted the following:

"1. She does not accept requests from employers for removal of security blacklisting that are sent by fax.

- "2. The employers must come to her to deliver the documents personally after setting an appointment by phone.
- "3. The employers must fill in the request form themselves and not use a form that we have filled in for them.

"Is this maltreatment on behalf of the Civil Administration, or is it part of a local initiative designed to further abuse workers and employers? Is it not enough that permits are confiscated or not renewed, or denied for many years?"

We, of course, complained about the severe blow to human rights deriving from the absence of an appeal procedure:

"Harm is done to the rights of men who were put on the Shabak blacklists many years ago without receiving any explanation, some of whom were never interrogated. Some of them were blacklisted because of their refusal to work with the Shabak – a matter that is in violation of International Humanitarian Law. Now they are also deprived of their right to appeal their blacklisting once a year. Employers who still remember them favorably from past years and are prepared to ask to employ them and to appeal the blacklisting – are unable to do so.

"Harm is done to the rights of men who worked in Israel till now – some of them for decades – whose permits were confiscated at checkpoints or not renewed. Some of them are essential workers for their employers. Employers seeking to appeal the blacklisting, which not only means hunger for the worker's family, but also disrupts the work of the employer, do not quite know what to do – what procedure is open to them."

On 14.2.2010 we distributed the bimonthly *MachsomWatch Alert*, with a description of the hopelessness of workers and employers: "Don't Know Why, and There's Nowhere to Turn." (Appendix 5).

On 21.2.2010 we sent an additional complaint to the Head Civil Administration and LAWB, with an attached list of 212 workers who had not received responses to repeated applications for removal of their blacklisting. These applications had been directed to various addresses, each time according to written or verbal instructions from Civil Administration or LAWB functionaries. On 3.3.2010 a list of 15 whose blacklisting had been removed out of the 212 residents was received from CAPAO.

Hereinafter details of the complaint letters sent (not including those regarding specific men):

Table 3: Complaints about Absence of Appeal Procedures
For Security Blacklisting
and the Lack of Responses to Old Requests
In a period of absence of appeal procedure

| Date and to Whom it was Submitted | No. of Residents waiting and Time of | Subject of Complaint and Responses |
|---|---|---|
| | Submission | |
| 4.8.2009 | 56 | Absence of appeal procedure and stop- |
| Head of Civil | 20.1.2009- | page of responses to employers of workers |
| Adm. | 13.7.2009* | from Ramallah and south. |

| Date and to Whom it was Submitted | No. of Residents waiting and Time of Submission | Subject of Complaint and Responses |
|--|---|---|
| 25.8.2009 Head of Population Registration Section** | 56 20.1.2009– 13.7.2009* | Absence of appeal procedure and stop- page of responses to employers of workers from Ramallah and south. |
| 7.10.2009 Head of Population Registration Section** | Individual applications | On 16.9.2009 we began repeat requests for removal of blacklisting, with copies to Head of Civil Administration and LAWB. The latter replied that he does not deal with these requests. We explained why we send them copies. |
| 18.10.2009 Head of Civil Adm. | 58*** 1.4.2009– 19.8.2009* | Before meeting. Absence of appeal procedures for Ramallah and south, problems in districts to north West Bank, lack of written responses and long waits. |
| 25.10.2009 Head of Civil Adm. | 54 23.8.2009– 20.10.2009 | On 20.10.2009 CAPAO wrote detailing new procedures for removal of worker blacklisting. In response we asked not to implement procedures retroactively (112 were waiting for reply, 54 from this list and 58 from previous). Also complained that new procedures would hamper workers and employers. |
| 27.10.2009 Head of Civil Adm. | No list was sent | Protest at cancellation of meeting from 26.10.2009 at short notice. Also noted complaints from 18.10.2009. |
| 8.11.2009 Head of Population Registration Section** | 54 1.4.2009– 20.10.2009 | Letter on 4.11.2009, pointing to rules detailed by CAPAO. Also sent her the request not to implement rules retroactively. |

| Date and to Whom it was Submitted | No. of Residents waiting and Time of Submission No list was | Subject of Complaint and Responses Reaction to complaint letter about eco- |
|--|---|---|
| Counseling Officer, Population Registration Section** | sent | logical damage of reminder faxes. In our response we noted severe damage to residents human rights by not relating to requests. |
| 24.11.2009 Meeting with Head of Civil Adm. and Head of Population Registration Section** | No list was sent | After meeting minutes sent to Head of Civil Adm. In the meeting apparently existing rules were described and it was stated that residents do not need lawyers or human rights organizations because appeal forms are written, and may be completed, in Arabic – a completely wrong statement. |
| 26.11.2009 Head of Civil Adm. | 28 24.11.2008– 20.10.2009 | Complaint about unacceptable handling and non-response of requests by workers and employers north of Ramallah (not in previous lists). On 29.11.2009 received answers relat- |
| Civil Adminis- tration Public Affairs Officer | 20+30 | ing to all 54 who appeared on list from 25.10.2009. Reminder sent about two other unanswered lists (from 18.10.2009 and 26.11.2009). |
| 18.1.2010 Deputy Head of the Civil Administration | 36 5.11.2009– 5.1.2010 | Complaint on lack of address and partial list of responses, on rejection of human rights organizations, and unknown fate of our requests sent after change of rules from 20.10.2009. |

| Date and to Whom it was Submitted | No. of Residents waiting and Time of Submission | Subject of Complaint and Responses |
|---|---|--|
| 7.2.2010 | No list was | Lack of address for submission of appeals, |
| Head of Civil | sent | abuse of workers and employers by ESO, |
| Adm. and Le- | | and severe blow to human rights involved |
| gal Council of | | therein. |
| West Bank | | |
| 14.2.2010 | No list was | "Don't Know Why and There's Nowhere to |
| Publication | sent | Turn." |
| Machsom- | | |
| Watch Alert | | |
| 21.2.2010 | 212 | Lack of address and responses, and list of |
| Head of Civil | 12.10.2008- | 212 residents. |
| Adm. and Le- | 18.2.2010 | |
| gal Council of | | |
| West Bank | | |

- * One resident waiting since 23.11.2008.
- ** Belongs to LAWB.
- *** On 15.9.2009 the CAPAO agreed to phone check of list sent in August. Many responses were received. Many of the 56 blacklisted on the above list were not included, but it did cover submissions of other requests.

The letters from 4.8.2009, 18.10.2009, 25.10.2009, 7.2.2010 and *Machsom-Watch Alert* from 14.2.2010 appear in Appendix 5. Response of Civil Administration from 20.10.2009 and minutes of meeting from 24.11.2009 appear in Appendix 6.

Most letters were unanswered. However, after sending 212 names of residents who had been waiting a long time, CAPAO agreed to a daily check of a number of blacklisted in the list. Eventually responses were received for 76, 59 of whom were in this list (others applied later

and were not included in the list of 212 residents). Of the 76 replies, 46 were positive and the blacklisting was removed; 30 requests were refused. From among the remainder on that list, some again applied to the DCLs, some dropped the idea out of lack of hope of one day reaching the summit.

g. From April 2010 to March 2011 – Submission to DCLs

In the meeting with the Head of Civil Administration on 24.11.2009, mention was made of two ways to apply for removal of workers' security blacklisting:

- Through the employer, who applies to the Payments Unit, submitting the form for removal of blacklisting after having requested a permit for the Palestinian worker and being refused. And through them he will receive a response.
- Directly by the blacklisted man, who submits a form, which
 exists also in Arabic, to the Israeli DCL or Palestinian Liaison Office. The forms will be accepted at the DCL, transferred for Shabak examination and the response will be
 given to the Palestinian on the phone if he submitted directly to the DCL, or through the Palestinian Liaison Office
 if he submitted there.

As we have seen these procedures did not really work. We know of 23 cases where employers gave power of attorney to Adv. Tamir Blank for a worker or a number of them. In the beginning, Adv. Blank tried to approach the Payments Unit, but the latter had no knowledge on the subject. Adv. Blank did not know that his application to the

Unit was irrelevant since, in December 2009, the address had been changed back to the ESO.

This basic datum of direct and significant importance to the Palestinians is not revealed to them, and changes from time to time are not published. We knew that the Payments Unit was not an address from a December 2009 letter sent by CAPAO to a lawyer who had approached her with an application for removal of blacklisting for his client. The person who had hired the services of that lawyer, and whose case had not been handled sent the letter to us. After receiving the letter, we phoned CAPAO who confirmed that requests were no longer to be sent to the Payments Unit. Our request to receive written notice that the address was once again the ESO went unanswered. This is not surprising: the response sent to the lawyer had been a copy of the written rules that in practice did not function; ESO was not accepting applications during that period.

Relying on CAPAO's letter, Adv. Tamir Blank stopped writing to the Payment Units and began to send to the ESO either in Tulkarm or Etzion DCLs, according to the applicants' places of residence. The applications faxed by Adv. Blank to ESO Tulkarm were handled by an ESO representative there, or transferred to the relevant DCL with notice duly sent to the advocate. The applications faxed to the ESO at Etzion DCL were not handled at all.

With the opening of the possibility for the blacklisted himself to submit requests to the DCL or Palestinian Liaison Office, Adv. Blank asked residents to apply to the DCLs for removal of the blacklisting, with an attached request from the employer via the lawyer. From the examples in the following table, it is clear that if the resident would not have himself applied to the DCL, the request would not have been handled. At a certain stage, when the ESO at Etzion was clearly not

dealing with faxed applications, nor passing them on to the *Shabak*, the applicants were told to arrive at the Etzion DCL at almost the same time as the fax delivery to the ESO and, therefore, the number of applications passed on by ESO cannot be known.

We do not know exactly when applications began to be accepted at the DCLs, but it seems to us that this was in late March or early April. A number of Palestinians submitted requests at the Palestinian Liaison Offices (mostly, but not only, at Kfar Idhna) and they did receive responses.

Table 4: Requests Submitted to ESO by Adv. Tamir Blank
And Transferred Only After the Resident Submitted at the DCL

| Date Faxed to ESO at Etzion | Date Deliv- ered Person- | Date Trans- ferred for | DCL to Which Resident |
|-----------------------------|-----------------------------|---------------------------|--------------------------|
| | | | 110011111 |
| DCL | ally to DCL | Handling | Belongs |
| 25.2.2010 | 14.4.2010* | Unknown | Jerusalem |
| | | | Envelope |
| 3.3.2010 | 8.4.2010 | 14.4.2010 | Hebron |
| 8.3.2010 | 25.4.2010 | 27.4.2010 | Hebron |
| 21.4.2010 | 25.4.2010 | 10.5.2010 | Hebron |
| 5.5.2010 | 25.5.2010 | 27.5.2010 | Hebron |
| 17.5.2010 | 25.5.2010 | 27.5.2010 | Hebron |
| 26.5.2010 | 30.5.2010 | 14.6.2010 | Hebron |
| 8.6.2010 | 9.6.2010** | 13.6.2010 | Jerusalem |
| | | | Envelope |
| 9.6.2010 | 9.6.2010 | 21.6.2010 | Hebron |

^{*} At the DCL they were not prepared to accept. The Palestinian Liaison Office also did not agree because the DCL would not accept from them. After discussion with DCL, the Palestinian Office transferred the request.

^{**} Delivered to Palestinian Liaison because the DCL refused to accept documents.

Table 5: The Custom at Each DCL During Submission of Requests for Removal of Security Blacklisting

Hebron

Started accepting requests on April 2010 giving a receipt on the "Handling of Request form." On the form they write the date when the resident has to return to get the answer – usually after 3 months. An officer gives a receipt only after checking the request. Sometimes requests are not dealt with after getting the receipt because documents are missing or for other reasons. The resident would only learn this upon returning after 3 months. Our checking with CA-PAO if the request is handled or not, saved time for residents in contact with us. Only a few requests submitted by Palestinian Liaison were dealt with.

Tarqumiyah

Does not accept requests. North Hebron District residents get their magnetic cards here. But requests for blacklisting removal are forwarded to Hebron DCL, except for northwestern residents who belong to the Palestinian Liaison at Idhna. From June 2010 Tarqumiyah DCL started accepting requests handled by the Palestinian Liaison Office in Idhna. Besides this office there is a unit, which completes forms for people and the Palestinian Liaison sends them to Tarqumiyah. No reason is given, nor are documents attached mentioned in the request. Thus the resident can make no claims and the DCL officer can attach documents or not at will. However, these requests are usually dealt with and answered.

Bethlehem

Started accepting requests on May 2010 and giving a receipt by writing the date of submission and the signature of the officer on the form submitted. Occasionally this involved long hours of waiting. No reason given when the documents are not accepted. Noted on the request form, reply via Palestinian Liaison within 3 months. Many requests submitted through Palestinian Liaison are not dealt with.

Jericho

During many months requests were not accepted and DCL started accepting them only in November 2010. When accepted, giving of receipts was refused.

Requests were transferred for processing only after complaint letters to CA-PAO. In recent months, when possible to submit requests at DCLs, receipts began to be given (on the "Handling of Request form") and were passed for processing. Only a few requests from Palestinian Liaison were handled.

Qalandiya (Jerusalem Envelope)

Started accepting requests on August 2010 and giving a receipt on the "Handling of Request form". First time necessitated many talks with DCL and the Humanitarian Hotline¹¹ (documentation of a case below). After a number of cases, problems disappeared. Written on receipt – "return in a month." Notifying resident by phone of *Shabak* responses. Only a few requests from Palestinian Liaison were handled.

Abu Dis (Jerusalem Envelope)

Started accepting requests on December 2010 and giving a receipt on the "Handling of Request form." First times necessitated many talks with DCL and the Humanitarian Hotline. After a number of cases, problem disappeared. Neither listing of when to return, nor that request is for removal of blacklisting. Only a few requests from Palestinian Liaison were handled.

Ramallah

Started accepting requests on May 2010 only if the request is made by a lawyer, and issuing a receipt on the "Handling of Request form". Residents coming without a lawyer's letter are directed to submit at the Palestinian Liaison Office. Most requests submitted by Palestinian Liaison are not handled. Responses delivered by phone to lawyer at DCL initiative.

Nablus

Started accepting requests on July 2010 and issuing a receipt by writing the date of submission and the officer's signature on the form submitted. For months submission of papers involved many conversations with DCL and the Humanitarian Hotline (documentation of a case below). After a number of months, problems disappeared

¹¹ The Humanitarian Hotline is a telephonic response line belonging to the Civil Administration to which it is possible to apply when civilian questions arise. The soldiers manning this post approach the relevant authorities and sometimes are able to assist with solutions.

Qalqiliya

Started accepting requests on June 2010 and issuing a receipt on a special form prepared by the DCL. During months submission of papers involved many conversations with DCL and complaints to the Humanitarian Hotline. Only after complaint were the documents accepted. Adding a lawyer's letter greatly eased the submission. After a number of months, problems disappeared. Acceptance of workers' requests was stopped on 27.4.2011. We do not know of requests submitted by Palestinian Liaison.

Tulkarm

Started accepting requests on June 2010 and issuing a receipt on a special form prepared by the DCL. During months submission of papers involved many conversations with DCL and complaints to the Humanitarian Hotline. Only after complaints were the documents accepted (documentation of a case below). Adding a lawyer's letter greatly eased the submission. After a number of months, problems disappeared. Acceptance of workers' requests was stopped on 27.4.2011. Only a few requests submitted by Palestinian Liaison were handled.

Jenin

Started accepting requests on September 2010 and issuing a receipt on the "Handling of Request form." For months submission of papers involved many conversations with DCL and complaints to Humanitarian Hotline (documentation of a case below). Only after complaint were the documents accepted. Adding a lawyer's letter greatly eased the submission. After a number of months, problems disappeared. Nevertheless, the Liaison Officer demanded that residents bring an original letter from employer, which made things more difficult. Requests submitted by Palestinian Liaison were not handled.

As can be seen in Table 5, in early April it was possible to submit applications at Hebron DCL – the first DCL that, in practice, accepted blacklisting removal requests, confirmed receipt and was free of a need to argue with the Liaison Officer or his deputy. Occasionally they would not let applicants enter the DCL, or would make them wait a long time, but eventually the applications were accepted. In

other DCLs submission of first requests and receiving a confirmation of submission involved many phone calls from us.

One advantage of submission of requests at the DCLs was lesser dependence on the employers, even when a letter from the employer was required. A disadvantage was the fear that the *Shabak* would exploit the submission of request and, on the spot, attempt to recruit the resident as a collaborator. This happened rarely, occasionally as a result of the resident's mistake in thinking that he was to deliver the documents to the *Shabak* representatives. Additional disadvantages that we witnessed daily were the long lines and endless waiting, the exposure to contempt and humiliation. Here are a few examples:

Testimony about submission of request for blacklisting removal at Nablus DCL:

"Today I accompanied M. by phone in an attempt to submit the form (for removal of security blacklisting – with appended documents). Already a week ago or more he tried to submit at the Palestinian Liaison, and was told there that they do not accept requests for removal of security blacklisting. Today he tried at Nablus DCL, but the DCL people told him to submit at Palestinian Liaison Office.

"At this stage he contacted me to report that they won't take the form from him. I phoned the Nablus 'war room' (02-9703160) and somebody transferred me to an officer who deals with the matter. He told me that Palestinian Liaison accepts requests and also transfers them. He added that representatives of Palestinian Liaison were coming shortly for a meeting with him.

"I called M. and said that he should go to Palestinian Liaison to submit there. He went and called me to say they did not want to accept. I phoned the officer and told him, and he immediately talked to a representative of the Palestinian Liaison who was with him, and told him in Arabic what was happening at that moment with M. The Palestinian Liaison representative immediately called his office, and half an hour later M. called to inform me that they had accepted the documents from him.

"It is unbelievable how much bother is involved merely in submitting a request form, and we are not even talking yet of the request being processed and the blacklisting removed..."

Testimony about worker submitting request for blacklisting removal at Tulkarm DCL:

"R. and his attempt to submit blacklist removal request at Tulkarm DCL and get a receipt – a Kafkaesque story

"Almost a year of impossibility to appeal the security blacklisting of workers, a matter on which many protest letters have been sent by MachsomWatch. The requests – submitted by workers to Palestinian Liaison Offices, which deliver them to the DCL, or submitted by employers to the Employment Staff Officer – simply disappear in the system.

"This fact has reached the courts since a situation has been created in which people petition the court, for lack of an alternative, after long waits for answers, and it emerges that they petitioned without 'exhausting procedures' (in other words, without their request for removal of security blacklisting sub-

mitted here or there having been examined before submission of petition) because the request that they submitted has vanished. Following this, the Civil Administration recently decided to allow submission of requests for removal of security blacklisting directly to the Israeli DCL. The Israeli DCL will give a receipt for the submitted request.

"Since that decision was made, Hebron DCL was the only one where there was no need to 'accompany' people submitting requests with tens of telephone calls to make sure that the request is accepted and the person gets a receipt. At all the other DCLs we have to fight so that people can submit their requests and receive receipts for the submitted papers.

"And here is a case from today: R. arrived in the morning at Tulkarm DCL (Shaar Ephraim), equipped with a request to remove security blacklisting. He got to the window at 10:30 (of course after a wait) and they refused to accept the papers. According to what was agreed between us, he immediately informed me.

"I phoned the numbers given me by the Humanitarian Hotline (02-9704646 or 02-9704660) and was answered by Reut, a female soldier in the DCL 'war room.' She said that she would investigate. After I phoned a few times, she connected me to Omri, the Deputy Liaison Officer. Omri promised to go to the window and deal with the matter.

"After many more calls Omri did go to the window, received the request from R. and told him that they would contact him and he should go home. Since I had told R. very clearly that if he did not get a receipt, the significance was that he had submitted nothing, he immediately called and asked what to do. I told him to wait. He waited, and waited, and waited, and waited, and waited...

"Meanwhile, I called, and called, and called, and called, and called the DCL... Finally Reut even gave me a direct number for the windows (02-9703081), a number that of course did not answer...

"Allah, the Liaison Officer, was there... busy all the time. At a certain point he threatened R. that his papers would be returned – he should go and submit them at Palestinian Liaison. After some more time, R. was told that he must contact Avishai (Head of Employment Branch in the ESO office located in Tulkarm DCL). Avishai does not answer employers who have submitted requests at his office, so why should he answer workers? R. has an employer interested in employing him, but R.'s request was his – not his employer's.

"At 13:39 I called the Humanitarian Hotline of the Civil Administration and one of the soldiers, Omer, patiently wrote the whole account of happenings since 10:30 that morning until 13:39. The complaint was registered, but it apparently had to pass through a number of stations for their approval before reaching its destination: Tulkarm DCL. The complaint made its slow way to Tulkarm DCL and, at 15:18, the DCL's response was received and passed on to me by Omri. They would not give a receipt but the request had already entered the 'IDF system'.

"At 15:20, a 'completely dried out' R. left the DCL without a receipt. He and I hope that, even if his request disappears

from the system as happens all the time, the complaint submitted and registered in the Humanitarian Hotline system will not be deleted, and when R. petitions the court, before the State requests rejection of the petition out of hand because lack of procedures exhaustion, his lawyer can draw the State Prosecutor's attention to the complaint from MachsomWatch submitted on that day between 13:39 and 15:18."

In checks after submission of R.'s papers, the various authorities said that the request was not received. Two weeks later it became clear that a year had not elapsed since R. got an answer for his previous request. Therefore they did not want to accept the application. A lot of R.'s time would have been saved had the soldier told him this straight away.

In parentheses: when written responses were received, there was a note that a new request could only be submitted after a year, but most residents are not aware of this and do not know the date they received a response. Lawyers as a rule do not pass on negative responses for they detract from their reputation. Therefore the residents do not know whether they can apply again, or must wait. In the relatively few cases of men approaching us, we did deliver the negative responses while explaining that they could apply again in a year. Many of them interpret this information as if the blacklisting will be removed in a year's time.

Testimony of a resident who submitted documents at Qalandiya DCL:

"H. came to Ramallah DCL in the morning and was denied entry. A telephone clarification elicited that the DCL opens on Sundays between 10:00 and 10:30 – information not posted at the entrance! H. waited. When he entered they were not prepared to take his documents, and he received no explanation. A MachsomWatch phone call to the Humanitarian Hotline clarified that he belongs to Qalandiya DCL, not Ramallah DCL. So H. went to Qalandiya. There too they were not prepared to accept the documents. Since it was already noon, the DCL personnel took their lunch break. After the break and constant contact of MachsomWatch with the Humanitarian Hotline, they took the papers and gave him a receipt."

Submission of documents at Jenin DCL was particularly difficult. This DCL and the one at Jericho were the last to agree to accept papers. They sent workers to the Palestinian Liaison Office, but what was passed on from there was not dealt with: we cannot know whether documents were transferred, or whether the DCL received them but ignored them. At a certain stage we began to insist that workers (and merchants) submit requests directly to the DCL and get receipts. Since access to those DCLs involved multiple phone calls and long waits for both MachsomWatch and the residents – we would ask the men to go together on specific days, so we could concentrate our efforts.

Testimony from Jenin DCL:

"Five men waiting for the only officer who receives applications for removal of security blacklisting. He is busy with all sorts of things, maybe important things, and lets the men wait till the end of the day.

"I wonder if that is connected to annoyance at our intervention, or simply that he doesn't care about the men's time.

"V. is there from 08:00 "CH. is there from 08:00 "A. is there from 09:00 "H. is there from 10:00 "I. is there from 11:00

"The men who came later are those who were in contact with me. I told them not to come too early because I know that the officer likes to make them wait.

"I spoke to a woman soldier in Operations and she went to check. She said that the officer couldn't be contacted now, but she was told that he would return 'soon'.

"At 15:25, when I despaired of anything happening at the DCL, I called the Humanitarian Hotline and talked to a woman soldier. I complained bitterly about the Palestinian's time in handing in forms, and that there was only one officer to receive and issue receipts and he was not available. She said she would talk to the Head of the DCL.

"Ultimately, after much pestering, the officer arrived and took the papers. A., who waited from 9am to 4pm, was told that he had submitted a month ago and his request is being processed. The officer told I., who had forgotten his ID photo at home that his matter would not be dealt with. But when I faxed the photo and asked the clerk to hand it to him, it passed. Eventually the officer gave confirmation of receipt. M., V. and S. (who joined the group later) received receipts.

"I don't know what happened with CH."

These testimonies are the tip of the iceberg. A large proportion of men who submitted requests at DCLs contacted us at one or other stage of their visits, for they were groping in the dark, waiting hours, and not knowing whether submission was possible or not. We also did not know, so we could not reassure them. The atmosphere at the DCL was one of humiliation and disregard for Palestinian time. Let them wait...

Usually, when the DCL was not prepared to accept the application, there was no explanation forthcoming. At Hebron DCL they did record the reason on the 'handling of request form,' but in Hebrew which the residents could not read. To save them wasted returns, we would phone and clarify why the papers had not been accepted.

These checks were made despite evident unwillingness of the Liaison Officers or other functionaries at the DCLs to talk to us. However, we can note that the Humanitarian Hotline related positively to our matters and attempted to help. Particularly noteworthy was CAPAO and the soldiers working with him who, during the period when the residents filed applications at the DCLs, were prepared to peruse the lists of men who submitted with our assistance and did not know whether their requests are being processed or not – even if they received receipts. They were also prepared to check with us the lists of applicants to see whether a response had been forthcoming: all this patiently and politely¹².

Whenever a resident was told that he "had not submitted a request," and he had a receipt for the documents, a letter was sent for clarification to CAPAO. The requests of all those for whom letters were sent were ultimately accepted. There were some whose requests were not

¹² It is also so at the time of writing – September 2011 and till the publication of the English version – March 2012.

accepted and a reason was given for the refusal, in which case the resident could submit again with the missing or corrected document.

We know of 562 requests accepted at the DCLs during this period. Most of them were submitted with our help. Some were sent through lawyers, who either submitted or supplied the residents with documents to hand in at the DCLs, and the residents came to us later, not having received a reply.

We note that lawyers' services are given for a fee, which is quite often substantial. Some of these people had already previously requested removal of the blacklisting. For those where a request had not yet been accepted, we assisted in filing a new application at the DCLs. Who knows how much they paid their lawyers...

All the requests submitted at Tarqumiyah DCL were prepared in an office adjacent to the Palestinian Liaison Office at Idhna (see Table 5). However, some of the men sent their requests to us and we checked whether they had been accepted at the DCL and were processed and whether there had been a response. Our involvement assisted only in cases where the request had not been received and the Palestinian Liaison Office or the resident had not been informed. These cases were few.

On 9.1.2011 a letter was sent to CAPAO with a list of 41 men who had not received a response a month and a half or more after submitting their request for removal of blacklisting. In the next two letters, dated 2.3.2011 and 10.4.2011, the list had grown to 86 and 125 respectively. As can be seen in the table, at 2.6.2011 there were 132 residents without replies. That same day, a list by districts was sent, from which could be seen that 27 residents were waiting for response from Qalqiliya DCL.

Table 6: Requests at DCLs (or Palestinian Liaison Offices) Transferred for Processing

March-April 2010 to March-April 2011 Data Correct as at 2.6.2011

| Response | Hebron | Tar- | Bethle- | Jer- | Jerusa- | Ramal- | Qalq- | Tul- | Nab ⁻ | Jenin | Total | % | % |
|-------------------------|-----------------|-----------------|---------|------|----------|--------|-----------------|------|------------------|-----------------|-------|-----|-----|
| | | qumi- | hem | icho | lem | lah | iliya | karm | lus | | | | |
| | | yah | | | Envelope | | | | | | | | |
| Positive | 80 | 26 | 68 | 6 | 17 | 31 | 14 | 10 | 8 | 19 | 279 | 65 | 50 |
| Negative | 23 | 15 | 39 | 2 | 10 | 28 | 14 | 8 | 7 | 5 | 151 | 35 | 27 |
| Total | 103 | 41 | 107 | 8 | 27 | 59 | 28 | 18 | 15 | 24 | 430 | 100 | 77 |
| Not yet | 19 | 0 | 21 | 4 | 4 | 5 | 27 | 17 | 13 | 22 | 132 | | 23 |
| Total | 122 | 41 | 128 | 12 | 31 | 64 | 55 | 35 | 28 | 46 | 562 | | 100 |
| % | 22 | 7 | 23 | 2 | 6 | 11 | 10 | 6 | 5 | 8 | 100 | | |
| Population ¹ | 95 ² | 14 ³ | 38 | 9 | 26 | 58 | 32 ⁴ | 35 | 71 | 67 ⁵ | 445 | | |
| % | 21 | 3 | 9 | 2 | 6 | 13 | 7 | 8 | 16 | 15 | 100 | | |

- Population of men aged 20-64, in thousands. East Jerusalem not included because residents do not need permits. Source: Table 2, Locality Population, Palestinian Central Bureau of Statistics (PCBS), 2007.
- 2. Population of Hebron District less that of villages that submit requests to Tarqumiyah DCL through Palestinian Liaison at Kfar Idhna.
- 3. The villages: Surif, Kharas, Nuba, Beit Ula, Tarqumiyah and Idhna. There are others, smaller, not included. Estimate by division of population because there is no division by ages, per village.
- 4. Population of Qalqiliya and Salfit Districts directed to Qalqiliya DCL.
- 5. Population of Jenin and Tubas Districts directed to Jenin DCL.

It is interesting to compare the breakdown in number of requests to the various DCLs that reached us with the breakdown of men of working age served by the different DCLs. In the above table can be seen that the differences are not significant except for Bethlehem, Nablus and Jenin. Men of working age in Bethlehem are 9% of the total, while the number of requests from there, for removal of security blacklisting stands at 23% of those about whom we have information. In Nablus

and Jenin the gap is the reverse – 16% and 15% of the total work force as opposed to 5% and 8% respectively of the requests.

We, of course, cannot explain these gaps, and can only surmise: regarding Bethlehem, we observe once a week what happens at Etzion DCL, and it may be that more men approach us rather than lawyers. As for Nablus and Jenin, these DCLs began to accept requests relatively late and made submission difficult. However, there may be other reasons connected with the population's dependence on work in Israel in the various districts.

On 17.3.2011 most of the DCLs stopped accepting requests for removal of blacklisting. Men came to them and were sent to deliver their papers to the ESO. Qalqiliya and Tulkarm were the only DCLs that continued to accept requests – this until 27.4.2011.

h. Sabotage of Possibility of Requesting Removal of Blacklisting – from March to September 2011

The DCLs stopped accepting requests on 17.3.2011. There was no prior notice. The matter was kept totally secret, apparently from fear that a number of men would hasten to submit before that date. As with the "sharpening of procedures," many requests piled up unanswered. We saw this coming, but could not know when and how it would happen. The first hint was when one or two DCLs suddenly refused to accept workers' requests to work in the West Bank settlements. When we asked what this was about, we were told that the security blacklisting was only relevant for entry to Israel, not to the settlements.

In a phone call to CAPAO we asked whether the permit requirement for the settlements had been cancelled. We were told that there is still

a requirement. These workers eventually succeeded in submitting their requests. As we shall see below, the procedure for removal of blacklisting planned at the time only related to employers seeking laborers for work in Israel.

An additional sign of the coming change in procedures appeared in the first week of January, when Qalqiliya DCL stopped accepting blacklisting removal requests, telling workers that they were to apply at Tulkarm DCL. Since all the residents needing magnetic cards apply to Tulkarm, we did not link the information to the fact that a branch of ESO is located in that DCL.

The rumour that Qalqiliya residents must go to Tulkarm to submit requests spread throughout the Territories. On Thursday 13.1.2011 a man from Qalqiliya District approached Tulkarm DCL to submit a request for removal of blacklisting, and was sent to Qalqiliya. He travelled to Qalqiliya where they refused to accept the request. The Liaison Officer there said to a member of MachsomWatch, who phoned to ascertain why they didn't accept the documents, that this is not according to the rules, and he explained: "the employer must appoint a lawyer and deliver the request to the Employment Staff Officer..." We told the Liaison Officer that these rules have not been operative for more than a year. We asked that even if he was correct he accept the request from this specific man and for subsequent clarification, since the man was from Qalqiliya, had traveled to Tulkarm, then back to Qalqiliya and waited all day. The officer agreed to accept the request, but not that day — only on the following Sunday...

On Sunday, 16.1.2011, the man arrived at Qalqiliya DCL and was sent to Tulkarm. Only after we phoned did they accept the request and issue a receipt. However, when we spoke to the Head of Tulkarm and Qalqiliya DCLs, he said there was no change in procedures.

Shortly thereafter, he phoned us to say that, according to the rules, the employers or their representatives must apply to the ESO... and he insisted, apparently after a conversation with the Liaison Officer at Qalqiliya, that acceptance of requests at the DCLs is not in accordance with the rules. We told him that all other DCLs accepted requests, but it was to no avail. According to him, we should approach CAPAO. We did, and told him the story. He said he would deal with the matter, which indeed he did, and everything returned to where it had been.

In passing, the Civil Administration were annoyed with the Liaison Officer at Qalqiliya who had almost given the secret away. But the matter remained under wraps until 17.3.2011 when all the DCLs stopped accepting applications.

On 10.4.2011, almost a month after cessation of request acceptance at the DCLs, a letter was sent to the Head of the Civil Administration and LCWB including, *inter alia* (Appendix 7):

"Presently there is no longer any way of submitting requests for removal of security blacklisting at DCLs, and nobody knows what the proposed procedure is and if it will function. Workers have been waiting almost a month to be able to submit requests for removal of blacklisting. Among them are workers whose permits have recently been confiscated. Not only do they not know why, but they have nowhere to turn. This is a blatant violation of human rights, for which no one is paying the price except the Palestinian workers...

"Even if there is a need to change procedures – what is the urgency in halting the existing procedure suddenly, without prior warning? Would anything have happened if the DCLs

had continued to accept requests from workers until the new method crystallized? And what do the workers do when their employers are interested in employing them, but cannot chase around between the various authorities to try and remove their security blacklisting? Where do they turn?

"Since 173.2011, the day that acceptance of requests at the DCLs was stopped, we have been in daily contact with the Public Affairs Officer of the Civil Administration. Each day he promises an answer the following day, and on the morrow again promises for next day. We protest the absence of any procedure for almost a month, and demand a possibility to appeal security blacklisting in a practical fashion, without interruption, for that is the right of every man."

On 27.4.2011 we were informed by phone from the office of CAPAO that it is possible to fax requests for removal of blacklisting to ESO at Etzion DCL; the employer is not obliged to ask for a permit before submitting the request.

Adv. Tamir Blank sent a number of applications in the name of employers and workers, and employers also sent requests. Attempts by Adv. Blank's office and the employers to clarify whether the faxes had arrived and were transferred for processing were unsuccessful. The woman responsible for the subject said that she was "getting organized"...

On 30.5.2011, after more than two months without clear procedures, a letter regarding the new procedures, dated 27.4.2011, arrived at Adv. Tamir Blank's office. The form attached to this letter (Appendix 7) leaves no room for even a single word about the worker. "Big Brother" obviously knows everything about the worker, but the form in use till

then did have a number of lines devoted to "reasons for request" and "comments." The new form did not have – there is no need...

Together with this information were response forms for a number of employers who had sent requests through Adv. Blank's office from 27.4.2011. These forms were designed to report to the employer or his representative on the state of the request (see the form in Appendix 7). The sending of these forms was a great improvement compared with what had been customary at LAWB and at the ESO in periods when they functioned in reasonable fashion, and at DCLs.

From the form presented in Appendix 7 and responses received by Adv. Blank, we learn that there was no intention of examining the security blacklisting of workers employed in the settlements; there was a possibility of giving them permits despite the blacklisting, and a possibility of getting the answer: "Your request refers to employment in the West Bank, and we can help you in finding an alternative worker in the profession you required." Adv. Blank wrote a letter on 3.6.2011 about the subject. On 16.6.2011, CAPAO replied that there would be a possibility of submitting requests for removal of blacklisting for workers interested in working in the settlements.

Clearly at the moment (September 2011), four months after publication of the new rules, far fewer workers seeking to work in Israel or the settlements can appeal their blacklisting. In other words, a great many workers are unable to fulfill their right to try getting off the *Shabak* blacklist.

These rules complete the picture regarding considerably increased severity materializing in the Payments Unit (Head of Administration's circular 26/11 – automatic blocking of employment licenses for

Palestinian workers¹³; Head of Administration's circular 15/11 – rules for submission of requests to receive permits to employ Palestinian workers in construction according to clause 1:13 of the Foreign Laborers Law¹⁴).

These trends are contrary to the spirit of the International Humanitarian Law. The Palestinian are protected residents and not in the category of "foreigners" without rights when the reference is to the sovereign prerogative of entry into Israel. As protected residents, maintenance of a reasonable standard of living for them falls on the military commander of the region as a part of the obligation to care for civilian life in occupied territories. Toughening up of the rules for employment of workers in Israel, and of procedures for appeal of blacklisting contain the wherewithal to detract from maintenance of a reasonable standard of living.

¹³ In Hebrew: http://www.piba.gov.il/FormsAndRegulations/Notice/Pages/2011-00238.aspx

¹⁴ In Hebrew: http://www.piba.gov.il/FormsAndRegulations/Notice/Pages/0942011.aspx

On 31.7.2011, MachsomWatch sent the following letter:



נשים נגד הכיבוש ולמען זכויות אדם נשים לבדולל פאי ובל בפפ וצישוט שווים שנ וצבדולל פאי ובל בפפ וצישוט Women against the Occupation and for Human Rights

31 July 2011

Brigadier General Motti Elmoz Head, Civil Administration Fax 029977341 Colonel Eli Bar-On Legal Advisor, West Bank Fax 029977326

Dear Sirs.

Re: <u>Sabotage of Possibility to Request</u> Removal of Security Blacklisting of Workers

Our letter dated 10.4.2011; ESO circular "Useful Information for Employers Seeking to Request Removal of Palestinian Workers Blacklisting, for their Employment in Israel", dated 27.4.2011, which was distributed by mail on 30.5.2011.

Security blacklisting is imposed in the territories on tens of thousands of men. Over their heads hovers the accusation of something unknown, and the knowledge that somebody is always tailing them. They cannot receive work or trading permits for Israel or the settlements and also encounter great, sometimes impassable, difficulties in getting one-time permits – for example for family visits in Israel or to go to the Palestinian hospitals in East Jerusalem.

In practice, procedures for appeal of prohibition of one-time permits for entry into Israel do not exist. In all the revolutions of "sharpened rules" in the course of years, the appeal procedures for security blacklisting were always designed to permit appealing the blacklisting for those residents seeking a daily entry permit for Israel (or the settlements) for work or commerce. We have something to say about the lack of ability of many men to appeal the blacklisting, but the purpose of this letter is to protest the procedures recently determined that sabotage any effort to appeal the security blacklisting of workers.

Until June 2007, when the address for appeals was the Legal Advisor of the West Bank, a blacklisted worker could submit an appeal in which was written, *inter alia*, "there are many employers willing to employ me but all request that my security blacklisting be removed and then they will get work permits for me." There was then no need even to attach a letter from an employer although, occasionally, such a demand did arise.

Since June 2007 the appeal procedures against security blacklisting of workers have undergone many changes, the general tendency being to ever more hamper the possibility of appeal. In the procedures as defined today, only employers can appeal the security blacklisting of the workers. The worker has no status in the appeal or any right to appeal. This is a blatant blow against the residents' rights.

In practice, only someone who has an employer willing to bother with this considerable nuisance can appeal the blacklisting. Moreover, the demand from the employer to request a permit for the worker before submitting the application for removal of the security blacklisting – which was maintained for a few months of 2009 and 2010 – always encountered an impassable block. Whoever invented it did not want at all to allow workers to appeal the security blacklisting – which as aforesaid is the basic right of every man.

What, ostensibly, is the current "procedure"? An employer interested

in employing a worker and who has open quota, submits a request to employ him at the Payments Unit. Since he has adequate quota, the Payments Unit approves the request and transfers it to the Employment Staff Officer. From the ESO's office the request is passed on to first *Shabak* "evaluation." If the *Shabak* refuses to approve issue of the license, the Employment Staff Officer sends a negative response to the Payments Unit. The Payments Unit gives a negative answer to the employer. The employer promptly fills in a form for removal of the security blacklisting of the worker and sends it by fax to ESO's office. The employer waits a week or two. If a positive response arrives he will receive a permit to employ the worker. If he receives a negative response, he will request another worker.

As a general rule, the procedure as described above is not maintained, nor can it be for the following reasons:

Every employer has, as is known, a certain quota for employment of Palestinian workers. Only an employer with free quota can submit a request to employ an additional worker to the Payments Unit. But the employers do not have free quotas because the demand for workers is much greater than the quota. The moment that quotas are released they are immediately filled. If there was no demand to request a permit as the first stage in dealing with security blacklisting, the blacklisted worker could deal with his removal and, if the problem vanishes, the moment that the employer has quota he can get one of the permits. In the existing method, only if the employer has quota can the wheels of appeal be turned. And, as said above, the employers do not have free quota...

An outstanding example is in the area of seasonal agricultural work, and particularly in harvesting olives. Employers are not able to request workers for olive picking except close to the start of the season.

In the light of the time that it takes to get a response to a request for removal of security blacklisting, there is almost no chance for the worker to work this season, even if the blacklisting is removed. He will have to wait for next season...

The worker and the employer know of the fact of a worker being security blacklisted. When the worker or employer is told that the latter must request a permit for the blacklisted worker, the first thing they ask is: is he already not blacklisted? What point is there in requesting a permit if it clearly will not be received?

If the employer is persuaded to submit a request for a permit for the blacklisted worker, and the Payments Unit passes the request to the Employment Staff Officer, then they look at the computer in ESO's office, see that the worker is blacklisted, and return without any initial "evaluation" by *Shabak*. The **immediate** response to the Payments Unit is "security blacklisted." The employer hastens to take another worker in order "not to lose the quota." **Until the request for removal of security blacklisting reaches the Employment Staff Officer – if the employer agrees to send the request – it is already irrelevant; time has passed and the employer already has another worker.**

The Payments Unit also knows that the worker is blacklisted, and for the most part does not pass on the request. So a situation is created in which from the employer's standpoint he submitted a request, and from the Employment Staff Officer's standpoint no request was submitted. In other words, when the employer arrives to submit a request for the blacklisted worker, at the Payments Unit they lift a phone to the Employment Staff Officer and check. If the worker is blacklisted, they do not transfer the request for employment of the worker, even in the remote case that

the employer has free quota. They don't want unnecessary work. And why should they make an effort if they do not even have to give a receipt for the submitted request for a permit for a specific worker?

Meanwhile, the employer recorded on the form for removal of security blacklisting that he requested the worker on this or that date at such and such Payments Unit. The form was sent to the Employment Staff Officer. The Employment Staff Officer's office did not receive a request from the Payments Unit. In the worst case they completely ignore the appeal. In the "best" case they return a response to the employer or his representative: "Till now no approval for issue of a work permit from Payments Unit has reached our office." The implication – the appeal is not being dealt with.

The fact that the appeal is not being dealt with becomes known to the employer or his representative only a few weeks after the sending of the request, because the Employment Staff Officer refuses to confirm faxes, and sends a reply about dealing with the request by registered mail some weeks later. So a month or more passes while the employer, his representative and the worker assume that the request is being handled...

In a few cases, the Payments Unit agrees to forward the request. The employer or his representative receives a written reply: "Your request has been examined in our office and has been forwarded for additional processing" (i.e. forwarded to Shabak for evaluation). Remark [emphasis in original]: the anticipated time for dealing with your request is about ten weeks. At the end of processing we will inform you of the results.

Ten weeks is a long time. Moreover, this is the average - in other

words, it can take much longer. And the employer is expected to wait for an answer? Obviously not. Otherwise he will lose his priceless guota. The Employment Staff Officer also knows that, so the following is recorded on the response form: "The request for removal of blacklisting of the aforementioned has been examined by security agents and approved. If the employer has not cancelled the Payments Unit request for the worker to work in Israel, a work permit will be issued and be delivered to the representative of the Palestinian Administration in the zone where the worker resides." In other words, after the request is transferred for processing it is possible to take another worker. Is this a child's game? Why ask in the first place if it is clear that the worker is blacklisted? How much time and energy can employers waste in order to prove that they really want the worker? All this procedure is directed, therefore, at preventing workers' appeals against the security blacklisting...

Whosoever has no quota and very much wants to employ the black-listed worker, has the possibility of taking the license of another worker for two weeks, and after those two weeks to reemploy the worker until the blacklisting is removed – in another 70 days in the best case. Does anyone think that it is reasonable to demand this of employers who have work and timetables to adhere to?

Employers interested in a worker attempt occasionally to request a permit for him at the Payments Unit which passes on, or not, the request to ESO. When the approval is refused, how does the employer know that he may immediately try to submit a request for removal of blacklisting from that same worker? We hear of employers who requested the worker a few months ago. Meanwhile they received a new worker. Is the approach from a few months ago acceptable to the Employment Staff Officer?

A worker whose permit has been confiscated while still valid for a few more months: the worker rushes from the checkpoint to the DCL to clarify why the permit was confiscated, and there he is told that he is *Shabak* blacklisted. Does anyone at the DCL give him "useful information for his employer..." so that he can, while he still has not cancelled the permit, submit a request for removal of the security blacklisting? The worker – and the employer – runs around here and there not knowing what can be done. They turn to a lawyer who usually has no notion of the procedure valid at that moment. There are lawyers who still send requests for removal of security blacklisting to the Legal Advisor of the West Bank who has not dealt with such requests since mid 2007. When they reach someone who knows what must be done, it is usually too late – the employer has taken an alternative worker...

Those who contend that these are the needs of security must explain why the chances for removal of security blacklisting are 35% in the administrative procedure, and if the blacklisted are prepared to submit a petition to court the chances are (in total – including the administrative procedure) 80%. Usually the classified information cannot stand up to judicial critique – and it is therefore not shown to judges. The blacklisting is removed prior to the hearing... However, in the route described above it is almost impossible to "exhaust procedures" and thus the possibility of submitting an appeal to the court is also blocked.

The existing procedure for lifting of security blacklisting from workers is unreasonable, unfair and wreaking severe damage to the rights of the residents whose only desire is to bring bread home. The State of Israel is responsible for the possibility of livelihood in the Occupied Territories under International Law. The behavior described above shows how the State of Israel denies Palestinians a livelihood and the possibility of appeal against the blacklisting and also of petitioning the courts.

We protest!

Chana Arnon Elka Beitan Gal Phyllis Weissberg Ofra Bruno Rina Rozler Tami Shellef Sylvia Piterman

Contact: Sylvia Piterman

Copies: Adv. Limor Yehuda, ACRI

Adv. Tamir Blank

2nd Lt. Amos Wagner, Public Affairs Officer, Civil

Administration

The Employment Staff Officer stopped dealing, from 4.8.2011, with requests for removal of the blacklisting. Although few requests were passed on for processing, 'request processing forms' were not received, nor were responses. CAPAO answered our telephone approaches with a laconic "we are aware of the matter and it is being dealt with."

On 3.10.2011 Adv. Tamir Blank began to send repeat requests regarding all the employers and workers about whose requests nothing was known. He also began to copy CAPAO on all new applications. On 11.10.2011 two faxed responses were received and ESO said that many more documents were in the mail. Did this hint that at least those few who succeeded in submitting requests under the new conditions would be dealt with? Time will tell...

4. Appeal Procedures for Merchants

The Civil Administration gives merchant permits to a wide range of Palestinian residents having business connections with Israeli companies. Holders of these permits are owners of companies and their employees, West Bank shop owners, businessmen, etc. Among them are both large and small merchants, including traders in used products purchased in Israel.

To obtain a merchant permit Palestinian residents must be registered in the Chamber of Commerce in their area of residence, and must show with the request a letter from an Israeli merchant testifying to the business connections, and bills for minimum amounts that differ from district to district. These requirements hamper small traders and those starting out in business. When their documentation is ready, the merchants submit permit requests through Palestinian Liaison or their local Chamber of Commerce, and these are passed on to the DCL official dealing with businessmen. In some districts the merchants submit solely through the Palestinian Liaison Office.

Over the years many traders have become *Shabak* blacklisted. Some have not received permits for many years; others have had their permits confiscated recently at an entry checkpoint into Israel. For some, permit renewals have been refused. In the past, the traders would continue their business activities by entering Israel without permits, but this became more difficult with time. Meanwhile, salesmen who receive permits helped the traders in maintaining their businesses; this was of course an additional cost. As a general rule it is not possible to maintain a West Bank undertaking without links

to Israel, and therefore the blacklisted traders make efforts to be removed from the list.

Up to June 2007, merchants trying for removal of blacklisting would approach LAWB directly, through a lawyer or a human rights organization, in a letter with attached appropriate documents. The June 2007 "sharpening of procedures" stated that "a resident seeking to enter Israel for commercial purposes will be required to submit an appropriate request to the DCL close to his place of residence. If the request is refused for security reasons, the resident will be entitled to submit a request for removal of blacklisting to the DCL." (Appendix 2).

The first obstacle in these rules is that blacklisted residents cannot obtain magnetic cards, without which it is impossible to submit commerce permit requests. However, as had happened with workers' appeal procedures, there was no real demand for maintaining the stage of a permit request.

In the first months after proclamation of the new appeal process, no entity was prepared to accept the merchants' appeals. The chambers of commerce had not heard about the change of rules. Moreover, the DCL was equally unaware. The forms that a merchant was supposed to fill in and submit were not to be found anywhere. After a few months the chambers of commerce began to accept the appeal requests. A few more months and they stopped acceptance because the DCLs had not heard that the chambers of commerce were the Palestinian entity that would submit to them!

Most of those who turn to us are workers, since the traders tend to go to lawyers. For that reason, our information about the faulty functioning of the appeal rules was slow in accumulating. Therefore, the first MachsomWatch protest letter about these rules was only sent more than a year after "sharpening" of procedures, on 27.8.2008 (Appendix 8):

"...till today it is not clear where a merchant must go to submit the 'request form for removal of security blacklisting,' whether to the local DCL, or the Palestinian Liaison. The subject also differs from district to district.

"Harassed merchants are sent from place to place. They come with the form and all the required documents to get a merchant permit to the DCLs. Usually at the DCL offices, nobody knows what this is about. They check on the computer by ID number, and inform the applicant that he is blacklisted. The appeal is not accepted at all."

The letter raised additional problems:

"Impossibility of Assistance from Lawyers

Since the address for appeals is ultimately the DCL (irrespective of the first address for submission), lawyers are unable to deal with these applications. The merchant must submit the request himself and do the follow up alone.

"This was not known when the new procedure was instituted. We know of a lawyer who sent an application to the Hebron DCL. After the application was received at the DCL (by fax), the Liaison Officer contacted the lawyer and informed him that the DCL does not work with lawyers – that the merchant must submit his application directly. When the merchant came to submit, he was sent home – without perusal of his papers. Ultimately they accepted the request after MachsomWatch intervention.

"We know of a lawyer who sent an application to the Bethlehem DCL. After the fax arrived at the DCL it was in no way possible to confirm receipt. Neither did any entity at the DCL bother to inform the lawyer that his application is not being processed. Ultimately the merchants were sent to deliver their requests themselves, and in this case the DCL refused to accept the application.

"The Forms

The forms are in Hebrew while it is known that in the Occupied Territories most people neither read nor write Hebrew. Similarly, as far as we know, there are no forms available at the DCL offices or Chambers of Commerce.

"No Document Evidences Submission of Request

Whosoever the body to whom the request is submitted, the DCL does not supply a document testifying to receipt of the appeal, so that the merchant has no proof that his request was received and is being dealt with.

"No Follow-up and Nowhere to Turn to Clarify the State of the Request

There is no clear way to follow up and nobody to turn to check on the fate of the request, (has it been transferred, was it examined, who reports on responses and in what way?). The lack of clarity also precludes requesting assistance from the Legal Advisor for the West Bank or the Supreme Court, since exhaustion of proceedings is required. Appeals to LAWB are sometimes answered by "there was no application to the DCL before you approached us." There was no record of the application because the DCL never recorded it.

The letter received an immediate response: the address for submission of blacklisting removal requests from merchants is the Palestinian Liaison Office in their area of residence. Responses will also be received through the Palestinian office. If the merchant wants to appeal a negative response, he can apply to CAPAO. The forms for submitting requests are in Hebrew and Arabic (Appendix 8).

Table 7: Complaints Regarding Appeal Procedures for Merchants
After Sharpening of Procedures from June 2007

| Date and | No. of Resi- | Subject of Complaint and Responses |
|---------------|---------------|--|
| to Whom it | dents waiting | |
| was Sub- | and Time of | |
| mitted | Submission | |
| 27.8.2008 | - | Lack of clear address for appeal, lack of possible lawyer, forms |
| Head of Civil | | only in Hebrew, no receipt of request, no follow up and no one to |
| Adm. and | _ | approach for request status. |
| LAWB | | CAPAO response received same day, with detailed rules: address is Palestinian Liaison, form filled there, forms in Hebrew and Arabic, "Processing Form" given to all. i.e., everything ok – merchant receiving negative answer, can approach <i>Shabak</i> then submit appeal to CAPAO. At this stage lawyer can deal. |
| 7.2.2009 | 17 | No document confirming receipt, no follow up, no one to clarify |
| CAPAO | 19.6.2008 – | request status; responses on same form as negative response to |
| | 1.2.2009 | commerce permit request; no possibility of lawyer's help in first |
| | | stage; list of 17 merchants not knowing fate of request. |
| | | Letter received a number of verbal responses. |

| Date and | No. of Resi- | Subject of Complaint and Responses |
|---------------|---------------|---|
| to Whom it | dents waiting | |
| was Sub- | and Time of | |
| mitted | Submission | |
| 28.6.2009 | 45 | Same faults as 7.2.2009, added details, attached list of 45 mer- |
| CAPAO | 6.11.2008 - | chants not knowing fate of request. |
| | 7.6.2009 | 0 40 0 0000 04 1940 1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 |
| | | On 12.8.2009 CAPAO letter received – complaint transferred to |
| | | LAWB Head of Population Registration Section. |
| | | On 30.11.2009 response from LAWB (dated 7.9.2009). Consider- |
| | | able part devoted to why Palestinian Liaison is the address. Ac- |
| | | cordingly, Palestinian Liaison should give receipt for request, and |
| | | in all other respects – everything ok As for 45 merchants in list: |
| | | for 24 no request recorded, 12 not blacklisted, 7 rejected requests |
| | | and 1 in processing. Merchants with blacklisting removed – many |
| | | did not know for many months. Negative responses also unknown. |
| 18.10.2009 | 70 | Before meeting. Our complaints of faults in letters from 7.2.2009 |
| Head of Civil | 6.11.2008 – | and 28.6.2009, as yet unanswered (answer only arrived |
| Adm. | 13.10.2009 | 30.11.2009), attached list of merchants from previous list un- |
| | | aware of request fate. List sent again on 10.12.2009. |
| 14.1.2010 | 45 | Letter responding to LAJS contentions from 30.11.2009. 1. We |
| Head of Civil | 12.3.2009 – | never contended fault in Palestinian Liaison Office as address. 2. |
| Adm. and | 12.1.2010 | Even whether the address is Palestinian Liaison Office, DCL must |
| LAWB | | give a receipt. 3. Fault noted in previous letters unanswered in the |
| | | field. Attached list included 25 from previous letter and twenty new. |
| | | Response received 12.4.2010 (dated 23.3.2010). Merchants so |
| | | wishing may submit blacklist removal request at DCLs and re- |
| | | ceive receipt. Answer also received regarding 25 in lists attached |
| | | on 18.10.2009 and 14.1.2010, of whom 11 not in processing, 10 |
| | | refusals to remove blacklisting, and 4 removed. For remaining |
| | | 20, verbal answers from CAPAO. |

Our letter from 27.8.2008, CAPAO reply same day; letter from 28.6.2009, LAWB reply 30.11.2009; letter from 14.2.2010, CAPAO reply on 12.4.2010 – all in Appendix 8.

The Palestinian Liaison Offices did indeed begin to accept requests, and the merchants' run-around between the various bodies ended. But these requests had an extreme tendency to "evaporate" in the DCLs or on the way there, and there was no means of proving submission. There was also no way to clarify whether the request was being dealt with, or whether there is an answer. On this subject and others raised in our first letter, additional ones were sent with attached lists and examples.

In the letter from 7.2.2009 we described the case of a merchant, which shows in practice the complaints from our letters. The follow up to his story appeared in our letter from 28.6.2009. The merchant submitted an application for removal of blacklisting at the Palestinian Liaison Office on 9.7.2008. More than a month later, on 19.8.2008, he went to the DCL to enquire about his request. He was given a form on which was recorded that he was security blacklisted. To the merchant it was not clear whether this was a response to his 9.7.2008 application or a statement of situation on the day he came to the DCL. He approached CAPAO on 31.8.2008 with a request to check whether the response that he had received in the DCL was an answer to his appeal, and if so he sought to appeal again (according to the possibility open to him and noted in CAPAO's letter to us). CAPAO transferred the request to LAWB for their handling.

A 7.9.2008 LAWB response stated that the matter was under consideration. On 27.10.2008, two months after submitting to LAWB and four months after application to the Palestinian Liaison, LAWB wrote: "from clarification with DCL bodies, we are told that there is no record of submission of a request for removal of security blacklisting for entry to Israel."

The merchant filed a new request with Palestinian Liaison on

9.11.2008. On 7.2.2009 – the day that we sent our letter with this merchant's story as an example – no response to the repeated request had as yet come. This again is just the tip of the iceberg. Such cases are plentiful from that period.

Ultimately, after intervention by CAPAO, the request was dealt with and the merchant's blacklisting lifted, but at the date of writing our 28.6.2009 letter he had still not received a permit.

Since April 2010, when the DCLs began to accept requests and give receipts, and CAPAO approved follow up and giving of replies to us, our protest letters stopped. In that same period the DCLs also began to accept applications from workers. The behaviour of each DCL appears in Table 5 above, and the difficulties in submission to each are documented above in the chapter discussing the period April 2010-March 2011.

Since March 2011, when procedures for workers were changed, the DCLs make efforts to direct the merchants to the Palestinian Liaison Offices, even though the merchants are entitled under the rules to submit their requests to the DCLs. Our intervention is demanded time and again as the merchants go to submit their applications.

5. Corruption as a Side Effect

With all the difficulties, despite the obvious chaos and the fact that no one is believed, there is always the hope that blacklisting will be lifted and the longed-for permit will arrive. Kafka describes this extremely well in "Advocates."

"So if you find nothing in the corridors open the doors, if you find nothing behind these doors there are more floors, and if you find nothing up there, don't worry, just leap up another flight of stairs. As long as you don't stop climbing, the stairs won't end, under your climbing feet they will go on growing upwards."

Combining chaos with constant hope for a solution is fertile ground for tricksters. Over the years many such stories have come to our ears. We have chosen to append three varieties of exploitation of blacklisted residents.

One way is to create the impression of special capabilities: there are lawyers who exploit the great distress of these men in order to levy huge fees claiming special expertise. One of them once told us "you will never know the way in which our office operates." These lawyers deal with requests but never report negative responses – so they achieve 100% success.

Another way: a lawyer who levies huge fees for "special expertise" once met a blacklisted resident who signed a power of attorney, but did not pay because it was too expensive. The lawyer stated emphati-

cally that he would not deal with the request until he was paid and did not hand over documents for submission to the DCL. Eventually the blacklisted man approached us to submit his application for removal of the blacklisting. The blacklisting was removed. When the lawyer found out, which was not difficult since he had power of attorney, he contacted the man, claiming that he "had done the work." The lawyer told the man that he owed money, and if not paid, he would ensure that the permit would not be received. The man paid.

Cheating and forgery: early in 2009 a group of residents, all of whom were blacklisted, came to us. As usual they neither knew the reason, nor why the blacklisting was not lifted. They desperately sought a way to resolve the problem because no work was to be had in the Territories, and without work or commercial permits for entry into Israel, no bread reached their tables. They tried the procedures open to them unsuccessfully, and some petitioned the courts, but the blacklisting was not lifted. One day a man appeared, presented himself as a lawyer and claimed to have links with *Shabak*. He claimed that he succeeds in removing blacklisting within two-three weeks. He did not, so he said, work through letters or forms, but sat with "them" to close files. Word passed, and his phone number began to circulate in the Hebron District. Hope was aroused, for here – perhaps – was the answer.

He worked in the following fashion: a *Shabak* blacklisted resident would contact him. He requested an ID number, saying he would check if the problem was solvable – in other words, if it was a "light" case. He would phone back in an hour. An hour later he said he could solve the problem, and set a time when he would be at the entry checkpoint to Beersheba. People met him and gave an advance payment. After three weeks he brought a letter, which he would give in return for the remaining payment, saying that a permit could be

got in 7-14 days. The letter, ostensibly from LAWB, was a forgery, and none of the blacklistings were removed.

Now knowing they had been cheated, they met him again, recorded his car license plate and filmed him on a cellular phone. They did not know to whom to turn. They wanted their money back and to ensure that the man, posing as a lawyer, would stop cheating other victims and exploiting the terrible distress of so many West Bank residents. Ultimately the man's phone number, car details and the film were sent in a letter to LAWB – after all, it was their letter that he had forged. LAWB wrote that he was contacting the police, and he encouraged the men to file their own complaints at a police station.

Had these been Palestinians committing light offences, they would already have been caught and tried in court. But this same trickster who had stolen 3-7,000 NIS from each of them is Israeli and is still a free man. Neither the complainants nor we know the outcome of the complaint.

And most of these men are still blacklisted...

6. Petitions to Court

Residents whose requests for removal of blacklisting are refused, or who have not been answered in reasonable time, can petition the courts. A petition is an expensive proposition for Palestinians since the court fee is appropriate to the Israeli income level¹⁵, which is ten times higher than that of the Territories. Therefore, the number of petitioners is much smaller than that of refused requests or delayed responses.

a. Development of MachsomWatch "Court Project"

Our protest against the Occupation injustices is mainly by documentation and publication of happenings at the physical and administrative checkpoints. Our activities also include protection of human rights in an attempt to limit the iniquities perpetrated on the occupied Palestinian population, who are deprived of freedom of movement and the ability to manage a proper life. These activities had not so far included the submission of petitions, neither general nor personal. We witness innumerable iniquities, but up until now we have decided to avoid choosing for whom or what to petition¹⁶.

¹⁵ In 2011, the administrative affairs court petition fee was 1854 NIS and for a Supreme Court petition 1707 NIS.

¹⁶ Nevertheless, MachsomWatch recently joined a petition submitted on 28.5.2011 by human rights organizations, demanding immediate cessation of exiling West Bank Palestinians to the Gaza Strip.

The initiative to submit petitions with MachsomWatch cooperation for recipients of negative responses was that of Adv. Yael Berda. The first petition of this project was submitted on 18.1.2007. So far – as of 18.9.2011 – 283 petitions have been submitted. Adv. Berda submitted 47 petitions over seven months, the last of which was on 22.8.2007. After that the project moved to the offices of Kabiri-Nevo-Keidar Attorneys at Law. Adv. Keren Raz-Morag of that office submitted 35 petitions, the first on 16.7.2007 and the last on 5.2.2008. Since then, 201 petitions have so far been submitted by Adv. Tamir Blank of "Lustigman & Blank, Attorneys at Law" starting from 28.2.2008 and up until a few days ago. Adv. Blank also managed a large number of petitions that were still open when he took on the project.

MachsomWatch does not finance the petitions. The role of Machsom-Watch members in the project is involvement in the administrative aspects of the petitions and primarily in contacts with the petitioners. The latter can contact us freely, and we pass on to them the information required to continue the procedure according to replies from the court. Our support of the petitioners facilitates significant lowering of the cost of handling a petition compared to the "market price."

Of 283 petitions submitted to date (18.9.2011): 16 are still in process; 181 ended in removal of the blacklisting or agreement to reassess removal in a few months; 86 were deleted after the *Shabak* refused to remove the blacklisting and the judges did not intervene in the decision. The success rate is 68%. We also note that 18 out of the 86 who were refused did have the blacklisting lifted after submitting a request for removal based on data exposed in court, which had previously been classified. If we add them to petitioners who were removed, the success rate is 75%.

b. The Course of Petitions Until Submission of Respondents' Responses

The petitions have been submitted to the Supreme Court – if the petitioner is seeking a permit to enter settlements – or to Administrative Affairs Court if the permit is for entry to Israel, since September 2008. Since then, as of September 2011, 190 petitions have been submitted, 150 of which were for entry to Israel. The petitions are against the IDF commander in the West Bank, the Head of Civil Administration and of *Shabak* (hereinafter – the respondents).

Immediately after **submission of a petition to the Supreme Court** a date is set for the respondents' reply. If *Shabak* decides to remove the blacklisting, or offers an arrangement for removal after a few months, the petitioner usually agrees to withdraw the petition. If the blacklisting is not removed and the respondents file replies, the Supreme Court sets a date for hearings – sometimes a preliminary hearing before a single judge¹⁷, and sometimes before a panel of three judges. Only at this stage are the judges assigned.

Till September 2008, all petitions were submitted to the Supreme Court. The Minister of Justice published on 6.12.2007 an Order amending the Administrative Affairs Court Law, in which *inter alia* it was determined that petitions from residents of the Territories seeking entry permits to Israel would be heard in the Administrative Affairs Courts. The Order took force on 2.3.2008, whereupon

¹⁷ The purpose of the preliminary hearing is to examine whether the process can be completed in a compromise and to try to define and lessen the conflict between the parties. Usually, after the judge in the preliminary hearing sees the classified material and recommends withdrawal of the petition – the withdrawal is by agreement.

a number of Administrative Affairs judges claimed that hearings of these petitions were not within their jurisdiction. The Supreme Court only ruled on that jurisdiction in September 2008, six months after the Order took force.

As a result of this debate, a considerable delay was created. Petitions were not submitted, and those that were did not reach the hearing stage. As is usual in such situations, the practical implication of the delay was a burden on the backs of the blacklisted Palestinians who wasted their time in hope of removal. Thus the torturous road to a court petition was added to the regime of frequent changes of procedures. (Details of the jurisdictional debate about the Supreme Court versus the Administrative Affairs Court, and its influence on the MachsomWatch Court Project are presented in Appendix 9).

Arrangements in the **Administrative Affairs Court** are different from those of the Supreme Court: immediately upon submission of the petition a judge is appointed, and he determines the date of hearing and the date for respondents' replies. Though all the petitions are submitted to the Administrative Affairs Court in Jerusalem, there are great differences in the way that different judges deal with files. The date of hearing fluctuates between a month and a half and six months after filing of a petition, according to the diary of the specific judge. If there are additional considerations, these are not obvious to the observer. Most judges set the date for respondents' replies at two weeks before the hearing, although the date is sometimes closer to that of the submission, with a substantial wait until the hearing; conversely, one judge usually sets the date for replies at three days before the hearing.

As a general rule, security blacklisted men do not know the reason for the blacklisting. Upon filing of the respondents' replies, they learn for the first time – at least partially, of what they are accused. Therefore, a reasonable time is needed to confront the information and refute it – if possible. Three days may be sufficient for a judge to peruse the file, and that presumably is why he does not demand an earlier date, but for the petitioner it is not a reasonable period of time; the lawyer has to find the men, ask their reaction to the information, while they need time to search their memories for the appropriate explanation, and of course to obtain any documents that support their innocence. Finally, the lawyer (Adv. Blank) needs time to organize the information and respond in the petitioner's name to the respondents' filling.

Between 60–70% of the petitions in both courts are withdrawn after the respondents notify that they are removing the blacklisting – without explanation or hearing. For some petitioners the blacklisting is removed before the petition is withdrawn; for others agreement is reached that removal will be positively examined after a certain period, and then the petition is withdrawn. An incredible example is that of one petition for which the respondents hastened to remove the blacklisting immediately after submission. The filing was promptly withdrawn before the prosecution had examined the material. It is difficult to ignore the question: what exactly did they want to cover up as regards this petitioner? To my regret, I cannot write about this precious man because he is scared that the telling could harm him; if I was in his place, I would also be scared...

For those petitions whose files are not withdrawn, the respondents submit replies that include a few words about the reason why the petitioner was originally blacklisted. Replies to petitioners requesting entry to Israel always include the respondents' request that the petition be rejected out of hand on the contention that the petitioners do not have the right of entry.

Palestinian residents are protected under International Humanitarian Law and the State of Israel has considerable obligations to them and, therefore, their status is not that of foreign nationals without entry rights. All those appearing in court in relation to the petition are well aware of the International Law. But nevertheless a flood of verbiage is wasted on the subject of right, with citations from precedents, when clearly the reference is to distribution of privilege in the giving of entry permits. Therefore, with or without 'right,' there is need for judicial critique of *Shabak*, the IDF commander and Civil Administration policy in the giving of permits; why does one man get a permit while his counterpart does not. Above all, the judges do not reject petitions out of hand but do deal with them.

c. Are There Judges in Jerusalem?¹⁸

Usually Adv. Blank submits a 'response to the response' to the court with, in addition to routine reaction to rejection out of hand, the petitioner's answer to the *Shabak* accusations. In the hearing, after opening remarks, the judge is presented – behind closed doors and in the absence of the petitioner's lawyer – with the *Shabak*'s classified material on which their information is based. Occasionally the discussion of the secret material is drawn out – it is apparently not persuasive enough. However, the judges do not intervene in *Shabak* decisions, even when the injustice cries out to the heavens – for example, in cases of refusal by the petitioner to serve as "collaborator" despite the pressures on him, or cases where the petitioner is punished for the acts of others.

^{18 &}quot;There are judges in Jerusalem." is a statement of faith in the judicial process, generally made by people who support a specific judgment made by the Supreme Court.

After the judge sees the classified data, a debate ensues regarding the possibility of exposure of details of the classified material to the petitioner's representative. There is usually discussion of a date when the petitioner may again submit a request for removal of blacklisting. In any event, since the petitioner or his representative do not see the classified material, and are therefore unable to refute or respond to it, the judges allow the petitioners to withdraw the petition.

There were a number of cases, to be counted on the fingers of one hand¹⁹, in which after discussing the classified material, the *Shabak* agreed to weigh favourably removal of the blacklisting after a period of time (a few months or a year). In one such case, the judge ruled that the *Shabak* should 'weigh favourably' removal of the blacklisting after a year if no new material was added. A year passed and the man submitted his request for removal of the blacklisting. The response dragged on until the *Shabak* finally refused. He tried again to get the blacklisting lifted and, in the light of the court ruling, the DCL agreed to receive the new request even though the required time had not elapsed since the previous response. All in vain – the *Shabak* refused the application.

The man submitted another petition. The hearing was set for six months after submission of his application, and the respondents' reply was set for two and a half months after submission. Ultimately the reply was submitted one day before the hearing. It included various data known during the previous petition, but which was held by the *Shabak* to be classified. Only now did the *Shabak* expose the data but the judge in the previous hearing had seen these details: despite the classified details, the *Shabak* had agreed – after debate – that the blacklisting would be removed at the end of a year. In the new

¹⁹ Out of 86 that were refused.

hearing, they again agreed to remove the blacklisting at the end of a year. The year has still not ended...

The Supreme Court postponed the date of hearings of a number of petitions, time after time, so that years elapsed until the ending in court. These were petitions on which responses, and responses to responses, had been filed close to the original submission. It seems that the Supreme Court's unwillingness to challenge the *Shabak* had resulted in cases of unbelievable injustice, in which the court had opted for delay in place of holding a hearing and accepting the petition: the court in practice refused to hear the petitions, and each time the date of hearing approached, it was postponed yet again. Thereby the court allowed the *Shabak* to behave as it wished vis-àvis the petitioners over long periods of time. It will be noted that in one case the blacklisting was removed three days before the hearing was to take place²⁰.

In the light of judges' non-intervention: why waste time and appear in a hearing when the results are known in advance? Why not withdraw the petitions immediately after receiving responses? In the wake of the need to reveal the classified information to judges, the *Shabak* tends to remove the blacklisting in most cases. It seems that the *Shabak* does not have sufficient evidence against the petitioner in order to make a presentation to the judges. The *Shabak* tendency to remove security blacklisting would presumably be less without the "Damocles sword" of exposure to the judge. Moreover, even if justice cannot be expected, the need to reveal documents before a judge does not allow the *Shabak* to function in complete darkness.

²⁰ Regrettably, we cannot give more details on these cases than is recorded here.

In cases where the *Shabak* proposes an arrangement for removal of blacklisting in a few months, no respondent reply is written and the petitioner receives no clarification as to why he is blacklisted. The advantage for the *Shabak* from these arrangements is, apparently, avoidance of exposure of the 'secret data' before judges, such as material testifying to blacklisting as a means of pressure to recruit the petitioner, or as punishment for refusal to collaborate. If the petitioner does not accept the agreement, the *Shabak* would have to update the prosecution regarding the reasons for blacklisting, the prosecution would have to prepare its response, the hearing would take place and the court would see the secret material. The *Shabak* knows that the petitioners will not refuse these agreements, so it continues to propose them rather than removing the blacklisting immediately.

According to these agreements, the blacklisting is not lifted on the agreed date, but the petitioner has to submit another request for removal with the promise that it will be 'weighed favourably.' We saw in the chapter on appeal procedures that these change frequently. Submission of applications for blacklisting removal has not always been possible, and it did happen that men could not bring all the required documents and the agreement was not kept. When they did succeed in submitting, a few months were sometimes required before receipt of answers. So, even if the agreements were honored, there was always considerable delay.

In one case the *Shabak* proposed an agreement according to which work permits would be issued despite the blacklisting: the petitioner's case had been stuck for years in the Supreme Court; hearings had been postponed time after time and the *Shabak* was not prepared to remove the blacklisting. After the agreement was signed, the petition was withdrawn. Despite the *Shabak* commitment, an employer in Israel tried for many months to get a permit for the man – to no

avail. Afterwards, another employer asked for a work permit in the settlements for him, again without success. The man was desperate. A petition that was supposed to take months had lasted years, and when he was told that "here, you can have a permit," he did not receive one. A threat that the petitioner would request a contempt of court order did the trick. The blacklisting was lifted on the contention that there was no technical way for them to give him permits despite the blacklisting.

Some of the men, whose petitions were unsuccessful and withdrawn after the hearing, work in Israel without permits. They enter Israel once a month, by unknown paths and remain for the whole month – night and day. These are men searching (desperately to the point of clashing with the authorities) for a crust of bread for their families. Ilan Paz, past Head of the Civil Administration, said a few years ago that 40,000²¹ Palestinians without permits stay in Israel at any given time, with the knowledge of the authorities, who turn a blind eye. This phenomenon is of course because of the need for labor, and various economic interests. In the light of all this, a question needs to be answered: how can it be said that permits cannot be issued to these men because of the security risk if in practice they live in Israel?

In cases where the *Shabak* opposes a removal of blacklisting, the judges do not intervene, totally ignoring the basic human need that underlies this behavior: these men enter Israel, and everybody knows... They are in Israel because they have to bring food home, and they harm nobody. All the hopes that they place on the possibility

²¹ A February 2009 article stated: "In the police they estimate some 20 thousand people, the security establishment speaks of 50 thousand" (Danny Rubinstein, *Calcalist*, 9.2.2009), in Hebrew. http://www.calcalist.co.il/local/articles/0,7340,L-3211582,00.html

of a more normal life – in other words, returning home to their families each day – were lost. Let us remember that the more normal life to which the holders of work permits aspire, involves terrible harassment at the checkpoints each morning, but the daily humiliation is a thousand times more preferable than meeting the family once a month and sleeping in intolerable conditions.

d. Individual Petitions as Opposed to General

Submitting personal petitions is a kind of surrender to the *Shabak* attitude of denying a general policy: if a man is blacklisted, it derives from his acts and not from the motivations of a system that seeks to recruit collaborators, a system interested in holding a population in fear, its social unity crushed under the heel of occupation, so that it is more easily controlled.

Even so, personal petitions do have considerable value. This is the most meaningful way of reminding the system that, despite all attempts to conceal and refute, someone does look and check – and as the civil eye sees, the hand follows and records. When these petitions are submitted one after the other, and most are withdrawn because the blacklisting is removed, the reality that a great many of the blacklistings are fabricated is emphasized. Even when the petitions are not deleted, and when the judges do not intervene – the *Shabak* is compelled to give an account and it finds it not always convenient to present the "classified material." In addition there is always the hope that the messages contained in the petitions will influence the establishment; time and again the lost image of humanity involved in a long-term suppression of a civilian population, is exposed to the court.

Apparently there is no other way to bring the subject to the courts. A

class petition submitted by ACRI, the Moked: Center for the Defence of the Individual and Physicians for Human Rights, against the "institution" of security blacklisting (HCJ 8155/06) was for the most part deleted. The judges adamantly refused to discuss many aspects of the petition, and accepted the prosecution's immaterial reasoning.

Adv. Limor Yehuda, who wrote the petition, contended that security blacklisting that constitutes a widespread blow at the residents' freedom of movement is determined according to an administrative procedure that is fundamentally faulty. A man rises in the morning and finds that he is blacklisted "without any prior notice, for no apparent reason, through use of hidden criteria, out of alien considerations, and in negation of the right to a hearing and the obligation of argumentation."²² Moreover, the security blacklisting is not limited by time and there is no periodic examination of the situation of those blacklisted.

That the number of blacklisted residents is so great, and the percentage of removals when they reach the courts is so very high (about 70%), testifies to "a bureaucratic system gone out of control, in which the exception and the unusual situation – denial of human rights – have become the norm."²³

The petition also related to defective use made of imposition of the security blacklisting in order to recruit men as collaborators with Shabak:

²² From a statement to the press published on 25.10.2006, when the petition was submitted (see – in Hebrew: http://www.acri.org.il/he/?p=1401). The statement appears in full in Appendix 10.

²³ As aforesaid in the previous footnote.

"Similarly, defective use has often been made of imposition of 'blacklisting' solely to bring to bear pressure to collaborate with the security authorities, or as a means of punishment for refusal to collaborate. And indeed, many men who met with Shabak representatives related that the interrogators conditioned their travel abroad or the giving of a requested permit on their agreement to serve as informers for Shabak or to deliver information. Sometimes the condition was specifically mentioned, and often it was expressed as 'you help us, and we will help you to meet with your wife and children in Jordan."²²⁴

This pressure is contrary to International Humanitarian Law, but the judges were not prepared to discuss these issues. They were no more willing to intervene in *Shabak* decisions than in personal petitions. Of all the comprehensive issues in the petition, the court decided only to hear the procedure for travel abroad. This procedure is designed to prevent situations in which travelers only found out at the Jordan River bridge that their traveling plans were cancelled: the *Shabak* would not allow them to go abroad. Clarification of the issue took two and a half years, and only on 20.2.2010 did the petitioners decide to withdraw the appeal. (The course of events and reports of ACRI and the Centre for the Defence of the Individual are in Appendix 10).

However, the petition may have brought additional changes to fruition. Coming up to Christmas 2006, about a month after submission of the petition, MachsomWatch sent a list of 134 Christian residents who for years had not received permits for the festival. The *Shabak* examined the residents in the list, lifted the blacklisting of 51 and gave permits for a few days (despite blacklisting) to 54. This was not

²⁴ As aforesaid in the two previous footnotes.

the first time that MachsomWatch had applied on the subject, but it was the first time that the authorities responded²⁵.

Early in 2010 the *Shabak* informed the petitioners that it was significantly reducing the number of blacklisted individuals precluded from travel abroad – a move that encouraged the appellants to withdraw the petition. The *Shabak* said nothing about prevention of entry to Israel, but since the beginning of 2010 people applying for removal of blacklisting have found out that they are not blacklisted – in other words, there is an impression that examination of the blacklisting situation (as demanded by the petitioners) has been done, and the blacklisting has been removed.

We have also heard recently about men who went to the DCLs to clarify their situation, and were told that they are blacklisted until a certain date. We heard of only a few such cases, and attempts to check whether there is a date for the end of blacklisting were unsuccessful. We have a tiny hope that perhaps the *Shabak* has begun to set a time limit on the blacklist. Only time will tell.

²⁵ A comprehensive review of the subject appears in the MachsomWatch booklet Invisible Prisoners, Palestinians Blacklisted by General Security Services, April 2007.

7. A Few Words in Conclusion

The significant majority of the "dangerous" *Shabak* blacklisted individuals are no more than hard workingmen with large families and children to support. Their sole desire is to work in Israel in construction or agriculture, since no work is to be found in the West Bank. They do not know why, when or how they became blacklisted. No person or administrative body informs them about changes in their situation and the reason for their blacklisting, and they are therefore unable to defend themselves. They do not run away or hide. They come openly to DCLs to request various IDs and permits. The *Shabak* often approaches these hard-up men and tries to recruit them as collaborators. If they "surrender" to the approach, the security "risk" disappears as though it never was…

Since we began observing in this field, the way to appeal the security blacklisting has changed many times. Often there has been no way, and men had nowhere to turn. Moreover, with time the requirements for submission of appeals have been raised higher and higher, and few men can presently appeal their blacklisting.

If you are on the *Shabak* blacklist you cannot (nor could you previously) appeal the preclusion of entry to Israel, unless you have reason to stay in the country on an ongoing basis. But even if you have a reason, it is not enough to say: I want to work in Israel and, before I seek an employer, I want to be off the blacklist. No, they don't believe you. You must hunt for an employer. Receiving a letter of intent from him – as was the case until a few months ago – is not enough: the employer has to request a work permit for you as a precondition

to submitting a request in his own name for you as a worker. How many employers are willing to bother? And if they are, many times they cannot do a thing because the quota for employment permits for Palestinians is completely used up – therefore there is no possibility to even start the procedure.

Since June 2005, MachsomWatch has helped thousands of workers and a few hundred merchants to appeal their blacklisting. A large proportion of these men, mainly after repeated applications year after year, were removed from the *Shabak* blacklist. We followed what was happening on the ground, and in the appeal procedures. We saw that the procedures are changed frequently, not to improve but to raise difficulties and hamper the very possibility of appeal, while at the same time creating the illusion of a lawful process.

This system, as recorded here and in the previous publication²⁶, is designed to strengthen the Occupation: to recruit collaborators, to keep a frightened people in a situation of uncertainty and to disrupt their social unity. When someone suddenly becomes *Shabak* blacklisted, he does not think about the system of oppression that orchestrates the mechanism, which harmed him; he thinks about his neighbours, about jealousy and slander.

As already said, we document what we see and hear. This is MachsomWatch practice in every field of its activity – at the checkpoints, in the villages, on the roads and on the bureaucratic mechanisms the purpose of which is to suppress the population. Over time questions have popped up and grown stronger: does our protest, which centres

²⁶ See MachsomWatch, April 2007. http://archive.machsomwatch.org/docs/Invis-blePrisoners-English.pdf

on exposing details of the suppression mechanism and protesting against it, make us partners in its existence.

An echo of our dilemma can be found in Naomi Klein's book, *The Shock Doctrine*; she quotes Simone de Beauvoir regarding the role of human rights organizations in the Algerian civil war²⁷:

"To protest in the name of morality against 'excesses' or 'abuses' is an error which hints on active complicity. There are no 'abuses' or 'excesses' here, simply an all-pervasive system...

"...occupation could not be done humanely; there is no humane way to rule people against their will. There are two choices... accept occupation and all the methods required for its enforcement, or else you reject, not merely certain specific practices, but the greater aim which sanctions them, and for which they are essential."

²⁷ Naomi Klein, "The Shock Doctrine, the rise of disaster capitalism", Picador, A Metropolitan Book, Henry Holt and Company, New York, 2007, pp 156-7



APPENDICES

Appendix 1 Rights Leaflet published by The Association for Civil Rights in Israel – September 2005

האגודה לזכויות האזרח בישראל

جمعية حقوق المواطن في اسرائيل





Restrictions on freedom of movement Permits and security classifications Rights leaflet

(September 2005)

Many residents of the occupied territories are classified as a "security risk". On this basis their freedom of movement is limited and they are denied entry permits to Israel, to travel within the occupied territories, and the right to leave the country.

The purpose of this leaflet is to inform residents of the occupied territories of their rights to freedom of movement and due process, and what action they can take to defend those rights.

In reality there is a great discrepancy between the rights entitlements specified in this leaflet, which are enshrined in law, and the level of rights protection provided by state agencies. Although human rights organizations work intensively to ensure that state authorities act in accordance with their obligations, the gap between the situation on the ground, and the implementation of legal protections afforded by law, continues to be significant.

The right to freedom of movement and due process

- Every individual has a right to freedom of movement.
- The right to freedom of movement for residents of the occupied territories is protected by a number of international conventions, and includes the right to freedom of movement within the occupied territory, and the right to leave it.
- Security authorities are authorized to limit freedom of movement, only after the completion of a fair and just administrative procedure, and only if there are verifiable reasons that justify or necessitate the infringement.
- A fair and just administrative procedure includes, among other things, the requirement that a decision only be reached on the basis of substantive evidence, and after the individual has been presented with the evidence and/ or allegations against him/her, and after he/she has been granted a hearing.

Leaving the country

 Usually, when an individual wants to leave the country it is not dependent upon the issuance of a permit. However, individuals who are registered as "security risks" cannot leave the occupied territories. State authorities do not inform these individuals of their security classification, which in some cases means that they only discover that a limitation has been placed on them at the border.

- If you have arrived at the border but are prohibited from traveling abroad, try to find out what the reason is for the prohibition, and ask for notice to be given in writing. In the event that the authorities refuse to provide you with a written explanation, you should record the details of the notice in writing yourself (the exact wording, the name of the person presenting it, the date it was issued).
- If your trip abroad is particularly urgent (medical treatment, or another important event) you can appeal (if the appeal relates to medical concerns) to the Civil Administration (Dalia Bassa, tel: 02-9977084, 02-9977022) or the Legal Advisor for the West Bank (02-9977076, 02-9977071). You can also seek the help of human rights organizations.

Requests for travel permits (for travel within the occupied territories) and entry visas, to enter Israel, must be submitted to the DCL

- Applications for different types of travel permits including: entry permits to Israel, permits to enable you to enter the seam zone, permits to enable travel in a vehicle, and permits to enable movement between Gaza and the West Bank, must be submitted to the DCL. Any individual who wants to enter Israel for work purposes must be in possession of a magnetic card.
- A permit application must include the following details: date, name of the applicant, identification number, age, family status (single, married, children), address, contact phone number (optional), the reason for the request (work, medical treatment, other reason). Details

should be provided if an urgent reply is required (urgent medical treatment etc.)

- When applying for a work permit to work within Israel, and a magnetic card, the following details should also be provided: type of employment, and the name of the prospective employer/s, it is also advisable to include a letter of recommendation from the employer.
- Attach a photocopy of your identity card.
- Attach additional documents to support the application (medical documents, letters of recommendation from the employer/s, documents attesting to the nature of employment, etc.)
- Prepare the DCL application in advance, and keep a copy of it and the attached documents.
- Upon submitting the application ask for written authorization of submission to be written on the back of the copy (the authorization must include a stamp, date and the name of official). In the event that the DCL official refuses to provide authorization, you should document the details of the submission and the refusal (when the application was submitted, to which DCL, the name of the clerk who refused to authorize the copy). If the DCL refuses to provide proof of submission, you can submit a complaint to the head of the Civil Administration (fax: 02-9977341, tel: 02-9977001). Human rights organizations can help you submit the complaint.

- The response to the application, including the official notification that you are classified as a "security risk", must be given in writing. In the event that the DCL clerk refuses to give a written response, you should document the details of the response yourself (the exact wording of the response, the name of the clerk who refused, and the date of the response). You can submit a formal complaint to the head of the Civil Administration against the refusal (fax: 02-9977341, tel: 02-9977001). Human rights organizations can assist you in submitting the complaint.
- If you are informed that the application has been denied for security reasons, or for any other reason, it is your right to appeal to the Legal Advisor for the West Bank against your classification as a "security risk". The required procedure for submitting the complaint is explained below.
- It is your right to receive a response to your application within a reasonable period of time (which is dependent upon its urgency). The failure to provide a response within a reasonable period of time is equivalent to a rejection, in which case you can also appeal to the Legal Advisor for the West Bank as set forth below.

Meetings with Shabak representatives

- Sometimes, in response to the submission of a request for a permit or the removal of a security clause prohibiting its issuance, the applicant is invited to meet with Shabak representatives.
- It is important to know that:

- ° You are under no obligation to go to the meeting.
- The occupying power and its representatives are prohibited from forcing any protected person into cooperating with its agents, or into providing information (Article 31 of the Fourth Geneva Convention).

Applications to cancel the classification of "security risk" or as a result of denied permit applications

- According to law, you have the right to an explanation of the reasons behind your permit rejection and/or classification as a "security risk", and of the evidence being used against you, unless its revelation is prohibited for security reasons. Despite the legal obligation, in the majority of cases the information is not provided.
- If you are requesting a cancellation of the "security risk" classification, you should appeal in writing to the Legal Advisor for the West Bank, and send the appeal by registered mail.
- The appeal must contain the following details: date, the name of the applicant, identification number; age, marital status (married, single, children), address (village, district, and mailing address), telephone number (optional), the reason for the application (work, medical treatment, other reason), the date of the applicants submission to the D.C.O, and the response.
- If an urgent response is required (urgent medical treatment etc.), then this should be clearly stated.

- If the application's rejection is based on perceived security concerns, you should include a detailed explanation of why your classification as a "security risk" is baseless.
- When appealing the rejection of a work permit, you should provide details of the type of employment, details of the employers, and the grounds for the DCL's rejection of the application. A letter of recommendation from your prospective employer should also be attached to the application.
- Your application should also include copies of relevant documents, for example:
 - When submitting an appeal against a DCL permit rejection, you should attach a copy of the original application and response, where possible.
 - When applying for a work permit, attach a letter of recommendation from your employer.
 - of the purpose of the permit is to facilitate medical treatment either in Israel or abroad medical documents should be attached, if possible, attach documents confirming the need for medical treatment in Israel/abroad. Preferably medical documents issued by government hospitals, and referrals issued by the Palestinian Authority.
 - If the permit's purpose is to facilitate participation in a conference/educational framework, attach a copy of the invitation to the conference/documentation confirming your official registration at the educational institution.

- The address to send the application: the Legal Advisor for the West Bank: Population Registration Section, P.O.B 5. Beit El 90631.
- For urgent cases the application can be sent by fax: 02-9977326, after coordinating by phone at: 02-9977071/711/076. The individual responsible for dealing with the application is Captain Liron Alush, tel: 02-9977073/076.
- You may also enlist the help of human rights organizations in the submission of your appeal to the Legal Advisor for the West Bank (see list below for contact details).
- In standard cases an answer to the application takes about two months, and in some cases an even greater period of time.
- If you were given a negative reply by the Legal Advisor for the West Bank, or were given an answer after the fact (after a date that would enable you to leave the country or enter Israel on time for urgent cases, or after two and a half months in standard cases) – it is your right to submit a petition to the Supreme Court.
- A petition to the Supreme Court may be submitted with the help of human rights organizations (in specific cases) or with the help of a private attorney.

A second request

• Anyone whose permit request is rejected, can submit

a second application and it will be reconsidered, if six months has passed since the rejection of the application, or new circumstances have arisen, for example, a new reason for the permit application (for example, the previous permit request was for a family visit, whereas now it is for a medical emergency).

Conclusion

- 1. The first application for a permit must be submitted to the DCL.
- 2. Keep a copy of the application.
- 3. Ask that the response to the application be in writing.
- Upon notification of your classification as a "security risk", a negative response by the DCL, or a failure to reply within a reasonable period of time, you can appeal to the Legal Advisor for the West Bank.
- 5. The appeal to the Legal Advisor for the West Bank should be sent by registered mail to: Population Registration Section, P.O.B 5, Beit El 90631.
- 6. For urgent cases the application can be sent by fax: 02-9977326, after coordinating by phone at: 02-9977071/711/076
- 7. You can enlist the help of human rights organizations to submit the appeal.
- 8. In the event that you receive a negative reply from the Legal Advisor for the West Bank, or in the event that you do not receive a reply within a reasonable period of time, you can petition the

Supreme Court with the help of human rights organizations or a private attorney.

Military Authorities

Appeal centers - Civil Administration

| | Telephone | Fax |
|----------------------------------|------------|------------|
| "Humanitarian Center" - the | 02-9977733 | 02-9977337 |
| Civil Administration- for urgent | 02-9977081 | |
| appeals | 02-9977395 | |
| Health coordinator – Dalia | 02-9977084 | 02-9977041 |
| Bassa - medical affairs | 02-9977022 | |

DCLs

| | Telephone | Fax |
|------------------------|------------|------------|
| Hebron | 02-9967215 | 02-9962254 |
| | 02-9964360 | |
| Gush Etzion/ Bethlehem | 02-9934010 | 02-5485370 |
| | 02-5485369 | |
| Abu Dis | 02-2799520 | 02-2797920 |
| Jericho | 02-9943305 | 02-9943305 |
| | 02-9943894 | |
| Ramallah/Salfit | 02-9970284 | 02-9974693 |
| | 02-9970285 | |
| Beit El | 02-9977747 | 02-9977337 |
| | 02-9706444 | |
| Qalqilya | 09-7759217 | 09-7922331 |
| | 09-7922359 | |
| Nablus | 02-5486214 | 02-5486218 |
| | 02-5486217 | |
| Tulkarm | 09-8948803 | 09-8948803 |
| Jenin | 04-6407312 | 04-6407315 |

Legal Advisor for the West Bank

| | Telephone | Fax |
|------------------------------|------------|------------|
| Office address of the Legal | 02-9977071 | 02-9977326 |
| Advisor for the West Bank: | 02-9977073 | |
| Population Registration Sec- | 02-9977076 | |
| tion, P.O.B 5, Beit El 90631 | | |

Human Rights Organizations who can provide assistance on issues such as security restrictions and limitations on freedom of movement

| | Telephone | Fax |
|---------------------------------|--------------|------------|
| HaMoked – Center for the | 02-6283555 | 02-6276317 |
| Defense of the Individual | 02-6264439 | |
| Prohibition on traveling abroad | 02-6271698 | |
| Prohibition on traveling within | | |
| the occupied territories | | |
| Emergency no. | | |
| Physicians for Human Rights | 03-6873718 | 03-6873029 |
| - Israel Medical issues | | |
| Al-Haq | 02-2954646/9 | 02-2954903 |
| Machsom Watch | 054-5300385 | |
| The Association for Civil | 02-6521218 | 02-6521219 |
| Rights in Israel | | |

The Association for Civil Rights in Israel is an independent organization that works to promote human rights in Israel and the occupied territories



Appendix 2

"Sharpening of Procedures" for Requesting Removal of Blacklisting as Published by the Legal Advisor for the West Bank – June 2007

Israel Defense Forces West Bank Legal Advisor's Office 6 June 2007

To: MachsomWatch Fax 02-6544330

Re: Removal of Security Blacklisting – Notice of Sharpening Procedures

- We hereby sharpen procedures for requesting removal of security blacklisting.
- As a rule, appeal requests for removal of security blacklisting will be submitted, by means of the attached form, to the appropriate administrative body, and not to the Office of the Legal Advisor for the West Bank.
- 3. According to the procedure, a resident meeting all the criteria for receipt of a permanent entry permit to Israel, but who has a security blacklisting, will be entitled to submit a request for removal of security blacklisting to the same body to whom he must submit the request for a permit. The answer for this request will be delivered to the resident through the administrative body where the request was submitted. Handling of removal of the security blacklisting will be done only in the event that the resident meets all the criteria and rules for receipt of a permanent entry permit to Israel.
- 4. Thus, a request for removal of security blacklisting following a request for a permanent entry to Israel for commercial purposes will be submitted by the resident to the regional DCL; a request for removal of security blacklisting following a request for perma-

nent entry to Israel for workers will be submitted by the employer to the Employment Staff Officer in the Civil Administration; a request for removal of security blacklisting following a request for permanent entry to Israel in order to work in a recognized organization will be submitted by the organization to the Civil Administration body dealing with their requests (for example, workers of international organizations will be dealt with by the International Organizations Branch of the Civil Administration; workers in a medical team will be dealt with by the Health Coordinator in the Civil Administration; teachers will be dealt with by the Education Coordinator in the Civil Administration, and so on).

- 5. The decision on the petition of removal of security blacklisting, delivered by the administrative body, is a final decision. The Office of Legal Advisor for the West Bank will not accept a second appeal to the decisions of administrative bodies, other than in exceptional cases.
- 6. Reasoned requests that clarify why the reference is to an exceptional case justifying the involvement of the Legal Advisor for the West Bank, may be sent, as usual, to the address Office of Legal Advisor, Population Registration Section, POB 5, Beit El 90631. The notice of refusal and any additional relevant document must be attached to the request.

For your information.

Yours, etc.

Ran Li-On, Corporal Legal NCO Population Registration For Legal Advisor

Restricted

Appendix A:

REQUEST FOR REMOVAL OF SECURITY BLACKLISTING DCL/DISTRICT:

| 1. 2. | Date of submission of request: Details of requesting resident (full name): |
|----------|--|
| 3. 4. | First name Father's name Grandfather's name Surname ID number: Address: Telephone/mobile number: |
| | Reasons for request: |
| 7. — | Documents/permits attached to request: |
| | Regarding employment permit: A. Name and address of employer: |
| _ | |
| TF | B DECISION: |
| = | |
| | Signature: Date: |

To: MachsomWatch Fax 02-6544330 Israel Defense Forces West Bank Legal Advisor's Office 17 June 2007

Re:

- 1. I hereby confirm receipt of your letter about the referenced person.
- As said in our letter about sharpening of procedures for approaching our office, petitions of this sort should be directed to the appropriate administrative body.
- 3. That is, a resident seeking to enter Israel for commercial purposes will be required to submit an appropriate request to the DCL close to his place of residence. If the request is refused for security reasons, the resident will be entitled to submit a request for removal of blacklisting to the DCL.
 - Similarly, a request by workers to enter Israel will be submitted, as usual, by the Israeli employer of the resident to the office of Employment Staff Officer in the Civil Administration (through the Labor Exchange in Israel). If the request is refused for security reasons, the resident will be entitled to submit a request for removal of the blacklisting through his employer, to the Employment Staff Officer in the Civil Administration.
- 4. This concludes our handling of your approach. Please refer in this matter to the appropriate administrative body.

Yours, etc.

Ran Li-On, Corporal Legal NCO

Population Registration Section For Legal Advisor



April 2012

Appendix 3 Demand for Responses from Legal Advisor for the West Bank After "Sharpening of Procedures" in June 2007

Letter to Judge Advocate General (JAG) and Head of Civil Administration and JAG's response



נשים נגד הכיבוש ולמען זכויות אדם ישוף שנ וצבדעל פאי ובל בפפס וצישוט Women against the Occupation and for Human Rights

Jerusalem, 24 August 2007

Brig. Gen. Avichai Mandelblit Judge Advocate General Fax 035694526 Brig. Gen. Yoav Mordechai Head, Civil Administration Fax 029977341

Shalom,

Re: <u>Unanswered Appeals Against Prevention</u> of Work and Merchant Permits

Our letters to Lieutenant Gadi Shahak from 15.7.2009 and to Col. Sharon Afek, Legal Advisor for the West Bank, from 2.8.2007

During two years, some 2000 residents of the Territories have sent appeals against prevention of permits because of security blacklisting through MachsomWatch. In the months June-October 2005 there was considerable delay in the giving of answers to these appeals. After intervention of the Prime Minister's Office, answers began to be received in reasonable time – about a month.

On June 7, 2007 the appeal procedures changed. On that date there was already considerable delay in the giving of answers. But since then, answers have not been received on appeals sent through us before the change, except in a few cases. There are at present 200 unanswered appeals: two from January, one from February, 43 from March (5 months ago), 70 from April (4 months ago), 58 from May (3 months ago) and 26 from June 3 (two months ago).

On 15.7.2007 we sent the attached letter to Lieut. Gadi Shahak, Consultant Officer of the Population Registration Section with a list of 203 unanswered appeals. On 2 August 2007, we sent a letter to Col. Sharon Afek, the Legal Advisor for the West Bank, with the same list attached. Despite these letters there has been no change in the giving of answers.

The people to whom we refer had approached the Legal Advisor for the West Bank, who was then almost the only address for appeals as far as they were concerned. These men are entitled to answers. If there is a decision to implement the change in procedures retroactively, we request to receive this decision in writing.

These are hard-working people, whose livelihood is dependent on these responses.

Sincerely,

Chana Arnon

Sylvia Piterman

Tami Shelef

Copy:

Maj. Gen. Yosef Mishlav – Coordinator of Activities in the Territories

Col. Sharon Afek - Legal Advisor for the West Bank

Adv. Limor Yehuda – The Association for Civil Rights in Israel

Mr. Firas Alami - The Association for Civil Rights in Israel

Judge Advocate General Office of the Commander

14 October 2007

Mrs. Sylvia Piterman MachsomWatch (by fax 02-6544330)

Shalom,

Re: <u>Your Letter Regarding Unanswered Appeals Against</u> Prevention of Work and Merchant Permits

- In your letter dated 24.8.2007 to the Judge Advocate General, you complained of delay in receiving responses from the Legal Advisor for the West Bank, regarding about 200 appeals concerning refusal to grant various permits for security reasons.
- As you noted in your letters, since June 2007, residents are directed to appeal their security blacklisting, by submitting an appropriate request to the body so authorized in the Civil Administration. A notice in this spirit was delivered to all the entities, which in the past delivered these appeals to the Legal Advisor for the West Bank.
- However, it was decided, and you were informed of it in the past, that the Legal Advisor for the West Bank would deal with requests, which arrived at his office before the sharpening of procedures.
- 4. As is known, requests about security blacklisting are transferred for the consideration of the relevant security agents, and they are examined individually. To our regret, because of the work burden and multiplicity of approaches, the process of examina-

- tion occasionally takes longer. As a result, the response to the appeals detailed in your letters was delayed.
- 5. It will be noted that personnel of the Legal Advisor for the West Bank are working to further treatment and formulate responses to appeals as soon as possible. However, the Legal Advisor personnel are naturally dependent in this matter on security agents, and cannot respond to individual appeals before receiving the position of the security agents.
- 6. Our examination found that some of the appeals listed in your letters, have already been answered (for example, numbers 117, 118 and 147). We hope that shortly responses will be given to the other appeals, and we are working to this end. Please note that two of the appeals mentioned in your letters (numbers 175 and 203), were not transferred to the Legal Advisor for the West Bank. We ask that these be directed to the Civil Administration according to the actual procedures in this matter.
- To avoid doubt we clarify that the response to appeals mentioned in your letters will be transferred to the representatives of the appellants who have presented an appropriate power of attorney.
- 8. We regret the delays in giving responses to the appeals mentioned in your letters, which as aforesaid, are not dependent on us and are not within our control. We make the greatest efforts to ensure that responses to appeals are not delayed because of our activity, and will continue to do so.

Sincerely, Yehoshua Gortler, Captain Legal Assistant to JAG On behalf of JAG

Copy: Legal Advisor for the West Bank



Appendix 4
Demand for Responses from Employment
Staff Officer to Requests for Removal
of Blacklisting and Complaint of Permit
Confiscation

Two Letters to Heads of Shabak and Civil Administration



נשים נגד הכיבוש ולמען זכויות אדם ישוף שנ וצבדעל פאי ובל בפפ וצישוט Women against the Occupation and for Human Rights

Jerusalem, 7 April 2008

Mr. Yuval Diskin Head, *Shabak* 3 Kaplan Kiryat Hamemshala Registered Mail Brig. Gen. Yoav Mordechai Head, Civil Administration Fax 029977341

Shalom.

Re: Unanswered Appeals Against Prevention of Work Permits

For about three years, some 3000 residents of the Territories have sent appeals against prevention of permits because of security blacklisting through MachsomWatch. Through the contact woven between them and us, we are more and more aware of the exaggerated use that Israel makes of the weapon of blacklisting; at the end of day, it creates a situation characteristic of dictatorial regimes in other parts of the world and at other times. We are sure that it may be otherwise and we will be happy to meet with you in order to voice our opinion.

However, the objective of this letter is much more modest. We demand that residents submitting requests for removal of their security blacklisting together with their employers, receive answers within a reasonable time. There are in the attached list about 100 *Shabak* blacklisted residents – and their employers – who requested removal of the blacklisting in the months September 2007 to January 2008, and

have not yet received answers. On 14.1.2008 and 16.3.2008, reminders were sent to Mr. Ami Kabilo, from the Employment Staff Office in the Civil Administration, but we were told that there is no possibility of giving a response as long as there is no reply from *Shabak*.

The residents concerned and their employers applied to the Employment Staff Officer since he is almost the only address for appeals. These men are entitled to an answer.

These are hard-working men, whose livelihood depends on those answers. We hope you will intervene in this matter.

Sincerely,

Chana Arnon

Sylvia Piterman

Tami Shelef

Contact: Sylvia Piterman

Copy: Maj. Gen. Yosef Mishlav – Coordinator of Government Activities in the Territories

Col. Sharon Afek – Legal Advisor for the West Bank

Mr. Yitzhak Levi - Employment Staff Officer

MK Yossi Beilin

Adv. Limor Yehuda – The Association for Civil Rights in Israel



נשים נגד הכיבוש ולמען זכויות אדם ישוף שנ וצבדעל פאי ובל בפפס וצישוט Women against the Occupation and for Human Rights

Jerusalem, 24 October 2008

Mr. Yuval Diskin Head, *Shabak* Fax 026546717 Brig. Gen. Yoav Mordechai Head, Civil Administration Fax 029977341

Shalom,

Re: Confiscation of Permits at Entry Checkpoints to Israel and Unanswered Appeals Against Prevention of Work Permits

Since June 2005 and until today, around 4000 residents of the Territories have sent appeals against prevention of permits because of security blacklisting through MachsomWatch, or with MachsomWatch assistance. As mentioned in a former letter, we have become aware over time of the exaggerated use that Israel makes of the weapon of blacklisting.

The objective of this letter is twofold: we seek to complain about the phenomenon of confiscation of permits which we encounter day in and day out at the crossing checkpoints to Israel, and to again point out the long delay in giving responses to requests to remove security blacklisting of workers submitted together with their employers.

Confiscation of Permits at Entry Checkpoints into Israel

In our observations at checkpoints and also according to telephone

approaches, we encounter – particularly recently – men who are delayed at the checkpoints for no reason that they are aware of, while they cross with a permit on the way to work or back. After a wait they are sent to the *Shabak* for a conversation. In this conversation they are informed that they have no problem, but when they return to the soldier who took their permit at the crossing, the permit is not to be found – it has got lost. The soldier says that there is no problem, they should simply tell the employers to ask for a new permit for them. When the employer does that, because these are men essential to him, it becomes clear that "there is something about the worker in the computer" and he is refused. Below are two testimonies.

- 1. **Jamal** "About a month ago (mid September) at Qalandiya crossing, when I was on my way to work, they took the permit from me and told me to go in to talk with the Shabak. I entered and asked whether I have any problem. The captain said that I have no problems but they want me to help them. I said that I have a family and I need to bring bread home. 'You want them to kill me?' I asked and they said to me, 'Okay, go to work.' I returned to the crossing and the soldier said that he can't find my permit, and my employer should submit a request for a new one for me. That's what my boss did, but the request was refused. I went back to the Shabak and told them, 'if you have something against me, come and take me to prison, but if you don't, why won't you give me a permit?' They told me, 'you are clean as a white cloth, but nevertheless they reject me and say that I am blacklisted. I have no security or criminal past. I am not 'wanted.' I have already worked four and a half years for the same boss, and he is satisfied with me. I am 38 years old and have five children."
- 2. Taysir "I have been working in Israel since 1995 with a permit. I

presently work for a contractor of agricultural works. I had a permit valid for the period 28.8.2008 to 28.11.2008. On 8.9.2008, at Qalandiya checkpoint, they took my permit and gave me a note to go to the *Shabak*. I went to the *Shabak* and there they told me that they have nothing on me. I returned to the crossing to get my permit and then they told me that they couldn't find it, it's not there. They told me to turn to my employer and tell him to submit a request for a new permit. The employer did and got an answer that my name 'is still in the computer,' and that he must request a removal of blacklisting for me. But after he did, his request for me was refused. I have worked many years in Israel and this is the first time that they make me problems, and I do not know the reason."

We demand that rules, which are a blatant violation of natural justice, be stopped. This violation forms fertile ground for arbitrary decisions that harm basic human rights, without any factual foundation or material point.

Unanswered Appeals Against Prevention of Working permits

Following our previous letters on this subject, we demand that Palestinian residents who apply together with their employers for removal of security blacklisting, will receive answers within a reasonable time. In the attached list are 152 security blacklisted – and their intended employers – who sent requests for removal of the security blacklisting between 29.6.2008 and 15.9.2008 and have not yet received a response. Moreover, since 21.9.2008 no answers have been received at all apart from two on 24.9.2008.

On 12.10.2008 a reminder was sent to Mr. Ami Kabilo, from the Employment Staff Office in the Civil Administration, who was responsible

until 15.9.2008 for giving answers to these requests. But we were told that there is no possibility of giving an answer for as long as there is no response from the *Shabak*. We waited a few days after the end of the holidays and we have no possibility other than asking for your intervention.

The residents concerned and their employers turned to the Employment Staff Officer since he is almost the only address for appeal. These men are entitled to an answer. These are hardworking men, whose livelihood depends on those answers. We expect your intervention in this regard.

Sincerely,

Chana Arnon

Sylvia Piterman

Tami Shelef

Contact: Sylvia Piterman

Copy:

Maj. Gen. (res.) Amos Gilad – Acting Coordinator of Government Activities in the Territories

Col. Sharon Afek – Legal Advisor for the West Bank

Mr. Yitzhak Levi - Employment Staff Officer

Mr. Ami Kabilo – Employment Staff Office

Adv. Micha Lindenstrauss - State Comptroller

MK Yossi Beilin – Member, Knesset Foreign Affairs & Security Committee

MK Dov Henin - Chair, Human Rights Lobby

Mr. Hagai El-Ad, Executive Director, The Association for Civil Rights in Israel

Adv. Limor Yehuda, The Association for Civil Rights in Israel



Appendix 5
Selected Complaint Letters About Absence
of Appeal Procedures Against Security
Blacklisting and Lack of Response to Old
Approaches

Letters Sent from August 2009 to February 2010 to Head of Civil Administration and one Letter to Legal Advisor for the West Bank

In addition, Bimonthly "Machsom Alert" from February 2010 "Don't Know Why and There's Nowhere to Turn"



נשים נגד הכיבוש ולמען זכויות אדם ישום שנ וצבדעל פאי ובל בפפה וציישוט Women against the Occupation and for Human Rights

4 August 2009

Brig. Gen. Yoav Mordechai Head, Civil Administration Fax 029977341

Shalom,

Re: Residents of Hebron, Jerusalem Envelope, Ramallah and Jericho Have No Address – They Cannot Fulfill Their Right to Appeal Security Blacklisting

I write to you regarding the lack of ability to fulfill the right of appeal of security blacklisting by workers of Hebron, Ramallah, Jerusalem Envelope and Jericho Districts.

As you know, requests for removal of security blacklisting were submitted, until June 2007, to the Legal Advisor for the West Bank. On 6.6.2007 the Legal Advisor for the West Bank sent a letter about the change in rules, to lawyers and human rights organizations that used to send requests for removal of security blacklisting for Palestinian residents. In a clarification sent on 17.6.2009, the Legal Advisor wrote:

"...a request to enter Israel by workers will be submitted, as usual, by the Israeli employer of the resident to the office of Employment Staff Officer in the Civil Administration (through the Labor Exchange in Israel). If the request is refused for

security reasons the resident will be entitled to submit a request for removal of the blacklisting through the employer to the Employment Staff Officer in the Civil Administration."

Since 30.6.2009 there has been no functionary in the Employment Staff Office dealing with requests from residents of Hebron, Bethlehem, Jerusalem Envelope, Ramallah and Jericho. Since then no responses have been received by 56 workers who submitted requests for removal of security blacklisting, among them holders of valid permits that were confiscated or owners of permits that were not renewed.

I approached 2nd Lieut. Inbal Lidan, Public Affairs Officer in the Civil Administration, in the second week of July and I was told that the processing will continue to be carried out by Linda, representative of the Employment Staff Officer in DCL Etzion. In a conversation with Linda towards the end of July (it was impossible to get her on the phone before then) she told me that she does not deal with the subject and that workers and employers should stop sending her requests for removal of security blacklisting.

I again phoned 2nd Lieut. Inbal Lidan who told me that Bethlehem residents could submit requests to Etzion DCL. Till today the men had not yet tried to submit requests this way and we do not know if they will be accepted or not, and what will be their fate.

Residents of Hebron, Jerusalem Envelope, Ramallah and Jericho do not even have an address. 2nd Lieut. Inbal Lidan promised to get back to me with a solution for them, but has not yet done so.

Additionally, we do not know the fate of 56 requests for removal of security blacklisting sent to the Employment Staff Officer in Etzion

DCL during recent months up to 13.7.2009 that have no answers (see attached list).

I strongly request to allow men to fulfill their right of appeal security blacklisting, which as a rule has no justification. The security blacklisting brings starvation for the families of the blacklisted men...

Sincerely,

Sylvia Piterman

Tel: 0528428690

Fax: 026544330

Copy:

Mr. Yitzhak Levi, Employment Staff Officer

2nd Lieut. Inbal Lidan – Public Affairs Officer, Civil Administration.



נשים נגד הכיבוש ולמען זכויות אדם נשים לגד הכיבוש ולמען זכויות אדם נשוף של וצבדעל פאי ובל בפפ ועישוט Women against the Occupation and for Human Rights

18 October 2009

Brig. Gen. Yoav Mordechai Head, Civil Administration Fax 029977341

Shalom,

Re: <u>Denial of Information to Residents, Flaws in Procedures</u> <u>for Removal of Security Blacklisting</u> and Severe Problems in the Seam Zone

(Before a meeting set for 21.10.2009)

When the Civil Administration was established (according to the demands of the International Humanitarian Law), the following was defined: "A Civil Administration is hereby established. The Civil Administration will manage civilian matters in the region, according to the instructions of this Order, for the welfare and benefit of the population and in order to supply public services and implement them, in consideration for the need to maintain proper management and public order." A basic assumption in our approach to you identifies with the above definition.

One of the critical conditions for the welfare of the Palestinian residents in the West Bank is the ability to earn a living. The harm to that ability influences every possible humanitarian aspect in the treatment of the population by the Civil Administration, and a repair is needed in this area. The possibilities of livelihood and employment in the

areas of the West Bank are extremely limited and the wage is very low, and it is natural that the Palestinians want to work in Israel. In addition to daily laborers, Palestinian merchants also need to enter Israel to maintain their business. Finally, giving the possibility of entry to lands that were trapped in the Seam Zone is not only essential to people who were harmed by the building of the barrier but is also our obligation under international law.

Information for residents on the reason for refusal of permit

When a Palestinian resident is not successful in receiving an entry permit for Israel, he is interested in clarifying the reason. Is he blacklisted by the *Shabak*, Police or Operations Staff? As you know, the process for removal of each of these kinds of blacklisting is different. Unfortunately for him, this information is not easily available. An Israeli employer interested in Palestinian workers is sent away with a laconic announcement that the requested worker is "blacklisted" and they do not answer him about what sort of blacklisting. If the blacklisted man himself goes to clarify the kind of blacklisting in the DCL, he is not allowed in because he already has a valid magnetic card. And so he remains uninformed, helpless and without a livelihood.

Men who went to request a new magnetic card and enquired whether there was any kind of blacklisting on them, were told by the soldier that, "only an officer can give that information," or, "it is not my job; go home." It is inconceivable, that a resident cannot receive information essential and connected to him from the DCL in the area where he lives (our letter of "complaint about prevention of information" to 2nd Lieut. Inbal Lidan, from 25.7.2009 is attached, as is our letter to you on the same subject from 14.9.2009).

Appeal against Shabak blacklisting by merchants and workers

Work and merchant permits are given stingily and only after *Shabak* examination and approval. Many are rejected on the contention that they are *Shabak* blacklisted, and their request to clarify the reasons for blacklisting is also rejected. We can testify, after dealing with thousands defined as *Shabak* blacklisted that in general they are not men who endanger the security of Israel, but proclaiming them to be *Shabak* blacklisted fundamentally harms them and their families.

The Legal Advisor for the West Bank, in cooperation with the Civil Administration defined the procedures for appealing the blacklisting, and even distributed them among lawyers and human rights organizations. But submission of the appeal is not that simple for Palestinians. Workers, for example, must submit the appeal through the employer. The latter, even if he very much wants that same worker, and if the appeal procedure is in itself simple – is not interested in the bother connected with it. He is not interested in wasting his time in follow up and clarification of the fate of the appeal that is unanswered for months. Frequently it is an impossible task. A lawyer dealing with an appeal charges thousands of shekels, which the Palestinians cannot obtain. Human Rights organizations, and MachsomWatch among them, give elementary administrative help to the appellants. Driving away the human rights organizations from submitting requests is nothing but a clear attack on the Palestinians.

The following is the situation regarding possibilities of appeal for merchants and workers – a field in which MachsomWatch deals.

 Merchants: submit their requests for removing the security prevention themselves. They come armed with the necessary documents to receive a merchant permit to the Palestinian Liaison Office in the area where they live. The office transfers the requests to the DCL, which is supposed to pass them on to the relevant authorities for processing. The appeal procedures for the merchants are hampered in the initial stages. We have written a number of letters on the subject, giving details of the faults. The last letter from 28.6.2009 (attached) that includes a list of merchants, who do not know what has become of their requests, was transferred by you to the Legal Advisor for the West Bank and has not yet got a response. We are hereby attaching a new list that includes the merchants who submitted requests since that letter was sent, and who don't know what became of them. The many faults in the appeal procedure for merchants should be dealt with urgently.

2. Workers: in the first stage the employer must submit a request for a permit. If the permit request is refused because of security blacklisting, the worker and employer can request removal of the blacklisting. Many employers do not receive refusals in writing from the Labor Exchange where they submitted the request, even if they ask for documentation.

Since the Legal Advisor for the West Bank stopped dealing with requests, in June 2007 and up to a year ago, the requests for removal of workers from the blacklist were sent to the office of Employment Staff Officer at Beit El. Processing of requests during that period was reasonable, despite slowness in giving responses. A request not dealt with because of lack of data or other reasons, was returned with comment and all the requests dealt with were answered.

A year ago the processing was split between two addresses: residents of Ramallah District and south applied to the Employment Staff Officer in Bethlehem DCL; residents living north of Ramallah District apply to

the Employment Staff Officer in Tulkarm DCL. Up to June 2009 there were no obvious problems in dealing with removal of security blacklisting at the office of Employment Staff Officer in Bethlehem.

However, at the office of Employment Staff Officer in Tulkarm DCL, some of the employers receive no answers whatsoever, whether because the request was not formulated according to requirements, or was disqualified for any other reason or because of many months delay. In any event the employers are not informed about disqualification of the request. Telephone clarification is almost impossible because of the difficulty in obtaining the responsible person for the Employment Staff Office on the phone. Our willingness to follow up the requests and clarify their situation encountered an absolute refusal in the Employment Staff Office at Tulkarm DCL.

Since June 2009 there has not been any processing of requests by the Employment Staff Office at Bethlehem DCL. Adv. Limor Ben Hamo from the office of the Legal Advisor for the West Bank and 2nd Lieut. Inbal Lidan, Public Affairs Officer of the Civil Administration, noted to us that the processing continues and requests can be sent as usual. Requests are sent, but since the end of June 2009 there are no answers and no possibility of response about the fate of the petitioners.

In the past procedures for submission of the requests and appeals have changed from time to time. Workers and employers adjusted themselves to the new rules, but now the appeal procedures open to the Palestinians and their employers at the Employment Staff Officer in Bethlehem DCL is not clear. We have been told that the answers will be made available directly to the employers, but answers do not reach them. Employers who asked to clarify the situation of their

request in the offices of the Employment Staff Officer in Bethlehem DCL were told that they were not handling their requests.

Recently, repeated applications have been sent for residents who are waiting for replies more than two months. These reminders were sent with a copy to the Head, Civil Administration and the Legal Advisor for the West Bank. A list is attached of those requests of which part appeared in a list sent to you in our attached letter: "Residents of Hebron, Jerusalem Envelope, Ramallah and Jericho Have No Address – They Cannot Fulfill Their Right to Appeal Security Blacklisting," from 4.8.2009 and a letter on the same subject to Adv. Limor Ben Hamo from the office of Legal Advisor For the West Bank on 25.8.2009.

From responses that employers received orally we get the impression that at the Employment Staff Office at Bethlehem DCL they do not understand the importance of giving answers to requests. It appears to the ESO that the required response should be "blacklisted" or "not blacklisted". We note that receipt of a written response to a request for removal of security blacklisting is very essential for the worker. The response includes the date when it is possible to appeal again – one year after the date of the current response. Moreover, many workers want to petition the court against the security blacklisting and the absence of response hampers them.

We note that the scope of non renewal and confiscation of permits due to *Shabak* blacklisting has increased considerably since the beginning of 2009 and many residents who have not received responses are those whose permits were confiscated at a crossing, or not renewed, despite the employer's request. The length of time taken in examining the requests of these people is crucial for them since their chance of livelihood and their place of work are at risk.

The Israeli employers need the Palestinian workers for jobs where in many cases there is no one to fill them, or else instead of a foreign worker. The State's interests are not harmed if Palestinian workers receive permits – quite the contrary.

What stands behind the methodical prevention of permits? Is the objective to put the Palestinians in a situation of no alternative until they agree to collaborate with the *Shabak* ("you help us and we will help you")? Is collaboration the price of a work permit?

A severe blow to the fabric of life in the Seam Zone

For a long time we have been pointing out, by protest letters, the heavy price paid by the villagers who are kept away from their lands by the Separation Fence. This is a population that earns its bread from the soil. Any restriction of movement imposed on these people, who cannot work their land properly, not only during the harvest season but also throughout the year, fatally harms the source of their livelihood, with all the severe implications deriving from this.

Until the present date we have not received any answer or serious interest in this problem from the Civil Administration. We attach a document detailing the harsh problems that exist in the Seam Zone: restriction of the number of very short term permits; serious faults in the issuing process of permits and the appeal procedures for refused requests. Many farmers are forced to discontinue growing essential crops that must be tended all year (vegetables, wheat and livestock). Checkpoints/agricultural gates are open too little and access to farm paths is restricted; moreover, the inability to irrigate fields interferes with the normal cultivation of the land, etc.

In Conclusion

- In the light of the above, the following changes are needed:
- Procedure for efficient conveyance of information regarding types of blacklisting against the residents.
- Improvement of shortcomings in the procedures for merchants' appeals.
- Supplying employers with a receipt evidencing a refused work permit request.
- Reinstall right to appeal the security blacklisting of residents of the southern West Bank (Ramallah District and south of it).
- Provide fast processing to Palestinians whose permits were confiscated at a crossing or were not renewed.
- Allow MachsomWatch members to follow through in a concentrated and organized fashion after the processing of requests for removal of blacklisting submitted to Employment Staff Officer by workers and employers who approach us, and to receive responses that we can transfer to the blacklisted resident and employer.
- Urgently address the problem of the fabric of life of Palestinians in the Seam Zone in the matter of agricultural lands cut off by the Fence.

Sincerely,

Hanna Barag Sylvia Piterman Micky Fisher Tami Shelef

Contact: Sylvia Piterman and Tami Shellef For Seam Zone Issues: Micky Fisher



נשים נגד הכיבוש ולמען זכויות אדם נשים לגד הכיבוש ולמען זכויות אדם נשוף של וצבדעל פאי ובל בפפ ועישוט Women against the Occupation and for Human Rights

25 October 2009

Brig. Gen. Yoav Mordechai Head, Civil Administration Fax 029977341

Shalom,

Re: <u>Procedures for Removal of Security Blacklisting</u> of Palestinian Workers

Our letters: "Residents of Hebron, Jerusalem Envelope, Ramallah and Jericho Have No Address – They Cannot Fulfill Their Right to Appeal Security Blacklisting" from 4.8.2009 and a letter on the same subject to Adv. Limor Ben Hamo in the office of Legal Advisor for the West Bank from 25.8.2009; our letter "Denial of Information to Residents, Flaws in Procedures for Removal of Security Blacklisting and Severe Problems in the Seam Zone from 18.10.2009 and 2nd Lieut. Inbal Lidan's reply dated 20.10.2009

According to the new procedures for removal of security blacklisting of workers – detailed in 2nd Lieut. Inbal Lidan's letter, which reached us on 21.10.2009 – the employers must submit requests for removal of security blacklisting of their workers at Labor Exchanges in Israel. Until that date the employers were sending requests for removal of security blacklisting, together with their workers to the Employment Staff Office at Bethlehem DCL and at Tulkarm DCL – according to the place of the workers' residence.

From the beginning of April 2009 until 20.10.2009, employers on whom we have information sent many requests for removal of se-

curity blacklisting of their workers to the Bethlehem DCL. Regarding 112 workers the employers received no answer. In our letter on the subject from 18.10.2009 we attached a list of 58 workers whose employers submitted requests and had not received a response for at least two months. All the aforementioned requests were sent to the Employment Staff Officer twice or more, the last time with copy to the Head of the Civil Administration and the Legal Advisor for the West Bank.

We note that among the 112 residents mentioned above there are 54 residents who had valid permits that were confiscated at a checkpoint or not renewed. Suddenly these people's lives turn into hell. Many of these workers would have been working and would have received their permits back had the Civil Administration acted according to the rules that they themselves had determined.

We attach here a list of 54 workers whose employers submitted requests to the Bethlehem DCL from 23.8.2009 until 20.10.2009. This list complements the list attached to our letter from 18.10.2009.

We are in contact with the employers and, as aforesaid, no answers have reached them. Many employers who enquired at the Employment Staff Office in Bethlehem DCL received no feedback whatsoever. Lawyers who sent requests in recent months also received no responses at all.

You changed the rules. The new rules are intended to make the process for removal of security blacklisting of workers even harder. But you should not change rules retroactively. Requests should be dealt with both by the Employment Staff Officer in the Bethlehem DCL and by the Employment Staff Officer in the Tulkarm DCL (a list of requests to the Tulkarm DCL will shortly be sent to you) and

responses must be sent to all the employers who requested removal of security blacklisting of their workers in the procedure that was then open to them.

Sincerely,

Sylvia Piterman Tel: 0528428690, Fax: 026544330

Copy:

Mr. Yitzhak Levi – Employment Staff Officer

Adv. Limor Yehuda – The Association for Civil Rights in Israel

Adv. Limor Ben Hamo – Head of Population Registration Section,

Legal Advisor for the West Bank

2nd Lieut. Inbal Lidan – Public Affairs Officer, Civil Administration.



נשים נגד הכיבוש ולמען זכויות אדם نساء ضد الاحتلال ومن اجل حقوق الانسان Women against the Occupation and for Human Rights

7 February 2010

Brig. Gen. Yoav Mordechai Head, Civil Administration

Fax: 029977341

Col. Sharon Afek Legal Advisor, West Bank

Fax: 029977326

Shalom,

Re: <u>Procedures for Removal of Security Blacklisting</u> of Palestinian Laborers

During Many Months you don't Respect the Basic Right to Appeal Blacklisting

Our letter to you "Residents of Hebron, Jerusalem Envelope, Ramallah and Jericho have no address – they cannot fulfill their right to appeal the security blacklisting" from 4.8.2009 and a letter on the same subject to Major Limor Tahnai, Head, Population Registration Section, Legal Advisor for the West Bank from 25.8.2009; our letter to you on "Denial of Information to Residents, Flaws in Process of Removal of the Security Blacklisting and Serious Problems in the Seam Zone" from 18.10.2009; reply of 2nd Lt. Inbal Lidan "Submission of Requests for Removal of Blacklisting and for Work Permits by Representatives" from 20.10.2009; our letter to you "Procedures for Removal of Security Blacklisting of Palestinian Workers" from 25.10.2009; our letter to you from 27.10.2009; letter from Major Limor Tahnai, Head, Population Registration Section, Legal Advisor for the West Bank "Lack of Replies from Employment Staff Officer Regarding Requests for Removal of Security Blacklisting" from 4.11.2009; our letter to Major Limor Tahnai, Head, Population Registration Section Registration Section, Legal Advisor for the West Bank on "Procedures for Removal of Security Blacklisting of Palestinian Workers" from 8.11.2009; letter of Lt. Noah Shafrir, Advisory Officer to Head, Population Registration Section, Legal Advisor

for the West Bank on "Sending of Copies of Requests for Removal of Blacklisting" from 9.11.2009; our letter to Lt. Noah Shafrir, Advisory Officer to Head, Population Registration Section, Legal Advisor for the West Bank on "Blatant Damage to Human Rights" from 9.11.2009; our letter to you on "Procedures for Removal of Security Blacklisting of Palestinian Workers – Employment Staff Officer at Tulkarm DCL" from 26.11.2009; our letter to Col. Ahwat Ben Hur, Deputy Head, Civil Administration on "Problems in Area of Dealing with Employment of Palestinians in the Civil Administration – Removal of Blacklisting from Palestinian Workers Does Not Function" from 18.1.2010

It is now already for six months that we have been protesting the fact that procedures, which were open to Palestinian workers requesting to remove security blacklisting are not functioning. According to the instructions of the Public Affairs and Follow Up Officer of the Civil Administration (hereinafter – CAPAO Lidan) and the Head, Population Registration Section in the Legal Advisor's Office for the West Bank, requests for removal of the security blacklisting were sent by employers and workers to the Employment Staff Office at Etzion DCL (residents of Ramallah District and south) and to the Employment Staff Officer at Tulkarm DCL (residents north of Ramallah in the months July-October 2009,). Despite reminders and lists of applicants that were sent to you, most residents and their employers did not receive answers.

On 20 October 2009, CAPAO Lidan sent a letter containing new procedures: employers or their representatives would submit requests for removal of security blacklisting of the workers at the same address where requests for permits are submitted (i.e., at the Payments Unit in the area where they live) and the workers' representatives could submit requests at the Palestinian Liaison Office in the area of residence.

At the Payments Units they had not really heard of the change. However in some of them they attempted to accommodate the employers and did transfer the requests to their address (the Employment Staff Officer). The Rehovot, Ashkelon and Netanya Payments Units, for example, were not at all prepared to accept the requests and the employers were sent empty-handed. It was only made clear later that the workers could also submit requests at the Palestinian Liaison Offices themselves, and not only through the agency of lawyers (who were apparently unable to submit these applications since the requests are directed to the District Coordinating Liaison, and the latter do not accept approaches by lawyers. This situation is also true for removal of the security blacklisting of merchants).

Following written and oral applications to CAPAO Lidan and various officials in the Civil Administration regarding particular cases, an oral guideline was received from CAPAO Lidan on 30.12.2009 to the effect that employers or their representatives could submit requests for removal of security blacklisting to the Employment Staff Office at Etzion DCL (for residents of Ramallah District and south of it) and at Tulkarm DCL (for residents north of Ramallah). In addition, workers could submit requests at the Palestinian Liaison Offices themselves.

At the Employment Staff Offices employers are questioned to see whether they are in touch with us. Moreover, on 21.1.2010 Linda Salem of the Employment Staff Office at Etzion DCL phoned one of us – Tami Shellef. She stressed the fact – known from the beginning of 2009 – that it was only possible to submit a request for removal of blacklisting at the Employment Staff Office for workers for whom a request had been submitted for approval at the Payments Unit, and that they and their employers conform to the criteria for receiving permits. In addition she noted the following:

1. She does not accept requests from employers for removal of security blacklisting that **are sent by fax**.

- 2. The employers must come to her to deliver the documents **personally** after **setting an appointment by phone**.
- 3. The employers must fill in the request form **themselves** and not use a form that **we have filled in** for them.

Is this maltreatment on behalf of the Civil Administration, or is it part of a local initiative designed to further abuse workers and employers? Is it not enough that permits are confiscated or not renewed, or denied for many years?

What was said in that last conversation is only another detail in the pattern of behavior of recent months, which means severe corrosion of human rights. The harm starts with the intolerable ease in which the *Shabak* adds people to blacklists, thereby bringing down economic destruction for entire families. The damage continues to grow in the absence of the right to appeal the blacklisting.

Harm is done to the rights of men who were put on the *Shabak* blacklists many years ago without receiving any explanation, some of whom were never interrogated. Some of them were blacklisted because of their refusal to work with the *Shabak* – a matter that is in violation of International Humanitarian Law. Now they are also deprived of their right to appeal their blacklisting once a year. Employers who still remember them favorably from past years and are prepared to ask to employ them and to appeal the blacklisting – are unable to do so.

Harm is done to the rights of men who worked in Israel till now – some of them for decades – whose permits were confiscated at checkpoints or not renewed. Some of them are essential workers for their employers. Employers seeking to appeal the blacklisting,

which not only means hunger for the worker's family, but also disrupts the work of the employer, do not quite know what to do – what procedure is open to them. And now they must spend hours on the phone until the Employment Staff Officer representative at Etzion DCL bothers to pick up the receiver, and then must go, from all over the country, to Etzion DCL to hand in documents which could be sent by fax.

The workers ostensibly have the possibility of submitting requests for removal of the security blacklisting at the Palestinian Liaison Offices in the area of their residence – requests that are transferred to the DCLs. But this is a return to the old "istirham" method (request for pardon). These requests pile up at the DCLs and it is not clear whether they are dealt with or not. There are workers whose permits were confiscated and who were guided by the DCLs to submit requests for pardon in November-December 2009. There are no responses.

We protest the severe obstacles to human rights orchestrated together by *Shabak* and various elements in the Civil Administration. We also protest against the attempt to push away human rights organizations and to prevent civilian checking of what is done in this field.

In the coming days we will send a list of more than a hundred workers and their employers of whom we know that they applied in recent months and have no idea whether their requests are being dealt with or not, and who certainly have not received answers.

Yours,

Rachel Afek Chana Arnon Ofra Bruno Phyllis Weisberg Sylvia Piterman Rina Rozler Tami Shellef Contact: Sylvia Piterman

Copies

Lt. Col. Sharon Biton – Operations Staff Officer, Civil Administration

Mr. Yitzhak Levi - Employment Staff Officer

Adv. Limor Yehuda – The Association for Civil Rights in Israel

Major Limor Tahnai – Head, Population Registration Section, Legal Advisor, West Bank

2nd Lt. Inbal Lidan - Follow Up and Public Affairs Officer, Civil Administration



MachsomWatch Alerts – January-February 2010 Not Knowing Why or Where to Turn...

Considering the dire economic situation in the Occupied Territories, and the shortage of working hands in the State of Israel, the authorities' policy of issuing permits to Palestinians workers is truly curious, to put it mildly.

A Palestinian interested in working inside Israel cannot apply for a work permit unless an Israeli employer is willing to take him on and apply for a permit on his behalf. How would a Palestinian find an Israeli employer when he is not allowed into Israel in the first place? Moreover, if an Israeli employer who desperately needs working hands wishes to open a file for employing Palestinian workers, he finds himself entangled in a bureaucratic thicket. In fact, the authorities fully intend to prevent the employment of Palestinian workers.

A further obstacle for employers and workers alike is the accumulated hardships encountered in the daily crossing of Israel's entry checkpoints. The time needed for passage can change from day to day and often stretches over hours on end. Long waiting entails the loss of workdays and livelihood. Workers give up, despair of arriving on time to their workplace, and the employers – tired of frequent tardiness and absence – seek alternatives to the Palestinian work force.

Workers who have worked for years inside Israel sometimes find themselves suddenly blacklisted by the *Shabak*, without any warn-

ing or explanation for the sudden prevention. They had worked for years to the full satisfaction of their Israeli employers, who now face a wall. Everything is hidden under the guise of 'security'. Thousands of Palestinian workers are declared as 'blacklisted'. If the Palestinian worker does arrive at the designated meeting with the *Shabak* agents, he often hears the key phrase: "You help us, and we'll help you. If not – you'll never be issued a work permit."

Palestinians whose applications are turned down due to security-prevention may appeal. However, for a very long time now there is no clear address to appeal such refusals. Not only the regulations and procedures are frequently changed, the authority keeps shifting as well. If the body handling the appeals has changed, there is no updating. The new authority supposed to handle employers has no idea of its new assignment.

In the twentieth-first century, applicants for government ministries' services can do so via email or fax. Not so at the civil administration. There the applicants need to set an appointment by telephone with an official and report to him in person: and the phone does not answer. Or – "decides" not to answer.

The case of N. represents dozens of workers and employers who have tried to contest their security-refusals in the past nine months.

N. is in his thirties, a father of children. Until mid-July he held a permit and worked for a firm in Jerusalem. His employer's application to renew the permit was turned down. Explanation: N. was declared blacklisted.

In early August 2009 the employer appealed to the unit handling permits at the Civil Administration to reverse the situation.

As no answer arrived, he sent another application two months later, this time with a copy to the head of the Civil Administration and its Legal Adviser.

No answer was received. Towards the end of October 2009, an application was sent to the head of the civil administration, noting the names of dozens of workers who had not received any answer to their appeals, including that of N.

Towards the end of October, appeal procedures were changed. The employer sent a form to the new address, this time inside Israel, to the authority designated to issue permits.

February 14th 2010, no answer has been received.

N. is merely one of many, and is still fortunate that his employer is interested and committed to make the necessary efforts, and repeat the application process again and again.

Such conduct constitutes a grave violation of human rights. Beginning with the unbearable lightness in which the *Shabak* blacklists people without even questioning them, and with the insurmountable difficulties of contesting their new status. The entire process is unreasonable. Is it intended to deter employers from taking on Palestinian workers? Or is it the aim of keeping the Palestinian population in a constant state of uncertainty and economic insecurity, in order to create a pool of potential collaborators?

Appendix 6 Sharpening of Procedures from 20.10.2009 Sent by Civil Administration Public Relations Officer but Never Activated

Minutes of Meeting with Head of Civil Administration on 24.11.2009 with Reference to "Existing" Procedures that only Became Active Some Months Later

CIVIL ADMINISTRATION

Civil Administration, West Bank Office of Head of Administration 20 October 2009

Mrs. Sylvia Piterman - "MachsomWatch"

Re: Submission of Requests for Removal of Blacklisting and for Employment Permits by Representatives

- I hereby acknowledge receipt of your letter on the subject. Hereinafter our response.
- The question of submission of requests for removal of blacklisting and for employment permits by representatives, raised in your letter, indicates a gap in the procedures of the Civil Administration. In the light of this, a discussion took place with the participation of all the relevant bodies in order to examine the question.
- 3. In the discussion it was decided to sharpen and change the procedures. In what follows the relevant procedure:
 - a. Permit requests for employment in Israel will be submitted by the employer to the Israeli Labor Exchange in his place of residence. After his request has been examined by the Israeli Labor Exchange and found to meet the criteria, it passes to the Employment Staff Office in the Civil Administration. Then the request is examined according to all the criteria and rules. If it is decided to approve the request, a

- permit will be issued accordingly and will be delivered to the employer for the purpose of transferring to the resident.
- b. Requests for removal of blacklisting, in order to get an employment permit, are submitted by the same procedure, with an attached form requesting removal of security blacklisting. The request, when transferred to the Civil Administration, is examined by the security authorities. If it is decided to remove the blacklisting, an employment permit will be issued and transferred to the employer. If the request is refused, the resident may submit an additional request one year after the date of refusal.
- c. Submission of requests for an employment permit or removal of blacklisting by representatives – requests for an employment permit will only be accepted from a lawyer, holder of a license and with attached appropriate power of attorney from the employer. A lawyer representing a resident must apply to the Palestinian Liaison Office.
- 4. I will add that the employer or his representative will be able to check a request status at the Israeli Labor Exchange in his place of residence and not through our office.
- 5. For your information.

Sincerely,

Inbal Lidan 2nd Lt Public Affairs Officer
Office of the Head of Civil Administration

30.11.2009

Minutes from MachsomWatch Meeting with Head of Civil Administration and Head of Population Registration Section, Legal Advisor for the West Bank on 24.11.2009

Participants: Brig. Gen. Yoav Mordechai, Head of Civil Administration; Lt. Col. Sharon Biton, Operations Staff Officer, Civil Administration; Major Limor Tahnai, Head, Population Registration Section, Legal Advisor for the West Bank; Capt. Tali Croytero, Asst. Head, Civil Administration; Lt. Noah Shafrir, Advisory Officer to Head, Population Division; 2nd Lt. Inbal Lidan, Public Affairs Officer, Civil Administration.

From MachsomWatch: Hanna Barag, Sylvia Piterman, Micky Fisher and Tami Shellef

Main Summary of Matters Linked to Security Blacklisting

 Regarding the difficulty of Palestinians to receive up to date information on whether they are blacklisted and what type of blacklisting:

There is no problem in giving the information on whether he is blacklisted to a Palestinian at a DCL.

2. Regarding blacklisted Palestinians requested for interview with *Shabak* representatives: After ID cards have been submitted, the blacklisted men are made to wait for hours and then are either interviewed at the end of the workday or are sent home with the words "come in another week" and such like:

There is an agreement between the Head of the Civil Admin-

istration and the *Shabak* not to "dry out" men summoned and waiting for an interview with a *Shabak* representative. We are encouraged to call the Civil Administration in real time and complain about men who waited for hours and were not called in. The Head of the Administration wants to know about such cases and ensures that the matter will be dealt with.

3. Regarding problems in the procedure of a request for removal of security blacklisting:

The Operations Staff Officer of the Civil Administration maintains that there are no problems in procedures – they are alive, breathing and changed from time to time. Occasionally there are hitches or non-compliance, but the procedures are adequate. There is no place for an attorney, certainly not for "big shots" who "arrange permits" and steal money from Palestinians, nor is there room for activists as representatives of the Palestinians. Thousands of requests for removal of security blacklisting arrive every month at the DCL and are dealt with.

The procedures are two-pronged:

Through the employer, who applies to the Payments Unit, submitting the form for removal of blacklisting after having requested a permit for the Palestinian worker and being refused. And through them he will receive a response.

Directly by the blacklisted man, who submits a form, which exists also in Arabic, to the Israeli DCL or Palestinian Liaison Office. The forms will be accepted at the DCL, trans-

ferred for *Shabak* examination and the response will be given to the Palestinian on the phone if he submitted directly to the DCL, or through the Palestinian Liaison Office if he submitted there.

We were promised that a form in Arabic would be sent to us.

Regarding the list of unanswered requests sent to the Civil Administration:

The above mentioned officer will send responses for some of the men. We will send him the additional lists that were sent to the Civil Administration, and responses will be given to "all."

5. It was said in the meeting that security blacklisting was removed from 50,000 men. These were elderly (from 60?)

In conclusion:

- The Palestinians will receive information from the DCL if they are blacklisted and what type of blacklisting they have.
- Palestinians summoned for interviews with the Shabak will be received after a reasonable waiting period, or will be informed of cancellation of the meeting and its postponement precluding waiting all day in the DCL. Complaints about "drying out" by waiting for Shabak will be forwarded to the Civil Administration.

- The Palestinians will be allowed to submit the request for removal of blacklisting in Arabic at the Israeli or Palestinian DCL; this possibility is in addition to that of the employer.
- 4. Lt. Col. Sharon Biton will receive specific applications for Palestinians who did not succeed in receiving an answer to their request for removal of blacklisting after acting according to the aforementioned procedures from us and will review them.

Main Summary of Matters Linked to the Seam Zone

 Regarding lands of the village as opposed to the lands of an individual

It was said that this is an unsolvable problem

2. Regarding the need to walk many kilometers from the agricultural gates to the lands.

Examination promised in attempt to solve specific problems.

Regarding severe problems of continuation of permits or prevention of permits.

It will be possible to contact Lt. Col. Sharon Biton with specific cases.

4. Regarding hearing committees

The matter will be checked and committees will be added if need be. It will be possible to contact Lt. Col. Biton if there are unduly long waiting periods.

Main Summary of Other Matters

1. Addition of employment permits for workers:

The Minister of Defence approved an addition of 5000 permits. There is an argument between ministers because some of them prefer foreign labor.

2. Regarding checkpoints:

Changes are expected at the Qalandiya checkpoint, which will considerably improve the rate of crossing. The situation at the Bethlehem checkpoint will be examined. A shelter against rain will be built at Eyal Checkpoint.

In two months' time an additional meeting will be called to check whether the procedures are being carried out.

Appendix 7 Appeal Procedures on Blacklisting of Workers – April 2011 – Again Nowhere to Turn

Letter to Head of Civil Administration and to the Legal Advisor for the West Bank, Circular for Employers Distributed by Employment Staff Officer and Various Forms.

The Entire Letter sent on 21.7.2011 to the Head of Civil Administration and the Legal Advisor for the West Bank, Appears in Section 3.h.



נשים נגד הכיבוש ולמען זכויות אדם ישוף שנ וצבדעל פאי ובל בפפ וצישוט Women against the Occupation and for Human Rights

10 April 2011

Brig. Gen. Motti Elmoz Head, Civil Administration

Fax: 029977341

Col. Eli Bar-On Legal Advisor, West Bank

Fax: 029977326

Shalom,

Re: Procedures for Appeal of Security Blacklisting of Workers

The security blacklisting imposed on a person, often for no fault of his own, causes severe distress for him and his family. There are men who have been security blacklisted for many years and have not worked in Israel recently. Others worked in Israel for many years till recently, to the satisfaction of their employers. One day those men become security prevented – their permits are confiscated at checkpoints, and after they run around asking why, they are informed that they are on the *Shabak* blacklist.

Those *Shabak* blacklisted look for a way to prove their innocence – as though the matter is linked to their innocence... They wait for hours in DCLs for *Shabak* representatives. After they are made to wait a whole day, they are told: "we don't need you." And if they are called in for a meeting, they are not really interrogated to check if there is reason for the blacklisting, but are told: "help me, I will help you." Those men do not want to be collaborators, so they remain without permits, sometimes for years.

We, members of MachsomWatch, are familiar with the procedures for appeal of security blacklisting because for the last six years we have been extending advice to Palestinians on this issue. Over these years we have witnessed the "sharpening of procedures" a number of times. The method is to announce a change in the appeal procedure from one day to the next. Thus, men who prepared documents for appeal at no small effort are left out in the cold.

Since the sharpened procedures do not really function, at least in the beginning, workers have no recourse for many months or even years. And when the new procedures begin to function there would be new adjustments. And again, suddenly and without prior notice, requests for removal of the security blacklisting stop being accepted.

Last year workers could submit requests for removal of security blacklisting at DCLs and receive a receipt for the submitted request. This sometimes involved a prolonged wait and humiliations, as well as refusal to accept requests without any explanation. But recently, as the procedure became known at the DCLs, workers could appeal the security blacklisting. They also started receiving simple information, such as: "you received a negative response less than a year ago. Come back in April."

On 17.3.2011 the DCLs stopped accepting requests for removal of the blacklisting. "Go to the Labor Exchange" they told the men. How exactly could a Palestinian worker go to the Labor Exchange? In some of the DCLs the instruction was "more precise": "Your employer should go to the Labor Exchange." Which one? In the Territories? In Israel? Is there a fax number? What should the employer do at the Labor Exchange?

The Labor Exchanges in the Territories (offices of the Employment

Staff Officer) were the address for employers together with *Shabak* blacklisted workers from June 2007 until June 2009: from June 2007 to September 2008, the address was the office of the Employment Staff Officer in the Ramallah DCL, and from September 2008 to June 2009 the offices of the Employment Staff Officers at the Bethlehem and Tulkarm DCLs. Since then until the time of writing, the Employment Staff Officer was the address only for very few cases. Many requests that were sent to the Employment Staff Officers were not dealt with, and did not receive any attention.

MachsomWatch sent many protest letters during that same period. Certain procedures were reported on in a meeting of MachsomWatch representatives with the Head of the Civil Administration and his team as well as representatives of the Legal Advisor for the West Bank, at the end of November 2009. These procedures included the submission of requests at DCLs but DCLs refused to accept requests. Eventually, after the intervention of the courts, DCLs started allowing residents to submit requests for removal of the blacklisting. Attached is Adv. Tamir Blank's correspondence with Adv. Nadav Binenbaum from Jerusalem District Prosecution, regarding appeal procedures. Adv. Binenbaum passed on these procedures and clarifications on 8-9.3.2010 to Adv. Tamir Blank. This was done in accordance with the Prosecution's commitment to Judge Yoram Noam, after the Judge saw that in practice appeal procedures against security blacklisting did not exist.

Even after these clarifications, the Employment Staff Officer ignored applications from employers through Adv. Blank, and the requests were transferred for processing only after the workers themselves submitted requests at DCLs. Adv. Blank notified the Civil Administration and the Legal Advisor for the West Bank about this anomaly. Lawyers from "Gisha" also sent applications to the Employment Staff Officer in the employers' name. These were handled only after many reminders and

much pressure. We know of similar cases with various private lawyers who charged large sums of money and whose efforts had no effect.

Presently there is no longer any way of submitting requests for removal of security blacklisting at DCLs, and nobody knows what the proposed procedure is and if it will function. Workers have been waiting almost a month to be able to submit requests for removal of blacklisting. Among them are workers whose permits have recently been confiscated. Not only do they not know why, but they have nowhere to turn. This is a blatant violation of human rights, for which no one is paying the price except the Palestinian workers...

Even if there is a need to change procedures – what is the urgency in halting the existing procedure suddenly, without prior warning? Would anything have happened if the DCLs had continued to accept requests from workers until the new method crystallized? And what do the workers do when their employers are interested in employing them, but cannot chase around between the various authorities to try and remove their security blacklisting? Where do they turn?

Since 17.3.2011, the day that acceptance of requests at the DCLs was stopped, we have been in daily contact with the Public Affairs Officer of the Civil Administration. Each day he promises an answer the following day, and on the morrow again promises for next day. We protest the absence of any procedure for almost a month, and demand a possibility to appeal security blacklisting in a practical fashion, without interruption, for that is the right of every man.

Sincerely,

Chana Arnon Elka Bitan Gal Ofra Bruno Phyllis Weisberg Sylvia Piterman Rina Rozler Tami Shellef

MACHSOMWATCH INVISIBLE PRISONERS

Contact: Sylvia Piterman

Copies:

Adv. Limor Yehuda, ACRI

Adv. Tamir Blank

2nd Lieut. Amos Wagner, Public Affairs Officer, Civil Administration



נשים נגד הכיבוש ולמען זכויות אדם נשים לגד הכיבוש ולמען זכויות אדם נשום שנ וצבדעל פאי ובל בפפט וצישוט Women against the Occupation and for Human Rights

Civil Administration West Bank Employment Unit

Blacklisted – 2007 – 102335 27 April 2011

Re: <u>Useful Information for Employers Seeking to Request</u> Removal of Palestinian Workers Blacklisting, for their Employment in Israel

The processing of a request for removal of security blacklisting for a Palestinian worker for his employment in Israel is conditional upon:

- a. Submission of request to employ the worker at one of the Payments Units (Interior Ministry, Population Authority, Emigration and Border Crossings). (Stage A).
- b. Submission of request for removal of security blacklisting at one of the Employment Staff Offices of the Civil Administration for the West Bank region (at Shaar Ephraim, Beit El or Etzion) (current form 102343), with attached letter from the Payments Unit, testifying about the quota for employing Palestinian workers in Israel approved for the employer. (Stage B).
- c. Details of request will be sent to evaluating entities, when:
 - · Approval by Payment Unit for issue of work permit for worker

for whom a request for removal of security blacklisting has been submitted is received in the computer system.

- The worker requested for employment meets criteria of age and family situation.
- The number of workers for whom requests to remove security blacklisting have been submitted does not exceed the quota of up to 10% of the total quotas allocated to the employer in the Payment Unit.
- The worker is not blacklisted by the Police.

Remark: the average processing time for a request for removal of security blacklisting, conditions a-c having been met, is about ten weeks.

Yitzhak Levi Employment Staff Officer

Form for Employers – for Submission of Requests of Removal of Security Prevention for Workers to the Employment Staff Officer – 30.5.2011

| 1. Date o | 1. Date of Submission | a can base | | | | | | | |
|---|----------------------------|---|------------------|-----------------------|----------|---------------|-------------------------|----------------------------------|--|
| 2. Detail | s of Resident | 2. Details of Residents (Square Name) | (e) | | | | | | |
| Request Number (for internal Use) | ID number | First Name | Father's Name | Grandfather's name | Surname | Date of Birth | Telephone | Task/ Occupation of Worker | Date Reques Permit 1 Work Paymen |
| | | | | | | | | | |
| | | | | | | | | | |
| 3. Emplo | oyer's Details | 3. Employer's Details: Company Name: | me: | | | Address: | .ssa. | | |
| D Nr. | D Nr./Private Company Nr.: | pany Nr.: | Te | Tel. Nr.: | Fax Nr.: | fr.: | Area of Occupation: | cupation: | |
| Detai | ls of Employe | Details of Employer's Representative: | üve: | | Tel Nr.: | | (att. Powe | (att. Power of Attomey) | |
| 4. Detail | s of Request | 4. Details of Request at Payments Unit: Place: | Juit: Place: _ | | | Workers | Workers Quota Approved: | roved: | |
| * N° | ite: Attach Pa | ★ Note: Attach Payments Unit Confirmation of Quota | onfirmation o | f Quota | | | | | |
| | | | | | | Emj | ployer's Sign | Employer's Signature and Stamp | er |
| Decision: | ion: | | | | | Decision: | | | |
| List o | f Requests fo. | List of Requests for Removal of Security Prevention | ecurity Preve | <u>ntion</u> | | | | | |
| Date: | | Chec | Checking Region: | | | 1 | | | |

Handling of Requests Form from Employment Staff Officer

Civil Administration for the West Bank Etzion Employment Unit, Tel. 02-9703885/6, Fax 02-9703887

| Da | te: | | | |
|---|--|--|--|--|
| To | : | | | |
| | Re: Your Request for Removal of Security Prevention of a Palestinian Worker | | | |
| The request to remove the security prevention for | | | | |
| | s received in our office at the date: and its number | | | |
| | Your request refers to employment in the West Bank and we can help you in finding an alternative worker in the profession you required. | | | |
| | Till now no approval for issue of a work permit from Payments Unit has reached our office. Attached please find useful information for employers seeking to request removal of Palestinian workers blacklisting, for their employment in Israel. | | | |
| | The worker doesn't hold a valid magnetic card. | | | |
| | The required worker doesn't fit the criteria of age/marital status for the required job description. | | | |

| Α | pril | 20 |)12 |
|---|------|----|-----|
| | | | |

| _ | A request to remove the accurity provention was submitted by | | |
|--|---|--|--|
| J | A request to remove the security prevention was submitted by the worker during the last year. (It is possible to submit a request after one year of the answer date). | | |
| - | You submitted requests to remove the security prevention of workers exceeding 10% of the quota approved to the employer by the Payments Unit. | | |
| | Other: | | |
| - | Your request has been examined in our office and has been forwarded for additional processing. | | |
| Remark: The anticipated time for dealing with your request is about ten weeks. At the end of processing we will inform you of the results. | | | |
| Yours, | | | |
| | Vered Abidani | | |

Acting Head of Etzion Employment Branch

Answer Form from Employment Staff Officer

Classified

Civil Administration for the West Bank Etzion Employment Unit Tel. 02-9703885/6 Fax 02-9703887

| Da | ite: | |
|----|--|--|
| To | : | - |
| | | - |
| | Re: Your Request for Removal of from | - |
| | Reference: Request Number | |
| Fo | r the resident | _ ID number |
| | The request for removal of blacklish has been examined by security agemployer has not cancelled the Payworker to work in Israel, a work pedelivered to the representative of the in the zone where the worker resides | gents and approved. If the rments Unit request for the rmit will be issued and be Palestinian Administration |
| | Security agents have examined the blacklisting of the aforementioned for Industrial Zone, and employment in Zone has been approved for spite of the fact that the blacklisting we shall be a spite of the fact that the spite of the fact that the blacklisting we | r employment in West Bank n Industrial months, until in |

of the approved employment period it will be possible to submit a request for examination of security agents for a renewed permit. Please send the employer to our offices to pick up the work permit.

☐ The request to employ the aforementioned in Israel has been examined by the security authorities and, after considering all the relevant information, including classified intelligence, it is not possible, for security reasons, to permit him entry to Israel.

A new request to remove the security prevention for employment in Israel may be submitted one year after last application date.

Our office doesn't handle appeals against refusal of removing the security prevention. For appeals you may turn to Administrative Affairs Court.

Yours,

Vered Abidani Acting Head of Etzion Employment Branch

Classified



Appendix 8
MachsomWatch Complaint Letters on Appeal
Procedures for Merchants and Replies from
Civil Administration and Legal Advisor for the
West Bank



נשים נגד הכיבוש ולמען זכויות אדם ישוף שנ וצבדעל פאי ובל בפפ וצישוט Women against the Occupation and for Human Rights

Jerusalem, 27 August 2008

Brig. Gen. Yoav Mordechai Head, Civil Administration

Fax: 029977341

Col. Sharon Afek Legal Advisor, West Bank Fax: 029977326

Shalom,

Re: <u>Procedures for Submission of Appeals Against Security</u> <u>Blacklisting of Merchants</u>

Since mid-2005 and up until this date – a period of more than three years – we have been following security blacklisting in its ramifications – the methods, the people involved and the appeal procedures. We have a lot to say on every aspect of the method, but the purpose of this letter is much more modest: we want to protest the appeal procedure against security blacklisting in the case of merchants, and to receive some clear answers regarding them: who to appeal to, how to "prove" that there was a request made, who checks the status of the application and how to receive a response.

Appeal Procedures for Merchants

The appeal procedures have been changed a number of times and the applicants adjusted themselves to the changes. The last change was in June 2007: As opposed to applying to the Legal Advisor for the West Bank (directly, through a lawyer or human rights organization), the ap-

pellant must turn to the administrative body responsible for issuing the permits, which in the case of the merchants is the district DCL.

Lack of Clarity Regarding the Body to Whom to Submit the Appeal

The merchants who are not blacklisted submit the requests for a permit to the chamber of commerce in the district where they live, and the chambers transfer the requests to the body in the DCL that deals with merchants, directly or through the Palestinian Liaison.

In the first months after publication of the new appeal procedure for security blacklisting there was no body willing to accept the appeals from merchants. The chambers of commerce had not heard of the changed procedure. Moreover, the DCL had not heard. The forms that the merchant was supposed to complete were not to be found anywhere.

After several months, the chambers of commerce began to accept such appeals. After a few more months they stopped, and till today it is not clear where a merchant must go to submit the "request form for removal of security blacklisting," whether to the local DCL, or the Palestinian Liaison. The subject also differs from district to district.

Harassed merchants are sent from place to place. They come with the form and all the required documents to get a merchant permit to the DCLs. Usually at the DCL offices, nobody knows what this is about. They check on the computer by ID number, and inform the applicant that he is blacklisted. The appeal is not accepted at all.

Impossibility of Assistance from Lawyers

Since the address for appeals is ultimately the DCL (irrespective of

the first address for submission), lawyers are unable to deal with these applications. The merchant must submit the request himself and do the follow–up alone.

This was not known when the new procedure was instituted. We know of a lawyer who sent an application to the Hebron DCL. After the application was received at the DCL (by fax), the Liaison Officer contacted the lawyer and informed him that the DCL does not work with lawyers – that the merchant must submit his application directly. When the merchant came to submit, he was sent home – without perusal of his papers. Ultimately they accepted the request after MachsomWatch intervention.

We know of a lawyer who sent an application to the Bethlehem DCL. After the fax arrived at the DCL, it was in no way possible to confirm receipt. Neither did any entity at the DCL bother to inform the lawyer that his application is not being processed. Ultimately, the merchants were sent to deliver their requests themselves, and in this case the DCL refused to accept the application.

The Forms

The forms are in Hebrew while it is known that in the Occupied Territories most people neither read nor write Hebrew. Similarly, as far as we know, there are no forms available at the DCL offices or Chambers of Commerce.

No Document Evidences Submission of Request

Whosoever the body to whom the request is submitted, the DCL does not supply a document testifying to receipt of the appeal, so

that the merchant has no proof that his request was received and is being dealt with.

No Follow-up and Nowhere to Turn to Clarify the State of the Request

There is no clear way to follow up and nobody to turn to check on the fate of the request, (has it been transferred, was it examined, who reports on responses and in what way?). The lack of clarity also precludes requesting assistance from the Legal Advisor for the West Bank or the Supreme Court, since exhaustion of proceedings is required. Appeals to the Legal Advisor for the West Bank are sometimes answered by "there was no application to the DCL before you approached us." There was no record of the application because the DCL never recorded it.

In Conclusion

The new appeal procedures for merchants, do not function. Since the security blacklisting often results in killing the merchants' business, it is crucial that they should have the possibility of appeal. At the moment, a large proportion of merchants come up against a wall when they wish to change the evil decree.

The security blacklisting imposed on merchants, and the lack of possibility of appealing it, is an additional way to destroy the little that remains of the Palestinian economy.

Sincerely,

Tami Shellef and Sylvia Piterman

Unclassified

CIVIL ADMINISTRATION

Office of Head of Administration

27 August 2008

To: Tami Shellef and Sylvia Piterman MachsomWatch

Re: Request for Procedures for Appeals Against Security
Blacklisting by Merchants

- I hereby acknowledge receipt of your letter on the subject. Hereinafter our response.
- Firstly, before responding to your individual questions, I will detail the procedure for submission of request for removal of security blacklisting for merchants:
 - a. A resident who submitted a request for a merchant permit and was refused because of the existence of security blacklisting (and solely for this reason), will turn to the Palestinian Liaison Office in the district of his residence for the purpose of submitting a request for removal of the blacklisting.
 - b. The request will be submitted with all the required documents for request of a merchant permit, (bills, receipts, documents testifying to commercial link with bodies in Israel, and such like) and with an attached form for removal of the blacklisting which will be filled in the Palestinian Liaison Offices.

- c. Representatives of the Palestinian Liaison deliver the requests to representatives of the Civil Administration. The request, if submitted according to the rules, will be examined in detail and a response will be delivered to the Palestinian Liaison Office accordingly, for the purpose of transfer to the applicant:
 - 1. If the removal of blacklisting is approved the permit will be issued and given.
 - If it is decided to leave the blacklisting in place a refusal form will be given. In this case, the resident will be entitled to submit an additional request for examination of removal of the blacklisting a year after the date of receipt of the response.
 - 3. If after completion of the procedure detailed above, the resident still requests to appeal the matter, he can request a meeting with a representative of the security authorities in the DCL in the area of his residence.
 - 4. If the resident prefers taking a lawyer, and again I emphasize, after completing the procedure detailed above, he can do this by applying to the Public Affairs Officer of the Civil Administration at telephone 02-9977002 and fax 02-9977341 for the purpose of examining his status. The response of the Civil Administration to the request will be given in writing and it will specify in detail the Civil Administration's position regarding the matter.
 - 5. Languages used in the afore-mentioned forms are both Hebrew and Arabic on the same form, for the benefit of

residents who do not read Hebrew. As for residents who do not write Hebrew, this can be solved by the preparation of the request in the Palestinian Liaison Offices, which assist the resident in completing the form details in Hebrew.

- As for the complaint that there is no document testifying to submission of the request, the request processing form is always given to the applicant as confirmation of the submission of request and the processing of it.
- In conclusion, we hope that you will guide people that turn to you according to the aforesaid in order to allow every resident the right to submit a request for removal of security blacklisting.
- 8. We will be glad to be at your disposal in the future, as much as is required.

2nd Lieut. Gal Levant Public Affairs Officer



נשים נגד הכיבוש ולמען זכויות אדם נשים לגד הכיבוש ולמען זכויות אדם נשוף שני וצבדעל פאי ובל בפפט וצישוט Women against the Occupation and for Human Rights

Jerusalem, 28 June 2009

2nd Lieut. Inbal Lidan Public Affairs Officer Civil Administration Fax 029977341

Shalom,

Re: <u>Procedures for Submission and processing of Appeals</u> <u>Against Security Blacklisting of Merchants</u>

Our letter dated 27.8.2008; 2nd Lieut. Gal Levant response from 27.8.2008; our letter dated 7.2.2009

Our last letter from 7.2.2009 regarding procedures for submission and processing of merchants' appeals against *Shabak* blacklisting did not receive a written reply. A number of oral responses were received from Aryeh Shaia, but the situation, as a rule, has not improved. Therefore, we repeat here our contentions from our last letter while updating the situation, which for the most part remains as bad as before.

Submission of Requests for Removal of the Security Blacklisting

For the most part Palestinian Liaison Offices accept merchants' applications and the Israeli DCLs do receive the requests from them. However, we know that Tulkarm merchants cannot be assisted by us or by lawyers to fill in the forms in Hebrew. The DCL refuses to

accept the forms unless the Palestinian Liaison Office fills them in. This is an unnecessary and harsh rule.

There is no Document Testifying to Submission of the Request, no Follow-up and Nobody to Turn to, to Clarify the Situation of the Request

The DCL does not supply any document attesting to the receipt of the appeal, and to confirm the fact that the request was received and is being dealt with, or was not accepted because certain documents are lacking.

Contrary to the Civil Administration's response regarding item 6 (attached), that "a form of processing of request is always given to the applicant as confirmation of the submission of request and the processing of it," there is no clear way for follow up and there is no one to turn to, to clarify the fate of the request, (whether it was transferred, examined, or has received a response). The merchants turn to the Palestinian Liaison that cannot always get the information. When they apply to the DCL, they sometimes receive a form that indicates the existing situation – *Shabak* blacklisted – but not the reply to the request.

The lack of clarity also does not allow requesting assistance from the Legal Advisor for the West Bank or the court, because for that procedures must be exhausted (as is also noted in your letter, item 4). Appeals to the Legal Advisor for the West Bank are sometimes answered by a laconic "there was no application to the DCL before you approached us." There was no application because none was recorded.

The case of Mr. Imad, which shows these complaints, was extensively

detailed in our last letter. We assume that Capt. Aryeh Shaia checked this matter and we appreciate that. To update you: Mr. Imad's security blacklisting was removed, though the last time we talked to him, on 9.6.2009, he had not yet received a permit.

The case of Mr. Youssef also confirms these complaints. His case is detailed in a letter sent to the Legal Advisor for the West Bank and afterwards, at their suggestion, to Capt. Aryeh Shaia (attached letter from 15.3.2009).

Mr. Youssef submitted a request for a merchant permit and since it was refused he submitted a request for removal of security black-listing on 12.1.2009 (attached). On 3.2.2009 he went to the DCL to check on the situation of his request and received the attached answer. He did not know whether it was a response to his appeal or the situation on the day that he went to find out the answer. On the assumption that it was a response to his appeal, Mr. Youssef asked to make another appeal to the Legal Advisor for the West Bank, to whom he sent a letter on 8.3.2009.

The Legal Advisor for the West Bank suggested to Mr. Youssef that he send the additional appeal to the Public Affairs Officer in the Civil Administration, and this he did. In his reply to Mr. Youssef (attached) written that same day, Capt. Aryeh Shaia notes: "You have the possibility of delivering your request (if you have not done so within the last 12 months) for examination of your blacklisting as part of the request for an exit permit to Israel for work or trading, by filling in the form..."

Mr. Youssef is still groping in the dark. How is he to know whether the form that he submitted on 12.1.2009 was dealt with??? Could Capt. Shaia not see in the computerized system at his disposal if the request was submitted, and if so whether it is being processed or not – and whether there is an answer? In other words, why can't he write to Mr. Youssef concerning the status of his request? If the request was dealt with and rejected, why not write that and add that he is not prepared to deal with the additional request that Mr. Youssef sent him?

The Answers are Given on the Same Form as Refusals of Merchant Permit Requests

In the Civil Administration's reply on the subject, clause c.2) you write: "2) if it is decided to leave the blacklisting in place – a refusal form will be given. In this case, the resident will be entitled to submit an additional request a year after the date of receipt of the response."

As we wrote in our previous letters, and as appears from Mr. Imad's and that of Mr. Youssef's case, there is no way of knowing whether the answer is a reply to the request for removal of the blacklisting or whether it only indicates the situation at the time of receiving the answer. The answer form also does not mention that it is possible to apply anew a year after receiving this response. How, in your opinion, is the merchant to know that that option is open to him?

The Forms

In your response, it says, in clause 5 that forms for merchants are written both in Hebrew and Arabic.

In our previous letter we asked to receive a copy of such a form, since we from time to time assist in filling in the forms for merchants. Capt. Aryeh Shaia promised to send us the form but he did not do so. Is such a form in existence or not? Is it secret?

Lack of Possibility of Assistance from Lawyers in the First Stage of Submission

We are aware that a lawyer can submit appeals to the Legal Advisor for the West Bank or to the Public Affairs Officer of the Civil Administration after the merchant has fulfilled the primary appeal procedure.

We appeal against the absence of an option of having a lawyer or human rights organization to assist in the first stage, and the need for the merchant to submit the request himself and to follow up by himself.

Merchants who Submitted Forms for Removal of Security Blacklisting and Do Not Know their Fate

Attached is a list of a number of merchants who submitted forms in recent months and do not know whether they were accepted and are being handled, whether there is an answer, or whether they are not being dealt with at all. We ask to receive that information for them.

In Conclusion

As we have indicated in the past, the appeal procedures for merchants do not function. Since the security blacklisting often means the end of the business and thus the lack of a source of income, it is crucial that there should be the option of appeal. At the moment, a large proportion of merchants come up against a wall when they wish to change the evil decree.

In the last few months, the *Shabak* confiscated permits from many workers, and this policy has also affected the merchants. These cases are marked by stars in the attached list.

The security blacklisting imposed on many merchants – sometimes suddenly without being able to continue to deal with business in process – together with the lack of a proper appeal procedure is an additional way to destroy the little that remains of the Palestinian economy.

Sincerely,

Tami Shellef and Sylvia Piterman

PS: if the previous letters are not at your disposal, we can send them to you by fax.

Unclassified

Israel Defense Forces West Bank Legal Advisor's Office 7 September 2009

MachsomWatch Mrs. Tami Shellef Fax 02-6544330

Re: <u>Handling of Merchants' Requests for Removal of Security</u> <u>Prevention for Entry to Israel</u>

Yours: 28.6.2009

You recently approached the Public Affairs Officer in the Civil Administration regarding the subject. Your approach, which raises a number of legal questions, was transferred for our attention. Hereinafter our response:

Manner of Submission of Requests

- 2. As is known, residents wanting to remove their security prevention of exit permits to Israel are required to approach, first and foremost, the Palestinian Liaison bodies. The Palestinian side examines the requests according to its own rules and selects the requests to be forwarded for inspection by the Israeli side.
- 3. Of course, in urgent humanitarian cases in which there is not enough time to transfer the requests through the Palestinian Liaison, direct contact may be made with the Israeli side. But, that is the exception, not the rule.
- 4. It must be emphasized that the above administrative route origi-

nates from the civil appendix to the interim agreement, as signed between the Palestinian and Israeli sides.

- 5. We want to point out that according to clause 1 of the civil appendix to the interim agreement, the Israeli and Palestinian sides were to establish coordination and liaison committees on civilian subjects. These committees are, in practice, district coordination liaison offices that function in the West Bank.
- 6. The civil subjects transferred to the responsibility of the Palestinian Liaison bodies vis-à-vis the Israeli Liaison, were determined in clause 1c of the civil appendix of the interim agreement. The relevant clause, 1c(3), for our purposes determines that, inter alia, the Liaison bodies will discuss the relations between "the two sides in civilian matters, such as the giving of permits."
- 7. Requests for removal of security blacklisting were designed to allow residents to appeal the security prevention, when in need to receive permits of one kind or another. Accordingly, these requests, like requests for entry into Israel, will be submitted to the Palestinian Liaison and not directly to the Israeli side.
- 8. Now that we have clarified the source of the existing administrative route, we want to relate to your criticisms on the subject.
 - Your contention is that the Israeli side is not prepared to accept requests that were not filled in by Palestinian Liaison bodies. To the best of our knowledge, there is no importance to the body that fills in the form, but it is the role of the Liaison office to transfer the request form.
- 9. Moreover, the resident may attach to the request submitted to

the Palestinian Liaison office any additional document that may effect the decision of the military commander. It is needless to add that the documents attached to the original request are to be examined in depth by the authorized administrative body.

Confirmation of Receipt of the Document and Clarification of Status of Processing

- 10. You contended that the residents do not receive a document confirming the receipt of their request and its processing. As detailed above, the requests are submitted to the Palestinian Liaison. Accordingly, it is for the Palestinian side to give applicants confirmation of submission of requests. The Israeli side is unable to confirm that a request was received and is being processed when the request was not submitted to it.
- 11. The same is true of clarifying process status of the request. The residents wishing to know the fate of their requests are required to contact the Palestinian Liaison, and they will contact the Israeli side.

Refusal Form

- 12. Your letter asserted that requests to receive a merchant permit for Israel, as well as requests for removal of security blacklistings are submitted on the same form. You complain that this causes confusion because the applicant cannot know whether the authorized bodies have examined the request as a request for removal of security blacklisting, or as a request for a merchant permit for Israel.
- 13. To the best of our knowledge, there are specific forms for re-

quests for removal of security blacklisting and for merchant permits. These forms, contrary to your contention, are different in content and essence.

Submission of Requests through Lawyers

- 14. As noted in the opening remarks, requests for removal of security blacklisting are submitted to the Palestinian Liaison. To the best of our knowledge, the Palestinian Liaison does not accept requests from lawyers, but only from the residents themselves.
- 15. However, as emphasized above, the applicant can attach any additional document to his request including a letter from a lawyer, detailing why there is justification to remove the security blacklisting.

Individual Cases

16. Your letter mentions a number of individual cases in which, so you contend, there was a flaw in processing by bodies of the Civil Administration of requests for removal of security black-listing. Attached to our letter is a table containing details about the mentioned cases from your letter. We note that bodies in the Civil Administration drew up the table, after comprehensive clarification regarding the matter of each resident.

Yours,

Matan Solomesh Lt.
Consultant Officer
Population Registration Section
For Legal Advisor



נשים נגד הכיבוש ולמען זכויות אדם ישוף שנ וצבדצל פאי וجל בפפ וצישוט Women against the Occupation and for Human Rights

14 January 2010

Brig. Gen. Yoav Mordechai Head, Civil Administration

Fax: 029977341

Col. Sharon Afek Legal Advisor, West Bank Fax: 029977326

Shalom,

Re: <u>Procedures for Submission and processing of Appeals</u> Against Security Blacklisting by Merchants

Our letter dated 27.8.2008; 2nd Lieut. Gal Levant, Civil Administration Public Affairs
Officer, response from 27.8.2008; our letter dated 7.2.2009 to Capt. Aryeh Shaia, Civil
Administration Supervising and Public Affairs Officer; our letter to Lt. Inbal Lidan, Civil
Administration Public Affairs Officer, 28.6.2009; Lt. Lidan's letter from 12.8.2009
according to which processing was transferred to Population Registration Section in
Legal Advisor for the West Bank; our letter to Head, Civil Administration "Denial of Information from to Residents, Flaws in Procedures for Removal of Security
Blacklisting and Severe Problems in Seam Zone" from 18.10.2009; Reply of Lt. Matan
Solomesh, Consultant Officer, Population Registration Section, in name of Legal
Advisor for the West Bank, "Processing of Merchants' Requests for Removal of
Security Prevention for Entry to Israel," dated 7.9.2009
(sent to us by fax on 30.11.2009)

We acknowledge the response of Lt. Solomesh from the Legal Advisor' Office for the West Bank from 7.9.2009 (sent to us by fax on 30.11.2009) and which relates to our letter from 28.6.2009. We hereby respond to the contentions presented in Lt. Solomesh's response.

In the above letter and additional letters that we have sent there is no complaint about the fact that the Palestinian Liaison Office is the address for merchants requesting to appeal security blacklisting. Therefore we will not relate to points 1-7 of the response.

As for clause 8: we did not contend that the Israeli side is not prepared to accept requests that were not filled in by Palestinian Liaison bodies" but that this does exist at **Tulkarm DCL** alone. That practice still exists at the same DCL.

Confirmation of Receipt of Document and Clarification of Processing Status

Regarding clause 9: according to your contention, since the requests for removal of the blacklisting are submitted to the Palestinian Liaison, "it is for the Palestinian side to give applicants confirmation of submission of the requests."

This contention is not acceptable to us and does not match with what exists in other cases of requests for permits submitted to the Israeli DCL through the Palestinian Liaison: when a resident turns to the Palestinian Liaison to request a permit using the accepted form for the purpose, the resident receives a permit issued by the DCL from the Palestinian Liaison if the request is approved. If the request is not approved the resident receives a form with a stamp on it saying "refused," with the date of refusal. On the form there are also various choices marked for reason of refusal (attached such a form as example).

When the resident submits a request for removal of security blacklisting, it is appropriate that the DCL, in accepting the request from the Palestinian Liaison, will attach a document for the resident testifying that the request was accepted or will photocopy the form for request of removal of the security blacklisting submitted by the resident, and will attach a stamp at the bottom of the form, in the place meant for it, "transferred for processing" with a date. If the request was not transferred for processing, the DCL should give the reason, such as: a year has not yet passed since submission of the previous request, or one or other document is missing.

The Legal Advisor for the West Bank and Bethlehem and Hebron Employment Staff Officer would not confirm receipt of requests for the removal of security blacklisting that employers submitted for their workers, but did return the request with a comment if it did not meet their criteria for processing (example attached). This is not the current habit of the Employment Staff Officer at Tulkarm, and both employers and workers realize that the request is not being processed after two or more months elapse after submission of the request with no answer.

Regarding clause 10, clarification of the status of processing: this is less essential if there is confirmation of processing from the beginning. However, if 45 days elapse and no answer has been received, a written notice should be given to the resident saying again: the request is being processed.

The Refusal Form

In clause 11 you mention that according to our letter requests to receive a merchant permit are submitted on the same form as requests for removal of security blacklisting.

This was not our argument. We complained that refusal of a permit request and refusal of a request for removal of the security blacklist-

ing are submitted on the same form (this is the attached form, on which appears the stamp "refused" and a date).

When the requests for removal of the security blacklisting were submitted to the Population Registration Section of the Legal Advisor for the West Bank (prior to June 2007) a reply was received in writing that related to the request itself (example attached). Since the processing passed to the Employment Staff Officer regarding workers, it is now normal to give a form with similar content. For merchants – often no written response is given at all, and if it is given it is on the same form as refusal of a permit request.

Submission of Requests by Lawyers

In clause 13 it is contended that the Palestinian Liaison does not accept requests from lawyers. From conversations with officers from the Palestinian Liaison we heard that they have no objection to receiving appeals from Palestinian lawyers but **the Israeli DCL is not prepared to accept such methods**, but only accepts a personal approach by the merchant.

In clause 14, it was said that the lawyer could add to the form for removal of security blacklisting a few scholarly words about his client. But the role of a lawyer in these cases is not only the addition of these contentions, but in the follow up of the fate of the request. Merchants are not entitled to this. They must follow up themselves, occasionally for many months when it is not clear whether the request is being processed or not. There is no evidence in writing. Everything is oral.

Individual Cases

We are thankful for the individual replies received for the merchants

(clause 15). Regarding some of the merchants it was said that there was no evidence that a request for removal of blacklisting was submitted. These merchants submitted a request to the Palestinian Liaison. Some of them are already waiting many months for a response. In the situation created, the only way open to them is a petition to the courts.

Meanwhile, additional merchants have come to us. A list was sent on 18.10.2009 in advance of a discussion with the Head of Civil Administration. Attached to this letter is an additional list of merchants who have no idea what the fate of their requests is.

In Conclusion

The security blacklisting causes severe economic damage to merchants and their businesses. Sometimes it brings about the demise of the business. Apparently there exists a way for merchants to appeal the blacklisting but, as we wrote, the fate of the requests they submit is not clear.

Sincerely,

Sylvia Piterman

Request Processing Form

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Request for Removal of Security Blacklisting with Comments

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Answer of Request of Removal of Security Blacklisting by Legal Advisor for the West Bank

Unclassified

Israel Defense Forces West Bank Legal Advisor's Office 22 May 2007

MachsomWatch Fax 02-6544330

Re: Mustafa ______
Fuad _____
Ayad _____
Salach _____
Samar

These men's requests to allow them entry to Israel have been examined by the security authorities and, after considering all relevant information, including classified intelligence, it is not possible, for security reasons, to permit their entry to Israel.

It is possible to submit a renewed request after a year from the response from our office

Yours, etc.

Ran Li-On, Corporal Legal NCO Population Registration Section for Legal Advisor

Unclassified

Israel Defense Forces West Bank Legal Advisor's Office 23 March 2010

Mrs. Sylvia Piterman MachsomWatch Fax 02-6544330

Re: <u>Dealing with Merchants' Requests for Removal of Security</u> <u>Prohibition of Entry to Israel</u> Additional Consideration

Yours: (1) 28.6.2009 (2) 14.1.2010

Ours: 220/10 - 701054 from 7.9.2009

- In your referenced letters you raise a number of complaints that relate to the manner of dealing with merchants' requests for the removal of the security prevention of entry to Israel.
- 2. Your main complaints centre on the difficulties that the merchants encounter when they submit their requests through the Palestinian Liaison, and in general the lack of confirmation of submission of the requests and lack of written response to the requests.

In this context your complaint is that upon the Israeli side there is an obligation to deliver to the Palestinian Liaison confirmations of submission of requests, and the Palestinian side will transfer these to residents. It is also contended that the answer to requests for removal of security blacklisting submitted to the Palestinian side is not done on a special form, but rather on the "Form for Dealing with the Request." In this situation, according

to the complaint, the applicant cannot know whether the authorized body examined the request for removal of the blacklisting or not. We will seek to relate to these matters.

3. Firstly, we note that from a probe we made with the Civil Administration, West Bank bodies (hereinafter: "the Civil Administration"), it was found that the Palestinian Liaison offices have special forms for the removal of security blacklisting (form attached as example). A resident requesting to remove the security blacklisting is required to fill in this form. The Palestinian Liaison transfers all the forms into a table, in which all the relevant data relating to each request are detailed. The summarized table and the request forms themselves are transferred to the Israeli side, and after the requests have been examined, a similar table is transferred to the Palestinian Liaison, in which the status of the various requests submitted is noted.

Following this, the Palestinian Liaison bodies are required to translate the synoptic table into individual answers in writing, and these are delivered to the applicant.

- 4. We emphasize that the responsibility to deliver the individual answers to residents is incumbent upon the Palestinian Liaison bodies to which the requests were submitted. By the nature of things, the Civil Administration bodies do not have the possibility of obligating the Palestinian Liaison offices to deliver responses in writing to the applicants. However, in the light of your comments on the subject, the Civil Administration bodies again clarified the importance of delivering responses in writing to requests for removal of security blacklisting, and all other requests to the Palestinian Liaison.
- 5. Secondly, on the matter of delivering confirmation of submission

of the request for removal of blacklisting, we note that the Palestinian Liaison bodies transfer a large number of requests for processing by the Israeli side every day. The requests are transferred in the frame of liaison meetings in the course of which other current matters are discussed. Because of the number of requests there is a difficulty in issuing confirmations for all the requests that are transferred on the date of their submission.

Moreover, according to what we were told by bodies of the Civil Administration, the Palestinian Liaison delivers confirmation of submission of request ("wassal") to residents. Accordingly, we wonder whether your worries in this matter are justified.

Submission of Requests through the Agency of a Lawyer

- In our referenced letter we clarified that a resident of the West Bank wishing to remove his security blacklisting is entitled to attach any relevant document, as also a letter from his representative to his request.
- 7. As for the possibility of follow up of the status of a request, this is the responsibility of the resident in the relevant DCL. Of course, as long as a suspicion arises that there has been a hitch in the manner of processing or that a response was not received within a reasonable time, the applicant has ways open to him or his representative to approach the Public Affairs Officer in the Civil Administration.

Submission of Requests for Removal of Security Blacklisting Directly to the Israeli DCL

8. Following your letter and after thoroughly considering the sub-

ject, we wish to update you that, from now, it will be possible to submit requests for removal of security blacklisting directly to Israeli Liaison.

- 9. Residents, who choose to submit their requests directly, will be required to come to the Israeli DCL closest to their place of residence and to fill in a form for removal of security blacklisting. After filling in the form, they will be given confirmation of submission and will be required to return to the DCL after a certain period of time to receive a response.
- 10. It is our understanding that offering the possibility of direct contact with the Israeli DCL supplies a suitable answer to the majority of your complaints, and our hope is that this will ease matters for the merchants who seek to remove the security blacklisting.

Individual Cases

- 11. We attach to our letter the Civil Administration reference to the list of merchants that was attached to your letter from 14.1.2010. In so far as clarifications are required, we request that these will be addressed to the Public Affairs Officer in the Civil Administration.
- 12. For your information.

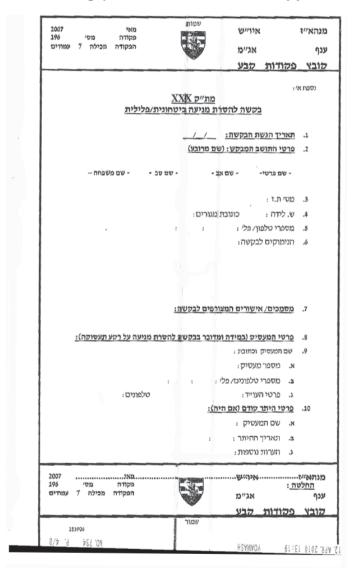
Yours, etc.

Matan Solomeisor

Attached:

Form for removal of security blacklisting Civil Administration consideration of merchant list **Copy**: Civil Administration – Public Affairs Officer

Request for Removal of Security/Criminal Blacklisting (see translated form in Appendix 2)



Processing of Request Form

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Request for Removal of Security Blacklisting

DCL/Ramallah District – Hebrew and Arabic

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Appendix 9 From Supreme Court to Administrative Affairs Court

Up until September 2008, petitions to appeal blacklisting after the initial request had been denied and after a waiting period of 45 days had been observed, were submitted to the Supreme Court. Since then, petitions of people seeking an entry permit to Israel are submitted to the Administrative Affairs Court. Petitions relating to entry permits for the settlements are still debated in the Supreme Court.

On 6.12.2007, an Order of the Minister of Justice amending the Law on Administrative Affairs Courts was published, transferring additional matters in the area of population administration to the jurisdiction of the district courts, sitting as administrative affairs courts.

The Order took effect on 2.3.2008. *Inter alia* it determined that "petitions of residents of the Territories seeking entry permits to Israel will be discussed henceforward in the Courts for Administrative Affairs" (http://www.justice.gov.il/MOJHeb/News/bagatz.htm – Hebrew).

On 28.2.2008, a few days before the Order took effect, Adv. Tamir Blank submitted five petitions: three for entry permits to Israel and two for entry permits to the settlements. On 10.3.2008 Adv. Blank received an answer relative to four of the petitions, and on 18.3.2008 he received a letter about one petition, with the following text:

"The attention of the representative of the petitioner is directed to the Administrative Affairs Courts Order (first added

amendment to the Law), 2007, valid from 2.3.2008. The representative of the petitioner is requested to inform within 7 days if in the light of this Order his petition stands or whether the petitioner withdraws it."

Regarding the above-mentioned five petitions, on 19.3.2008, Adv. Tamir Blank sent, a detailed response on why they should be discussed in the Supreme Court: the main contentions were (a) the permits that are the subject of the petitions are exit permits from closed areas and they are therefore within the area of jurisdiction of the military commander; (b) the petitions were submitted before the Order took effect; (c) damage will be caused to the petitioners by the transfer from court to court, and the reference is to hardworking people. On 20.3.2008 a reply was received from the Supreme Court: the petitions will be discussed as soon as possible before a panel of judges. And indeed the processing of each of the petitions was concluded in the Supreme Court.

From March to June 2008, decisions were made by a number of judges of the Administrative Affairs Courts, according to which they do not have the jurisdiction to discuss these petitions; the jurisdiction is given to the Supreme Court. Hereinafter a number of clauses from the ruling by Judge Yoram Noam:

14. In my opinion this court does not have material authority to discuss the petition, since the Administrative Affairs Court lacks jurisdiction to discuss decisions of the commander of the area, and among them the decision under discussion, not to remove the criminal blacklisting of the petitioner, and not to grant him a permit to enter Israel for purposes of work.

To begin with it will be said that, as a general rule, the Law

for Administrative Affairs Courts is of territorial compass and is limited to the sovereign borders of the State. Therefore, the jurisdiction of the Administrative Affairs Court is limited to decisions of authority acting inside the State, and does not encompass the activities of the military commander of the West Bank and of authorities established under his jurisdiction.

15. I am not convinced that the amending Order, in adding to the list of legislation in item 12 of the first addition to the Temporary Order Law (except the decisions of clause 3a1 and 3d of the Law), expanded the jurisdiction of the Administrative Affairs Court to encompass judicial review of the decisions of the military commander in the West Bank in the matter of giving entry permits to Israel, or that these decisions are mentioned in the Temporary Orders Law."

In these months, in the MachsomWatch project, only three petitions were submitted: on 13.4.2008 a petition for entry permit to Israel, and on 14.5.2008 two petitions for entry permits to the settlements.

On 13.7.2008 the Supreme Court discussed a number of petitions submitted by human rights organizations and concerning the entry of a number of residents from the Gaza Strip to Israel for purposes of medical treatment. The judges decided that the residents could submit petitions to the Administrative Affairs Court, which has the jurisdiction to discuss these petitions.

Since the situation in Gaza after the IDF withdrawal was different from that of the West Bank, fuzziness remained over the authority to give entry permits from the West Bank. Seizing on this opportunity, nine petitions that had been waiting a long time were submitted on 31.7.2008 to the Supreme Court: eight were for entry to Israel and one to the settlements.

As a result of the argument over jurisdiction and the lack of clarity emanating from it, much foot dragging was created. Petitions were not submitted, and those that were, did not reach hearings. The foot dragging in this case was as usual at the expense of the blacklisted, who were meanwhile marking time in the expectation of removal of their blacklisting. The same happens with changes of administrative procedures now and again, and the tortuous way to be crossed before submission of a petition to the court.

On 4.9.2008, the verdict for the appeals discussed on 13.7.2008 was published. This verdict put an end to the discussion about authority of the Courts: the Supreme Court decided that the jurisdiction of hearing petitions to enter Israel from the West Bank belongs to the Administrative Affairs Court. The jurisdiction over entry to the settlements belongs to the Supreme Court.

Of the eight petitions submitted on 31.7.2008, only one was pulled back in the Supreme Court after removal of the blacklisting. The other seven were withdrawn from the Supreme Court, and were submitted anew to the Administrative Affairs Court on 9.11.2008. Some of the petitions were exempted from the Supreme Court fee, but not from the Administrative Affairs Court fee. This payment represented a considerable addition to the economic hardship already caused to the petitioners by the delay in dealing with their petitions.

The petitioner particularly hurt was the one whose petition to enter Israel was submitted on 13.4.2008, and the rationale for rejecting his petition out of hand deserves special attention. After having submitted

a request for and been granted fee exemption, it was decided that the respondents' reaction would be within 21 days, including reference to the alternative aid (submission to the Administrative Affairs Court). The reaction filed on 14.5.2008 stated that the petition should be rejected out of hand because of the existence of alternative aid. The respondents' reaction also said that if the petitioner had asked to work in the settlements, the authority would have been still with the Supreme Court. After the filing of the reaction a respite was given the petitioner until 20.6.2008, in which to inform the court whether he was interested in continuing with the petition, or whether he wanted to withdraw it. Since the argument over jurisdiction was at its height, and there was no decision of the Supreme Court about it, Adv. Tamir Blank submitted on 28.5.2008 a detailed response to continue with the petition.

On 3.6.2008 the court decided that the petition would be sent to a hearing before a panel of judges. The court demanded that the respondents "submit a reply inclusive of reference to the assertion that the requested permit is given by virtue of security legislation and not by virtue of the Citizenship and Entry Law." The hearing was set for 8.9.2008 and the response for 1.9.2008. After postponement, the hearing took place on 5.10.2008. The judges' decision was that alternative aid existed, in other words that the petition should be submitted to the Administrative Affairs Court. The request for a hearing of the petition – because of the considerable time that had elapsed since submission and the fact that there had been no decision about jurisdiction – did not help.

On 9.11.2008 the same petition was submitted to the Administrative Affairs Court, and on 15.12.2008 it was rejected out of hand for two reasons: a) the possibility to submit, almost immediately, a new request for removal of the security blacklisting since almost a year

had elapsed from the date of receipt of the response in the administrative procedure; b) the verdict of the Supreme Court had not yet been published. After repeated reminders to the Supreme Court, the verdict was published on 30.4.2009, a year after submission of the petition! It is a learned verdict in which the Supreme Court gives reasons why petitions of this sort should be heard in the Administrative Affairs Court. The petition was withdrawn. The petitioner was a man who had been injured by soldiers in the past. After deletion of the petition, he gave up on his request for an entry permit to Israel, and is still to this day security blacklisted.

Appendix 10 General Petition Against the "Institution" of Security Blacklisting

A general petition against the "institution" of security blacklisting that was submitted to the High Court of Justice (8155/06) was mostly deleted. The justices adamantly refused to discuss a large part of it and accepted the irrelevant reasoning of the State Prosecution. The following was published by ACRI when the petition was submitted:

"The Association for Civil Rights, the Centre for Defence of the Individual and Physicians for Human Rights petitioned the High Court of Justice on 5.10.2006 against the Commander of IDF Forces in the West Bank, the Head of the Civil Administration, the Head of Shabak and the Legal Advisor for the West Bank, in a demand to determine that the classification and registration of many residents of the Territories as "Shabak blacklisted" or "security blacklisted" was carried out in an administrative process fraught with severe faults and, therefore, are – as are all the decisions based thereon – invalid in principle.

"The petition was submitted by Adv. Limor Yehuda of ACRI, who additionally requested the High Court to prohibit harming the human rights of the residents of the Territories as based on these classifications, to obligate the security authorities to maintain a regular process when classifying people as "Shabak blacklisted" and imposing restrictions of movement

upon them, and to require publication of clear written procedures in this context, conforming to the rules of the administrative and legislative justice. The justices were additionally requested to obligate the said security elements to deliver the numbers of residents of the Territories classified as "Shabak blacklisted."

"Adv. Yehuda explained in the petition that many thousands of the residents of the Territories are classified as "Shabak blacklisted." According to data given two years ago the number was around 180,000 in the West Bank. Residents registered in this blacklist, she added, were subject to limitation of movement within and outside the Territories, as well as outright rejection of applications to receive permits to enter their lands on the other side of the Barrier, crossing into Israel, and travel abroad. All this is done without any prior notice, for no apparent reason, through use of hidden criteria, out of alien considerations, and in negation of the right to a hearing and the obligation of argumentation.

"Thus, for example, a resident marked as "Shabak black-listed" can be sent back home when on his way abroad, without any warning, and without any consideration for the need underlying the journey, for instance accompanying a family member to medical treatment, medical treatment for the person himself, travel to an engagement or wedding, for the purpose of studies, etc. Requests for permits to enter Israel for critical medical treatment are also rejected. In some cases, the permits are ultimately given, but only after the intervention of human rights organisations or private lawyers and after the medical treatment have been delayed, sometimes by many months.

"In the light of the widespread use of the blacklist and the lack of any advance notice to the person concerned of inclusion in it, the petition said, any trip of a Palestinian abroad becomes a gamble. Thus, as often happens, people pack their bags, part from their families and friends, and upon arrival at the Allenby Bridge are returned home by representatives of the Israeli authorities at the crossing on the contention that they are "security blacklisted." Generally the powers that be do not even bother to explain why they are not being allowed to cross. Apart from the not inconsiderable cost of the journey to the bridge and back, prevention of the trip often results in other expenses, such as the loss of pre-booked air tickets from Amman to the destination, or university fees. This apart from the agony, fear or loss of an opportunity that will not occur again, etc.

"The ultimate result is a practice of extensive arbitrary blows at protected basic rights without a regular administrative process, and apparently without any justification. Adv. Yehuda clarified that the massive number of residents classified as blacklisted asserts more than anything else that a bureaucratic system gone out of control, in which the exception and the unusual situation – denial of human rights – have become the norm.

"Adv. Yehuda adds that to illustrate the arbitrariness of the classification, according to data in possession of the petitioners, more than 70% of the classifications appealed to the High Court were cancelled, and the restrictions of movement were removed. Ultimately, following the submission of appeals, similarly high percentages (70%) were also achieved for appeals against decisions in which the Legal Advisor for

the West Bank rejected requests for removal of blacklisting. The blacklisting is removed in these cases even before the court heard the petitions, which testifies to the total failure and arbitrariness of the decision-making process regarding Shabak blacklisting.

"This systematic flaw was already known to the security authorities. They were aware of the harsh consequences of severe and unjustified blows to the human rights of thousands of people. Nevertheless, Adv. Yehuda emphasized, the security elements had so far not seen reason to act for the repair of the basic flaws. In addition to the harm mentioned above, inherent in the classification process, she noted additional flaws in the authorities' abstinence from setting time frames for the blacklisting, or at least holding periodic evaluations.

"Similarly, defective use has often been made of imposition of 'blacklisting' solely to bring to bear pressure to collaborate with the security authorities, or as a means of punishment for refusal to collaborate. And indeed, many men who met with Shabak representatives related that the interrogators conditioned their travel abroad or the giving of a requested permit on their agreement to serve as informers for the Shabak or to deliver information. Sometimes the condition was specifically mentioned, and often it was expressed as 'you help us, and we will help you to meet with your wife and children in Jordan."

"The matters presented in the petition prove that, in the overwhelming majority of cases, it was possible to prevent arbitrary and unnecessary blows against human rights of the residents of the Territories, had the authorities maintained their basic administrative obligations and held an examination prior to infringing on a person's right to movement. It was within the possibilities of the security authorities to repair the flaws without damaging the public benefit and the security of the State. The converse was true. The current situation in which tens of thousands are blacklisted for no particular reason, in fact creates a threat to security."

MachsomWatch submitted two affidavits in support of the petition, based on information that was in the organization's possession. These data had been gathered from observations at checkpoints and DCLs, and from the picture arising out of the facts of life recorded in some 1800 requests for removal of the security blacklisting of men whose names appeared in the *Shabak* register and who wanted to appeal.

After many delays, the respondent did answer on 25.7.2007. This was one week before the HCJ hearing (which had also been postponed a number of times). In response the State Prosecutor contended:

"The respondent claims that, contrary to the contention of the petitioner, the process adopted in forming an opinion on the question of whether a person is a security danger or not is not unified, and changes according to the type of request. The difference consists of the in-depth of the security evaluation, the scope of reasoning and the mechanism of achieving an answer. The statistics presented by the petitioners as to the number of cases in which the respondent retreats from refusal are incorrect, and therefore cannot testify to the regularity of the system for making decisions. Similarly, the respondent

¹ See http://www.acri.org.il/he/?p=1401. The complete text of the petition: http://www.acri.org.il/pdf/petitions/hit8155.pdf. (Hebrew)

contends that the rules for handling requests to travel abroad have been changed in a manner that supplies a solution to the difficulties presented in the petition, and it may therefore be cancelled. Moreover, the subject matter of the petition is included in other petitions on which the hearings have not yet been concluded, and therefore there is no point in discussing them in the frame of an additional petition."²

On 30.7.2007, Adv. Limor Yehuda submitted the petitioners' reply to the respondents. The reply argued that there is no response on the part of the respondents regarding the main points of the petition: 1. the failure of the respondents to maintain their basic obligation under administrative law – the maintenance of a regular administrative process prior to reaching a decision that strikes a blow at the human being's fundamental right; 2. the scope of the flaw.

The reply noted that the respondents' response contains no reference to the obligation of the appropriate authority to activate its power and consideration independently rather than leaving the power in the hands of the *Shabak*; the moral obligation of acting according to a written order detailing the kind of prevention under blacklisting, its duration, reasoning and the manner in which it may be appealed when imposing restrictions on the freedom of movement; the moral obligation for investigation of the evidential foundation residing in the hands of the authority prior to the initial decision on restriction on the freedom of movement, not only after appeal; the moral obligation to determine time limits for the negation of freedom of movement; the moral obligation to deliver the information that serves as the

² See http://www.hamoked.org.il/Document.aspx?dID)=8471 in the site of the Center for Defence of the Individual. The full text of the respondent in the ACRI site http://www.acri.org.il/pdf/petitions/hit8155tshuva.pdf. (Hebrew)

basis for decision, etc. Adv. Yehuda also contended that there is no reference to the improper exploitation of security blacklisting to pressurize the protected residents to collaborate, or to punish them for non-agreement to collaborate with the *Shabak*.

As for the argument that the subject matter of the petition are included in other petitions, Adv. Yehuda answered that the petitions to which the respondents refer were submitted against the illegality of the legal regime of all encompassing prohibition of movement in the Territories, and do not focus on faults in the process of imposition of prohibition of individual movement of people because of security reasoning.³

Although the State Prosecutor's response failed to give an answer to the flaws and unconstitutionality raised in the petition, the judges in the hearing that took place on 1.8.2007 were prepared only to discuss the question of forbidden travel abroad via Allenby Bridge. Since the State announced that new rules were in preparation

"...the High Court determined that the State must submit the rule being formulated, and that the petitioners on their part will be given the possibility to respond. Regarding the remaining subjects raised in the petitioner the Court determined that they are to be divided into concrete petitions, and that distinction must be made between the question of entry into Israel and the question of right to freedom of movement in the Territories."

³ For the complete response, see http://www.acri.org.il/pdf/petitions/hit8155otrim0707.pdf (Hebrew).

⁴ See http://www.hamoked.org.il/Document.aspx?dID=8473 in the Centre's site. The Court's decision http://elyon1.court.gov.il/Files/06/550/081/n06/06081550.n06.htm (Hebrew).

The judges of the High Court were not prepared to touch on the problematic subject at the heart of the oppression in the Territories – the *Shabak* policy and its control of everything. Nothing was easier than demanding specific petitions on each separate subject, while the petition spoke of a fundamentally faulty process in all spheres and on the conditioning of entry permits to Israel or the settlements on cooperation with the *Shabak* – a matter that is not lawful according to International Humanitarian Agreements to which Israel is signatory.

All this comprehensive petition achieved was the determination of a process for people traveling abroad to prevent situations in which travelers were confronted with the fact of being barred from leaving the country on Shabak orders as they were waiting at the Jordan River terminal. Clarification of this matter took two and a half years and, on 18.2.2010, the petitioners decided to delete the petition. They announced to the Court:

"The petitioners reached the conclusion that they would no longer insist on clarification of this petition. The petition originally dealt with principled and general aspects, and only within its frame was a new rule formulated. As aforesaid in our previous responses, the petitioners are convinced that the procedure in its various instructions does arouse many difficulties. The petitioners asked to raise their contentions in these matters in the frame of the present petition, but from the procedures regarding the instructions to date arises the impression that possibly within the frame of the present petition there is difficulty in discussing all the instructions, clauses and aspects of the formulated rule.

"The petitioners, of course, will continue to turn to the re-

spondents regarding issues and problems that arise from the rule and its instructions, the manner of application and its scope.

"In the light of the above, the petitioners request to delete the petition, while maintaining their right to approach the Court, whenever there is need." 5

⁵ See Acri site http://www.acri.org.il/he/?p=1400 and the site of the Center for Defence of the Individual

http://www.hamoked.org.il/Document.aspx?dID)=Documents1110.

These sites contain documentation of the struggle over two and a half years against the procedure proposed by the State. Since this survey does not deal with the subject of prevention of travel abroad, this legal battle has not been described in detail.

The Obstacle Race on the Way to a Magnetic Card

October 2009



The Obstacle Race on the Way to a Magnetic Card is the first chapter of the continued report on The Invisible Prisoners, which presents the evidence of a special MachsomWatch team. This team has for four years assisted Palestinians blacklisted by the General Security Services (*Shabak* in Hebrew) to appeal their security blacklisting. While the team collects facts, and completes official forms, a harsh and hard to bear truth takes shape regarding the systematic permit policy applied by the Occupation regime.

We are grateful to Shula Bar for editing the Hebrew version and to Louis Williams for translating to English.



The Obstacle Race on the Way to the so hoped for Magnetic Card

The Shabak blacklisted dream of receiving a magnetic card. Time and time again they go to offices of the Civil Administration in the hope of discovering that their dream is materializing and their lives are taking a turn for the better. Why? Because the magnetic card (issued by the Israeli Civil Administration) is a kind of second identity card for adult Palestinian residents, in addition to the Palestinian Authority ID which can be obtained from age 16. On the West Bank, if you are Palestinian without an ID it is difficult to breathe, and so much more so without the ID card issued by the Occupation.

Up to June 2008¹ the magnetic card indeed served as a "certificate of good character" – evidence that its possessor is not included in the *Shabak* or Israeli Police blacklists (or at least not at the time of issue) – and thus he could receive an entry permit to Israeli territory or to settlements for the purpose of work or commerce. In other words, the magnetic card permitted the finding of livelihood, the restoration of self-respect that evaporated in the years of unemployment, and the occasional purchase of a luxury other than food, such as a pair of new shoes for a child or a dress for a festival. It was almost the difference between life and non-existence. But the magnetic card received by *Shabak* (or other) blacklisted since June 2008 gives none of these things.

¹ Apart from a short one-month episode in April 2007

The Magnetic Card – No Longer a "Kosher" Certificate

In recent years there has been a change, both in the qualities of the card and in the policy of its issue². Since 2005 the magnetic stripe on the card has contained biometric data that identify its possessor by facial features, finger and palm prints, and since June 2008, the blacklisted³ could also receive it. The card is no longer a "certificate of good character."



To us it is clear that the reason lies in the biometric identification technology (facial features, finger and palm print) embedded in the

² A report on the subject can be found in pp. 10-11 of Invisible Prisoners/ Pale tinians Blacklisted by the General Security Services, published by Machsom-Watch in April 2007.

³ The Blacklisted are persons recorded in the *Shabak*, Police and Civil Admini - tration Operations Branch Blacklists, who as a rule do not receive entry permits for Israel and endure other hardships.

card. The Civil Administration now has opportunity to collect and store data on **all** the adult Palestinian population of the territories, thereby tightening its control and gaining, once again, a clear advantage.

At the beginning of April 2007, magnetic cards began to be issued to all applicants. After only one month the issue was suddenly stopped. It was renewed in a few weeks only for residents who were not blacklisted. The Civil Administration contended that the stoppage of issue was temporary, the plastic cards having run out of stock. Till new ones would arrive, there would be no general issue of cards.

We allowed ourselves to doubt that contention. Evidently the reason was linked to complaints from Israeli employers that, after bothering about a work permit for "their" laborer who possessed a magnetic card, it became clear to them that he was in fact prohibited from receiving a permit to work in Israel. Therefore all the bother was for nothing. Possibly there was also great pressure at the DCLs⁴ at precisely the moment of "refreshment" of the first biometric cards that had been issued two years earlier. And there seemingly were additional reasons.

The decision to issue magnetic cards to everyone was apparently connected with a change in the appeal processes for security black-listing of Palestinian residents, which will be described in detail in the following sections. At the moment it is not possible to appeal blacklisting per se, but only prohibition of entry into Israel for any reason.

As long as security (or police) blacklisting was an obstacle to issue of the magnetic card, direct appeal could be made against the blacklisting without connection to entry permits for Israel. The separation

⁴ The District Coordinating Liaison of the Civil Administration.

between blacklisting and issue of a magnetic card limited the prohibition solely to entry to Israel or the settlements. In July 2008 appeals to the Supreme Court, while the power to hear petitions against security blacklisting was under dispute, Advocate Tamir Blank wrote:

"Security blacklisting" is imposed by the Military Commander of the West Bank through the agency of the Civil Administration and in consultation (and, in practice, by decision) of the General Security Service, acting according to the General Security Service Law, 5762-2002, and the general powers of the State. The security blacklisting, in itself, has no direct connection with entry into Israel, and is imposed when people request a magnetic card, that serves various purposes and even eases transit within the territories and permits, under certain conditions, entry to the settlements."

On June 1, 2008, the issue of magnetic cards was renewed to all (excepting, apparently, people with debts to Israeli elements⁵ who are among "Operations Branch" blacklisted). The issue began without any organized notice to the Palestinian residents of the West Bank. The information passed by word of mouth and, already in the first days questions began to flow from residents whose names appeared on the blacklists, who were again trying their luck in coming to the DCL to ask for a magnetic card – which they did receive!

Many of them believe that their long standing prohibition has been removed, to their boundless joy: a mistake that only becomes clear when their employer tries to get them entry permits for Israel.

⁵ It will be noted, from experiences of Palestinians who approached us, that it is virtually impossible to ascertain the nature of the debt. Payment and removal of the prohibition in any event involves a long and humiliating via dolorosa.

The soldier in the DCL who issues the magnetic card does not tell applicants they are blacklisted, or the nature of their prohibition. This information could prevent much anger and frustration on the part of the applicant who is dependent on the card, and for whom the knowledge is important – having already sat long hours in the DCL at the expense of lost and valuable working days.

We complained time and again, noting that among the blacklisted are people unaware of being police blacklisted, and if they had known they could have tried to get an explanation for the Police blacklisting on the spot, since the Police window is adjacent to the magnetic card issue window. But our complaints fell on deaf ears. This could only be related to predetermined intent – yet another aspect of Occupation actions directed at deepening control.

Questions also reached us from blacklisted who were not issued a magnetic card: "Blacklisted, go home," they were told at the DCL, no explanation being offered. The people not given a magnetic card harbored the sensation of being "super prohibited." Later it became clear that there was a **daily quota** for issue of magnetic cards to blacklisted! When the quota was filled, the remaining blacklisted residents were sent home without explanation. They were not told, "come back next week" – only "blacklisted, go home!"

Occasionally an impression is created of a technical difference between the magnetic card issue to blacklisted process (at least in part), and the ordinary process. It happens that a technical problem in issue of cards to certain blacklisted is reported, while others continue to receive cards. Possibly this is deliberate harassment of those same blacklisted, who are forced to wait many more hours while their magnetic cards are "cooked," and they are repeatedly sent home empty handed, while their comrades win the yearned for card.

Quite possibly these phenomena (deliberate prohibition, delay) are a sign that all encompassing issue of cards deprived the *Shabak* of a benefit to offer in return for collaboration. The *Shabak* does not easily forego its advantage. Maybe this is also a blurring of procedures on the DCL's initiative, in order to preserve a permanent confusion and ignorance, which weakens the conquered population and increases its dependence on the occupier.

It will also be noted that every complaint directed to the Public Affairs Officer in the Civil Administration about denial of a magnetic card, after examination of the applicant's ID data, encountered in stunned wonderment: "Cannot be... Something in what the resident says is not reasonable..."

We began to "accompany" by phone blacklisted residents denied a card a number of times. Generally, after the intervention of the Civil Administration Public Affairs Officer, they received magnetic cards. However, it always entailed a long wait.

In one case, the Public Affairs Officer intervened unsuccessfully twice. At his request, a letter was sent to him, recording the tribulations of Ashraf (pseudonym) in the race for a magnetic card:

Ashraf is 29, married with a son, living in Bethlehem District. He is Shabak blacklisted. He appealed the security prohibition at the end of 2007 and received a negative response five months later, after repeated approaches. Since the beginnings of issue of magnetic cards to blacklisted, he has applied to the DCL five times. The third time, a month and a half before sending a letter to the Civil Administration, a MachsomWatch member "accompanied" him telephonically. She approached the Civil Administration Public Affairs Officer

after Ashraf received a refusal. He waited that day from the morning hours till 17:00 and went home empty handed.

A week before the date of the letter (and about a month after the previous refusal) he again applied to Etzion DCL. He was the first in line. When he reached the window, they took his ID card and told him to wait outside. After a few hours they returned the ID and told him to go home. The Machsom Watch member approached the Public Affairs Officer, as previously. Around 15:00 the officer returned and said that Ashraf must go home. He cannot receive a magnetic card for reasons that he cannot give.

A week later, Ashraf returned to the DCL. Again he was among the first in line. They immediately refused to give him a card: "Blacklisted, go home!" A Machsom Watch member again approached the Public Affairs Officer, who returned to her around 11:00: Ashraf cannot receive a magnetic card. After Ashraf got the response, he went to the DCL Liaison Officer and pleaded. The officer let him in. Ashraf filled in a form and was summoned to meet the Shabak. He sat for an hour or two with a Shabak captain and, inter alia, the captain asked Ashraf to work with him. Ashraf refused. After leaving the interrogation, Ashraf again asked for a magnetic card, and was again refused. That same day a letter was sent to the Public Affairs Officer in the Civil Administration who asked to receive Ashraf's story in writing.

A few weeks after sending the above letter, Ashraf received an answer from the Public Affairs Officer that he could go to the DCL to receive a magnetic card. He did not really believe, but did go for the sixth time, and received a card. Ashraf is not the only one. Others have endured similar experiences, and have in the end received cards.

Why is the Magnetic Card Needed?

- 1. For entry permits to work and trade in Israel and in the settlements: as aforesaid, the holding of a magnetic card is an essential precondition to the obtaining of such permits, however in addition to the card there must be an Israeli employer who will request to employ its holder. As for merchants, they must submit many documents proving that they are trading with Israel. This in addition to the whole process of other demands and bureaucratic stages that a Palestinian must traverse.
- To appeal security prohibition: the holding of the magnetic card does not resolve the blacklisting issue. Conversely, as will be explained below, the prohibition cannot be appealed without possession of a magnetic card.
- For entry permits for family visits and to arrange visas in foreign consulates: contrary to the past, these permits obligate the holding of a card.
- 4. Entry permits to participate in conferences and seminars held in Israel: for this purpose, the possession of a card is advisable though not essential.
- To participate in Christian festivals: prior to Christmas 2008, we heard that the churches informed the Christians that they must equip themselves with magnetic cards to pass checkpoints at Christian holydays. The Liaison Officer refuted this information at Bethlehem DCL, nevertheless many Christians did request cards.
- 6. For entry to Jerusalem mosques: recently, Moslems interested in attending Friday prayers have begun to request magnetic cards.

People who receive these permits are elderly, and the Palestinian Liaison Office is convinced that the demand is exaggerated. Issue of permits for Friday prayers was stopped for a few weeks because of lack of agreement. The Liaison Officer at Bethlehem DCL responded to our question: "The Palestinian residents don't know what's good for them..."

Blacklisted Palestinians holding magnetic cards **cannot** obtain the above permits, and when they do receive explanation of their prohibition and the phenomenon is understood by them, they still very much look forward to getting the magnetic card. People sent home empty handed ("Blacklisted, go home!"), but who nevertheless received a card after a number of attempts, are delighted even though they know that it is for them no more than a piece of plastic.

Presumably the craving for a magnetic card billows for so many years till it cannot be easily abandoned. This is possibly a rational response. The Palestinians believe that over time the situation will worsen, and the demand for possession of a magnetic card will extend to matters that presently do not call for it, such as entry to Israel for medical treatment, presently given also to blacklisted. Similarly, there is an unsubstantiated rumor that travel abroad by way of the Allenby Bridge also necessitates a magnetic card.

It is apparent that the Palestinians know why they want cards: they are familiar with the Occupier.

The Hardships in the Race for a Magnetic Card – Lines at Bethlehem DCL, as an Example

At Bethlehem DCL, which we visit regularly, long lines have material-

ized since June 2008. To filter down the lines, a day of the week was assigned to each area: Bethlehem city – Monday; Beit Jala'a – Sunday; Elabidiah – Wednesday, and so on. This did not resolve the great crowding, and residents began to come to the DCL in the middle of the night in order to be entered in the list that they organized, then to remain in the surroundings until dawn. "Dangerous," they said in the Civil Administration in reference to the presence of residents near the DCL and, to deal with the phenomenon they stopped respecting the lists drawn up by the Palestinians. The soldier on the gate would tear up the list before the eyes of desperate people, and would not consider the copy that they had kept.

The ceremonial opening of the DCL proceeded thus: at 08:00 a group of soldiers arrived to drive back the waiting crowd to behind an obstacle placed 15 meters from the door of the waiting hall. One of the soldiers opened the door and made a check there. Upon completion of the check, residents were permitted to enter the DCL – firstly the women, each of whom received a number. After them, the elderly (or those who appeared to be), who also received numbers. The remaining people entered according to the soldier's arbitrary decisions.

Inside the hall, numbers were distributed in no predetermined order. Those who did not succeed in entering the full hall did not get numbers, and many of them waited till noon on the off chance that the soldier might distribute more numbers. Sometimes the distribution of numbers took place outside the hall, but the criteria were the same.

Today the lines are not as long, and there is no distribution of numbers. Entry into the hall where the cards are issued proceeds according to lists that the residents themselves prepare. However, the distribution by area and day still remains, though it is totally unnecessary and burdensome for the residents.



Men of working age who arrived on the designated day for their residential area were compelled to return time and again because the women and elderly (most of whom don't need the card for working or merchant permits) received priority in the line to get magnetic cards. Whoever did not receive a number would have to wait a week till the appointed day came round again, and would still face the risk of not winning a coveted number. In other words, wage earners whose family livelihood was dependent on they working were compelled to wait sometimes for **a number of weeks** to get a magnetic card. We encountered people who were there for the fifth or sixth time.

For people who are not blacklisted, and only come to the DCL to refresh their magnetic cards (an essential condition for their entry into Israel), the significance of delay is harm to livelihood. As long as they do not succeed in refreshing the card, they are unable to use a

valid work or commerce permit, or to renew their entry permits, and there is a risk of losing their work place. The severe implications of lost source of income are self-explanatory.

In those same months, Mondays were among the hardest at the Etzion DCL. This was the day assigned to residents of Bethlehem. The following are excerpts from two reports describing happenings on that day of the week.

September 9, 2008, 08:00 Etzion DCL

The people are already inside the waiting "hall." There were about one hundred men and women. Again it is Bethlehem's day at the DCL. Again they did not consider the list compiled this morning by the Palestinians. As usual, the first came, according to them at four or five o'clock.

Majdi was Number 5 in the original list. In the "real" list he is 66.

Mahmoud was Number 24, and is now 43. And so on...

After six in the evening I phoned a few of the people. Mahmoud got a magnetic card. Majdi (66) and Ibrahim (83) were told to come tomorrow. According to them, they closed the DCL at 17:00, and had only received up to Number 45.

Today, Tuesday, I was phoned by Ibrahim (yesterday's 83 who was told to come this morning), and asked for my advice. He said he was at the DCL and, today, they had not given him a number. I advised him to go home and return on Monday.

This morning I phoned Majdi (yesterday's 66 told to come

today). This morning he received 80 and left the DCL. He intends to return at 15:00 this afternoon.

September 15, 2008, 08:00 Etzion DCL

We took some phone numbers and checked in the afternoon.

Bashir – Number 90 in the original Palestinian list this morning. Did not get a number from the DCL. Waited a few hours; perhaps they would issue again – then went home.

Fahdi – Number 3 on the original list, did not receive a number from the DCL. Very angry, and argued with the officer, construed as impertinence. Therefore, his ID card was taken. It was returned at 15:00, and he was told that he was blacklisted for six months. This is what will happen to somebody who isn't submissive enough.

Ibrahim – received DCL Number 83 last week. They didn't handle everyone and he returned home in the evening. The following day he was 25 on the original list but did not get a DCL number. Waited two hours, perhaps for a miracle, then went home...

Mohammad – come for the fifth time to renew his magnetic card. Has in his hand a valid work permit. Got Number 75 from the DCL last week and was not received. Today he was 48 on the original Palestinian list, did not get a DCL number, waited a while, then went home... Mohammad tells us that his employer has been waiting a month for him to return to work. He has been working for this employer, Moshe, for ten

years already. According to him: "Moshe is like my brother, but they don't want us to be together." Mohammad is 38, has six children, and has never had problems with the police, Shabak or anyone else.

Mahmoud – here five times. Didn't get a number. Mohammad, his brother, also didn't get a number.

Another man, whose name we did not record, said that he had been three times without succeeding in entering. Then he decided to come on a different day. It was fairly empty, no pressure. He got a number, entered and they began the procedure, and then saw that he was from Bethlehem, and it wasn't Bethlehem's day. They stopped the treatment and told him to come on Monday. Today he is here, but again no number and he will not enter.

Another man, Abed, Number 26 in the DCL list, entered and sat inside until 15:00 when they told him "go home, you are Shabak blacklisted and also Police blacklisted." They did not write this information on the application form in his hand and did not tell him to go to the policeman in the adjacent window to ask what is his problem with the police. He phoned us. We said he should go back to the policeman.

Endless waste of time, loss of livelihood, humiliation... but who cares...

Amira Haas has already written about it in her article "The Natives Time is Cheap," *Haaretz*, 23.2.2005:

"... Stolen land is concrete, so now and then calls are heard

to stop the construction in the Jewish settlements or halt the confiscation of lands.

But time? It is abstract. Time, however, is a precious resource for every human being. Time that is robbed while waiting at checkpoints, or waiting for permits, cannot ever be returned. The loss of time, which Israel is stealing every day from 3.5 million people, is evident everywhere: in the damage it causes to their ability to earn a living; in their economic, family and cultural activity; in the leisure hours, in studies and in creativity; and in the shrinking of the space in which every individual lives and therefore the narrowing of their horizon and their expectations."

Hardships After Receiving the Magnetic Card: Biometric Identification

A Palestinian resident received a magnetic card, has an employer, is not *Shabak* or Police blacklisted, but the tribulations are not over. At the entry checkpoints into Israel there are biometric identification installations. Place the palm of the right hand and the magnetic card, and the resident is allowed to pass if the machine has recognized him. But the machine sometimes doesn't recognize... Mostly the problem is with manual workers (in agriculture, building) whose palm prints can change because of minor injuries (for example, a new scratch on a fingertip). If the biometrically rejected individuals are lucky, the soldier on duty sends them to another machine, which sometimes accepts the identification. If it does not work, then they must return to the DCL to deal with the machine's failure. And there are soldiers who, contrary to procedures, refuse to send the biometrically rejected to another stand, and arbitrarily send them for a

long, complicated (and unnecessary) bureaucratic circuit, at the end of which the individual will again succeed in proving his identity, at the cost of humiliation, hardship and lost workdays.

Palestinians disabled in their hands are supposedly exempt from biometric checking, but the bureaucracy of the Occupation is hard put to distribution of the appropriate instructions with regard to these individuals, and as a result they are caused considerable anguish, losing much time in chasing back and forward from the checkpoint to the DCL. The DCL representative at the checkpoint can assist the biometrically rejected, but the assistance often only seems. It is only after these rejected individuals exhibit obstinacy that the DCL representative takes up the assistance gauntlet. The soldiers in the windows do not direct the Palestinians to him at their initiative, and we have not seen that he stands ready to find the technical hitches and to help in resolving them.

The biometrically rejected that we encounter at the Bethlehem checkpoint, we meet again at the DCL as they attempt to deal with their palmprints (*basma* in Arabic). Many people sometimes wait there for long hours. Disrupted lives, loss of valuable time and of workdays caused by this procedure make no special impression on the apathetic conqueror.

We submitted many complaints, in writing and orally, and noted that logic would indicate the placing at the checkpoint of an installation to renew the palm prints – that is, if there is a sincere intent to ease the lives, and give service to the Palestinian residents. But there is no such machine at the checkpoints, and there is obviously no true intent to supply efficient and considerate treatment to the transients at checkpoints.

A Few Words From "Yearning for Magnetic" by Amira Hass – as a Conclusion

"...This is also a dramatic change regarding the history of the bureaucracy of the occupation – the magnetic card is no longer proof of security reliability.

"...This is a bureaucratic machine acting in an atmosphere that calls for increasing the close surveillance of all Palestinians on both sides of the Green Line, using excuses of security. It is acting in a society obsessed by demographic calculations and demographic separation. The roadblocks, the separate roads, the fence and the prohibitions against entering the country for everyone who is not Jewish are different levels in this system of separation. The "smart" cards fit into the picture in a natural way that strikes fear in anyone who understands that "separation" and peace are contradictory terms."

Complaint Letters

Attached herewith are a number of letters of complaint on issues connected to service in the DCL and biometric rejection, sent to the Civil Administration. The Administration responses describe a reality that does not exist.



נשים נגד הכיבוש ולמען זכויות אדם ישוף שנ וצבדעל פאי ובל בפפס וצישוט Women against the Occupation and for Human Rights

Jerusalem, 25 January 2009

2nd Lt. Gal Livnat Public Affairs Officer Civil Administration

Shalom

Re: Answering Service for West Bank Residents and more

We write after numerous phone conversations with you about setting up an answering service for residents of the West Bank, and other subjects.

Answering Service about Bureaucratic Problems

Until June 2008, the issue of a magnetic card was a sort of certification of the absence of blacklisting. From June 2008 the magnetic card has been given, as is known, to many *Shabak* and Police blacklisted residents (not to Operations Branch blacklisted). But, not all *Shabak* and Police blacklisted receive magnetic cards. There are daily quotas for blacklisted people, so if a blacklisted arrives at the window too late, they send him home without a magnetic card and without telling him when to come again: "Blacklisted, go home!" There are also "super- blacklisted" people who do not get magnetic cards or simply people who the *Shabak* is interested in recruiting.

This reality causes considerable confusion: firstly, many men who

received a magnetic card, and were not told they were blacklisted, found an employer, who then submitted a request to the Employment Bureau and was told that the man was prohibited. For the most part the man still did not know to which blacklist group he belongs. Secondly, someone who does not receive a magnetic card and does not know the reason for not getting it; should he try again; or should he give up?

These people do not have a telephone number where they can clarify – in Arabic – whether they are blacklisted and what sort of prohibition has been imposed on them. The only way open to them is to go again to the DCL. At the DCL it is also not possible to get this information easily. The man must stand in the line of all the applicants for magnetic cards in order to meet the soldier who sits in front of the computer and who may give him the information. If he does not succeed to get to the soldier that same day – he must come back another day. So the man spends money on taxis to the DCL and back, wastes a whole day there and sometimes more days in difficult conditions – all these in order to get the information that the soldier is supposed to give together with the magnetic card.

Likewise, prohibition is sometimes imposed on a man who has in his hands a magnetic card and a valid permit. Again he has no phone number for clarifications, and he must go to the DCL to find out what kind of blacklisting is against him. As is well known, a person cannot deal with the prohibition imposed on him without knowing whether it is a *Shabak* or a Police blacklisting – or some other...

It is not conceivable that there should not be at least one phone where a Palestinian can clarify data about himself connected to bureaucratic processes: a telephone number which should be published in the Palestinian media and be known and accessible to all.

Answering Service about Humanitarian Problems

We seek to draw your attention to the fact that the Humanitarian Hotline works mainly through the mediation of human rights groups. The Humanitarian Hotline phone number is not published and is not accessible to Palestinians. And yet, after all, it was intended for them!

If the Humanitarian Hotline – or another telephone number with human response in Arabic devoted entirely to Palestinian residents' requests for humanitarian reasons – would be published in all the Palestinian media and accessible to all the residents of the Territories, people encountering problems could make contact directly with a request for help.

Only in a few cases do Palestinians meet human rights activists who contact the Humanitarian Hotline on their behalf.

Since this is the case – the Humanitarian Hotline does exist, but the great majority of the people for whom it is intended have no access to it.

An Appliance at Crossing Points for Renewal of Palm Prints

We want to draw your attention to another issue, which we have been protesting for many months. Workers with permits arrive at the control booth at Bethlehem Checkpoint every day, and quite a few of them are sent back to Etzion or Hebron DCL to renew their palm prints. For the most part these are men who work with building materials, and their palm prints are often scarred. The problem is well known to everyone concerned, and we have heard from the authorities that "there really needs to be a machine for renewal of palm prints at the

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checkpoint." These men lose a day's work, and sometimes their jobs because of the need to go often to Etzion DCL to renew palm prints. The same happens at the other checkpoints for entry into Israel.

We request your speedy intervention in all the problems that we have raised.

Yours,

Chaya Ofek

Sylvia Piterman

Unclassified

Civil Administration Judea & Samaria Office of Head of Administration Tel: 02-9977002/3/4 Fax: 02-9977341 11 Shvat 5769 5 February 2009

Ms Sylvia Piterman – MachsomWatch

Re: Reference to MachsomWatch Complaints Regarding Service to the Palestinian Resident

- 1. I hereby acknowledge receipt of your request on the subject, and hereinafter our response.
- 2. Magnetic cards can be issued to the blacklisted, including Operations Branch blacklisted.
- 3. Operations Branch blacklisting is not a reason for non-issue.
- There is no concept of "super-prohibited" and there is no blacklisted person for whom it is not possible to issue a magnetic card, unless he is wanted for arrest.
- 5. According to the procedure for removing blacklisting, it is possible to apply by means of the Palestinian liaison office on a form for the removal of security blacklisting attached to a request for a specific permit (commerce, employment, etc.). The request is brought up for examination in all the usual channels, and a response is given accordingly.
- 6. It will be emphasized that any blacklisted person can receive a magnetic card, for this constitutes solely a means of identification.

- It is not possible, for legal reasons and personal privacy, to supply telephonic responses on the subject of information about a resident, even more so regarding the subject of blacklisting.
- 8. The resident must come to the DCL and be identified personally in order to receive the information as to whether a person is blacklisted or not.
- 9. The complaint regarding the absence of a telephone for clarifications is lacking any basis. The phone numbers of the DCLs and the Humanitarian Hotline are published on the Internet and outside the areas for receiving the public and at the crossing points. The large numbers of approaches will evidence the accessibility of these phone numbers.
- Every resident is entitled to approach the Humanitarian Hotline and many indeed do so.
- 11. The number of the Humanitarian Hotline is published as detailed in 9.
- 12. In these days we are laboring over examination of a possible technological upgrading of the biometric recording and identification system (palmprints). This upgrading will add to the credibility of the existing system, which is already very reliable.
- 13. We will be happy to be at your service as far as is requested.

Arye Shaya, Captain Supervisory and Public Affairs Officer Head of Civil Administration Bureau

Unclassified



נשים נגד הכיבוש ולמען זכויות אדם ישוף שנ וצבדעל פאי ובל בפפס וצישוט Women against the Occupation and for Human Rights

Jerusalem, 3 March 2009

Captain Aryeh Shaya Supervisory and Public Affairs Officer Civil Administration

Shalom

Re: Service to the Palestinian Resident

Our Letter "Answering Service for West Bank Residents and more" from 25.1.2009

Your Response "Reference to MachsomWatch Complaints

Regarding Service to the Palestinian Resident" from 5.2.2009

- 1. We received your response, and hereinafter our comments:
- 2. In the first clauses of your response, you relate to the instruction from the Civil Administration according to which any blacklisted Palestinian i.e., Police blacklisted, Shabak blacklisted and Operations Branch blacklisted can receive a magnetic card, since this is solely an accompanying card and means of identification. However, apparently, the Shabak thinks differently and as you know, after its intervention, many people did not receive a magnetic card, even though they are first in line and the issue of "daily quotas" was not relevant. Moreover, since the beginning of "magnetic card for everyone," in our watch at checkpoints and DCLs we met quite a few Palestinians who reported that they were denied magnetic cards because of their unwillingness

to serve as informers. It will be noted that Operations Branch blacklisted also do not receive magnetic cards – in other words, the heads of DCLs, contrary to orders of the Civil Administration, do not give magnetic cards to people whose prohibition derives from a DCL decision.

- 3. The picture that develops is of disregard for the Palestinian residents: the people come to the DCL, paying for a journey there and back in taxis, wait a whole day and sometimes return time and again, and finally when they reach the desired window, they are not given a magnetic card (the testimonies are in our hands and yours).
- 4. Moreover, there are many men who, after tribulations, reached the longed for window, finally received a magnetic card, and were not told that they are blacklisted. They seek an employer, who goes to the bother, and then it becomes clear that they are blacklisted, and it is still not known whether they are Shabak, Police or Operations Branch blacklisted. Since this cannot be clarified in a telephonic response, they must return to the DCL, where they are told whether they are Shabak, Police or Operations Branch blacklisted. Not one word is said about the processes of appeal against this prohibition, and as far we know there is no written material in Arabic that describes how the resident can combat this blacklisting.
- 5. Worse: the policeman sits in the DCL at a window close to that of the soldier who issues magnetic cards, yet the soldier does not bother to direct the Police blacklisted person immediately to the policeman's window. Police blacklisted people return home and then wonder, ask friends and understand that they must return to the policeman.

- 6. In this context, we want to point out that the policeman also deals with the information relating to the person applying to him as though it is his personal treasure. For the most part he must inform the man whether there are traffic fines outstanding (and then give payment vouchers on the spot) and/or the number of file and the police station, and/or give to him the date when the Police Blacklist "Criteria" ends. Many times the policeman gives partial or incorrect information and almost always the information is oral and, in general, the prevailing answer is "send a lawyer." Conversely, the police send by fax to a lawyer an orderly form with an organized answer. This is exactly the form that should be given to the man himself. For years we have sent countless complaints in writing and orally to the police officer responsible for the policemen at the DCLs and nothing has changed. The army – including the Civil Administration – is the sovereign over the Police in the Territories, and the time has come to consider the contemptuous service of the DCL policemen.
- 7. As for the contention that personal privacy prevents telephone responses regarding the type of blacklisting of residents, there are many ways to identify the caller: it is possible to ask various questions that would allow a phone response regarding the type of blacklisting.
- 8. However, in the light of the fact that in practice no telephone response exists for clarification of this kind you should sharpen personal rights even more: the soldier (and the policeman) sit in front of the computer. In front of him is all the information required by the applicant. The information belongs to the applicant by law. The soldier, and the policeman are obliged not to wait for the questions of the applicant (the questions are often considered impertinent and people have told us that they are some-

times afraid to ask), but to give him in writing all the information connected with his issue, and also to explain orally, whether he came to get a new magnetic card or to renew one, or came to clarify any information relating to him. As aforesaid, one of the prevailing answers of the policeman at the DCL, and also of the soldier, is "you have problems here and there, send a lawyer." There is no need to invest hundreds of shekels in order that a lawyer should receive the information. When the information will be in the man's hands, he will decide for himself whether to turn to a lawyer (we have many examples in our hands).

- 9. You maintain that "every resident is entitled to contact the Humanitarian Hotline and many in fact do so." From our experience, the Humanitarian Hotline is not interested in the Palestinians contacting them. All the years, when we approach the Hotline and say: "here, the man will speak with you himself," we are always answered that they prefer to talk with us.
- 10. The contention that the existing system for identification of palm prints is very trustworthy does not stand up to the test of reality. The problem of the equipment installed at the checkpoints causes at least scores of people every day to be sent in the morning from the checkpoint to the DCL to renew their palm prints. These men are in possession of work permits for which they paid large sums of money the emissaries of their large families to find livelihood. Their employers wait for them. The need to get to the DCL causes them the loss of a day's work, and sometimes their place of employment. It is not conceivable that they cannot renew their palm prints at the checkpoint itself (an action that takes two minutes), because they wait until work is completed on "upgrading of the biometric identification system."

11. In conclusion, as long as we are sovereign on the ground, we have obligations to the citizens who are under our control. Real obligations. It does not seem that the message is passed on to soldiers and policemen to give people service and not "to do them favors." It is not enough that the message exists as a "flowery declaration" for use as needed. As for the issues raised in our letter, we are convinced that all these matters should bother those responsible for the system.

Chaya Ofek

Sylvia Piterman



נשים נגד הכיבוש ולמען זכויות אדם ישוء ضد الاحتلال ومن اجل حقوق الانسان Women against the Occupation and for Human Rights

26.7.2009

2nd Lt. Inbal Lidan
Follow Up and Public Affairs Officer
Civil Administration

Shalom

Re: Complaint About Prevention of Information

As you know, until a year ago magnetic cards were only given to people who were not blacklisted (by *Shabak*, Police or Operations Branch). The new cards are also given to blacklisted people. In most cases the soldiers do not give to the people together with the card, critical information floating before their eyes on the computer – whether the man is entitled to a permit or prohibited. And if he is prohibited – which blacklisting.

Even people who are aware that it is worth asking, in order not to have to come to the DCL again, mostly do not receive a simple and clear answer to which they are entitled by law. During this year we heard of this behavior from hundreds of people. And those who meet us are only the tip of the iceberg. We have complained frequently to DCL officers and commanders, and nothing helped. I am referring the complaint to you.

One example among many: Tahrir went from his village, Dahariya,

to Hebron DCL on 15.7.2009. We were in telephone contact with him from the moment he left home. From 08:30 he waited outside the DCL in burning sun. He received the magnetic card at 13:30. He knew that there was a Police prohibition on him, and asked the soldier whether it had been removed. The soldier said: "You are not blacklisted – go home." When Tahrir told us this over the phone, we advised nevertheless to go to the "Police window." This he did, and the policeman told him he was still Police blacklisted.

Tens and hundreds of magnetic cards are given each day to residents of the Territories. Usually the fact of blacklisting becomes clear to people only after, with considerable effort, they have found an employer who has bothered to send a request to the Employment Bureau, and then received the response that the man is blacklisted. We know that a reply to a letter of complaint is likely to arrive within a month, but to change the situation described below could be done from one day to the next, by the giving of an unequivocal order to soldiers who issue the cards.

- They must inform the man whether he is blacklisted or not.
- 2. If the man is blacklisted is it Shabak, or Police, or Operations Branch?
- If the man is Police blacklisted the soldier must direct the man immediately to the adjacent "Police window" in order to clarify what is his obligation to the Police.

Till today, scores of our complaints, orally and in writing, to DCL personnel have not helped. Maybe this letter will result in an immediate simple and necessary order? It is to be assumed that in the

DCLs they will say that this is a false complaint, and that they give every man all the information on what obligates him. To our great sorrow, this is the usual response to complaints. We have hundreds of names of people who turned to us for help in this matter since the new magnetic cards began to be issued. An unequivocal order can cause, already from tomorrow, each recipient of a magnetic card to also receive all the information relative to his case. Proof that this service is given will be in that no one will ask our assistance for this simple and elementary matter.

It is worth reminding, time and again, that according to international law the occupying state must care for sources of livelihood of the residents of the occupied territory. As a result of lack of development, checkpoints and blocks that have existed many years, the sources of livelihood in the Territories are meager, and most of the livelihood is based on work in Israel and the settlements. For this, there needs to be permits. It is impossible to receive a permit without removal of the blacklisting. In order to act to remove blacklisting, there needs to be knowledge of which blacklisting exists. The DCLs must supply this information, clearly and without delays, to people who apply to them. This is critical information for the lives of the applicants and of their families. This is not the way things are done. The service in the DCLs does not fulfill the obligations of international law.

Yours,

Chaya Ofek



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14.9.2009

Brigadier General Yoav Mordechai Head of the Civil Administration

Shalom

Re: Complaint on Denial of Information

My letter to 2 nd Lt. Inbal Lidan from 25.7.2009 (copy attached)

My letter from 25.7.2009 to Second Lieutenant Inbal Lidan, containing a complaint on denial of information to blacklisted Palestinian residents has not yet been answered though 45 days have elapsed. Similarly, there is no visible change for the better on the ground. Moreover, since we sent the attached letter, we have received scores of additional complaints, and now the picture is even clearer.

- 1. Requests to employ people are rejected in a laconic response to the employer that the man is "blacklisted." The employer is not told whether the blacklisting is by the *Shabak* or Police, and there is no reply to the employer on this question.
- People whose employers told them that they are blacklisted have gone to the DCL to clarify what kind of blacklisting. They were not allowed to enter the DCL because they are already holding a valid magnetic card. And so they have remained without real knowledge.

April 2012

3. People who have gone to request a new magnetic card, and on our advice have asked the soldier if there is any blacklisting in force regarding them, received in the best of cases a response: "only an officer can give that information." And in the other cases: "It's not my job – go home!"

In one case where the man called us before leaving the DCL, we intervened and an officer came and told the man that he was Police blacklisted.

In the present situation, only a lawyer can get this simple information for the man –to which he is entitled by law. **We protest this, and request your immediate intervention**.

Yours,

Chaya Ofek

