

APARTHIED LAWS IN THE ISRAELI OCCUPIED TERRITORIES

[Please see also our on apartheid inside the Occupied Territories: <http://itisapartheid.org/occupied.html>]

The Israeli army invaded and occupied the West Bank and Gaza in 1967 and has ruled over the territories by military decree in discriminatory ways ever since. Palestinians are under military law and face the constant threat of arrest and detention without charge. They have no right to representation or trial. Israelis living in illegal settlements on Palestinian land (there are 450,000 settlers in the West Bank) have all the privileges of Israeli Civil Law. As citizens of Israel, they can vote, seek redress in court, and have freedom of speech and assembly.

Israel has built by-pass roads (for Israeli-use-only), military zones, and a security fence/wall throughout the West Bank, effectively isolating and/or splitting up Palestinian communities, separating families, cutting off workers from their jobs, farmers from their land, and students from their schools. They have a system of military checkpoints throughout occupied Palestine which limit movement, and strangle the economy. They have destroyed or closed the Palestinian civilian infrastructure with walls, bridges, and roads or by building ditches around neighborhoods; they have destroyed Palestinian economic assets such as office buildings, and port and airport facilities, orchards, and factories; and have enforced the law in inhumane ways including deportations, home and business demolitions, beatings and torture, and assassinating Palestinian leaders.

What follows are some examples of the thousands of military decrees which rule every aspect of Palestinian life. For more information on Apartheid Laws and Military Orders see this link: Israeli Law Resource Center /www.israellawresourcecenter.org*

Military Order Allowing for Violations of Palestinian Civil Rights and Rights Under the Fourth Geneva Convention:

- Military Order #144 (10/22/67)** - Repeals Military Proclamation 3, Article 35 concerning protection of civilians as per the Geneva Conventions.
- Military Order #224 (1967)** - Declares that the Emergency Regulations installed by the British Mandate Authorities in 1945 are in effect in the West Bank until specifically declared invalid by name. These regulations gave the military powers to violate civil rights and international laws because a security emergency had been declared in the West Bank. There is an identical order regarding Gaza.
- Military Order #284 (7/26/68)** - Prohibits training or contact with any "hostile organization" which includes any organization with aims to endanger the security of the public, or the IDF, or public order in Israel, or other areas under control of the Israeli Military.

Military Order Regarding Registering People By National Origin:

- Military Order #297** - Establishes I.D. Card system for Palestinians which are required by authorities for all business transactions. Gives the Israeli Military the right to confiscate I.D. cards for any reason.

Military Order Controlling Local Governance:

- Military Order #537 (3/17/74)** - This gives wide-ranging powers to the Area Commander over municipal boundaries and services, and removes Mayors of major West Bank cities, who were elected by Palestinian citizens, from their positions.

Military Order Allowing Confiscation of Privately Owned Land and Property:

- Military Order #58 (1967)** - Gives control of absentee land to Israeli military. Defines absentee as someone who left (or who was forced to leave) Israel before, during, or after the 1967 war. Allows the Israeli Military to keep property even if the property was taken by mistake.
- Military Order #59 (1967?)** - Establishes the Israeli Military-appointed position of "Custodian of Government Property" to take over land owned by the Jordanian Government. Also, allows the "Custodian of Government Property" to appropriate land from individuals or groups by declaring it "Public Land" or "State Land". (amended by M.O.1091).
- Military Order #321 (1969)** - Gives the Israeli Military the right to confiscate Palestinian land in the name of 'Public Service' (left undefined), and without compensation.
- Military Order (1994-6)** - (amendments to M.O. 321) Allows Israel to confiscate land for Israeli only by-pass roads.
- Military Order #364 (12/29/69)** - (amends M.O.59) Declares that the Israeli Military can appropriate land simply by declaring it "State Land."

Military Order Regarding Deportation of Palestinians:

- Military Order #329** - Adds to deportation procedures and rules used in the West Bank, and described in the 1945 Emergency Regulations of the British Mandate Authorities. Orders are issued by the Area Commander. The deportee can be detained in prison until deportation occurs. Appeals of cases held in secret. **Military Order #290** - An identical order for Gaza.

Military Orders Confiscating Natural Resources:

Military Order #92(8/15/67) - Gives control of all water in WBGS to Israeli Military. Gives the Israeli Military the ability to install or continue to own or operate any type of water control device (pump, well, irrigation equipment, etc.) which the military can withdraw at any time. Public notice of decisions in local newspapers no longer required.

Military Order Regarding Courts and Detentions:

Military Order 30 - "Order Concerning Jurisdiction Over Criminal Offenses" -- Military courts have the jurisdiction over all criminal cases in the area, even over cases from before the occupation.

Military Order 29 - "Order Concerning Operation Of Prisons And Detention Centers" -- This stipulates that prisoners from the area should be kept separate from Israeli prisoners whenever possible and that detainees should be separated from convicted prisoners; detainees should be allowed to consult a lawyer when necessary, although the Military Commander has the right to appoint a person to sit in on these legal consultations, cut them short or ban access to the prisoner altogether if he deems it necessary for reasons of security.

Military Order #815 - (amends M.O.378) Changes procedures for administrative detentions (imprisonment without charges or trial). Initially, the Area Commander can issue an order for administrative detention for up to 6 months, and a regional commander can issue such an order for up to 96 hours. This can then be renewed indefinitely in increments of 6 months. The prisoner can request an appeal, but if granted, is conducted in secret, not even heard by the prisoner.

Military Order Creating Separate Judicial and Legal System of Israeli Settlers Residing in Occupied Territories:

Military Order (1974) - Established "religious councils" to administer Jewish settlements in the West Bank.

Military Order #783 (3/25/79) - Establishes 5 regional "religious councils" in the West Bank to cover all Israeli-controlled lands in the West Bank. Established special settlement courts in the Israeli settlements to try criminal cases (replaced by M.O.892, and relevant amendments also in M.O.1058).

Military Order #892 (3/1/80) - Established additional "Religious Councils" and municipal courts for specific Israeli settlements in the West Bank, and states that all are constituted and operated according to regulations issued by the Area Military Commander (Article 2). Replaces M.O.561 and M.O.783 (Article 7 & 8).

Military Order #981 (4/11/82) - Establishes Rabbinical Courts in the settlements to hear personal matters of settlers (such as divorce, adoption, inheritance, etc.).

Military Order #1080 (10/3/83) - (amends M.O.180) allows Israeli military-appointed Village Leagues to carry guns and assume many police duties.

Military Order Pertaining to Restriction of Movement in the West Bank:

Military Order 18 - "Order Concerning Closed Areas" -- Anyone wishing to enter the West Bank requires a permit.

Military Order 5 - "Order Concerning Closure Of The West Bank" -- This declares the entire West Bank a closed military area, with exit and entry to be controlled according to the orders and conditions stipulated by the military.

Military Order Forcing Palestinian Businesses to Open and Making General Strikes Illegal:

Military Order 128 - "Order Concerning Opening of Shops" -- This broadly defines 'shops' as businesses of any kind. This order then requires the owner or manager to open his business during regular working hours. The shop-keeper is then forbidden to refuse to sell his stock or provide his services to any person who is willing to pay reasonable fees, or to do so in an irrational manner. Punishment for non-compliance can involve the enforced closure of the shop, or the dispensation of the stock in whatever manner the Military Commander sees fit, regardless of whether the owner has been convicted.

Military Order Limiting Free Speech and Assembly:

Military Order 50 - "Order Concerning Distribution of Newspapers" -- It is forbidden to import, distribute or publish newspapers in the area without the permission of the military authorities.

Military Order 79 - "Order Concerning Transmission and Broadcasting" -- "It is forbidden to own any broadcasting equipment, or to broadcast on it without a permit.

Military Order 107 - "Order Concerning Use of Textbooks" -- This lists 55 books which are banned from being taught in schools. These include Arabic language books, history, geography, sociology and philosophy books.

Military Order 101 - "Order Concerning Prohibition of Incitement And Hostile Propaganda" -- "It is forbidden to conduct a protest march or meeting (grouping of ten or more where the subject concerns or is related to politics) without permission from the Military Commander. It is also forbidden to raise flags or other symbols, to distribute or publish a political article and pictures with political connotations." This includes artwork. No attempt should be made to influence public opinion in a way which would be detrimental to public order/ security. The punishment for non-compliance is a prison sentence of up to 10 years and/or a fine of 2,000 Israeli lira. Soldiers may use force to apply this law.

Military Order #1079 - (amends M.O.101) prohibits video and audio work of a political nature. Publishes a new list of over 1000 prohibited items including all United Nations Resolutions pertaining to Palestine, poetry, novels, etc.

Military Order (8/6/80) - publishes a list of prohibited publications.

Military Order Creating a Web of Military Control Over Every Aspect of Palestinians in the Occupied Territories and Exploitation of the Palestinian Economy:

Military Order 25 - "Order Concerning Transactions in Property" -- This order makes it illegal to conduct business transactions involving land and property without a permit from the military authorities.

Military Order #26 (6/18/67) - Gives Israeli military control over currency transactions, bills of exchange, Gold transactions.

Military Order #33 (6/26/67) - Gives Israeli military control over bank deposits.

Military Order 42 - "Order Concerning Order Prohibiting Purchase and Sale (Cancellation)" -- Hereafter general prohibitions of commercial transactions are to be replaced by conditional permits.

Military Order 36 - "Order Concerning Appointments In Accordance With Postal Law" -- This order cancels all postal appointments made, or postal service jurisdiction granted by the Jordanian government, and transfers this duty to the Israeli official-in-charge, who is then to make new appointments.

Military Order #45 (7/9/67) - Transfers control of Jordanian Banks, and applications for new banks, over to Israeli-appointed position of "Inspector of Banks".

Military Order #47 (7/9/67) - Farmers need permission from Israeli military appointee to transport agricultural goods.

Military Order #49 (7/11/67) - Farmers need permission from Israeli military appointee to transport agricultural goods within "closed areas".

Military Order (July, 1967) - Gives Israeli military-appointed "Principle Traffic Authority" jurisdiction over all traffic offenses as defined by Jordanian Law.

Military Order - All plans to install or move telephones must be approved by the Israeli military appointee.

Military Order - All lease applications for over 3 year periods must be approved by the Israeli military appointee.

Military Order 83 - "Order Concerning Israeli Currency as Legal Tender" -- This converts all payments due in Jordanian dinars to the Israeli liras.

Military Order #93 (8/22/67) - Gives power of the Insurance business over to an Israeli military-appointed committee (amended by future amendment).

Military Order 96 - "Order Concerning Customs Areas " -- In accordance with the above, the West Bank is defined as a distinct customs area in which it is not permissible to transport or purchase goods in a non-registered vehicle or on a donkey or in certain areas.

Military Order 133 - "Order Concerning Sale of Official Publications" -- "It is permissible for the Military Commander to order a shop-keeper or stall-holder to sell and display any official document at the stated price.

Military Order 134 - "Order Concerning Prohibition on Operating Israeli Tractors And Other Agricultural Equipment" -- It is not permitted to use agricultural equipment from Israel in the occupied territories without a permit from the area commander.

Military Order - (amends M.O.93) Giving all Insurance business to the Israeli Insurance Syndicate.

Military Order #267 - gives the Israeli military control over registration of new companies.

Military Order #361 (12/18/69) - requires car mechanics to register with the Israeli military the particulars of all cars that they service. Gives any policeman access at any time to the information in this register and provides a prison term of 2 years and/or fine of 3000 lira for violations.

Military Order #362 - (amends M.O.267) gives the Israeli Military Judicial Committee control over registration of new companies.

Military Order #379 - gives the Israeli Military Judicial Committee control over the registration of trademarks.

Military Order #398 (6/19/70) - gives the Israeli Military Judicial Committee control over the registration of companies and trademarks.

Military Order #854 (7/6/80) - puts the Israeli military in control of acceptance and entrance of students, and faculty and staff employment at West Bank Universities. The Israeli military controls the licensing of teachers. Students without I.D. Cards must register with the Israeli Military.

Military Order #952 (1/20/82) - prohibits residents of the West Bank from buying foreign currencies except for importing good and services, or for transfer to a dependent relative living outside the West Bank (not to exceed \$3000). Also, residents of the West Bank cannot take more than \$3000 with them when they travel outside the West Bank, and no more than \$500 of that total can be in cash. Requires all residents who have bank accounts to inform the Israeli Military authorities of the account and its balance.

Military Order #1002 - Requires a license issued by the Israeli Military-appointed authorities to sell seedlings and operate a nursery.

Military Order #818 (1/22/80) - Rules governing the planting of certain decorative flowers.

Military Order #1015 (8/27/82) - Permission is required from the Israeli Military Commander to plant fruit trees.

References*

Information on this fact sheet was taken primarily from the Israeli Law Resource Center, some of it verbatim.

<http://www.israelawresourcecenter.org/>