

CENTER OF THE STORM

A Case Study of Human Rights Abuses in Hebron District

Human Rights Watch
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'Atta Jaber surveys the damage to his house, which Israeli settlers and soldiers took over and occupied between December 8, 2000 and January 11, 2001. Jaber had only recently moved into the new home, after the IDF demolished two previous homes, in March 1997 and September 1998.

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I. SUMMARY

The West Bank city of Hebron, long a flashpoint of conflict between Palestinians and Israelis, has been the scene of widespread human rights abuses since the renewal of violent clashes on September 29, 2000—an uprising that Palestinians commonly refer to as the al-Aqsa Intifada. Hebron is the only major Palestinian city in the West Bank that remains in substantial measure under the direct control of the Israel Defense Force (IDF). The city is home to about 120,000 Palestinians. It is also the only Palestinian city other than East Jerusalem with a substantial presence of Israeli settlers: some 500 live in the city center and some 7,000 others live on its outskirts. This report sets out the obligations of the parties to the conflict and documents human rights violations and violations of international humanitarian law committed by Israelis and Palestinians in Hebron and the surrounding vicinity since late September 2000.

To gather information for this report, Human Rights Watch researchers traveled to Hebron for a two week period in November 2000, and returned for an additional three weeks of research in February 2001. More than one hundred and eighty in-depth interviews were conducted with victims and witnesses to human rights abuses, Israeli and Palestinian officials, ambulance drivers, teachers, journalists, international observers, Israeli settler representatives, and representatives from local Israeli and Palestinian human rights groups. Human Rights Watch researchers visited the scene of many of the violations documented in this report, augmenting eyewitness testimonies with physical observations to the extent possible.

The crisis in Hebron, as in the rest of the West Bank and Gaza Strip, has at its core a disregard for human rights and international humanitarian law. Our research found serious and extensive human rights abuses in Hebron district, including excessive use of force by IDF soldiers against unarmed Palestinian demonstrators; unlawful killings by IDF soldiers; unacknowledged assassinations of suspected Palestinian militants; attacks by Palestinian gunmen directed against Israeli civilians living in settlements and in circumstances that have placed Palestinian civilians at grave risk from Israeli response fire; disproportionate IDF gunfire in response to Palestinian attacks; extensive abuses by Israeli settlers against Palestinian civilians and the lack of an IDF response to such abuses; and “closure” measures imposed by the IDF on the Palestinian community that amount to collective punishment. Both Israeli and Palestinian authorities have failed to take the necessary steps to stop the security forces under their control from committing abuses, and have also failed to adequately investigate and punish abuses committed by security forces and civilians in areas under their control.

Human Rights and International Humanitarian Law Obligations

The conduct of governmental authorities towards individuals under their jurisdiction is governed by international human rights standards. The core standards, such as those protecting persons against torture or the arbitrary deprivation of the right to life, are considered part of customary international law, and governments are obliged to uphold these fundamental rights even if they have not signed and ratified the relevant treaties.

In addition to non-derogable human rights standards, two legal regimes are directly relevant to Israel's obligations in the West Bank and Gaza Strip—International Humanitarian Law (IHL), which applies to situations of belligerent occupation as well as situations where hostilities rise to the level of armed conflict, and policing standards which apply to situations of civil unrest. Israeli authorities have sought to argue that the conflict in the West Bank and Gaza Strip is “somewhere in the middle” between civil unrest and armed conflict, and have obfuscated Israel's legal obligations by attempting to exploit gaps or limitations in the protection standards of both regimes. No such “somewhere in the middle” regime exists under international law, however, and Israel has concrete legal obligations under both regimes. Both regimes aim to enhance the protection of the civilian population, and they complement and reinforce each other.

International human rights standards, in particular the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) and the U.N. Code of Conduct for Law Enforcement Officials (1979), offer authoritative guidance limiting the use of force in circumstances of civil unrest, such as during the clashes in the West Bank and Gaza Strip today. According to the Basic Principles and the Code of Conduct, law enforcement officials—including military or other security officials exercising police powers—must (1) use non-violent means before resorting to the use of lethal force; (2) only use lethal force “when strictly unavoidable in order to protect life;” and (3) punish as a criminal offence any arbitrary or abusive use of lethal force by such officials.

Israeli officials have asserted that the fire exchanges between Palestinian gunmen and the Israeli army in the West Bank and Gaza Strip amount to what is effectively “armed conflict.” IHL, which governs the conduct of armed conflict and is codified in the Geneva Conventions of 1949, sets less stringent conditions for resorting to lethal force when dealing with persons actively engaged in hostilities. The basic principle, however, remains applicable: to protect civilians. Under IHL, the prohibition against firing on civilians remains absolute, and combatants must at all times distinguish between military and civilian targets. Indiscriminate or disproportionate military actions are strictly prohibited. IHL also prohibits “collective punishment.” The extent of Israel's current policy of

“closure,” by imposing constant curfews and blockades in the West Bank without adequate security justification, amounts to collective punishment.

The Palestinian Authority, not being a state, does not have the treaty obligations of a state. It is, however, bound to conduct itself in an armed conflict situation in conformity with the basic humanitarian principles that prohibit under all circumstances targeting civilians or carrying out indiscriminate attacks. The Palestinian Authority, moreover, has repeatedly declared its intention to be held accountable to international human rights standards.

Excessive IDF force at Clashes, Unlawful Killings, Assassinations, and the Failure to Investigate

Since the outbreak of clashes in late September, Human Rights Watch has found clear instances of Israeli use of excessive lethal force during clashes between its security forces and Palestinian demonstrators in situations where demonstrators were unarmed and posed no threat of death or serious injury to the Israeli security forces or others. In two cases in the Hebron area investigated by Human Rights Watch, IDF troops killed unarmed, stone-throwing youth during clashes where there was no Palestinian gunfire or other serious threat to the IDF: ‘Arafat al-Jabarin, aged fifteen, was shot to death during such a clash near Beit ‘Einun on December 22, 2000, and Samir al-Khadr, aged eighteen, was killed by IDF fire during a stone-throwing clash at al-Fawwar refugee camp on November 16, 2000. Human Rights Watch also documented two separate incidents in which Palestinian gunmen fired at the IDF from amidst stone-throwing Palestinians, thereby putting the unarmed Palestinian demonstrators in grave danger from likely IDF response fire. A Palestinian gunman shooting at the IDF appears to have contributed in this way to the death of thirteen-year-old Ahmad al-Qawasmi on December 8, 2000.

In addition, many of the persons killed or wounded by the IDF near the clash sites were unarmed bystanders, suggesting that the IDF often fires indiscriminately into densely populated areas near the clash sites. The IDF fired on several unarmed Palestinians who tried to help the mortally wounded Ahmad al-Qawasmi on December 8, 2000, narrowly avoiding additional casualties. IDF soldiers shot dead twenty-two-year-old Shaadi al-Waawi on October 13, 2000, while he was watching a clash from his roof, located at least two hundred meters away from the violence. On February 17, 2001, IDF soldiers shot at two civilian cars driving near the al-Shuhada’ street checkpoint, without any apparent provocation. A seventeen-year-old student was hit in the head with a plastic-coated steel bullet on October 24, 2000, as she was walking home from school, and a taxi driver was shot in the right shoulder on October 23, 2000.

Israeli security forces have also been responsible for a disturbing number of suspicious killings and shootings of civilians under circumstances that

warrant investigation and possibly criminal prosecution. Two civilians were killed on February 16, 2001, when the IDF attacked, apparently without provocation, a communal farm operated by the Islamic Charity Organization. Jad Allah al-Ja'bari, an unarmed municipal cleaner, was shot in the foot by IDF soldiers on January 1, 2001, in an incident where the IDF has acknowledged its soldiers acted wrongly. Yusif Abu 'Awwad, aged thirty-one, was shot and killed by an IDF soldier at the entrance to Beit Umar after the soldier provoked an argument by throwing rocks at Abu 'Awwad's car. Munib Abu Munshar, aged eighteen, was shot and killed on November 11, 2000, by an IDF sniper while unloading goods near the Israeli-controlled H2 area, at a time when there were no clashes. Ra'ed Muhtasib, aged twenty-four, was killed on the night of November 10, 2000, while driving home with his father and brother. Ibrahim Abu Turki, a thirty-eight-year-old father of ten, was shot in the head and paralyzed by an IDF sniper on October 13, 2000, as he rode his donkey past the Beit Haggai settlement. Fourteen-year-old 'Ala Mahfouz was killed on October 6, 2000, at his home in al-'Arrub camp, apparently in retaliation for his hitting a soldier with a rock earlier in the day.

The IDF takes the position that it does not have to investigate such suspicious killings because it is in a "state of armed conflict," but this position is not warranted. Both the laws of war and nonderogable human rights standards require the investigation of apparently unlawful killings, even during times of armed conflict.

The IDF has also carried out assassinations in Hebron, part of an acknowledged Israeli policy to "liquidate" Palestinians suspected by Israel of involvement in attacks against Israeli military personnel or civilians. Israel has refused to provide public justifications for individual assassinations, and has not acknowledged responsibility for other killings, leading to concerns that Palestinian civilians may be among those targeted by the "liquidation" policy. In Hebron, Israeli authorities are implicated in two apparent "liquidations": the December 13, 2000, assassination of 'Abbas al-'Awiwi, a known member of the military wing of Hamas, and the October 21, 2000, shooting of Fa'iz al-Qamari, a member of Fatah.

While the individuals killed in the two cases studied by Human Rights Watch in Hebron appear to have been involved in military activities, it is still incumbent on Israel to both acknowledge responsibility for individual assassinations, and to provide evidence that the persons targeted were legitimate military targets who could not easily be arrested. Without the safeguards of public acknowledgment and justification, Israel's policy of "liquidation" is too open to abuse.

Palestinian Attacks on Settlers and Settlements, and Disproportionate IDF Response

Since October 2000, the four settlements in the Israeli-controlled center of Hebron as well as the two larger settlements on the outskirts of Hebron have come under fire from Palestinian gunmen on a regular basis. On March 26, 2001, a Palestinian sniper shot at a group of Israelis, including many children, standing in front of the Avraham Avino settlement, killing ten-month old Shalhavet Pass and severely wounding her father, Yitzhak Pass. On March 10, 2001, Elad Paas, an eighteen-year-old brother of Yitzhak Pass who was visiting Hebron, was hit in the leg by Palestinian gunfire. Evidence suggests that members of Palestinian President Yasser Arafat's Fatah movement are responsible for some of the shooting attacks on the settlements. Palestinian gunmen have also been responsible for two recent deadly roadside attacks in Hebron district: on December 8, 2000, thirty-nine-year-old Rina Didovsky, a school teacher, and Eliyahu Ben Ami, a forty-one-year-old driver, were killed while driving near the Kiriat Arba settlement, in an attack blamed on Hamas. On February 1, 2001, Shmuel Gillis, a forty-two-year-old doctor living in the Karmeit Tzur settlement, was killed while driving near al-'Arrub refugee camp. Although Israeli settlements are illegal under international humanitarian law, unarmed Israeli settlers are not legitimate military targets and attacks on them are prohibited. Some Palestinian leaders continue to make statements that seek to legitimize such attacks against settlers.

The IDF has frequently responded to this Palestinian gunfire with indiscriminate and disproportionate fire from powerful medium-caliber machine guns into densely inhabited Palestinian neighborhoods, leading to excessive Palestinian civilian casualties and severe damage to civilian property. At least four Palestinian civilians have been killed and many more wounded in Hebron by Israeli gunfire unrelated to civilian clashes, and hundreds of homes have suffered significant structural damage. Among the victims of the IDF fire were Issam al-Tawil, aged twenty-nine, killed on February 16, 2001, while driving home with his parents; eighteen-year-old Arij al-Jabali, shot in the stairway of her home on January 5, 2001, the day she was to introduce her suitor to her family; eleven-year-old Mu'ath Abu Hadwan, killed on December 31, 2000, while watching the evacuation of a wounded woman; and fifty-seven-year-old 'Abd al-'Aziz Abu Sneineh, killed in his home on October 23, 2000, when he went to answer the phone during IDF shooting.

Settler Attacks and the Lack of an IDF Response

Some 500 Jewish settlers live in four small settlements in the Israeli-controlled old city center of Hebron known as H2, which is home to some 30,000 Palestinians. Another 7,000 Jewish settlers live on the outskirts of the

city in two larger settlements. Israeli settlers in Hebron have initiated many attacks against Palestinian civilians in and around Hebron, relying on the IDF to protect them from counterattack. The IDF has seldom made any serious effort to stop or prevent attacks by Jewish settlers against Palestinians. Settlers have regularly attacked the Palestinian vegetable market in the old city, ransacking goods and overturning stands. The IDF has consistently responded to such attacks by re-imposing the curfew on the Palestinian population. Settlers have physically attacked many Palestinian homes in the old city, often directly under the eyes of IDF soldiers present nearby, who did nothing to stop them. Anti-Islamic graffiti, referring to the Prophet Muhammad as a pig and a homosexual, has also been attributed to the settlers, as has a December 2000 act of vandalism that left most of the Palestinians in the old city without phone lines for more than a month.

Settlers have regularly attacked families in the Baqa'a valley, located just east of Hebron, next to the settlement of Givat Harsina. On November 21, 2000, a large group of settlers blocked the main road through the Baqa'a valley and stoned Palestinian drivers before attacking Palestinian homes and destroying agricultural property in the area. The settlers attacked again on December 8, 2000, following the roadside killing of two settlers near Kiriya Arba settlement, occupying and damaging the home of 'Atta Jaber, stoning several other Palestinian homes in the area, and seriously wounding thirteen-year-old Mansur Jaber with a gunshot.

In the Jabal Johar area near Kiriya Arba settlement, settlers have attacked Palestinians living near the settlement. Palestinian farmers also suffer attacks when they attempt to reach their fields located close to settlements. Two brothers from the village of Bani Na'im were shot and injured in separate incidents in October and November 2000 as they were passing by the Pnei Hever settlement on their way home from their fields. Khalid Tairera, aged twenty-nine, was abused and beaten by Pnei Hever settlers after the IDF and a group of settlers stopped his car near the settlement.

Israeli settlers have frequently attacked Palestinian drivers in an attempt to keep them from driving on main roads in the West Bank, often with the complicity of the Israeli security forces. Israeli settlers regularly close main roads to Palestinian drivers, and stone approaching Palestinian cars. The IDF at times operates such unlawful roadblocks together with the settlers. Settlers have shot at or stoned Palestinian cars in the Hebron district on a number of occasions; such abuses are rarely investigated by the Israeli authorities.

Settlers have attacked humanitarian workers, independent observers, and journalists. On January 10, 2001, a car of the Temporary International Presence in Hebron (TIPH) was attacked by settlers. On October 6, 2000, Tel Rumeida settlers damaged a vehicle belonging to the International Committee of the Red

Cross (ICRC). The brunt of settler attacks against international observers have been directed against a faith-based pacifist group, the Christian Peacemaker Team (CPT), who write publicly about the abuses they witness in Hebron. Settlers also attack accredited Palestinian journalists on a regular basis; Agence France-Presse photographer Hossam Abu Alan was beaten nearly unconscious on December 10, 2000, by settlers at the Palestinian vegetable market in the H2 area of Hebron.

The Impact of Curfews, Closures and Blockades

Israel's policy of sharply restricting Palestinian movement has been in place, with varying degrees of severity, since March 1993, but the restrictions now in place are the most extensive to date. The extent and duration of the closures imposed on the Occupied West Bank and Gaza Strip at the present time exceed the requirements of military necessity, and clearly amount to collective punishment, a practice prohibited by international humanitarian law.

Since early October 2000, Israel has sealed off nearly all Palestinian towns and villages in the West Bank, placing large concrete blocks or high earthen dams on nearly all exit roads, digging deep trenches across the roads, and preventing Palestinian drivers from passing through dozens of permanent and ad-hoc military checkpoints. The estimated 30,000 Palestinian residents of the Israeli-controlled H2 area of Hebron have also been placed under a nearly permanent, 24-hour "curfew," requiring them to stay in their homes around the clock. The curfew applies only to the Palestinian residents of Hebron; Israeli settlers are allowed to move around freely at all times. Such curfews have often facilitated settler attacks on Palestinians.

Palestinian drivers, officially prohibited from using the main "bypass" roads in the West Bank and Gaza Strip, have attempted to circumvent the closures and blockades by using alternative minor roads or by risking travel on the bypass roads. Israeli soldiers routinely beat Palestinian drivers, slash their tires, or shoot at their vehicles because they are traveling on "closed" roads. Human Rights Watch researchers documented more than a dozen cases of serious abuses by Israeli security forces against taxi drivers and private drivers in the Hebron district alone. The pattern of the attacks and frequency of the incidents suggests that the Israeli leadership is condoning these abuses, or even actively complicit in them.

The closures, blockades, and curfews have had a devastating impact on all aspects of Palestinian life. Some 12,000 Palestinian students living in the H2 area of Hebron have been effectively prevented from continuing their education, as their schools have been forced to close under curfew. Students walking to school are often harassed and told to return home by soldiers and settlers. The Palestinian economy has come to a standstill; the majority of Palestinians have

lost their source of income and businesses can no longer operate. Medical personnel complain that their ability to carry out their duties effectively is greatly hampered by the constant blockades, closures, and checkpoints; they frequently suffer long delays as they have to walk patients over earthen blockades, transfer between different ambulances, travel on difficult back roads, and negotiate their way past hostile IDF checkpoints. On several occasions, ambulances have come under IDF fire, and IDF soldiers have threatened ambulance crews.

II. RECOMMENDATIONS

To the Government of Israel

- Review all military and policing policies applying to the occupied territories of the West Bank and Gaza Strip, including policies on closures, blockades and curfews, to ensure that they are consistent with international humanitarian law and international human rights standards, including the Fourth Geneva Convention.
- Ensure that Israeli security forces, when facing civilian demonstrations or protests, abide by the standards set forth in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Code of Conduct for Law Enforcement Officials, and are provided with the equipment and training necessary for this purpose.
- Take immediate action to end the excessive and indiscriminate use of force by the Israeli security forces against civilians. Security forces should not use firearms in situations of civilian protest except where this is strictly unavoidable to defend themselves or others against the imminent threat of death or serious injury. Whenever firearms are used, great care should be taken not to inflict injury on civilians.
- Ensure that Israeli security forces avoid disproportionate harm to civilians or civilian objects during exchanges of fire between Israeli and Palestinian security forces.
- Conduct immediately a full and impartial inquiry into the policy of “liquidation” of Palestinians alleged to have been involved in attacks on Israeli security personnel and civilians in order to ensure that no civilians have been or will be targeted.
- Acknowledge responsibility for and make public all cases of individuals killed or wounded to date as a result of the “liquidation” policy, and make public the factual basis and supporting evidence for the decision to assassinate these individuals. Disclose the level of command authorized to order an assassination, the process for reviewing such orders, and the person or body ultimately accountable for these actions.

- Establish an independent commission of inquiry to investigate alleged unlawful, deliberate killings by members of the Israeli security forces and bring to justice Israeli security force personnel responsible for such killings.
- Provide compensation to victims of unlawful use of force by Israeli security personnel where this has caused death, disablement, destruction of property, or economic loss.
- Make public the open fire regulations issued to members of the Israel Defense Force and the police, and ensure that these regulations comply with the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the U.N. Code of Conduct for Law Enforcement Officials.
- End the comprehensive policy of closures and curfews in force in the West Bank and Gaza Strip and refrain from imposing restrictions on Palestinian civilians' freedom of movement between and within the occupied territories, including East Jerusalem, except when required by imperative reasons of security, and when the measures imposed are tailored to preventing specific threats against Israeli security. If any restrictions on movement are imposed, ensure that they are not excessive in impact and duration, are subject to regular review, are implemented only when and to the extent necessary, and that measures are adopted that provide alternative forms of relief to the population.
- Ensure that no collective punishment is imposed and lift those measures currently in force that constitute collective punishment.
- Ensure that the Palestinian population has access to an adequate level of health care, food supplies, medical assistance, and other humanitarian goods; ensure that medical personnel are able to carry out their duties and patients are able to reach health-care facilities, by allowing both groups to move freely and ensuring that Palestinian ambulances and their medical personnel are protected and respected under all circumstances, and facilitate the proper working of all institutions devoted to the care and education of children.
- Instruct Israeli security forces, including the IDF, to intervene immediately to prevent or stop attacks on Palestinians and their

property by Israeli settlers or other civilians, and ensure that those responsible for such acts are apprehended and brought to justice.

- Allow immediate access to, and cooperate fully with, the human rights mechanisms of the United Nations as well as other independent international investigators, to investigate allegations of human rights violations stemming from the clashes that began on September 29, 2000.

To the Palestinian Authority

- Review all military and policing policies to ensure that they are consistent with international humanitarian law and international human rights standards.
- Ensure that Palestinian security forces do not participate in attacks on Israeli civilians or civilian objects.
- Ensure that Palestinian authorities act to the fullest extent possible under the law to prevent Palestinian security forces and armed Palestinians from opening fire from positions that may put civilians at risk of injury from Israeli fire.
- Ensure that Palestinian security forces avoid disproportionate harm to civilians or civilian objects during exchanges of fire between Palestinian and Israeli security forces.
- Investigate and bring to justice those security force personnel who disobey orders to refrain from and prevent others from firing on Israeli civilians or civilian objects, and from firing from positions that may put civilians at risk of injury from Israeli fire.
- Make public the guidance the Palestinian Authority provides to its security forces regarding opening fire, and the steps it takes to prevent attacks by armed Palestinians on civilians or civilian objects.
- Provide compensation to victims of unlawful use of force by Palestinian security personnel where this has caused death, disablement, destruction of property, or economic loss.
- Cooperate fully with independent international investigators, including the human rights mechanisms of the United Nations, investigating

allegations of human rights violations stemming from the clashes that began on September 29, 2000.

To the International Community

- Encourage the government of Israel and the Palestinian Authority to implement the above respective recommendations.
- Urge the United Nations Security Council to establish immediately a permanent international presence in the West Bank and Gaza Strip to monitor and report publicly and regularly on the compliance by all parties with international human rights and humanitarian law standards.
- Request the Secretary General to ensure that appropriate United Nations mechanisms report to and inform the Security Council and the General Assembly on a regular basis regarding compliance by all parties with human rights and international humanitarian law standards in the West Bank and Gaza Strip.

To High Contracting Parties of the Geneva Conventions of 1949

- Take immediate action, individually and jointly, to ensure respect for the provisions of the Fourth Geneva Convention.

To the United States

- Support efforts to address human rights and international humanitarian law violations by all parties, including the establishment of a permanent international presence in the West Bank and Gaza Strip to monitor and report publicly and regularly on the compliance by all parties with international human rights and humanitarian law standards.
- Treat serious and systematic violations of international human rights and humanitarian law as requiring immediate remedy, and ensure that the enforcement of human rights and humanitarian law protections are not made subordinate to the outcomes of direct negotiations between the parties to the conflict.
- Monitor and report publicly on the use by Israel of U.S.-supplied and financed military equipment and take steps to ensure that such equipment is used in compliance with international human rights and humanitarian law standards.

To the Member States of the European Union

- Promote a United Nations Security Council resolution that addresses human rights and international humanitarian law violations by all parties and that establishes a permanent international presence in the West Bank and Gaza Strip to monitor and report publicly and regularly on the compliance by all parties with international human rights and humanitarian law standards.
- Treat serious and systematic violations of international human rights and humanitarian law as requiring immediate remedy, and ensure that the enforcement of human rights and humanitarian law protections are not made subordinate to the outcomes of direct negotiations between the parties to the conflict.
- Develop and make public benchmarks for compliance by the government of Israel and the Palestinian Authority with international human rights and humanitarian law commitments as embodied in Article 2 of the Euro-Mediterranean Association Agreements the European Union has negotiated with each party.

III. BACKGROUND

Hebron, called al-Khalil in Arabic, has an estimated population of 120,000, and is the second largest city in the West Bank. It is an ancient city, located about thirty kilometers south of Jerusalem, and serves as a major manufacturing center for the West Bank. Hebron is also a place of considerable religious significance. At the center of the city is the Ibrahimi mosque, reputed to have been constructed over the biblical Cave of the Patriarchs (Cave of Machpelah), said to be the burial site of the “patriarchs and matriarchs” of Judaeo-Christian-Muslim monotheism—namely, Abraham and Sarah, Isaac and Rebecca, and Jacob and Leah. Hebron’s population is overwhelmingly composed of Palestinian Arabs, most of them Muslim, but some five hundred Israeli settlers also reside in the heart of the city, and another 7,000 Israeli settlers reside in two larger settlements on its outskirts.

Tensions between Palestinians and Jews in the town have repeatedly resulted in severe outbreaks of violence, notably - but by no means exclusively - in 1929 and 1994. On August 23, 1929, amid anti-Jewish riots in much of Palestine, sixty-seven Jewish residents of Hebron were brutally murdered by Palestinian Arabs, with some of the victims being raped, tortured, or mutilated.¹ Other Palestinian Arabs sheltered their Jewish neighbours; today the Zionist Archives preserve a list of 435 Jews who found a safe haven in twenty-eight Palestinian Arab homes in Hebron during the carnage.² Jewish residents left Hebron in the years following the 1929 massacre, and for today’s Israeli settlers in Hebron it remains a potent symbol: in November 2000, a large sign could be seen near the Palestinian market next to the Avraham Avino settlement in central Hebron: “This market was built on Jewish property, stolen by Arabs, after the 1929 massacre.”³

Another brutal massacre was committed on February 25, 1994, when Baruch Goldstein, an Israeli settler from Kiriat Arba, entered the Ibrahimi Mosque during prayer time and shot to death twenty-nine Palestinian Arabs before he was himself killed by angry onlookers.⁴ The Israeli authorities condemned the crime but many settler leaders in Hebron refused to do so.

¹ Tom Segev, *One Palestine, Complete* (New York: Metropolitan Books, 1999), pp.314-327.

² *Ibid.*, pp. 325-6.

³ Human Rights Watch photograph, taken November 2000.

⁴ For a detailed account of the massacre, see Palestinian Human Rights Information Center, *The Massacre in Al-Haram Al-Ibrahimi Al-Sharif: Context and Aftermath* (Jerusalem: PHRIC, 1994). On the rise in tensions in Hebron following the massacre, see B’Tselem, “Impossible Coexistence: Human Rights in Hebron Since the Massacre at the Cave of the Patriarchs,” September 1995.

Hebron was part of British mandate Palestine from 1917 until 1948 when, together with the rest of what became known as the West Bank, it was unilaterally incorporated into Jordan following the Arab-Israeli war that accompanied the establishment of the state of Israel. It remained under Jordanian rule until Israel occupied the West Bank during the June 1967 Arab-Israeli war.

After the 1967 war, Gush Emunim and other settler organizations initiated a new movement within Israel to reclaim all of the biblical land of Israel (referred to as *Eretz Israel*), and it was in furtherance of this aim that Rabbi Moshe Levinger and his colleagues established in 1968 a small presence in a hotel in the middle of Hebron during Passover. Their enterprise was not immediately authorized by the Israeli government but it gained support from a number of Israeli political leaders and a few weeks later the settlers moved to a nearby IDF military compound. Thereafter, the government authorized the settlers to establish a town on confiscated Palestinian land on the outskirts of Hebron, Kiriat Arba, now one of the largest Jewish settlements on the West Bank. Kiriat Arba and another large settlement, Givat Harsina, also located on the outskirts of Hebron, have a combined population today of some 7,000 Jewish settlers.⁵ In addition, four smaller Jewish settlements—Beit Haddassah, Beit Romano, Avraham Avino, and the most recent, a group of caravans known as Tel Rumeida—with a total population of around five hundred settlers, have been established in the Palestinian-populated heart of the old city, where they are under constant IDF protection. Dozens of other rural settlements are scattered throughout the wider Hebron district.

As an area of particular and protracted tension, the city of Hebron was accorded special attention during the peace talks between Israel and the Palestine Liberation Organization that led to the 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip and Israel's partial withdrawal from the West Bank. Under a separate 1997 Hebron redeployment agreement, Israel agreed to cede authority for most of the city of Hebron (defined as "H1") to the Palestinian Authority, but maintains full control over the area surrounding

⁵ Ian S. Lustick, *For the Land and the Lord: Jewish Fundamentalism in Israel* (New York: Council on Foreign Relations, 1988), p. 42.

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the four downtown Hebron settlements and the Ibrahimi Mosque (defined as “H2”), an area that includes some 30,000 Palestinian residents.⁶

⁶ Protocol Concerning the Redeployment in Hebron, dated January 15, 1997.

IV. THE OBLIGATIONS OF ISRAEL AND THE PALESTINIAN AUTHORITY UNDER INTERNATIONAL LAW

Applicable International Law to the Conflict

In a meeting with Human Rights Watch representatives on November 8, 2000, Lt. Col. Pnina Sharvit Baruch, deputy head of the International Law division of the IDF, explained the IDF's legal position on the current conflict. The IDF views the current conflict as different from the first intifada, Baruch said, because there is now a regulated and armed Palestinian force in the occupied territories and "the violence itself is of a different nature, it is not just a civilian uprising. Now, we are being fired at daily, both against military and [Israeli] civilians."⁷ At the time of the November 2000 meeting with Human Rights Watch, the IDF did not consider the situation to be a "state of war" but rather defined the situation as a state of "armed conflict," although Lt. Col. Baruch admitted that the IDF was still determining how to classify the conflict, which it considered to be "somewhere in the middle." However, in testimony before the Israeli Knesset in February 2001, IDF Chief of the General Staff Lt. General Shaul Mofaz stated that the IDF was in a "state of war in every way."⁸

The argument by Israeli authorities that the current conflict in the West Bank and Gaza Strip falls "somewhere in the middle" serves to obfuscate Israel's legal obligations in the conflict. In effect, Israeli authorities have tried to place themselves in a situation in which they are free to choose applicable provisions from two different legal regimes—the first applying to human rights and policing standards during situations of civil unrest, and the second applying to armed conflicts—without being bound by the obligations of either regime, in an effort to exploit gaps or limitations in the protection standards of both regimes. No such "somewhere in the middle" regime exists under international law. An accurate analysis of the applicable legal regime clearly shows that Israel has concrete legal obligations under both regimes. Whenever the legal regime applying to a particular situation has not been clearly identified, it remains a foremost principle that the legal regime favored should enhance protection of the civilian population, not diminish it.

Two legal regimes are directly relevant to Israel's obligations in the Occupied West Bank and the Gaza Strip. The first legal regime is that of International Humanitarian Law (IHL, as codified in the Geneva Conventions, its protocols, and other sources), which applies to situations of belligerent occupation as well as situations where hostilities rise to the level of international

⁷ Human Rights Watch interview with Lt. Col. Pnina Sharvit Baruch, Deputy Head, International Law Department of the IDF, Tel Aviv, November 8, 2000.

⁸ Nina Gilbert, "Mofaz: IDF Must Respond to Mount Dov Attack," *Jerusalem Post*, February 21, 2001.

armed conflict. However, the application of International Humanitarian Law does not preempt the application of a separate legal regime, the human rights regime, particularly the non-derogable rights such as the right to life. On the contrary, in situations of this complexity, both legal regimes complement and reinforce each other.

When considering which legal standards apply to a particular situation, it is incumbent to distinguish between a legitimate military response in situations of armed confrontation, such as the fire exchanges amounting to hostilities between Palestinian gunmen and Israeli forces, and a policing response in the more common situations of civilian protests, which include the almost daily rock-throwing clashes. Declaring a state of “armed conflict” does not negate Israel’s obligation to continue to apply appropriate policing standards to civilian protests, even if some of these civilian protests turn violent and require dispersal by law enforcement officials.

The U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials⁹ and the U.N. Code of Conduct for Law Enforcement Officials¹⁰ provide international standards governing the use of force in law enforcement, including during the policing of violent unlawful assemblies. While these principles are not legally binding, they provide authoritative guidance and reflect a high level of consensus by the international community about the standards that states are required to apply on the use of force and firearms by law enforcement officials. Principle 9 of the Basic Principles states:

Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.¹¹

The Basic Principles provide that law enforcement officials¹² shall “as far as possible, apply non-violent means before resorting to the use of force and

⁹ U.N. Doc. A/CONF.144/28/Rev.1 (1990), adopted in 1990 by the Eighth U.N. Congress on the Prevention of Crime and Offenders.

¹⁰ G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), adopted by the U.N. General Assembly on December 17, 1979.

¹¹ Ibid, Principle 9.

¹² The Basic Principles define “law enforcement officials” to include “all officers of the law, whether appointed or elected, who exercise police powers, especially the power of

firearms.” (Principle 4). The Basic Principles also call for proportionality in the amount of force used (Principle 5), for the adoption of reporting requirements where force or the use of firearms lead to injury or death (Principle 6), and for governments to ensure that “arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law” (Principle 7).

The U.N. Code of Conduct for Law Enforcement Officials provides similar international human rights standards for law enforcement. Article 3 of the Code requires that “[l]aw enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.” The official commentary accompanying Article 3 sets forth detailed standards applying to the use of firearms, arguing for restraint in their use (“The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children.”), and recognizing the principle of proportionality in the use of firearms (“In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved”).

Applicability of the Fourth Geneva Convention and the Hague Regulations to Israel’s Conduct in the West Bank and Gaza Strip

Under International Humanitarian Law, Israel is considered the “Occupying Power” in the “Occupied Territories” of the West Bank and the Gaza Strip captured during the 1967 war. Its conduct as an occupying power is governed by two major international instruments that relate to the treatment of civilians during war and in occupied territories: the 1907 Hague Regulations annexed to the Convention (IV) Respecting the Laws and Customs of War on Land, and the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Israel ratified the Geneva Conventions on July 6, 1951.¹³ Israel has not signed or ratified the 1907 Hague Regulations, but the Israeli High Court has found that the 1907 Hague Regulations are part of customary international law, and thus binding on all states, including those not party to the treaty.¹⁴

Israeli governments have commonly taken the position that Israel is not bound by the Fourth Geneva Convention dealing with the responsibilities of

arrest or detention. In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.” Basic Principles, “Note”.

¹³ Israel ratified the Geneva Conventions with the reservation that Israel would use the Red Shield of David as the distinctive and inviolable emblem for its medical services.

¹⁴ *Suleiman Tawfiq Ayyub et al. v. Minister of Defense et al.*, Israeli High Court Judgment 606/78, at 6.

occupying powers, because Jordanian and Egyptian control over the West Bank and Gaza Strip prior to Israel's occupation in 1967 had been seen by the world community as illegitimate. Therefore, Israel argues, "these territories were not, prior to the occupation, under the sovereignty of any state, and could not, therefore, be considered 'occupied territory' once Israel seized control."¹⁵ Instead, Israel takes the position that it will voluntarily abide by the "humanitarian provisions" of the Fourth Geneva Convention.

Israel's position on the applicability of the Fourth Geneva Convention is not supported by the language of the Convention. The Fourth Geneva Convention applies to all civilians in a war or under occupation, defined as "Protected Persons" in Article 4 of the Convention, which reads:

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.¹⁶

The International Committee of the Red Cross (ICRC), the international body charged with monitoring and promoting adherence to the Geneva Conventions, takes the position that the Fourth Geneva Convention fully applies to Israel's conduct in the West Bank and Gaza Strip.¹⁷ It is also the view of virtually the entire international community excepting Israel, as reflected by numerous U.N. General Assembly and Security Council resolutions,¹⁸ as well as

¹⁵ B'Tselem, "Israeli Settlement in the Occupied Territories as a Violation of Human Rights: Legal and Conceptual Aspects," March 1997, p. 9 (paraphrasing the 1971 position of then-Attorney General of Israel, Meir Shamgar).

¹⁶ Fourth Geneva Convention, Art. 4.

¹⁷ The ICRC has consistently affirmed the application of the Fourth Geneva Convention in all of its statements dealing with the Occupied Territories since Israel's 1967 occupation of the West Bank and Gaza.

¹⁸ See, for example, Security Council Resolutions 465 (1980), 452 (1979), and 446 (1979) (all "Affirming once more that the Fourth Geneva Convention ... is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem"); Statement by the President of the Security Council, July 13, 1998, S/PRST/1998/21, Statement by the President of the Security Council, November 11, 1976, S/12233; General Assembly Resolutions ES-10/6 (1999), ES-10/5 (1998), 53/55 (1998), ES-10/4 (1997), ES-10/3 (1997), ES-10/2 (1997), 52/66 (1997), 51/223 (1997), 51/133 (1996), 47/172 (1992); U.N. Commission on Human Rights resolutions 2000/6 (E/CN.4/RES/2000/6), 2000/8 (E/CN.4/RES/2000/8), 1999/7 (E/CN.4/RES/1999/7); 1999/5 (E/CN.4/RES/2000/5), 1998/3 (E/CN.4/RES/1998/3).

While the United States has frequently abstained from Security Council and General Assembly resolutions on Israel, some U.S. administrations have affirmed the view that the Fourth Geneva Convention applies to the occupied territories. For example, then-Secretary of State Cyrus Vance testified before Congress on March 21, 1980, that the Fourth Geneva Convention applied to the occupied territories and that Israel's settlement

resolutions of other regional bodies such as the European Union,¹⁹ and the position of most of the legal scholars who have taken a stance on the issue.²⁰ Israel stands alone in its interpretation that the Fourth Geneva Convention and the Hague Regulations do not apply to the West Bank and Gaza Strip.

In July 1999, the High Contracting Parties to the Fourth Geneva Convention convened a conference in Geneva to discuss issues related to the application and enforcement of the Fourth Geneva Convention in the West Bank and Gaza Strip. Israel and the United States boycotted the conference.²¹ The statement of common understanding that was adopted by the participating High Contracting Parties “reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem,” and “the need for full respect for the provisions of the said Convention in that Territory.”²² Common Article 1 of the Geneva Conventions requires High

policy was illegal. For an overview of U.S. statements on the applicability of the Fourth Geneva Convention and the legality of Israel’s settlement policy, see Foundation for Middle East Peace, “Report on Israeli Settlement in the Occupied Territories,” January-February 1997, pp. 6-7.

¹⁹ See, for example, Statement by Ambassador Johan Molander, Head of the Delegation of Sweden, on Behalf of the European Union, 57th Session of the Commission on Human Rights, Agenda Item 8. (“The European Union reaffirms once more its position that the fourth Geneva Convention ... is fully applicable to the Palestinian occupied territories, including East Jerusalem, and constitutes binding international humanitarian law.”).

²⁰ See Dieter Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflict* (Oxford: Oxford University Press, 1995, p. 244 (“[T]he Israeli government later took the view that [the Fourth Geneva Convention was not applicable since, *inter alia*, the international status of Western Jordan [sic.] and Gaza was not clear. ... This reasoning is not acceptable since denying the existence of conditions for application of GC IV it relies upon a possible controversy regarding the legal status of that territory. The purpose of the law of belligerent occupation is to ensure protection for persons and objects no longer under the control of their own authorities but of a foreign power, as a result of war. There is no doubt that, from the viewpoint of the inhabitants of Western Jordan and the Gaza Strip, Israel is a foreign power. Furthermore, GC IV regulates only humanitarian issues resulting from the fact of occupation for the inhabitants of occupied territories. The legal fate of the territories is a question which must be kept distinct from the humanitarian purpose of Geneva Law.”); see also Emma Playfair (ed.), *International Law and the Administration of Occupied Territories* (Oxford: Clarendon Press, 1992) (including articles by international law experts Adam Roberts, Allain Pellet, Richard Falk and Burns Weston, Christopher Greenwood, and Antonio Cassese supporting the view that the Fourth Geneva Convention applies to the West Bank and Gaza Strip).

²¹ The U.N. General Assembly resolution calling for the meeting of the High Contracting Parties was adopted by a vote of 115 in favor with two (Israel and United States) against and five abstentions. 103 High Contracting Parties attended the July 15, 1999 meeting. See United Nations, “Assembly Calls for Parties to Fourth Geneva Convention to Meet on Measures to Enforce its Application in Occupied Palestinian Territory,” Press Release GA/9544 (February 9, 1999); U.N. General Assembly Resolution ES-10/6 of February 9, 1999.

²² Conference of High Contracting Parties to the Fourth Geneva Convention, “Statement,” July 15, 1999.

Contracting Parties “to respect and to ensure respect for the present Convention in all circumstances,” a requirement that includes the duty to endeavor to bring another High Contracting Party to respect the Geneva Conventions when it is responsible for breaches.²³

Prohibition on Unlawful Killings and Assassinations and Israel’s Failure to Investigate

As in earlier times where the IDF took the position that it was in a state of “armed conflict,” the IDF is advancing the position that it does not have any obligation to investigate killings or woundings by the IDF during the current conflict. In a January 2001 meeting with Amnesty International representatives, Colonel Daniel Reisner, Head of the Legal Department of the IDF, stated that “no army carries out investigations in warfare, up to then every question is investigated.”²⁴ Similar statements were made to the Israeli human rights group B’Tselem, and at times the IDF has advanced the argument that it cannot carry out investigations into IDF shootings and killings because of technical difficulties, particularly the inability of Israeli investigators to enter Palestinian-controlled Area “A” territories.²⁵ When the United States Department of State provided the Israeli government with a list of slain Palestinians and asked for explanations of each case, the Israeli government refused to provide the information, arguing that the killings must be seen in the context of armed conflict and not as a human rights issue.²⁶

²³ According to the authoritative commentaries of the ICRC,

The use in all four Conventions of the words ‘and to ensure respect for’ was, however, deliberate: they were intended to emphasize the responsibility of the Contracting Parties....It follows, therefore, that in the event of a Power failing to fulfil its obligations, the other Contracting Parties (neutral, allied or enemy) may, and should, endeavour to bring it back to an attitude of respect for the Convention. The proper working of the system of protection provided by the Convention demands in fact that the Contracting Parties should not be content merely to apply its provisions themselves, but should do everything in their power to ensure that the humanitarian principles underlying the Conventions are applied universally.

ICRC, Commentary: IV Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva: ICRC, 1958), p. 16.

²⁴ Amnesty International, “Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings.”

²⁵ B’Tselem, “Illusions of Restraint: Human Rights Violations During the Events in the Occupied Territories, 29 September to 2 December,” pp. 18-20.

²⁶ “Israel rejects Mitchell request for more info,” *Ha’aretz*, February 8, 2001. The request was made by the U.S. Department of State, not by the Mitchell Commission as implied in the article’s title.

International standards require a “thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances.”²⁷ In its meeting with Human Rights Watch, the IDF explained that all incidents of the use of lethal force are internally reviewed by the commander of the soldiers involved, and that “due to the situation that exists now, only when there is reason to believe that there is a criminal, extreme case, there would of course be a criminal investigation.”²⁸ The internal review by the commander of the soldiers involved, whose own career may be negatively affected and who may face disciplinary proceedings himself if soldiers under his command are implicated in wrongdoing, cannot be considered impartial.

The IDF’s formal position that it will not investigate killings by its soldiers during the current “state of armed conflict” is not new. The IDF also refused to investigate the 1996 killings of forty-seven Palestinian civilians and thirteen members of the Palestinian security forces during clashes following the controversial opening of an ancient tunnel near Jerusalem’s al-Aqsa Mosque compound,²⁹ stating that the events were designated as “combat incidents. Therefore, MPI [the Department of Military Police Investigations] will not investigate incidents in which IDF soldiers are involved. However, in cases where there is proof of offenses by soldiers in non-combat situations, MPI will be ordered to investigate.”³⁰ The IDF similarly refused to investigate its soldiers’ conduct in the May 2000 *Naqba* demonstrations, commemorating the 52nd anniversary of the 1948 Arab-Israeli war that led to the establishment of the Jewish state and caused the displacement of many Palestinian communities,³¹ in which six Palestinian civilians and two Palestinian security force members were killed.³²

Despite its formal position that the IDF will only investigate “criminal, extreme cases” of killings occurring in the course of “armed conflict,” the IDF has opened investigations into some cases of suspicious shootings, as illustrated

²⁷ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the U.N. Economic and Social Council on May 24, 1989 in resolution 1989/65 and endorsed by the U.N. General Assembly on December 15, 1989 in resolution 44/162, Principle 9.

²⁸ Human Rights Watch interview with Lt. Col. Pnina Sharvit Baruch, Deputy Head, International Law Department of the IDF, Tel Aviv, November 8, 2000.

²⁹ Human Rights Watch, *World Report 1997* (New York: Human Rights Watch, 1997), p. 292.

³⁰ Letter from Major Avital Margalit, Head of Assistance Branch, Office of the IDF spokesperson, to B’Tselem, dated October 22, 1996, quoted in B’Tselem, “Illusions of Restraint,” p. 19.

³¹ LAW, “Seven Palestinians Die in One Week,” May 21, 2000.

³² B’Tselem, “Illusions of Restraint,” p. 19.

in this report. In a number of these cases, particularly the cases of Muhammad al-Dirra³³ and Jad Allah al-Ja'bari, it appears that intense press attention positively influenced the IDF's decision to open an investigation. However, even where investigations into unlawful use of lethal force have been opened, the IDF has failed to contact and interview crucial witnesses to the shootings, or even inform the relatives of shooting victims about the status of the investigation. For example, the Associated Press cameraman who directly witnessed the shooting of Jad Allah al-Ja'bari was never contacted by the IDF, even though the IDF has stated that an investigation has been opened and that the soldiers have been reprimanded for providing false accounts of the incident. Similarly, none of the relatives or eyewitnesses to the killing of Yusif Abu 'Awwad have been contacted by the IDF, even though it appears an investigation has been opened. All of these witnesses expressed a willingness to Human Rights Watch to cooperate with an IDF investigation.

The IDF's investigative practices fall short of accepted international standards, particularly the right of the family of the deceased to be informed and have access to the investigation:

Families of the deceased and their legal representatives shall be informed of, and have access to, any hearing as well as to all information relevant to the investigation and shall be entitled to present evidence.³⁴

International standards also require the publication of a report "within a reasonable period of time" on the scope and findings of the investigation, as well as bringing to justice persons accused of participation in unlawful killings.³⁵

The IDF position that it is not required to investigate killings that occur during the course of "armed conflict" is inconsistent with international law standards. Both international humanitarian law and international human rights law require Israel to investigate credible reports that its forces have committed unlawful killings.

Under international humanitarian law, Israel is obliged "to provide effective penal sanctions for persons committing, or ordering to be committed" grave breaches of the Geneva Conventions, which includes "willful killing," and

³³ The case of Muhammad al-Dirra is discussed in the Human Rights Watch report, "Investigation Into Unlawful Use of Force in the West Bank, Gaza Strip, and Northern Israel, October 4 through October 11," *A Human Rights Watch Short Report*, Vol. 12 No. 3(E), November 2000.

³⁴ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 16.

³⁵ Ibid, principles 17 and 18.

to “bring such persons ... before its own courts.”³⁶ In addition, and most relevant to the cases of unlawful killings discussed in this report, the Geneva Conventions require state parties to “take measures necessary for the suppression of all acts contrary to the provisions of the present Convention,”³⁷ a provision which is interpreted in the authoritative commentaries of the International Committee of the Red Cross as requiring Contracting Parties to “institute judicial or disciplinary punishment for breaches of the Convention.”³⁸ Unlawful killings are a form of “violence to life and person” specifically prohibited by the provisions of the Geneva Conventions.

The right to life, protected by all international human rights instruments, is a non-derogable human right and remains in full force even during times of armed conflict.³⁹ Israel is allowed to use lethal force against combatants within the framework of the Geneva Conventions, but has to take the necessary safeguards to protect the civilian population from the arbitrary or unlawful use of lethal force. The Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions state:

There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances.⁴⁰

The IDF’s position that they do not need to investigate alleged unlawful killings, even when presented with significant evidence by relatives and human rights groups that such killings have taken place, seriously calls into question whether the IDF can conduct “a thorough, prompt and impartial investigation” of alleged unlawful killings. Such concerns are heightened by the sometimes blanket statements made by IDF spokespersons about the legitimate nature of IDF fire, such as an October 2, 2000, announcement by the IDF spokesperson that “Every incident in which IDF soldiers used measures to disperse demonstrations or live ammunition was a precise reaction toward sources of fire and toward violent elements threatening to cause harm to human lives.”⁴¹ Such

³⁶ Fourth Geneva Convention, Arts. 146 and 147.

³⁷ Fourth Geneva Convention, Art. 146.

³⁸ ICRC Commentary to the Fourth Geneva Convention, p. 594.

³⁹ International Covenant on Civil and Political Rights, Article 4. Israel ratified the ICCPR on October 3, 1991.

⁴⁰ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the U.N. Economic and Social Council on May 24, 1989 in resolution 1989/65 and endorsed by the U.N. General Assembly on December 15, 1989 in resolution 44/162, Principle 9.

⁴¹ IDF, “IDF Spokesperson’s Announcements,” October 2, 2000.

apparent prejudgment by the IDF, and its unwillingness to ensure that potentially unlawful killings are subject to impartial inquiry, strongly argue for the establishment of an independent commission of inquiry, as provided for in the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions:

In cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure.⁴²

In addition to the unlawful killings of Palestinian civilians, Israeli forces are also implicated in carrying out a number of targeted assassinations of alleged Palestinian militants in the Hebron area. The assassinations form part of a broader policy of “liquidations” carried out by Israeli forces throughout the West Bank and Gaza Strip against Palestinian militants whom Israel suspects of planning or carrying out attacks on Israeli security forces and civilians. Israeli authorities have publicly acknowledged responsibility for some of the assassinations carried out under this policy, although they have remained silent on other suspected “liquidations.”⁴³ At least ten Palestinians suspected by Israel of involvement in attacks against Israeli forces or civilians, and six bystanders, are believed to have died pursuant to the “liquidation” policy, although the actual number may be higher.

The head of the IDF’s International Law Branch, Col. Daniel Reisner, publicly announced the existence of a “liquidation” policy following the November 9, 2000, killing of Hussein Abayat, a Fatah activist accused by the Israelis of involvement in attacks in the Bethlehem area. On November 15, 2000, Col. Reisner stated: “In the current situation, people who attack us have been identified by us as combatants. As a result we view them as legitimate targets. That is what I mean by targeting.”⁴⁴ Israeli authorities continued with the “liquidation” policy despite international protests. On February 14, 2001,

⁴² Principle 11.

⁴³ See Human Rights Watch letter to Prime Minister Ehud Barak, “End Liquidations,” January 19, 2001; Human Rights Watch release, “Israel: End ‘Liquidations’ of Palestinian Suspects,” January 29, 2001. See also, Amnesty International, *Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings* (London: Amnesty International, February 2001).

⁴⁴ Press briefing by Colonel Daniel Reisner, Head of the International Law Branch of the IDF Legal Division, Jerusalem, November 15, 2000.

following the death of nine Israelis in Tel Aviv when a Palestinian bus driver drove into a group of people, Deputy Defense Minister Ephraim Sneh reaffirmed the policy, stating: “We will continue our policy of liquidating those who plan or carry out attacks, and no one can give us lessons in morality because we have unfortunately 100 years of fighting terrorism.”⁴⁵

Extrajudicial executions are strictly prohibited under international law. Israeli officials argue that the individuals designated for “liquidation” are legitimate military targets because of their involvement in attacks against Israeli military personnel and civilians, but they have not made public any evidence to substantiate this claim. Decisions to kill particular individuals have not been subject to any transparent civilian or military review, raising concerns that civilians, as well as members of the Palestinian security services who have played no direct role in attacks against Israeli civilians or military personnel, may be among those targeted. In several cases, the “liquidation” killings have taken place in or near areas under Israeli control, where it may have been possible to arrest the suspects.

Prohibition on Indiscriminate and Disproportionate Use of Force

The most fundamental principle of the laws of war requires that combatants be distinguished from noncombatants, and that military objectives be distinguished from protected property or protected places. Parties to a conflict must direct their operations only against military objectives (including combatants).⁴⁶

Under Protocol I, Article 51(4), indiscriminate attacks are prohibited. Israel is not a party to Protocol I, but the provisions prohibiting indiscriminate warfare are considered to be norms of customary international law, binding on all parties to a conflict, regardless of whether it is an international or internal armed conflict.⁴⁷ Indiscriminate attacks are “those which are not directed against a military objective,” “those which employ a method or means of combat which cannot be directed at a specific military objective,” or “those which employ a method or means of combat the effects of which cannot be limited as required by the Protocol,” “and consequently, in each such case, are

⁴⁵ Claire Snegaroff, “Eight Killed as Palestinian Bus Driver Mows Down Israelis,” *Agence France-Presse*, February 14, 2001.

⁴⁶ Protocol I Additional to the Geneva Conventions, Art. 48.

⁴⁷ See Dieter Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflict*, p. 120 (“The general prohibition against indiscriminate warfare applies independently of Arts. 48 and 51 [of Protocol I]. The relevant provisions of the Additional Protocols merely codify pre-existing customary law, because the principle of distinction belongs to the oldest fundamental maxims of established customary rules of humanitarian law. It is also virtually impossible to distinguish between international and noninternational armed conflict in this respect....”)

of a nature to strike military objectives and civilians or civilian objects without distinction.”⁴⁸ Military objectives are defined as “those objects which by their nature, location, purpose or use make an effective contribution to military action.”⁴⁹ Among the types of attack specifically prohibited as indiscriminate is “an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”⁵⁰ Also prohibited are “attacks against the civilian population or civilians by way of reprisals.”⁵¹

The term “means” of combat refers generally to the weapons used; the term “method” to the way in which such weapons are used. Casualties that are a consequence of accidents, as in situations in which civilians are concealed within military installations, may be considered incidental to an attack on a military objective—so called “collateral damage”—but care must still have been shown to identify the presence of civilians. Article 57 of Protocol I sets out the precautions required, among them to “do everything feasible to verify that the objectives to be attacked are neither civilians or civilian objects,” to “take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects,” and to refrain from deciding to launch any attack “which may be expected to cause” such deaths, injuries or damage “which would be excessive in relation to the concrete and direct military advantage anticipated.”⁵² In its authoritative *Commentary* on the protocols, the ICRC is clear on what is meant by “feasible” in Article 57: “What is required ... is to take the necessary identification measures in good time to spare the population as far as possible.”⁵³

The principle of proportionality places a duty on combatants to choose means of attack that avoid or minimize damage to civilians. In particular, the attacker should refrain from launching an attack if the expected civilian casualties would outweigh the importance of the military objective.⁵⁴ Protocol I, Article 57 (“Precautions in attack”) requires those who plan and/or execute an attack to cancel or desist from the attack in such circumstances.

The ICRC *Commentary* on Article 57 of Protocol I sets out a series of factors that must be taken into account in applying the principle of

⁴⁸ Protocol I, Art. 51(4).

⁴⁹ Protocol I, Art. 52(2).

⁵⁰ Protocol I, Art. 51(5).

⁵¹ Protocol I, Art. 51(6).

⁵² Protocol I, Art. 57.

⁵³ ICRC, *Commentary on the Additional Protocols*, pp. 681-82.

⁵⁴ Protocol I, Art. 51(5)(b).

proportionality to the incidental effects attacks may have on civilian persons and objects:

The danger incurred by the civilian population and civilian objects depends on various factors: their location (possibly within or in the vicinity of a military objective), the terrain (landslides, floods etc.), accuracy of the weapons used (greater or lesser dispersion, depending on the trajectory, the range, the ammunition used etc.), technical skill of the combatants (random dropping of bombs when unable to hit the intended target).⁵⁵

As expressed in the ICRC *Commentary*, “the golden rule to be followed” when making determinations about the proportionality of an attack is “the duty to spare civilians and civilian objects in the conduct of military operations.”⁵⁶

Israel’s Obligation to Protect Palestinian Civilians in the Occupied Territories

This report deals extensively with attacks by Israeli settlers against Palestinian civilians, and finds that the IDF and other Israeli authorities have consistently failed to protect Palestinian civilians from attack. Palestinian and Israeli human rights organizations have reached similar conclusions about the failure of the Israeli authorities to protect Palestinian civilians from attacks by settlers, as well as the failure by Israeli authorities to investigate and prosecute crimes committed by settlers against Palestinians.⁵⁷ Official Israeli commissions, including the 1982 Karp Committee and the 1994 Shamgar Commission appointed to investigate the Hebron massacre by Baruch Goldstein, also concluded that the Israeli authorities, particularly the police, have consistently failed in their obligation to investigate and prosecute crimes committed by settlers against Palestinians.

The Palestinian population of the occupied West Bank and Gaza Strip are “Protected Persons” under the Fourth Geneva Convention, and are entitled to extensive protections under the law of belligerent occupation. The Fourth Geneva Convention requires that “Protected Persons” be protected against acts of violence:

⁵⁵ ICRC, *Commentary on the Additional Protocols*, p. 684.

⁵⁶ *Ibid.*, p. 684.

⁵⁷ Palestinian Human Rights Monitoring Group, “Criminal Negligence?: Settler Violence and State Inaction During the al-Aqsa Intifada,” March 2001; LAW, “Settlers Attack and Harass Palestinians,” February 7, 2001; B’Tselem, “Tacit Consent: Israeli Policy toward Settlers in the Occupied Territories,” March 2001.

Protected persons are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.⁵⁸

This article, considered by the authoritative ICRC *Commentary* as “the basis of the [Geneva] Convention, proclaiming as it does the principles on which the whole of ‘Geneva Law’ is founded,” “requires States to take all precautions and measures in their power to prevent such acts and to assist the victims in case of need.”⁵⁹ Israel, as the occupying power, is responsible not only for the actions of its own security forces, but also for abuses committed by its own nationals, including Israeli settlers, if it fails to exercise “the requisite diligence and attention in preventing the act contrary to the Convention and in tracking down, arresting, and trying the guilty party.”⁶⁰

In 1998, following repeated findings that the responsible law agencies in the West Bank and Gaza Strip were not consistently enforcing the law when dealing with Israeli settlers, the Israeli government adopted new regulations designed to remedy this problem. The new regulations gave primary responsibility for law enforcement vis-à-vis settlers to the Israeli police, but required “in the event in which there is no prior information, if the IDF reaches the scene first, it will handle law enforcement and public order until the police arrive, at which time the police will take over.”⁶¹ This responsibility was acknowledged in a March 20, 2001, IDF response to a report by B’Tselem:

In accordance with the division of responsibilities between the various security organizations, the responsibility for enforcement of law and order on Israelis, wherever they may be, rests upon the Israel police.

However, in cases when the Israeli police is not present, or if the police is unable to realize its aforementioned responsibility, IDF soldiers are instructed to act to prevent crimes. The soldiers are to

⁵⁸ Fourth Geneva Convention, Art. 27.

⁵⁹ ICRC, *Commentary: IV Geneva Convention relative to The Protection of Civilian Persons in Time of War*, p. 204. (Geneva: ICRC, 1958).

⁶⁰ *Ibid.*, p. 213 (discussing Art. 29).

⁶¹ B’Tselem, “Tacit Consent.”

inform the police of the incident as soon as possible in order to allow the police to continue treatment of the incident.⁶²

In practice, as demonstrated in this report, both the IDF and the Israeli police consistently fail to meet their Geneva Convention obligation to exercise “the requisite diligence and attention” to prevent settler attacks, and “in tracking down, arresting, and trying the guilty party.” IDF soldiers frequently refuse to prevent or stop settler attacks happening right in front of them, even when requested to intervene by the victims. In numerous cases, the IDF has only intervened to protect Jewish settlers from counterattack by Palestinians and in all of the cases documented in this report, the IDF allowed settlers who committed criminal attacks to leave the scene, thereby jeopardizing the possibility of a successful investigation of the incident. The IDF’s bias in favor of protecting settlers is openly acknowledged by its leadership. In a May 2000 interview, Hebron commander Col. Noam Tivon stated:

Let there be no mistake about it. I am not from the U.N. I am from the Israeli Defense Force. I did not come here to seek people to drink tea with, but first of all to ensure the security of the Jewish settlers.⁶³

The Israeli police have also failed in their duties, often refusing to take statements from Palestinian victims at the crime scene, and making themselves inaccessible to many Palestinians by locating their offices in settlements which often cannot be entered by Palestinians during the current conflict. Not surprisingly, almost all attacks by settlers documented in this report have gone unpunished.

The lack of accountability for abuses committed by settlers is exacerbated by the discriminatory dual legal regime applied by Israel in the West Bank and Gaza Strip. Palestinians from the West Bank and Gaza Strip are tried under Israeli military law. Israeli settlers, however, are subject to Israeli law, and are entitled to greater protections in terms of limits on pretrial detention, their ability to meet with legal representatives, the defenses available to them, maximum sentences, and early release from prison.⁶⁴ There is a notable disparity—universally in favor of the Israeli settler suspect—between the treatment

⁶² Letter of IDF Spokesperson to B’Tselem, dated March 20, 2001, reproduced in B’Tselem, “Tacit Consent.”

⁶³ “Noam’s Way,” *Ha’aretz*, May 5, 2000.

⁶⁴ For a comparison of the legal rights of Palestinian and Israeli detainees in the Occupied Territories, see B’Tselem, *Law Enforcement vis-à-vis Israeli Civilians in the Occupied Territories*, March 1994, Appendix 1.

afforded at all phases of the criminal justice system, including the decision to open and complete an investigation, the charges brought against suspects, the number of acquittals, the sentences handed out, and decisions to grant an earlier release.⁶⁵

Prohibition on Collective Punishment

The Fourth Geneva Convention specifically prohibits collective punishment: “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.”⁶⁶ As explained in the authoritative commentary of the ICRC: “This paragraph then lays a prohibition on collective penalties ... penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that these persons have not committed.”⁶⁷ The *Handbook of Humanitarian Law in Armed Conflict*, a respected interpretive guide to international humanitarian law, interprets the prohibition on collective punishment as follows:

Collective penalties and all measures of intimidation and terrorism carried out by the occupying power have only one purpose: to make the population of the occupied territory submissive. Such measures may take different forms, such as a curfew preventing the inhabitants from fulfilling their daily duties, punishment or detention of several members of a group or family for an alleged offense by one member, or the destruction of the house belonging to the family of an alleged offender. Such acts are prohibited, without exception, by Article 33 [of the Fourth Geneva Convention].⁶⁸

Israel’s closures, blockades, and curfews also affect other rights accorded protected persons under the Fourth Geneva Convention. Article 50 requires Israel to “facilitate the proper working of all institutions devoted to the care and education of children;” Article 53 prohibits “any destruction by the Occupying Power of real or personal property ... except where such destruction is rendered absolutely necessary by military operations;” Article 55 requires Israel to ensure “the food and medical supplies of the population;” and Article 56 requires that “medical personnel of all categories shall be allowed to carry out their duties.”

⁶⁵ For an analysis of this disparity, see B’Tselem, *Tacit Consent: Israeli Policy on Law Enforcement towards Settlers in the Occupied Territories*, March 2001; and B’Tselem, *Law Enforcement vis-à-vis Israeli Civilians in the Occupied Territories*, March 1994.

⁶⁶ Fourth Geneva Convention, Art. 33.

⁶⁷ ICRC, Commentary: IV Geneva Convention relative to The Protection of Civilian Persons in Time of War, p. 225. (Geneva: ICRC, 1958).

⁶⁸ Dieter Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflict*, p. 249.

Not every restriction or act of closure imposed by the Israeli authorities amounts to collective punishment. As an occupying power, Israel is entitled to impose some restrictions on the rights of the resident population if military necessity so demands. In order to determine whether a pattern of closures, blockades, and curfews amounts to collective punishment, account must be taken of the timing, duration, and extent of the measures imposed, the reasons invoked by the occupying power for the restrictive measures, the proportionality of those measures to the reasons invoked, and the effect of the measures on the population affected.

The International Committee of the Red Cross, the international body charged with monitoring and promoting adherence to the Geneva Conventions, has discussed Israel's obligations in a November 2000 public statement:

As an Occupying Power, Israel may restrict the freedom of movement of the resident population, but only when and in so far as military necessity so dictates. Restrictions on movement by means of curfews or the sealing-off of areas may in no circumstances amount to collective penalties, nor should they severely hinder the daily life of the civilian population or have dire economic consequences. Moreover, the Occupying Power has the duty to ensure an adequate level of health care, including free access to hospitals and medical services, and may not obstruct the circulation of food supplies. All institutions devoted to the care and education of children must be allowed to function normally. Religious customs must be respected, which implies access to places of worship to the fullest extent possible.⁶⁹

In February 2001, the ICRC asserted that Israel's policy of closures and blockades was in violation of its Fourth Geneva Convention obligations:

The ICRC views the policy of isolating whole villages for an extended period of time as contrary to International Humanitarian Law (IHL) particularly with respect to those aspects of IHL which protect civilians in times of occupation. Indeed, stringent closures frequently lead to breaches of Article 55 (free passage of medical assistance and foodstuffs), Article 33 (prohibition on collective punishments), Article 50 (children and education), Article 56 (movement of medical transportation and public health facilities and

⁶⁹ ICRC, "ICRC Appeal to all involved in violence in the Near East," November 21, 2000.

Article 72 (access to lawyers for persons charged) of the Fourth Geneva Convention.

While accepting that the State of Israel has legitimate security concerns, the ICRC stresses that measures taken to address these concerns must be in accordance with International Humanitarian Law. Furthermore, these security measures must allow for a quick return to normal civilian life. This, in essence, is the meaning of the fourth Geneva Convention which is applicable to the Occupied Territories.⁷⁰

Status of Israeli Settlements in the West Bank and Gaza Strip Under International Humanitarian Law

Israel's policy of encouraging, financing, establishing, and expanding Israeli settlements in the occupied territories of the West Bank and Gaza Strip runs contrary to two main principles of international humanitarian law: the prohibition on the transfer of civilians from the occupying power's territory into the occupied territory, and the prohibition on creating permanent changes in the occupied territory that are not for the benefit of the occupied population.

Article 49(6) of the Fourth Geneva Convention states that "[t]he Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."⁷¹ According to the authoritative commentaries of the ICRC, this clause was adopted expressly to prohibit the transfer of nationals of an occupying power into the occupied territory:

It is intended to prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories. Such transfers worsened the economic situation of the native population and endangered their separate existence as a race.

The paragraph provides protected persons with a valuable safeguard. It should be noted, however, that in this paragraph the meaning of the words "transfer" and "deport" ... do not refer to the movement of protected persons but to that of nationals of the Occupying Power.⁷²

⁷⁰ ICRC, "Israel and Occupied/Autonomous Territories: The ICRC Starts its 'Closure Relief Programme'," February 26, 2001.

⁷¹ Fourth Geneva Convention, Article 49.

⁷² ICRC, Commentary: IV Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva: ICRC, 1958), p. 283.

Some Israeli scholars have asserted that Article 49 only prohibits government policies designed to bring about “basic demographic change in the occupied territory’s population structure,” but may allow “voluntary settlement, little by little, of civilians of the occupying power in the occupied territory ... if it is neither done by the government of the Occupying Power nor in an official manner.”⁷³ Such an argument allowing for “voluntary settlement” is inconsistent with the aims of the Fourth Geneva Convention, which serves to protect the civilian population of the occupied territories from “colonization” and other similar policies that are detrimental to their well-being.⁷⁴ It also ignores the fact that successive Israeli governments have given active support to the settlement policy since 1967. In its comprehensive 1997 report on the legality of Israeli settlement policies, the Israeli human rights organization B’Tselem addressed the active government role played by Israel in promoting and sustaining the settlement policy:

1. The declared purpose of the settlers, like that of Israeli governments that establish the settlements, was and continues to be to create “basic demographic change in the population structure,” whether throughout the occupied territories (the Likud policy) or in portions of the occupied territories (the Ma’arach [coalition of the Labor and MAPAM parties] policy). Such a change was actually accomplished, at least in those areas in which there is congested Israeli settlement.

2. The Israeli government initiated most of the Jewish settlement in the Occupied Territories. All of the relevant ministries and authorities assisted by expropriating land, planning, implementation, and financing. The State Comptroller’s Annual Report of 1983 enumerates 125 settlements that the Ministerial Committee for Settlement Matters had decided to establish. The various Israeli governments encouraged and continue to encourage Israeli civilians

⁷³ Yoram Dinstein, *Laws of War* (Tel Aviv: University of Tel Aviv, 1983), p. 226.

⁷⁴ See, *inter alia*, the comments of Professor Yehuda Blum:

The distinction between (prohibited) “deportation and transfer” of a population of the occupying power to the occupied territory, and (permitted) “settlement” of its citizens “as such” into the occupied territory would be interesting were it not for the official commentary of the Fourth Geneva Convention that was published by the International Red Cross, which states that the relevant provision is intended, *inter alia*, to prevent colonization of the occupied territory by the colonizer.

Yehuda Blum, “East Jerusalem is not Occupied Territory,” *Hapraklit* (1993), p.189.

to move to the Occupied Territories by providing benefits, like grants and loans under favorable terms.

Even where the settlers, rather than the government, established the settlements (as in the cases of Kedumim, Shilo, and Ofra), the government acted retroactively to turn them into permanent settlements. To achieve this, the government assisted with planning, infrastructure, establishment of public buildings and institutions, expropriation of land to expand the settlements, and by encouraging other Israeli civilians to live there.⁷⁵

B'Tselem has also conducted detailed case studies demonstrating the extensive Israeli government role in the establishment of the settlements, as well as the widespread human rights violations committed during the establishment of settlements, such as its 1999 report on the abuses committed during the establishment and expansion of the West Bank settlement of Ma'aleh Adumim.⁷⁶

The second principle of international humanitarian law violated by Israel's settlement policy is the prohibition on creating permanent changes in an occupied territory that are not intended to benefit the protected population of the occupied territory. Under the law of occupation, the occupying power is considered to have only temporary, administrative rights over the occupied territory.⁷⁷ The occupying power has the right to create changes in the occupied territory if there is a military necessity for such changes, or if the changes are made for the benefit of the protected population, such as in the case of the construction of roads for the use of the local protected population. It is clear, however, that the Israeli settlement policy in the Hebron area does not benefit the local, protected population⁷⁸ and is widely considered to be detrimental to

⁷⁵ B'Tselem, *Israeli Settlement in the Occupied Territories as a Violation of Human Rights: Legal and Conceptual Aspects*, March 1997, pp. 19-20. See also, al-Haq, *The Israeli Settlements from the Perspective of International Law*, 2000.

⁷⁶ B'Tselem, *On the Way to Annexation: Human Rights Violations Resulting from the Establishment and Expansion of the Ma'aleh Adumim Settlement*, July 1999. B'tselem also documented the October-November 1999 expulsion of some 700 Palestinians in the southern Mount Hebron area, noting that expulsions, house demolitions, expropriation of private land, and designation of large parcels of land to be "state lands" or "closed for military purposes" were among the methods used to create "a collection of land reserves for establishing Israeli settlements or facts that will facilitate annexation of certain lands in the context of the interim and final-status agreements." B'Tselem, *Expulsion of Palestinian Residents from the South Mt. Hebron Area, October-November 1999*, Case Report, February 2000, p. 20).

⁷⁷ 1907 Hague Regulations, Article 55.

⁷⁸ The Israeli settlers are not part of the protected population as defined by the Fourth Geneva Convention, since, as Israeli citizens, they are not persons "in the hands of a

the interest of the local, protected population. The security rationale that Israel has generally advanced to justify the establishment of the settlements has also been challenged by many, including former Israeli generals and the late Prime Minister Yitzak Rabin, who argued that the settlements added nothing to Israeli security, but rather were a burden on Israel's army.⁷⁹

As with the position that the Fourth Geneva Convention and other international humanitarian law instruments apply to the Occupied Territories of the West Bank and Gaza Strip, there is widespread international support for the position that the Israeli settlement policy violates international humanitarian law. In a November 2000 statement, the ICRC, which is charged with monitoring and promoting adherence to the Geneva Conventions, recognized that the presence of Israeli settlements in the West Bank "is contrary to the Fourth Geneva Convention."⁸⁰ Numerous resolutions of the U.N. Security Council and General Assembly, as well as those from various regional bodies such as the European Union, have also endorsed the position that Israel's settlement policy is contrary to international humanitarian law.⁸¹

Civilian Status of the Settler Population

Israel's settlements in the West Bank and Gaza Strip were established contrary to international humanitarian law. However, the settlements are populated by civilians, including children, who are entitled to the civilian protections contained in the Geneva Conventions. The illegal status under international humanitarian law of the settlements does not negate the rights of the civilians populating those settlements: the fact that a person lives in an illegal settlement does not make him or her a legitimate military target, and under international humanitarian law, intentional attacks on civilians are prohibited under all circumstances. Israeli civilians living in the settlements—so long as they do not take up arms and take an active part in the conflict—are considered noncombatants, and violence to their "life and person, in particular murder of all kinds, mutilation, cruel treatment and torture," "shall remain prohibited at any time and in any place whatsoever."⁸²

While Israeli citizens living in settlements in the West Bank and Gaza Strip benefit from the general protections afforded to non-combatants, they are not entitled to the additional protections afforded to "Protected Persons" under the Fourth Geneva Convention. "Protected Persons" under the Fourth Geneva

Party to the conflict or Occupying power of which they are not nationals." Fourth Geneva Convention, Art. 4 (emphasis added).

⁷⁹ B'Tselem, "Israeli Settlement," p. 28.

⁸⁰ ICRC, "ICRC appeal to all involved in violence in the Near East," November 21, 2000.

⁸¹ See the sources cited above regarding the applicability of the Fourth Geneva Convention to the West Bank and Gaza Strip.

⁸² Fourth Geneva Convention, Article 3 (1).

Convention are defined as *inter alia* persons “in the hands of a Party to the conflict or Occupying Power *of which they are not nationals.*” Since Israeli settlers are Israeli citizens, they do not meet this requirement.

The protections accorded to civilians living in the settlements are compromised by the presence of many armed settlers among them, and the role some of these settlers play in confrontations around the settlements. When individual settlers take an active part in armed conflict, as opposed to acting in legitimate self-defense, they lose their civilian protections and become legitimate military targets, just as Palestinian militants who take an active part in armed conflict become legitimate military targets. The active and often abusive role played by some armed settlers, as documented in this report, jeopardizes the civilian population of the settlements because, in essence, it places potentially legitimate military targets amidst the civilian population of the settlements.⁸³ However, the presence of armed settlers who may be defined as combatants among the larger settler population does not negate the requirement that Palestinian combatants distinguish between military and civilian targets, desist from attacking civilians, and take all feasible precautions to avoid harm to civilians.

⁸³ Article 58 of Protocol I Additional to the Geneva Conventions of 1948 requires parties to a conflict, to the extent feasible, to remove civilians from the vicinity of military objectives, avoid locating military objectives within or near densely populated areas, and take the necessary precautions to protect civilians and civilian objects from the dangers of military operations.

V. EXCESSIVE IDF FORCE AT CLASHES, UNLAWFUL KILLINGS AND SHOOTINGS, AND ASSASSINATIONS.

Excessive IDF Force at Clashes

Like most other parts of the West Bank and Gaza Strip, since September 29, 2000, Hebron district has been the scene of frequent clashes between stone-throwing Palestinians and IDF soldiers, who have responded with tear gas, stun grenades, plastic-coated steel bullets, and, at times, with live ammunition. On occasion, clashes have escalated to include gunfire and Molotov cocktails from the Palestinian side, but for the most part clashes in Hebron have been limited on the Palestinian side to stone throwing. At least eleven Palestinians have been killed by IDF soldiers in Hebron district during clashes. In two of the cases where Palestinians were killed by IDF soldiers in Hebron district, Palestinian gunfire, which drew IDF gunfire in response, contributed to the deaths.

Weapons and munitions appropriate to some situations can be used in ways that constitute illegal and excessive use of force when used in ways or for purposes for which they were not intended. According to IDF regulations,⁸⁴ “rubber ammunition” – actually a type of plastic-coated steel bullet⁸⁵ – is to be used only at distances not less than forty meters, only aimed at the legs and lower body, only used when there is a clear threat to life, and never used against children. IDF regulations also specify that “rubber ammunition” should be used only when measures of lesser severity are unavailable to prevent a threat to public welfare and when their use does not endanger innocent people. The cases investigated by Human Rights Watch confirm the reported findings of Israeli and Palestinian human rights organizations that plastic-coated steel bullets and live ammunition, have been used routinely in an illegal and indiscriminate manner, resulting in deaths and injuries to civilians.

Earlier Human Rights Watch research has determined that the IDF has resorted to unlawful, excessive force in response to stone-throwing Palestinians, causing Palestinian casualties that could have been avoided with a more appropriate IDF response. Human Rights Watch research into clashes in Hebron continues to find cases of excessive, unlawful use of force by IDF soldiers in response to stone-throwing Palestinian crowds. In addition, there are a disturbing number of cases where Palestinian bystanders have been wounded or

⁸⁴ The IDF does not make its open fire regulations public. Human Rights Watch is in possession of the IDF’s “Orders on Opening Fire in Judea and Samaria” collected in June 2000. The Israeli press has reported on several occasions since September 29, 2000, that the IDF has relaxed its open fire regulations. The IDF has refused to respond to Human Rights Watch’s request for details of the new regulations.

⁸⁵ See B’Tselem, “Death Foretold: Firing of ‘Rubber’ Bullets to Disperse Demonstrations in the Occupied Territories,” December 1998 for a description of IDF “rubber ammunition” and its use in the West Bank and Gaza Strip.

killed by IDF gunmen during clashes, suggesting that IDF fire during clashes is routinely indiscriminate.

On a number of occasions, armed Palestinian gunmen have been present at civilian clashes, and sometimes Palestinian gunmen have fired from among civilian Palestinian protesters. Human Rights Watch was not able to find conclusive evidence that members of the Palestinian Authorities' security services fired from among civilian Palestinian protesters in Hebron, but did find evidence that members of Fatah, the Palestinian political organization headed by Palestinian President Yasser Arafat, did so.

On January 12, 2001, IDF soldiers shot and killed Shaker Hassouni, a known Fatah activist who, according to the IDF and witnesses in the area, threw an explosive device and fired at IDF soldiers. The IDF soldiers pursued Hassouni into the Palestinian-controlled H1 area, shot and killed him, and then dragged his corpse back into H2 area. Photographs taken of the incident clearly show one of the IDF soldiers holding a handgun recovered from Hassouni. The incident took place at the end of a fierce protest, and Hassouni's actions put at risk the many unarmed civilians who participated in the protest.⁸⁶

In a second incident, a Palestinian gunmen who fired at an IDF position appears to have contributed to the death of an unarmed Palestinian youth. On December 8, 2000, Ahmad al-Qawasmi, aged thirteen, was participating in clashes in Shalala Street in Hebron. According to a witness who was watching from nearby:

I didn't see anyone shooting, but I heard a shot from near Ahmad and then the soldiers started shooting. There was a gunman with a pistol, ... the shot came from a Palestinian with a pistol. Then there was a lot of shooting, then teargas, and then the soldiers came.⁸⁷

Ahmad al-Qawasmi was killed by the IDF gunfire responding to the Palestinian gunman.

However, in other cases of IDF killings at the clashes, the IDF has used lethal force in response to protests that were confined to rock-throwing, in violation of the IDF's own open-fire regulations. On December 22, 2000, a clash took place near the Israeli-controlled by-pass road near Beit 'Einun, a Palestinian village in Hebron district. Palestinian youngsters began throwing stones at cars on the by-pass road, and a large number of IDF soldiers gathered

⁸⁶ Human Rights Watch interview, Hebron, February 9, 2001; IDF, "IDF Spokesperson's Announcements," January 12, 2001; Margot Dudkevitch, "IDF Kills Tanzim Gunman in Hebron," *Jerusalem Post*, January 14, 2001.

⁸⁷ Human Rights Watch interview, Hebron, February 15, 2001.

at the by-pass road to disperse the crowd. According to Nadir al-Moutur, a fifteen-year-old boy who participated in the clash, ‘Arafat al-Jabarin, aged fifteen, was throwing rocks with his slingshot and went to try to reach another stone-throwing boy who had been isolated from their group: “He walked just a few meters, before he reached the other boy, he was jumping here and there. The soldiers shot at him, several shots. One of the shots hit him in the head. ... The soldiers shot live bullets at us. ... There were only stones thrown, there was no shooting or throwing of Molotov cocktails.”⁸⁸ ‘Arafat al-Jabarin was struck in the head, and died soon thereafter.

The IDF’s own version of the events, as posted on its website, does not mention any Palestinian gunfire at the scene of the incident, stating only that “[t]here was rioting, including the throwing of rocks, ... at Beit [‘Einun] junction north of Hebron. IDF forces responded with riot dispersal equipment.”⁸⁹

A Human Rights Watch researcher visited the scene of the incident. According to the eyewitness, the IDF soldiers were located in an easily defensible position, near the bypass road significantly above the stone throwers, and had several armored cars and a tank at the location. The stone throwers had been pushed back to a location several hundred meters from the bypass road, and no longer posed a serious threat to the soldiers or to vehicles on the road. The distance between the stone throwers and the IDF suggests that it would have been difficult for stone throwers to reach the IDF position, let alone pose a serious risk to the soldiers. ‘Arafat al-Jabarin was killed from a distance of at least 150 meters, and his stone throwing from such a distance posed only a minor threat to the IDF soldiers. Certainly, the circumstances of the shooting do not suggest that ‘Arafat al-Jabarin posed the type of “grave threat to life” that the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as well as the IDF’s own open fire regulations require before allowing the use of lethal fire.

The IDF shooting of eighteen-year-old Samir al-Khdour at al-Fawwar refugee camp, located south of Hebron, on November 16, 2000, took place under similar circumstances. Clashes took place at the refugee camp from 1 p.m. to 4 p.m. that day, and then most of the youngsters began going home. Samir al-Khdour and six or seven other youngsters remained behind, and continued to throw stones with slingshots. According to a witness: “The soldiers ran after those who stayed [behind] and they were using live bullets. Samir had a slingshot, he used the slingshot to throw rocks at the soldiers and

⁸⁸ Human Rights Watch interview with Nadir el-Moutur, Safir, February 23, 2001.

⁸⁹ IDF, “IDF Spokesperson’s Announcements: Summary of Weekend Events (22-23/12) in Judea, Samaria, and the Gaza District,” December 23, 2000. When gunfire occurs at clashes, the IDF is certain to mention this fact in its statements.

then the soldier shot him dead. Samir was about fifty meters from the soldiers.”⁹⁰ The witness did not see or hear any Palestinian fire, and the IDF spokesperson spoke about “violent riots” at al-Fawwar camp but did not mention Palestinian gunfire.⁹¹ There were IDF positions in at least three places around the clash site, including several armored IDF jeeps at the entrance to the camp and a second IDF position on the top of a steep hill overlooking the rock throwers. It does not appear that the small number of rock throwers at the time of the shooting posed a “grave threat to life” to any of the well-placed IDF positions.

Many of the Hebron clashes have taken place near heavily populated refugee camps such as al-Fawwar camp, or near popular markets, as is the case with the Shalala Street clash point in downtown Hebron. Human Rights Watch is deeply concerned about the significant number of unarmed bystanders who have been wounded or killed near the clash sites, suggesting that IDF fire is often indiscriminate.

Following the December 8, 2000, shooting of Ahmad al-Qawasmi, described above, many neighbors rushed to the scene to assist the wounded boy. Fawzi Faray, who works in a building opposite from where al-Qawasmi was shot, was one of the Palestinians who attempted to assist Ahmad al-Qawasmi: “I saw Ahmad lying on the ground, and rushed to the door. I wanted to rescue Ahmad. Then I saw two soldiers coming towards Ahmad. One of them was a commander, he had his machinegun and started shooting randomly at people. He was giving orders to the other soldiers and had ranks on his jacket. The commander saw me stepping down and shot at me, but I was not injured.” The stairwell of the building which Fawzi Faray escaped in was riddled with impact craters from the incident.⁹²

According to Faray, the commander also shot at two other Palestinians who had come to help Ahmad: “I escaped, running up the stairs. I looked from the window and saw two Palestinians carrying Ahmad. When they had walked just a bit, the commander came and started shooting randomly in their direction. There was heavy stoning at the time, and the commander just got crazy when the Palestinians were throwing stones. When the Palestinians saw the commander was shooting at them, they put down Ahmad and ran away.”⁹³ According to two witnesses, the soldiers then walked over to Ahmad al-Qawasmi. One witness reported: “I saw the soldier put his foot on Ahmad’s neck. The boy was alive,

⁹⁰ Human Rights Watch interview with ‘Arafat Hamdan, al-Fawwar refugee camp, February 14, 2001.

⁹¹ IDF, “IDF Spokesperson’s Announcements,” November 16, 2000.

⁹² Human Rights Watch interview with Fawzi Faray, Hebron, February 24, 2001.

⁹³ Ibid.

he was calling for help. When the soldier put his foot on Ahmad's neck, he stopped moving. Then they searched the boy."⁹⁴ The soldiers finally allowed another boy from the neighborhood to carry Ahmad al-Qawasmi away, but al-Qawasmi died on December 11, 2000, from his wounds.

Unarmed bystanders have also been wounded, and in at least one case killed, during clashes. On October 13, 2000, IDF fire killed Shaadi al-Waawi, a twenty-two-year-old university student, at al-Fawaar refugee camp. Al-Waawi had only returned from his studies in Sudan on October 10, 2000, and was on the roof of his relatives' home talking on a cellular phone to relatives in the Gaza Strip at about 10 p.m. on October 13, 2000. At the entrance to the camp, some 200 meters away, youths had begun setting tires on fire, and throwing stones at the IDF. There were seven people on the roof, just watching the clashes while al-Waawi spoke to his relatives. Tawfiq al-Waawi, Shaadi's uncle, explained to Human Rights Watch what happened:

One minute after [Shaadi] finished the call, he was killed. ... The soldiers were at the entrance, near the gas station. The youngsters were in between. They were burning tires and throwing stones with the slingshots. The soldiers were shooting teargas, one of the canisters even landed on the roof. Then the soldiers fired a lighting flare to light up the area. The door was closed, Shaadi was in the middle of the roof. They shot him twice, once in the chest and once in the head.

We opened the door to move Shaadi and then the soldiers shot three more shots that hit the door.⁹⁵

IDF soldiers told the ambulance which came to evacuate Shaadi al-Waawi that they would only allow it to enter the camp if the crew agreed to hand the body over to them, so the family was forced to take a second ambulance through bad backroads, taking more than one hour to reach the hospital. Shaadi al-Waawi died from his wounds soon after arriving at the hospital.

On February 17, 2001, IDF soldiers at the al-Shuhada' street checkpoint fired at several civilian cars, without apparent provocation. According to Rifa'i, a nearby shopkeeper, there had been fire exchanges between Palestinian gunmen

⁹⁴ Human Rights Watch interview, Hebron, February 15, 2001. Early reports of the death of Ahmad al-Qawasmi suggested that a soldier had placed his foot on the neck of the boy and executed him. See LAW, "LAW reveals details of shooting of child in Hebron," December 10, 2000. Witnesses interviewed by Human Rights testified that the soldier did put his foot on the boy's neck, but did not fire additional shots.

⁹⁵ Human Rights Watch interview with Tawfiq al-Waawi, al-Fawwar refugee camp, February 14, 2001.

and the IDF at about 1:30 p.m. that day, lasting for about twenty minutes, but the situation was quiet afterwards. At about 4 p.m., Rafiq al-Qamari was driving his BMW past the same checkpoint when IDF soldiers suddenly opened fire on his car. Rifa'i watched from his shop as the IDF opened fire on the BMW and a parked Opel:

[The fire] was coming from the Israeli side from two or three directions, the ones at the checkpoint in al-Shuhada' street, and the ones on top of the buildings. I went to hide in the corner. There was a BMW and an Opel, the BMW stopped in front of my door, it was coming from Bab al-Zawiya. From where I was hiding, I could see bullets hitting the car. Minutes later, the shooting became heavier and I heard an explosion. The [missile] hit the Opel. I then ran upstairs, the fragments of the missile hit the door and my grill. ...The shooting was random, they hit my shop several times. It was quiet at the time.⁹⁶

Three bullets penetrated the windshield of al-Qamari's BMW and several others struck the body of the car, but al-Qamari narrowly escaped injury.

On October 24, 2000, "Aisha" (not her real name), a seventeen-year-old student, was in school when the headteacher sent the students home because a march was passing nearby and clashes were expected to start soon. As she began walking home on Shalala Street, "there was no rock throwing yet, the youngsters were still far from the clash site." Suddenly, shooting began from an Israeli position near Beit Haddassah settlement:

I saw the settlers and soldiers on top of the building near Beit Haddassah. After this, there was random shooting towards us, live and rubber bullets.⁹⁷ I and fourteen other girls were walking in the street. There were some youngsters, they told us to get down on the ground, and we fell to the ground. ... When we fell to the ground, the shooting stopped. When we got up, the shooting started again. I

⁹⁶ Human Rights Watch interview with Rifa'i, Hebron, February 20, 2001.

⁹⁷ The term "rubber bullet" is used to refer to any of several types of plastic-coated steel bullets used by the IDF in the West Bank and Gaza Strip. See B'Tselem, "Death Foretold: Firing of 'Rubber' Bullets to Disperse Demonstrations in the Occupied Territories," December 1998 for a description of IDF "rubber ammunition" and its use in the West Bank and Gaza Strip.

received a bullet and fell unconscious to the ground. It was a rubber bullet that hit in the back of my head.⁹⁸

On October 3, 2000, Issam, a twenty-nine-year-old taxi driver was parked at the taxi stand in the downtown Bab al-Zawiya area of Hebron when clashes broke out at about 2 p.m. He went to his taxi to move it away from the area of the clashes, but was hit by a bullet in the right shoulder before he reached the taxi. Issam spent one month in the hospital recovering from the wound.⁹⁹

Unlawful Killings and Shootings

Most international attention to the current conflict has focused on the confrontations between Palestinian stone throwers (and occasional gunmen) and the Israeli army. Those clashes, which have resulted in hundreds of Palestinian deaths, give major cause for concern. An earlier Human Rights Watch study of three such clashes found that in the cases studied, Palestinian casualties occurred in circumstances where the IDF resorted to unlawfully excessive use of lethal force.¹⁰⁰ However, many other killings attributed to the Israeli security forces did not occur at the clash sites, but under suspicious circumstances that warrant urgent investigation. Indeed, the high frequency of unlawful shooting incidents has led some IDF commanders to express concern that some IDF soldiers are becoming “trigger-happy.”¹⁰¹ Human Rights Watch investigated a number of such cases. Our research shows that in most cases of suspicious killings by the IDF, neither the IDF nor other Israeli authorities have been willing to carry out an investigation to determine the culpability of the soldiers involved.

Killing of Shaker al-Manasra and Ahmad Faraj Allah, and Wounding of Yusif al-Manasra, February 16, 2001

On the evening of February 16, 2001, heavy IDF gunfire was directed at a collective dairy farm on the northern outskirts of Hebron, killing two workers and seriously injuring a third. The al-Rayyan collective farm is located next to a main exit road out of Hebron, and almost directly across the road from an IDF checkpoint that controls access to the main roads out of Hebron. The collective farm was operated by the Islamic Charity Organization, one of many Islamic

⁹⁸ Human Rights Watch interview, Hebron, February 15, 2001.

⁹⁹ Human Rights Watch interview, Hebron, February 23, 2001.

¹⁰⁰ See Human Rights Watch, *Investigation into Unlawful Use of Force in the West Bank, Gaza Strip, and Northern Israel, October 4-11, 2000*, A Human Rights Watch Short Report, Vol. 12, No. 3(A).

¹⁰¹ Joel Greenberg, “Israeli Military Worries Some of Troops May Be Trigger-Happy,” *New York Times*, January 17, 2001.

relief organizations with links to the militant Hamas movement,¹⁰² but there is no evidence to suggest that Islamic militants used the farm for armed activities.

Three days before the attack on the farm, its manager was contacted by an Israeli official from the District Coordination Office (DCO), named “Rafi,” who lives at Beit Haggai settlement. At first, Rafi told the manager that he had orders to close down the farm, but the latter refused to accept this, saying that the farm had operated for ten years without incident. According to the manager, Rafi then demanded that the farm take responsibility for its own “internal security” by hiring an unarmed guard to monitor the premises, and installing lights to illuminate the farm’s exterior at night.¹⁰³ According to both the manager and two of the surviving workers interviewed by Human Rights Watch, the farm had complied with Rafi’s requests by hiring an unarmed guard, installing the lights, and by providing a list of the names of the workers at the farm.

On the evening of the attack, there were four workers at the farm, including the newly hired guard, Shaker al-Manasra. Yusif al-Manasra, one of the two survivors of the IDF attack, recalled what happened prior to the shooting:

We started turning on the lights the night before the incident, and they gave a list with the names of the workers to the mukhabarat [the Arabic term used by Palestinians for the intelligence services, in this case referring to Israeli intelligence]. The mukhabarat asked for the names of the workers so if there is any shooting, they can come to the farm and speak to the workers.

The night of the incident, after finishing milking the cows at about 8 p.m., at 8:30 p.m. we all went to the [common] room. Because Ahmad was the guard, he prepared the dinner. We started having our dinner for about twenty minutes. After supper, Shaker went out to pray, which took him about ten minutes. After he finished his prayers, heavy shooting started towards the farm. There was no shooting before.¹⁰⁴

¹⁰² Jamie Tarabay, “Islamic Militants Gain Influence Through Philanthropic Work,” *Associated Press*, March 2, 2001.

¹⁰³ Human Rights Watch interview with I.F., Hebron, February 17, 2001.

¹⁰⁴ Human Rights Watch interview with Yusif al-Manasra, Bani Na‘im, February 19, 2001.

The shooting from the IDF checkpoint position became very heavy, and the four workers decided it would be best if they went outside and sought shelter in the front yard of the farm, on the side farthest from the IDF position. However, while the men were taking shelter in the front yard, they came under fire from other IDF positions, probably including positions at Beit 'Einun, the IDF checkpoint at the bypass road, and an IDF tank position near Halhul. The IDF fire was indiscriminate: In fact, several IDF medium-caliber rounds hit the luxury al-Mezan hotel located at least 500 meters from the farm. At the time, the hotel was hosting two wedding parties with more than a thousand guests. A Human Rights Watch researcher was also staying at the al-Mezan hotel at the time of the attack. A medium-caliber round passed within a meter from where he had been sitting when the attack started.

After taking shelter for five to ten minutes, Yusif al-Manasra and Ahmad Faraj Allah were the first to be injured by the IDF fire. Jallal Faraj Allah then left to find an ambulance to evacuate the wounded. The two wounded men lay bleeding for about fifteen minutes as the shooting continued. A neighboring house caught fire from the shooting, and some people came in cars to extinguish the fire. Shaker al-Manasra, the remaining worker who had not been wounded, managed to carry the wounded Yusif al-Manasra to a private car to take him to a hospital. As Yusif was being evacuated, an ambulance finally arrived but could not reach the scene because of the continuing gunfire. Shaker al-Manasra volunteered to return to the farm's front yard and carry out his wounded colleague. While trying to evacuate the wounded Ahmad Faraj Allah, Shaker al-Manasra was hit in the neck with a medium caliber round and died instantly. Ahmad Faraj Allah, critically wounded during the attack, died two days later.

Human Rights Watch was unable to establish what, if anything, triggered the IDF fire on the farm. The two witnesses to the attack interviewed by Human Rights Watch, as well as the manager of the farm, were adamant that there were no weapons on the farm, and that there was no shooting from the farm to provoke the heavy IDF response. A Human Rights Watch researcher staying in the nearby al-Mezan hotel did not hear any small-arms fire from the direction of the farm prior to the heavy IDF shooting, although there were heavy exchanges of fire at the same time in downtown Hebron. The IDF has not given its version of the events that led to the shooting at the farm, although Rafi, the DCO official who had contacted the manager prior to the attack, repeatedly contacted the manager on the night of the shooting to ask for information about the incident.¹⁰⁵ The IDF official spokesperson stated only that "shots were fired on Friday at a number of locations in the West bank [including at] an IDF force at the Ofkim

¹⁰⁵ Human Rights Watch interview with I.F., Hebron, February 17, 2001.

Junction, south of Halhul,” the location of the IDF checkpoint which first fired at the farm.¹⁰⁶

Wounding of Jad Allah al-Ja`bari, January 1, 2001

On the morning of January 1, 2001, Imad S., an Israeli-accredited¹⁰⁷ cameraman for Associated Press (AP), went to the Israeli-controlled center of Hebron to take some stock footage of soldiers. The H2 area was under curfew that morning, so Imad S. walked through the area, occasionally stopping to film some military activity. When he reached the IDF checkpoint located in front of Avraham Avino and the Palestinian vegetable market, he began filming the soldiers at the checkpoint.

As he began filming, he noticed a Palestinian he knew, Jad Allah al-Ja`bari, a municipal cleaner, walking from the direction of the Ibrahimi Mosque (inside H2) to the checkpoint, apparently attempting to exit to the Palestinian-controlled area (H1): “He was close to the checkpoint at the circle in front of the market. The soldiers called him. The old man [al-Ja`bari] stopped and the soldiers walked fifty meters to him. The soldiers told him in Hebrew that there was a curfew, that he couldn’t [exit]. He didn’t understand Hebrew, so they told him to go home in Arabic. He started walking towards the market.”¹⁰⁸

Imad S. explained to the soldiers that al-Ja`bari’s “mind wasn’t all there,” and the soldiers told him that they did not care, that it was curfew and that nobody was supposed to walk around. Imad S. explained what happened next:

I turned my back to see where al-Ja`bari went. Suddenly, I heard a soldier yelling ‘Stop! Stop!’ in English, and seconds later I heard two shots. Jad Allah was in between, fifteen meters from the soldiers who left him and fifteen meters from the soldier [coming out of the market] who shot him. I saw the dust and Jad Allah fell down. I turned on my camera, which takes six to seven seconds to turn on, and ran to Jad Allah while recording.¹⁰⁹

Imad S. continued filming as al-Ja`bari lay on the ground, his right foot nearly severed from the gunshot wound. A few minutes later, more soldiers gathered, and one tried to stop Imad S. from filming by placing a hand over his camera and telling him to “get out of here” before receiving instructions from

¹⁰⁶ IDF, “IDF Spokesperson’s Announcements,” February 17, 2001.

¹⁰⁷ Palestinian journalists with an Israeli-issued press card are formally allowed to work during curfew periods in H2, although in practice they often face harassment and attack from IDF soldiers and settlers.

¹⁰⁸ Human Rights Watch interview, Hebron, February 9, 2001.

¹⁰⁹ Ibid.

their commanders to allow Imad S. to continue with his work. Imad S. estimated that Jad Allah lay on the ground unattended for fifteen minutes before soldiers provided him with first aid.¹¹⁰

The shooting incident and the graphic images taken by Imad S. received significant press attention worldwide.¹¹¹ Because of this, apparently, it is one of the few cases in which the IDF has taken prompt action to investigate an unlawful shooting and to punish the soldiers responsible. On January 7, 2001 the IDF released a statement characterizing the incident as “severe” and concluding that “those involved in the incident acted wrongly in the way which they applied IDF regulations for opening fire.” The soldiers and the company commander “were tried before the battalion commander and received a severe reprobation,” the soldiers of the battalion were briefed on the incident to learn from the mistakes made, and the investigation of the incident was handed over to the military police.¹¹²

On January 29, 2001 the IDF’s chief of staff, Lt. Gen. Shaul Mofaz, announced that the military investigation into the “very grave” incident had faulted the soldiers for several mistakes, including violating open-fire instructions, failing to follow normal arrest procedures, failing to provide immediate medical care, interfering with the work of an accredited journalist, and providing inaccurate accounts to their superiors about the incident. The army chief of staff explained that the investigation was ongoing and could lead to action against the soldiers.¹¹³

Killing of Yusif Abu ‘Awwad, November 16, 2000

On November 16, 2000 at about 7 p.m., thirty-one-year-old Yusif Abu ‘Awwad left his home in Beit Umar to drive some passengers to the IDF checkpoint at the entrance of Beit Umar.¹¹⁴ There had been a candlelight march in Beit Umar earlier in the evening to commemorate Palestinian children killed during the clashes, but the situation was quiet by the evening. When Yusif Abu ‘Awwad arrived at the entrance to Beit Umar about 7:30 p.m., however, there was some commotion because a Palestinian youth had been arrested.

¹¹⁰ Ibid.

¹¹¹ See Eric Silver, “TV Camera Captures Agony of Unarmed Arab Shot by Soldiers,” *Independent* (London), January 2, 2001; Laura King, “An Israeli Soldier, A Palestinian Civilian: With Shocking Speed, Encounter Turns Violent,” *Associated Press*, January 1, 2001; Ross Dunn, “Palestinian Shot For No Reason,” *Times* (London), January 2, 2001.

¹¹² IDF, “IDF Spokesperson’s announcements,” January 7, 2001.

¹¹³ “Israeli Army Official Faults Soldiers in Man’s Shooting,” *Associated Press*, January 30, 2001; “Head of Israeli Military Condemns Soldiers For Wounding Palestinian,” *Agence France Presse*, January 29, 2001.

¹¹⁴ Human Rights Watch interview with ‘Amne Abu ‘Awwad, Beit Umar, February 13, 2001.

Bahjat Abu S. had heard some shouting around the IDF checkpoint at the entrance to the village, and went to investigate. As he got closer to the checkpoint, some of his neighbors told him that his son had been arrested by the IDF, a claim that turned out to be wrong. As he reached the scene, he saw an IDF jeep driving away, and then noticed a commander and two IDF soldiers nearby. He explained to Human Rights Watch how he approached the commander and then had an argument with one of the soldiers, who later killed Yusif Abu 'Awwad:

I went to the main road which leads to Beit Umar. I reached the building where Yusif was [later] killed and there was a commander and two soldiers. The two soldiers were hiding behind the building and the commander—he had stars on his shoulders—was walking towards me.¹¹⁵

Bahjat Abu S. began speaking to the commander in Arabic, asking what happened to his son, but the commander signaled that he didn't understand Arabic. Bahjat Abu S. found a Hebrew speaking neighbor and continued his conversation with the commander, pleading to see his son. The commander explained that he had no time to explain what had happened, but that Bahjat Abu S. should go to the police station in the nearby settlement of Kfar Ezyon to enquire about his son. Bahjat Abu S. was still pleading with the commander when one of the two soldiers came up to him and spoke to him rudely:

Then, one of the soldiers hiding in the building came up to me and pointed his gun at my chest and started shouting at me in Arabic, 'Go from here, you brother of a whore.' I said, 'Speak politely to people, I am talking to your commander and not to you, and it seems you have no good manners ...' We argued and spoke to each other in bad words. Then the commander, when he saw I was very angry, took me aside and spoke kindly to me to calm me down.¹¹⁶

Just minutes after the commander took Bahjat Abu S. aside, Bahjat Abu S. heard the shot that killed Yusif Abu 'Awwad:

The soldier went a little away from us. While I was talking to the commander, I heard a shot nearby. The distance between me and Yusif was only five meters, and the soldier was only one meter from

¹¹⁵ Human Rights Watch interview, Beit Umar, February 20, 2001.

¹¹⁶ Ibid.

Yusif. It was only two minutes after we stopped arguing. I was talking to the commander and at that time the soldier had begun arguing with Yusif. There were no clashes, no throwing of stones. There was a line of about seven cars near the entrance, [waiting to drive] into Beit Umar, being checked by the soldiers.¹¹⁷

A second witness to the killing, thirty-year-old Basem A., had walked over with Bahjat Abu S. and watched as Bahjat Abu S. pleaded with the commander to talk to the boy in the jeep. His attention shifted to the two soldiers near Yusif Abu 'Awwad's car, and he recounted what he saw:

We went to the street to save the boy who was in the jeep. There were five or six soldiers in the jeep, and the soldiers had stopped traffic in both directions. ...

I noticed two soldiers standing near the wall of some garages. Yusif was in his car and there were two people in the car with him.

I saw one soldier picking up a stone and throwing it at the car. Then I saw Yusif stepping out of the car. The soldiers were about four meters away. It seems that Yusif saw the soldier throwing the stone. Yusif started speaking to the soldier in Hebrew. He said, 'You told me to stop here, so why are you throwing stones at me?' I understand Hebrew, so I could follow their conversation. The soldier who threw the stones at the car is the same one who shot Yusif.

The two soldiers ran at the car. The first soldier pointed his gun at Yusif's chest. Yusif stepped back and moved the rifle away from his chest, and pulled back his fist like he was going to hit the soldier, but he did not hit him.

The soldier, when he saw Yusif step back, aimed his gun at Yusif's head and then shot him. I saw the fire flash and saw Yusif's head explode. Yusif fell to the ground. He was bleeding heavily, like someone opened the [water] tap in the house.¹¹⁸

The commander at the scene, who was still talking to Bahjat Abu S. at the time of the shooting, appeared shocked, and began yelling at the soldier, saying "What happened, what have you done?" A large crowd of Palestinians gathered,

¹¹⁷ Ibid.

¹¹⁸ Human Rights Watch interview, Beit Umar, February 13, 2001.

and the soldiers shot in the air to keep back the angry crowd. Almost immediately, the commander and his soldiers began moving towards the main road and left the area.¹¹⁹ Soon thereafter, a higher-level commander of Russian origin who was responsible for the village of Beit Umar, arrived and asked the villagers to confirm that Abu 'Awwad had been killed. After confirming the death, the commander left the scene.

The official spokesperson from the IDF offered a radically different account of the incident, stating on their website that “[d]uring violent Palestinian riots at the village of Beit [Umar] in the area of Bethlehem, Palestinians attempted to take a weapon from an IDF soldier at the scene. The soldier tried to struggle with the Palestinian, and when he felt that his life was in danger he shot the Palestinian in self-defense.”¹²⁰ Subsequent press accounts and confidential sources establish that the IDF did open an inquiry into the incident, although the scope of the investigation has not been made public.¹²¹

Killing of Munib Abu Munshar, November 11, 2000

Munib Abu Munshar, aged eighteen, was killed by IDF gunfire on the evening of November 11, 2000, while unloading construction supplies near the Shalala Street IDF position located on the border between the Israeli-controlled H2 and the Palestinian-controlled H1 areas, a site of frequent rock-throwing clashes. At the time of the shooting, according to several witnesses, there were no clashes. Munib’s father, fifty-six-year-old Muhammed Abu Munshar, operates a large construction supplies business in Hebron. On November 11, 2000, he received a call from a family friend to deliver some wire grids used in concrete reinforcement to a downtown Hebron shop undergoing reconstruction. The shop is located on Shalala Street, the site of almost daily clashes between Palestinians and the IDF, and about one hundred meters outside the Israeli-controlled H2 area of Hebron. Muhammed Abu Munshar related what happened that day, based on his own recollections and his conversations with Munib’s co-worker at the scene (who was unavailable to be interviewed by Human Rights Watch):

¹¹⁹ Ibid.

¹²⁰ IDF, “IDF Spokesperson’s Announcements,” November 16, 2000.

¹²¹ Joel Greenberg, “Israeli Military Worries Some Troops May Be Trigger-Happy,” *New York Times*, January 17, 2001; “Head of Israeli military condemns soldiers for wounding Palestinian,” *Agence France Presse*, January 29, 2001 (quoting “a military source” that “the army had opened investigations in four other incidents, which could bring soldiers before military courts,” including an incident in which “a soldiers shot at a Palestinian in mid-November after a dispute at a West Bank road block.”).

The owner of the shop ordered seventeen pieces of metal frame. He is a close friend, and he said, 'Please, do it for me, don't send the goods until I call you and tell you it is quiet and safe. ... [At about 4 p.m.] he called for the goods, he said the situation is very quiet, no clashes. ...

So we loaded the metal on the smaller lorry, the bars were sticking out over the front. When they reached Bab al-Zaweya, Munib and the worker climbed on the truck to unload the metal, one on each side. According to [the co-worker], they unloaded the first piece of metal when [the co-worker] was shot in the leg. He told Munib, 'I'm injured, get down from the lorry.' But Munib didn't have time to get down from the lorry.¹²²

'Abd al-Rahman Shabeni, the Hebron bureau chief for the Arabic language al-Quds newspaper, was at his office just across the street from where Munib Abu Munshar was unloading his goods when the incident took place. He told Human Rights Watch what he saw:

I was standing by the window, it was about 4 p.m. The sweets shop across the way was being reconstructed and Munib had parked his truck and was unloading building material. Munib and another worker were on top of the lorry.

I opened the window and started talking to him, I didn't know him. I told him to be careful not to fall down. ... A friend came and we were readying to go to the mourning for Ra'ed Muhtasib [killed November 10]. I went out of the office and reached Shalala Street. I saw that [Munib] was shot dead and his body was lying on top of the lorry. ... I didn't hear any gunshots, I was shocked to see him shot dead. According to my experience in the area and as a reporter, I expect that the shooting came from [the IDF position] at Shalala Street, from a distance of about 100 meters.

There were no clashes at all in the area, it was very quiet, there were about five or six people in the street. Hours before, there had been clashes.¹²³

¹²² Human Rights Watch interview, February 19, 2001.

¹²³ Human Rights Watch interview, Hebron, February 18, 2001.

The military governor of Hebron contacted the Abu Munshar family soon after the killing, expressing his regret about the shooting which he called a “mistake,” according to Munib Abu Munshar’s father. The family also received a letter of condolence from the Israeli authorities, and were promised during a meeting with an official from the District Coordination Office, known to them as Rafi, that the soldiers responsible would be investigated and brought to court if appropriate. However, since the initial IDF response to the family, Muhammed Abu Munshar’s calls to the military governor and the DCO to receive an update on the case have repeatedly gone unanswered: “Since then until now, I have not heard anything from the Israelis, it [the promise of an investigation] was all just words.”¹²⁴ The family has retained an Israeli lawyer to take their case to court, but have found it difficult to remain in contact with the lawyer because of the Israeli closure of the West Bank.

Killing of Ra’ed Muhtasib, November 10, 2000

Ra’ed al-Muhtasib, a twenty-four-year-old barber, was the son of a member of the Palestinian mukhabarat (intelligence service), Sadi Muhtasib. A physiotherapist had come to the family’s home to treat Sadi Muhtasib, and at about 9:15 p.m. on November 10, 2000, Sadi, Ra’ed, and his brother, Fadi, got into their father’s car to drive the masseur home. On their way back, they noticed a parked yellow car with Israeli (yellow) license plates, and Sadi Muhtasib slowed down his car, concerned that the occupants of the other car were Israeli undercover agents working in Palestinian-controlled territory. One of the three occupants of the other car then stepped out and started talking on his cellphone. Sadi Muhtasib recalls: “I was suspicious. We drove a few meters ahead to the junction which leads to the PA headquarters. I received a shot from some other direction, they shot at me first. The people in the car must have warned them. I told my sons to lie down and started driving away. There was heavy shooting at us and Ra’ed tried to close the window on my side.”¹²⁵ Fadi Muhtasib, who was sitting on the back seat, explained what happened next: “I was sitting in the back seat just behind my father who was driving. The shot went from the [rear] license plate into the back seat, then into the front seat and into Ra’ed. ... When Ra’ed was hit, he said, ‘I’m shot,’ and then fell over towards my father. Father told me to hold Ra’ed as we drove to the hospital.”¹²⁶ The shot had shattered Ra’ed Muhtasib’s spinal cord, and he was declared dead at the hospital.

¹²⁴ Human Rights Watch interview, Hebron, February 19, 2001.

¹²⁵ Human Rights Watch interview, Hebron, February 16, 2001.

¹²⁶ Human Rights Watch interview, Hebron, February 21, 2001.

The witnesses identified the Israeli-controlled H2 area as the source of the shooting, but the cause of the shooting remains unclear.” Ra‘ed Muhtasib’s father remains convinced that he was the target of an assassination attempt. In a statement on the IDF website, the IDF denied “any attempt to assassinate a Fatah activist or a senior officer of the Palestinian Authority in Hebron this evening [10 November] and the reports about his son being hit. IDF forces in Hebron opened fire only when they came under danger. This shooting was only toward the sources of fire.”¹²⁷ Another theory is that they stumbled upon several undercover Israeli agents who called for a response from nearby IDF positions. The car Sadi Muhtasib was driving could easily be identified, as its license plate begins with the number 6, reserved for the mukhabarat. Alternatively, it is possible that Ra‘ed Muhtasib was the victim of indiscriminate IDF fire, and that the car was not targeted by the IDF. Whatever the reasons for the IDF fire, the killing warrants a full investigation, and such an investigation has not been carried out.

Wounding of Ibrahim Abu Turki, October 13, 2000

On October 13, 2000, IDF soldiers posted at the settlement of Beit Haggai, located just south of the city of Hebron, shot and critically injured thirty-eight-year-old Ibrahim Abu Turki, a father of ten, as he rode on his donkey near the settlement. Aisha S., aged fifty-eight, lives near the settlement of Beit Haggai and was a witness to the events. According to Aisha S., there had been shooting coming from the settlement on the morning of October 13, a Friday. A Palestinian car driving near the Beit Haggai settlement had been fired upon and forced to turn around that morning. Her sons had attempted to walk to Qalqas around noontime to attend Friday prayers at the mosque, but were forced to turn around because of the firing from the settlement. The family did not hear or see any Palestinian fire at the time, only shooting from the settlement.¹²⁸

About one hour after the shooting from the settlement had stopped, her daughter called out from the kitchen, screaming “Come here, come here, they shot someone riding a donkey.” The family went to the windows to watch. Almost immediately, a large number of IDF jeeps arrived and cordoned off the area. A large crowd of Palestinian villagers gathered, but the soldiers prevented them from approaching. After about half an hour, the soldiers took Ibrahim Abu Turki on a stretcher to an ambulance. Abu Turki was first taken to a hospital in Jerusalem, where he was declared clinically dead, but later regained consciousness. He remains partially paralyzed with serious brain damage. Doctors have told the family that he is unlikely to make a significant recovery.

¹²⁷ IDF, “IDF Spokesperson’s Announcements,” November 11, 2001.

¹²⁸ Human Rights Watch interview, Qalqas, November 7, 2000.

The IDF has expressed regret about the incident, but has not formally apologized to the family or given details of its investigation, if any, of the incident. According to the IDF area commander Col. Noam Tibon, an IDF soldier “fired towards a Palestinian whose behavior was perceived to be suspicious. The soldier that spotted the Palestinian intended to fire warning shots and mistakenly injured him.”¹²⁹ The soldier was reportedly taken off combat duty. The family of Abu Turki has not been informed by the IDF about an investigation into the incident, and has not been contacted by the IDF for information about the shooting. Fahmi Abu Turki, Ibrahim Abu Turki’s uncle, explained: “All that the army has done for us is to give us permits to travel to the hospital. In terms of an apology, we heard on the radio that the army was sorry, but there has been no formal official apology. ... We want [an investigation] and if it is confirmed that this was a crime, the people responsible should be prosecuted.”¹³⁰

Ibrahim Abu Turki’s brother, forty-five-year-old ‘Abd al-Majid Abu Turki, was killed while walking on the same stretch of road in June 1998, when an teenager from Beit Haggai settlement riding in a passing van struck him on the back of head with a piece of wood.¹³¹

Wounding of Shihab Sherif, October 9, 2000

On October 9, 2000, at about 10:15 p.m., Shihab Sherif, aged twenty-eight, was walking home after visiting his cousin in the downtown Bab al-Zawiya neighborhood when he came under IDF fire. There were no clashes at the time, and the area was quiet before the IDF shooting erupted. He told Human Rights Watch:

As I was going home I heard very heavy gunfire. I was afraid I would be hit, so I laid down. ... After about one and a half minutes, I felt a bullet enter on my left side. I thought that if I stayed in the same place, they would fill my body full of holes. So I rolled around and around. While I was rolling I took another bullet in my back, it was a sniper bullet. ... They were shooting directly at me, they

¹²⁹ Louis Meixler, “Israelis Shoot Palestinian Farmer,” *Associated Press*, October 14, 2000.

¹³⁰ Human Rights Watch interview, Qalqas, November 7, 2000. A short news story by respected journalist Amira Hass stated that the IDF brigade commander for Hebron had apologized formally to the family, but the family denied to Human Rights Watch that such an apology was given. Amira Hass, “IDF apologizes to family of paralyzed man,” *Ha’aretz*, November 9, 2000.

¹³¹ Laura King, “Senseless Killing Has Hebron on Edge,” *Associated Press*, June 18, 1998.

opened fire with many continuous shots. My whole side was covered with shrapnel [wounds] from bullets bouncing off the pavement. It sounded like hundreds of bullets. Then I was hit a third time in my right elbow, just above the joint.¹³²

As he lay wounded in the street, the gunfire continued and made an evacuation difficult. An ambulance came to the scene and local residents tried to help, but none could approach the wounded Sherif. Finally, residents shouted to Sherif to crawl down to a nearby alley, and then carried him to an ambulance from there.

Killing of ‘Ala Mahfouz, October 6, 2000

On Friday, October 6, 2000, clashes broke out after the mid-day prayers in al-Fawwar refugee camp, located south of Hebron. Initially, a group of about six Israeli soldiers was forced to withdraw because of the intensity of the clash, leaving four wounded Palestinians behind. After about an hour, some thirty to forty IDF soldiers returned to the camp and began forcing back the large Palestinian crowd, using plastic-coated metal bullets and tear gas.

Fourteen-year-old ‘Ala Mahfouz went into his home with his parents and siblings, and climbed onto the roof to get a better view of the events. ‘Ala Mahfouz began throwing stones from the roof, hitting and wounding an IDF soldier in the face. After this, Mahfouz went back inside the house. The soldier was evacuated to an ambulance, but his partner apparently remained on the street just outside the home, waiting for Mahfouz to reappear.

The clash continued in the street, with Palestinians pelting the IDF soldiers with stones, and the soldiers responding with plastic-coated metal bullets and teargas. At about 3:30 p.m., more than an hour after ‘Ala Mahfouz had hit the soldier with a rock, about ten IDF soldiers brutally beat a youngster they caught in the street. ‘Ala Mahfouz’s father and his neighbor went down to evacuate the youngster, and ‘Ala, who was drinking a cup of tea at the time, went out on his second floor balcony to see what was happening. According to the father: “I went down to evacuate [the youngster], I went down three steps and my son was here on the veranda looking out. Immediately, they shot at him. He was hit in the forehead, [the bullet] entered his head and didn’t come out.”¹³³

‘Ala Mahfouz’s father and two neighbors tried to evacuate the gravely wounded boy but were faced with hostile IDF soldiers. According to the neighbor,

¹³² Human Rights Watch interview with Shihab Sherif, November 3, 2000.

¹³³ Human Rights Watch interview, November 5, 2000.

The three of us went to evacuate him. We went down to the street and the soldiers fired rubber bullets at us, we were hit. All the streets were closed, so we had to run through the soldiers while they were shooting at us. ... All of us were hit by rubber bullets.¹³⁴ I was hit with two rubber bullets in my legs, 'Ala's father had one on his left shoulder, and his uncle one in his thigh.¹³⁵

It took the three men about twenty minutes to reach an ambulance, and there were further delays when the ambulance driver was hit with a plastic-coated steel bullet in his arm and temporarily unable to drive. 'Ala Mahfouz died from his wounds on October 26, 2000, in a hospital in Saudi Arabia. According to several witnesses in the refugee camp, the soldier who shot 'Ala Mahfouz has openly boasted about the killing to them, stating that it was in revenge for the wounding of his fellow IDF soldier, and threatened to kill others in the household.

Targeted Assassinations

In addition to the unlawful killings of Palestinian civilians, Israeli forces are also implicated in carrying out a number of targeted assassinations of alleged Palestinian militants in the Hebron area. The assassinations form part of a broader, publicly acknowledged, policy of "liquidations" carried out by Israeli forces throughout the West Bank and Gaza Strip against Palestinian militants whom Israel suspects of planning or carrying out attacks on Israeli security forces and civilians.¹³⁶ The decision to kill particular individuals have not been subject to any transparent civilian or military review.

Extra-judicial executions are strictly prohibited under international law, and Israel has the obligation to prove that the persons targeted under its "liquidation" policy are legitimate military targets and not victims of extra-judicial executions. Israel's failure to make public detailed information on its

¹³⁴ The term "rubber bullet" is used to refer to any of several types of plastic-coated steel bullets used by the IDF in the West Bank and Gaza Strip. See B'Tselem, "Death Foretold: Firing of 'Rubber' Bullets to Disperse Demonstrations in the Occupied Territories," December 1998 for a description of IDF "rubber ammunition" and its use in the West Bank and Gaza Strip.

¹³⁵ Human Rights Watch interview, November 5, 2000.

¹³⁶ Human Rights Watch letter to Prime Minister Ehud Barak, "End Liquidations," January 29, 2001; Human Rights Watch release, "Israel: End 'Liquidations' of Palestinian Suspects," January 29, 2001. See also Amnesty International, *Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings* (London: Amnesty International, February 2001); B'Tselem, "Israel's Assassination Policy: Extra-judicial Executions" (January 2001).

policy of “liquidation” of specific individuals is particularly troubling given that at least one of the persons Israel acknowledges killing under the policy, Thabit Ahmad Thabit, was a senior official in the Palestinian Ministry of Health and secretary-general of Fateh’s Tulkarem branch, both clearly civilian posts. Thabit was killed as he was leaving his home on December 31, 2000. While the individuals killed in the two cases studied by Human Rights Watch in Hebron appear to have been involved in military activities, it is still incumbent on Israel to both acknowledge responsibility for individual assassinations, and to provide evidence that the persons targeted were legitimate military targets who could not easily be arrested. Without the safeguards of public acknowledgment and justification, Israel’s policy of “liquidation” is too open to abuse.

Assassination of ‘Abbas al-‘Awiwi, December 13, 2000

On December 13, 2000, Israeli gunmen assassinated ‘Abbas al-‘Awiwi, a twenty-six-year-old member of the ‘Izz al-Din Qasim military wing of Hamas, as he left his cobbler’s shop in al-‘Adel street in the Palestinian-controlled Wadi al-Tuffah area of Hebron. Sha‘ban A., a shoe seller who was standing on the opposite side of the street during the attack, described what he witnessed:

I was in the street selling shoes and clothes, on the other side of the street. It was raining heavily. ‘Abbas was coming out of the entrance [of his shop] and waited to get into a car. He was with a friend, and the friend left. . . . After this we heard the shooting. . . . There was a public taxi and after it passed, ‘Abbas fell down. I heard three shots. To cover the shooting of ‘Abbas, heavy shooting started from Tel Rumeida [settlement] and Shalala Street, shooting in the air. . . . He died immediately.¹³⁷

There are conflicting views about how the assassination was carried out. Some witnesses believe that al-‘Awiwi was shot from a passing car or by a gunman who walked past in the street, while others believe that al-‘Awiwi was shot from the IDF position in nearby Tel Rumeida settlement. What is clear is that the killing was a targeted shooting, as there were no clashes or fire exchanges at the time of the shooting.

This particular “liquidation” may have been carried out in retaliation for a December 8, 2000, roadside attack near the settlement of Kiriat Arba, attributed to Hamas, in which two Israeli settlers were killed (see below), and for which several Hamas members were arrested on December 12, 2000, the day before the killing of al-‘Awiwi. Al-‘Awiwi was an active member of the military wing

¹³⁷ Human Rights Watch interview, Hebron, February 12, 2001.

of Hamas who had spent years in Israeli prisons. Al-Awiwi had been placed in preventive detention by the Palestinian Authority at the request of the Israeli authorities, but like many detained Palestinian militants, he had been released during the first days of the unrest.¹³⁸ The Israeli government has not publicly claimed responsibility for the killing of ‘Abbas al-‘Awiwi.

Suspected Assassination of Fa’iz al-Qamari, October 21, 2000

Another apparent “liquidation” took place on October 21 in the downtown Bab al-Zawiya district of Hebron. Fa’iz al-Qamari was cleaning his taxi when a gunshot hit him in the head, instantly killing him. A fruit seller who witnessed the attack from a few meters away described what he saw to Human Rights Watch:

We closed at about 1 or 2 p.m., and only left one door [of the shop] open. I was standing outside, leaning against the door. I heard a shot, just one shot. I stepped back for safety and started looking in the street. At the time, Fa’iz was leaning against his car. Suddenly, he fell to the ground. ... I didn’t rush to Fa’iz in case there would be more shots. A big group of people came to carry Fa’iz, but he was already dead.

I had been outside for about ten minutes before the shooting, and I had not heard any shots. But before then, maybe half an hour before, there had been a lot of shooting. That is why I was careful not to go out.

I don’t know what Fa’iz was doing [at the time of the shooting] but I can say for sure that Fa’iz was not shooting at the IDF. When Fa’iz fell to the ground, there was no gun. He was shot from Shalala Street, the soldiers were on top of a building.¹³⁹

The IDF has not claimed responsibility for the killing of Fa’iz al-Qamari, and the incident took place more than two weeks before the IDF announced that it had begun a campaign of “liquidating” Palestinians whom Israel suspects of

¹³⁸ Human Rights Watch interview with Akram al-‘Awiwi, February 12, 2001; Margot Dudkevitch and Lamia Lahoud, “IDF kills five Palestinians; Hamas Vows Revenge,” *Jerusalem Post*, December 14, 2000. On the October release by the Palestinian Authority of Palestinian militants held in administrative detention, see Keith B. Richburg, “Arafat Turns To Militants in Uprising: Freed Extremists Become Part of Palestinian ‘Resistance’,” *Washington Post*, October 25, 2000.

¹³⁹ Human Rights Watch interview, Hebron, February 18, 2001.

involvement in planning or carrying out attacks against Israeli soldiers or civilians. According to his family and other witnesses, al-Qamari was a member of Fatah, although it is unclear what role, if any, he had played in armed attacks. His family, who said that they knew little about al-Qamari's role in Fatah, described him as a member who was undergoing military training but who spent his nights at home.¹⁴⁰ However, a well-placed Palestinian source in Hebron told Human Rights Watch that al-Qamari was known as a talented sharpshooter who may have been training other Fatah gunmen, giving a possible motive for a targeted assassination.¹⁴¹ The nature of the shooting—a single well-placed shot to the head at a time when there was no other shooting—suggests a targeted killing.

¹⁴⁰ Human Rights Watch interview, Hebron, February 17, 2001.

¹⁴¹ Human Rights Watch interview, Hebron, February 17, 2001.

VI. PALESTINIAN ATTACKS ON SETTLERS AND SETTLEMENTS, AND DISPROPORTIONATE IDF RESPONSE

Attacks Against Israeli Settlers and Settlements by Armed Palestinians

Since October 2000, the settlements located in the Israeli-controlled center of Hebron (Avraham Avino, Beit Haddassah, Beit Romano and Tel Rumeida) as well as the two larger settlements located on the outskirts of Hebron (Kiri'at Arba and Givat Harsina) have come under fire from Palestinian gunmen on a regular basis. Many IDF positions are scattered throughout the settlements and the Israeli-controlled Palestinian areas, so in many cases it is unclear whether Palestinian gunmen are aiming their fire at military targets or at civilian targets.¹⁴² However, the location of IDF positions close to the settlements does not negate the obligation of the Palestinian gunmen to take the necessary precautions to avoid civilian casualties, and to refrain from firing indiscriminately into the settlements.

Armed Palestinians normally use AK47 automatic weapons and handguns to open fire from Palestinian-controlled neighborhoods such as Harit Abu Sneineh, Harit al-Sheikh, and Bab al-Zawiya. In the Gaza Strip, Palestinian militants have at times used heavier weapons such as mortars to attack settlements and IDF positions, but there is no evidence of the Palestinian use of such weapons during the current violence in Hebron. Most Palestinian gunfire at the settlements occurs at night, although there has also been significant daytime shooting. In two recent incidents, Israeli settlers in Hebron have been killed or wounded by Palestinian gunfire directed at the settlements.

Wounding of Elad Pass, March 10, 2001

On March 10, 2001, Elad Pass, an eighteen-year old Israeli who was visiting his brother in Hebron, was hit in the leg and lightly wounded by Palestinian gunfire directed at Avraham Avino settlement, the first settler casualty of the Palestinian gunfire at the settlements in Hebron. The shooting apparently took place while Israeli settlers, including Elad Pass, were illegally stopping Palestinian cars along a road. Following the shooting, Israeli settlers began beating Palestinians, including three Palestinian photographers who had arrived at the scene. The three photographers—Hossam Abu Alan of Agence France-Presse, and Nael Shiukhi and Mazan Da'ana of Reuters—were hospitalized with light injuries.¹⁴³

¹⁴² For example, a January 2, 2001, attack by Palestinian gunmen wounded two Israeli soldiers stationed near the Tel Rumeida settlement.

¹⁴³ "Hebron Settlers Attack Three Palestinian Photographers," *Agence France-Presse*, March 10, 2001.

Killing of Shalhavet Pass and Wounding of Yitzhak Pass, March 26, 2001

On March 26, 2001, at about 5 p.m., a Palestinian gunman opened fire on the Avraham Avino settlement from the Palestinian-controlled Abu Sneineh neighborhood. The Palestinian fire hit a ten month old baby girl, Shalhavet Pass, in the head, killing her instantly. Her father, Yitzhak Pass, was seriously wounded by two shots in the leg and evacuated to a Jerusalem hospital.¹⁴⁴ According to press accounts, “The enclave playground was swarming with children [at the time of the shooting] because new sand had been delivered to the sandbox.”¹⁴⁵ According to unconfirmed settler accounts, another young girl, three-year-old Mevaseret Melamed, was grazed in the finger by a bullet around the same time.¹⁴⁶ Two other girls playing in a sandbox nearby also narrowly escaped injury, and reportedly had their clothes torn by bullets.¹⁴⁷ David Wilder, a spokesperson for the Hebron Jewish Community who was present at the scene of the attack, gave the following account to Jerusalem Post Radio:

Yesterday afternoon at 4:30 [p.m.] I arrived in the Avraham Avino neighborhood from my Beit Haddassah home. As I was getting out of the car, a shot rang out. It was very close to me. I told the soldiers that we had been shot at and they said ‘No, it was just a firecracker.’ I found out [on the morning of the next day] that a little girl, a three-year-old girl who was standing opposite me, was actually scratched by that bullet. Her mother discovered only last night that the bullet had gone by her and scratched her finger. That same bullet put a hole in the shirt of a girl who was playing in a sandbox in the Avraham Avino courtyard.

About ten or fifteen minutes later, the sniper started shooting again, at the Pass family as they were walking from the parking lot into the neighborhood. Yitzhak Pass was hit in the leg, and he fell. The baby was in a stroller. Her mother didn’t even realize [the baby] had been shot, she picked up the baby to take her for cover and then discovered the baby had been shot in the head.

¹⁴⁴ Hebron Press Office, “News From Hebron: Terrorist gunfire kills one and injures one in Hebron,” March 26, 2001.

¹⁴⁵ Deborah Sontag, “Israeli Right is Pressing Sharon to Retaliate,” *New York Times*, March 28, 2001.

¹⁴⁶ Hebron Press Office, “Terrorist Shooting Update 3,” March 27, 2001.

¹⁴⁷ Ibid.

Emergency medical crews arrived almost immediately and started to treat them. Yitzhak was transferred to an ambulance and taken to a hospital in Jerusalem. They tried to save the baby's life, but were not able to.¹⁴⁸

The killing of the baby girl and wounding of her father was vigorously condemned by Israeli political leaders, and led Prime Minister Ariel Sharon to change the IDF's "policy of restraint."¹⁴⁹ Sharon's spokesperson blamed the attack on professional snipers under the control of Palestinian President Yasser Arafat: "The fact that they could pick off the baby and then the father makes this a hideous, deliberate, coldblooded murder. Snipers are not just gun-toting youth. They belong to professional security forces. ... If Arafat had wanted, the sniper would not have been there."¹⁵⁰ Settlers went on a rampage after the killing, attacking and burning Palestinian stores and cars, destroying the office of the Islamic Wafq authority in Hebron, shooting at Palestinian homes, and attempting to invade the Palestinian neighborhood from which the gunfire came. The settlers demanded that the IDF retake the Palestinian-controlled neighborhood and "purify these hills of the murderers and terrorists," and the Pass family announced that they would not bury the remains of Shalhevet Pass until the IDF had "recaptured" the Palestinian-controlled hills.¹⁵¹ Those demands were rejected by the IDF, and Shalhevet Pass was buried on April 1, 2001, after entreaties from Prime Minister Sharon and Israel's Chief Rabbi Yisrael Meir Lau.¹⁵²

Physical Damage Caused by Palestinian Attacks

In addition to the above noted killing and wounding of Israeli settlers in Hebron, Palestinian gunfire has caused significant physical damage to the settlements. The impact of Palestinian gunfire directed towards the settlements varies among the different settlements. The large settlements on the outskirts of Hebron were designed with the threat of gunfire in mind, and their thick walls and small out-facing windows, as well as the existence of buffer zones around most of their boundaries, limit the effect of Palestinian gunfire. The settlements inside Hebron are more exposed because of their proximity to Palestinian

¹⁴⁸ Jerusalem Post Radio, March 27, 2001.

¹⁴⁹ "IDF Worried About a 'New Goldstein,'" *Ha'aretz*, March 28, 2001.

¹⁵⁰ Tracy Wilkinson, "10-Month-Old Israeli Girl Becomes Unrest's Youngest Fatality," *Los Angeles Times*, March 27, 2001.

¹⁵¹ Ibid; Hebron Press Office, "Terror and the Pass and Zarbiv Families," March 27, 2001.

¹⁵² Deborah Sontag, "Israel Baby's Funeral Becomes Focus of Settler Militancy," *New York Times*, April 2, 2001.

neighborhoods. The Tel Rumeida settlement, which consists of thin-walled trailers, is particularly vulnerable to attack.¹⁵³ The settlements have been heavily sandbagged to minimize the impact of Palestinian gunfire.

Homes in all of the settlements visited by Human Rights Watch in Hebron had been hit by gunfire. The impact of the Palestinian gunfire on the lives of the settlers was obvious: many had been forced to relocate their sleeping arrangements into crowded safer rooms, and complained that their children were unable to sleep from fear. The light automatic weapons used by Palestinian gunmen caused physical damage to the settlements that was generally lighter than that caused by the heavier IDF response, discussed below.

Roadside Attacks on Israeli Settlers

Palestinian militants have carried out a number of attacks on vehicles and buses carrying Jewish settlers on the specially-created “by-pass” roads designed to allow “safe passage” among the settlements and between the settlements and Israel. On December 8, 2000, Palestinians fired on a vehicle carrying four female schoolteachers to the settlement of Kiriat Arba. Thirty-nine-year-old Rina Didovsky, a mother of six who lived in the Beit Haggai settlement and taught fourth-grade girls in the Kiriat Arba settlement, was killed in the attack. The driver of the car, forty-one-year-old Eliyahu ben Ami, a father of two who resided in the settlement of Otniel, later died of his wounds in a Jerusalem hospital.¹⁵⁴ Another passenger, Elina Edri, was lightly wounded in the attack.

Days after the deadly road attack, Israel’s General Security Service (known by its Hebrew initials, Shin Bet) and the IDF arrested three Palestinians who later reportedly confessed to carrying out the attack. According to Hebron settler representatives, the arrests were based on the positive identification of one of the gunman made by one of the surviving teachers out of a “terrorist picture album” shown to her.¹⁵⁵ During interrogation by the Shin Bet, the three men apparently confessed to the crime, and admitted that they had carried out the attack on the instructions of the military wing of the Islamist militant group Hamas. The three suspects were all Hebron residents.¹⁵⁶ On December 13, 2000, a day after the confessions, ‘Abbas al-‘Awiwi, a member of the military

¹⁵³ The reason for the vulnerability of Tel Rumeida is that its status as a settlement has not yet been determined by the Israeli government, so the settlers have not received permission to construct more permanent structures.

¹⁵⁴ Hebron Press Office, “News From Hebron,” December 8, 2000, posted on the website www.hebron.org.il.

¹⁵⁵ Hebron Press Office, “News From Hebron,” December 13, 2000.

¹⁵⁶ Yo’av Limor et al., “Shin Bet arrests Hamas Squad Suspected of Murdering Two Israelis on 8 December,” *World News Connection*, December 14, 2000; Amos Harel, “Drive-by Hamas shooter indicted,” *Ha’aretz*, February 8, 2001.

wing of Hamas, was killed on the streets of Hebron in a “liquidation” blamed on Israeli forces (see above).

On February 1, 2001, Palestinian gunmen overtook and fired at the vehicle of Shmuel Gillis, a doctor who lived in the settlement of Karnei Tzur, as his vehicle was driving past al-‘Arrub refugee camp. The forty-two-year-old father of five was struck by several bullets, and his vehicle overturned after the attack. Doctor Gillis died at the scene.¹⁵⁷ In retaliation for the roadside attack, Israeli authorities demolished two civilian buildings in the area on February 20, 2001, arguing that the structures were illegal and located near the place where the attack had taken place, but not making a specific link between the demolished homes and the attack.¹⁵⁸

Establishing the Identity of Palestinian Gunmen

Establishing the identity of the Palestinian gunmen responsible for firing at the settlements is difficult, as the gunmen operate clandestinely and mostly at night. Most of the Palestinian civilians interviewed by Human Rights Watch deeply resent the Palestinian gunmen who come to their neighborhoods, and hold them responsible for the damage to their homes. However, they also fear the Palestinian gunmen, and are unable to confront them or force them from their neighborhoods. An elderly Palestinian whose house was heavily damaged by IDF fire responding to Palestinian gunmen shooting from his neighborhood explained his dilemma to Human Rights Watch:

Each few nights, they come and shoot two or three shots from a pistol or a gun, either from behind our houses or farther up the hill. The shot is like a sign to the soldiers, they start shooting heavily at the area. Nobody dares to go outside in the evening. ... I have never seen the Palestinian gunmen, but I swear that if I see any I will tie them up and hand them over to the Israelis. Everyone shooting from in between Palestinian neighborhoods is not a patriot, they are terrorizing our families.¹⁵⁹

Although it is difficult to determine with certainty whether the Palestinian gunmen belong to organized Palestinian groups or are simply armed civilians, it is likely that many attacks are to a significant extent authorized and coordinated

¹⁵⁷ “Two Israelis Killed in West Bank Shooting,” *Ha’aretz*, February 2, 2001; “Two Israelis, Two Palestinians Killed as Bloodletting Increases,” *Agence France Presse*, February 1, 2001.

¹⁵⁸ “Israel Demolishes Palestinian Buildings,” *Reuters*, February 20, 2001.

¹⁵⁹ Human Rights Watch interview, Hebron, February 15, 2001.

by elements of the Palestinian leadership. The amount of gunfire exchanged in some of the gun battles in Hebron, amounting to hundreds of rounds from the Palestinian side, strongly suggest official involvement, as the extent of weapons and ammunition in private Palestinian hands is limited. Most of the witnesses who had seen the Palestinian gunmen believed them to be members of Fatah's Tanzim militia, an organization closely associated with Palestinian President Yasser Arafat. A member of Fatah who had participated in attacks on settlements in Hebron acknowledged to Human Rights Watch that he was acting on the orders of Fatah leaders in Hebron:

We are given orders on a daily basis on where to fire from and on what settlements to fire. We cannot give advance warning to the [Palestinian] residents because oftentimes we do not know them, and there could be collaborators among them [who will warn the IDF about attacks]. Most of the time, we fire from unfinished buildings or unpopulated areas.”¹⁶⁰

A thirty-eight-year-old shopkeeper who lived in Palestinian-controlled territory close to the Tel Rumeida settlement explained to Human Rights Watch that he knew some of the gunmen operating in his neighborhood:

Everyone knows the gunmen, there are about four or five [in this neighborhood.] During the day, they walk around here with their guns. ... The ones I know work with the Palestinian Authority, they are PA employees, they usually travel in stolen cars full with guns. All of them are Tanzim, Fatah. ... I used to talk to them, say, ‘You see what you are doing to our houses, why do you come here?’ They would say that they had orders, that it was out of their hands to stop the shooting.”¹⁶¹

A resident of the Abu Sneineh neighborhood explained that a group of young gunmen whom he believed belonged to Fatah had regularly come to his neighborhood to fire at Israeli positions: “The first day about ten armed boys came, it started at the beginning of the clashes. After that, it has been about five or six [gunmen]. They would say that they have come to protect the neighborhood, but from what? They come with their Kalashnikovs, fire a couple of shots and then they go and hide in the neighborhood.”¹⁶²

¹⁶⁰ Human Rights Watch interview, Hebron, February 19, 2001.

¹⁶¹ Human Rights Watch interview, Hebron, February 15, 2001.

¹⁶² Human Rights Watch interview, Hebron, October 31, 2001.

While these accounts indicate that Fatah members appear responsible for some of the attacks on settlements in Hebron district, it is by no means clear that Fatah or other organized Palestinian organizations are responsible for all, or even most, of the attacks on settlements in Hebron district. Human Rights Watch was unable to establish that all, or even most, of the attacks on settlements had been ordered by Fatah leaders, or other organized Palestinian groups. We cannot exclude the possibility that a significant number of the shooting incidents in Hebron are the acts of private Palestinian individuals not under the direct control or orders of Fatah, the Palestinian Authority, or other organized armed Palestinian groups.

A forty-year-old woman whose house was occupied by IDF soldiers described the Palestinian shooting that came from her neighborhood, and the steps that she and her neighbors had taken to deny Palestinian gunmen access to their neighborhood:

Before the soldiers occupied this house, there was heavy shooting back and forth, sometimes for hours. The Palestinians would shoot from this neighborhood. ... They used to hide between the olive trees, but they would not come into the houses. ... We dared not to go to the windows, we would lie on the floor in the living room in the middle of the house and turn off all the lights.

All of the neighbors agreed to block the road so the gunmen could not come into the neighborhood. We put an old car across the road, and a cement mixer. ... Of course we don't want the gunmen in our neighborhood, the damage happens to our home. The gunmen fire a few shots, but then the [IDF] response is from heavy machine guns and tanks.¹⁶³

By opening fire from heavily populated civilian areas, Palestinian gunmen endanger the lives of Palestinian civilians, and their action is a serious violation of international humanitarian law. The Palestinian Authority has an obligation to prevent its agents from operating in violation of international humanitarian law norms. International humanitarian law requires the Palestinian Authority to prevent attacks on Israeli civilians by its own agents and by private gun owners, to prevent shooting from heavily populated civilian areas by its agents and private gun owners, and to arrest and prosecute those who carry out such activities. As the cases in this report indicate, the Palestinian Authority is failing to carry out these obligations.

¹⁶³ Human Rights Watch interview, February 12, 2001.

Some Palestinian leaders have at times sought to justify Palestinian attacks on settlers. Ahmed ‘Abd al-Rahman, a senior aide to Palestinian President Yasser Arafat, responded to U.S. concerns about Palestinian attacks on Israeli settlers by rejecting the notion that Israeli settlers were civilians, stating:

The settlers who are living in the occupied territories are an accessory to the Israeli army. If they were civilians they should be in Israel, not in the occupied territories.¹⁶⁴

Following a Palestinian attack on a bus transporting school children from the Kfar Darom settlement in the Gaza Strip which killed two and wounded nine, the Palestinian Minister of Prisoners’ Affairs, Hisham ‘Abd al-Raziq, stated that the attack had been committed “against people who occupy our land. From our point of view, any action against the occupation is legal.”¹⁶⁵ Such views, however, are inconsistent with international humanitarian law norms. These state emphatically that civilians are never a legitimate target for military attack.

Disproportionate IDF Response

There is a qualitative as well as a quantitative difference between the Palestinian gunfire directed at Israeli settlements and IDF positions in Hebron, and the IDF response to such gunfire. Palestinian gunfire mainly consists of light automatic weapons fire, while the IDF has a varied and more powerful arsenal that includes light, medium, and heavy machineguns, tank fire, rockets, and helicopter gunships. The use of such heavy weaponry does not necessarily violate international standards. But the use of heavy weaponry increases the destructive potential of the IDF response, and must be used with great care to prevent disproportionate harm to civilians. This response must be proportionate to the threat faced and adequate measures must be taken to minimize the impact of IDF fire on the Palestinian civilian population.¹⁶⁶

IDF positions normally respond to Palestinian gunfire with fire from medium-caliber machine guns, occasionally supplemented with antitank

¹⁶⁴ John Rogers, “Sharon Vows to Restore Security for Israelis,” *Reuters*, February 27, 2001.

¹⁶⁵ Keith Richburg, “Missile Attacks Stoke Palestinian Defiance,” *International Herald Tribune*, November 22, 2000, cited in B’Tselem, “Illusions of Restraint: Human Rights Violations During the Events in the Occupied Territories, 29 September-2 December 2000” (December 2000).

¹⁶⁶ Protocol I additional to the Geneva Conventions, Art 57 requires that the parties to a conflict “take all feasible precautions *in the choice of means and methods of attack* with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.” (emphasis added).

missiles. The medium-caliber machine guns normally fire 7.62 mm armor piercing rounds (known to Palestinians as “500 caliber”) up to 12.7 mm (.50 caliber, known to Palestinians as “800 caliber”) rounds, both of which can easily penetrate concrete, and Human Rights Watch researchers documented cases in Hebron where medium-caliber bullets penetrated as many as three interior walls. IDF gunfire has caused extensive structural damage to hundreds of Palestinian homes in Hebron, and has resulted in civilian casualties. On many occasions, it appears that IDF soldiers responded with widespread gunfire into civilian neighborhoods, hitting dozens of homes at a time. The apparently untargeted nature of IDF gunfire and its civilian toll raises serious concerns that the IDF is firing indiscriminately, in violation of international humanitarian law standards.

As is the case with Israeli settlers, Palestinian civilians have taken precautions to limit the civilian casualties of IDF gunfire, sandbagging windows, relocating sleeping quarters to interior rooms, and rarely venturing outside during the night. But the heavier firepower of the IDF makes it more difficult for Palestinian civilians to protect themselves from indiscriminate gunfire, and has caused significantly more casualties among Palestinian civilians.

Killing of Issam al-Tawil, February 16, 2001

A Human Rights Watch researcher staying in a hotel on the outskirts of Hebron noted prolonged fire exchanges on the evening of February 16, 2001, apparently initiated by Palestinian automatic fire. The IDF response to the Palestinian fire was heavy and sustained, consisting mostly of medium caliber machine gun fire directed at the Abu Sneineh and Qarantina neighborhoods of Hebron.

Twenty-nine-year-old Issam al-Tawil was driving home that evening with his parents, his brother, and sister-in-law after attending a mourning service unrelated to the conflict. According to his father, fifty-five-year-old Rashad al-Tawil: “We were about one hundred meters from our house and turned off the [car] lights. Then we stopped until things quieted down. There was shooting from machine guns. The bullet hit the door near the driver, it was either a 500 or 800 [caliber bullet]. It penetrated the door on the driver side [and] hit Issam in the side and went into his body. ... They were shooting at any car driving.”¹⁶⁷ The family stopped a passing car to bring Issam to the hospital, but he died from his wounds on the way to the hospital.

The same night, the IDF attacked the al-Rayyan collective farm on the outskirts of Hebron, killing two workers and injuring a third in what appears to have been a targeted attack (discussed above). The attack on the al-Rayyan collective farm, with gunfire from at least three directions, was also highly

¹⁶⁷ Human Rights Watch interview with Rashad al-Tawil, February 18, 2001.

indiscriminate, hitting many homes in the neighborhood and even the luxury al-Mezan hotel, located at least one half kilometer away, which was hosting more than a thousand guests at the time of the attack.

Killing of Arij al-Jabali and Wounding of Ahlam al-Jabali, January 5, 2001

According to her mother, Sabah al-Jabali, January 5, 2001 was a special day for eighteen-year-old Arij al-Jabali. She had expected to become engaged that day, and had spent her last hours praying, bathing, and preparing herself for the visit of her suitor's family. At about 5 p.m., she went onto the roof of the house to collect the laundry she had put out to dry. She saw her eighteen-year-old sister-in-law Ahlam on the neighboring roof, and invited her over to help and chat.

As the two women were gathering the laundry on the roof, Palestinian boys from the neighborhood apparently set off some fireworks. Ahlam recalls: "There were some youths playing with fireworks, they were aiming them at Beit Haggai. They were playing [in the clearing] below the house, firing fireworks from there to Beit Haggai. It was just a few minutes between the fireworks and the heavy shooting from Beit Haggai."¹⁶⁸ When the gunfire from the Beit Haggai settlement began, the two girls quickly tried to seek safety in the stairwell of the home, but were soon wounded:

We were chatting and sitting by the roof when the shooting started. I was by the door on the roof and Arij was near the [television] antenna. The shooting was very heavy. Arij and I went inside and hugged each other. ... When we hugged each other, Arij said my name and stared at me. Suddenly, there was a hit, a bullet which came from the left shoulder of Arij, went through her heart and then injured me in the stomach and right side.¹⁶⁹

An ambulance took the two wounded girls to the hospital. The doctors tried to save Arij, but the wounds were too severe, according to Dr. Hisham Shaheen: "There was a half centimeter hole in her heart and several two centimeter holes in the left lung. She arrived at the hospital in the last stage and was bleeding severely."¹⁷⁰

Colonel 'Awni al-Natsheh, the deputy military commander of the Palestinian Authority in Hebron, told Human Rights Watch that the Palestinian

¹⁶⁸ Human Rights Watch interview, Hebron, February 12, 2000.

¹⁶⁹ Ibid.

¹⁷⁰ Mazen Dana, "Palestinians Bury Woman Shot Dead Inside Her Home," *Reuters*, January 6, 2001.

mukhabarat had arrested a young Palestinian boy in connection with the case, and that the youngster was being investigated for setting off fireworks in the direction of Beit Haggai, “leading to the death of al-Jabali.”¹⁷¹

Wounding of Samir Abu Shakdam, January 2, 2001

On January 2, 2001 Palestinian gunmen opened fire on an IDF position near the Tel Rumeida settlement, lightly wounding two IDF soldiers.¹⁷² The Palestinian fire came from the Palestinian-controlled neighborhood immediately adjacent to Tel Rumeida.

Anwar al-Qadi, a thirty-eight-year-old shoemaker, was at home with twenty-one relatives and visitors when the IDF responded to the Palestinian gunfire from his neighborhood at about 5 p.m. and his house came under heavy fire: “The sound of the bullets hitting the walls was very loud. The shooting continued for at least 45 minutes. . . . After the heavy shooting, there was a lot of dust, we could barely breathe.”¹⁷³ Because the entrance to the home directly faced the IDF position, the family had to wait until the gunfire had died down to exit their home. A Human Rights Watch visit to the house in February found extensive damage to every room facing the IDF position, with dozens of medium-caliber rounds penetrating the walls on each of the three floors of the home. The family was forced to abandon their heavily damaged home: “Naturally we could not stay in the house because it was too dangerous. I rented another house [and] my brother also rented another house.” The family say they did not allow Palestinian gunmen to use their home: “We don’t allow any gunmen to come here, and at night we lock all the doors. I don’t want my house to be demolished, so I do not want gunmen here.”¹⁷⁴

Samir Abu Shakhdam, a thirty-year-old shoemaker, lives a few houses away from the home of Anwar al-Qadi. He was at work when the IDF response started on the evening of January 2, 2001 and waited until the shooting had stopped before heading home. “I was walking a way that was not exposed to the soldiers, except for about two meters,” Abu Shakdam recalled, “During those two meters, I was shot. The soldiers noticed me walking and shot me.” Samir Abu Shakdam was hit in his upper leg area, and managed to make his way home and call his brothers for help. The IDF soldiers shot at his brothers as they came to evacuate him, but they managed to crawl over and bring him to a crowded

¹⁷¹ Human Rights Watch interview with Colonel ‘Awni al-Natsha, Hebron, February 24, 2001.

¹⁷² IDF, “IDF Spokesperson’s Announcements,” January 2, 2001.

¹⁷³ Human Rights Watch interview, Hebron, February 15, 2001.

¹⁷⁴ Ibid. Although the family was no longer living in the home, al-Qadi continued to operate a small shoe factory in the basement, allowing him to control access to the home and lock up the home when he left for the evening.

ambulance: “The ambulance had received seven injuries, I was number eight.” As the ambulance was leaving, it also came under IDF fire, and received at least one shot in the rear mudflap. A civilian car driving nearby was hit with an IDF rocket, causing the car to overturn and wounding the father and son inside.¹⁷⁵

Killing of Mu’ath Abu Hadwan and Wounding of Three Others, December 31, 2000

At about 4 p.m. on December 31, 2000, eighteen-year-old Arit al-Qawasma was fixing up her bedroom in the Haret al-Sheikh neighborhood of Hebron when the IDF fired on the home. According to the IDF spokesperson, the IDF fire was in response to Palestinian gunfire on IDF positions in Hebron: “[s]hots were fired during the afternoon [of December 31] at posts in the Jewish quarter of Hebron. There were no casualties. IDF forces returned fire to the sources of the shots.”¹⁷⁶

When the IDF fire began, Arit al-Qawasma rapidly moved the children downstairs, but decided to return to the bedroom because she smelled something burning and was afraid the IDF rounds had set the room on fire. Almost as soon as she entered the room, she was hit in the right shoulder and right side of the face by shrapnel. Because of the heavy gunfire, she lay screaming in the bedroom for fifteen minutes before getting the attention of family members who moved her downstairs. As she was being evacuated to the hospital, a large crowd gathered outside.

Among the crowd was eleven-year-old Mu’ath Abu Hadwan, who had been out with his friends playing with a bicycle. When the boys first heard the shooting, they sought shelter in a local mosque and prayed, but when they heard someone was wounded they became curious and decided to go see what happened. Fawzi Faray, a thirty-year-old neighbor, explained what happened:

People said there were some injured Palestinians, so I went to rescue the Palestinians and saw that it was my neighbor [Arit]. I saw that [Arit] was injured; she received fragments in her face, arms and legs. We took the girl to the hospital. ...

There were twenty to thirty children in the street watching and I asked all of them to go home in case the Israelis started shooting again. There was shelling at the time. I saw Mu’ath just stepping back and falling to the ground. Then I fell to the ground to protect myself from the shrapnel. I looked around and saw my neighbor, the

¹⁷⁵ Human Rights Watch interview with Samir Abu Shakhdam, Hebron, February 15, 2001.

¹⁷⁶ IDF, “IDF Spokesperson’s Announcements,” December 31, 2000.

old woman, lying down. Then I saw Mu'ath also lying down, there was a lot of blood coming from his head. There had been five or six explosions.

I put my hand on the boy's head and started carrying him. When I was carrying him, a lot of blood spurted out and hit my eyes, so I couldn't see anything, and I tripped and fell.

There was a car parked in the area and I spoke to the driver saying we had an injured boy who needed to go to the hospital. But the man ran away, he couldn't stand the blood. Then we saw another car and stopped it.

We carried another boy, who had been injured inside his house by the shelling, to the hospital. This boy is deaf and mute, his name is Abdullah Abu Mezar, aged about ten or eleven. He was wounded in his arm, head, and foot. He was bleeding a lot from his arm. The shooting continued while we were getting the boys to the hospital.¹⁷⁷

An investigation conducted by a military expert on behalf of Amnesty International concluded that Mu'ath Abu Hadwan may have been killed by shrapnel from grenade rounds fired from M203 grenade launchers, which, if used at great distances or in inappropriate circumstances, can be "inaccurate and extremely dangerous anti-personnel weapons."¹⁷⁸

In addition to the death of Abu Hadwan and the wounding of two civilians around the al-Qawasma home, a third civilian was injured nearby. Thirteen-year-old Abir Kharami heard about the injuries near the al-Qawasma home, and went to the roof of her house to see what was happening and to bring down the chickens she was raising on the roof. "I took down the first box of chickens," she recalled, "I was carrying down the second box of chickens when I was hit [in] my hand and stomach. ... There was only one shot fired [at me], the house from which the IDF shot belongs to the Abu Munshar family."¹⁷⁹

¹⁷⁷ Human Rights Watch interview with Fawzi Faray, Hebron, February 24, 2001.

¹⁷⁸ Amnesty International, "Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings," AI index MDE 15/005/2001 (London: Amnesty International, 2001).

¹⁷⁹ Human Rights Watch interview with Abir Kharami, Hebron, February 10, 2001.

Killing of ‘Abd al-‘Aziz Abu Sneineh, October 23, 2000

At about 8:45 p.m. on October 23, 2000, the Abu Sneineh family were at home watching television when IDF gunfire erupted around their home. According to the family, a boy had come to the neighborhood just before the shooting and fired several rounds at the Abu Sneineh home, but not at the settlement:

We weren’t worried because every night armed youth come [to the neighborhood], these kids always shoot at the Jews. But for some reason this boy fired at our home.

The kids who come here and shoot belong to Fatah. You know because Hamas and the other groups don’t go out [and show their guns], it is only Fatah who go out. The boy who shot [came] just before 8:45 p.m.¹⁸⁰

As the IDF response began, the family retreated to the kitchen in the back of the house. However, the phone began ringing in the front room, and fifty-seven-year-old ‘Abd al-‘Aziz Abu Sneineh, the head of the family, decided to go answer the phone. When he didn’t return, his family began calling his name but got no response. His daughter, twenty-four-year-old Amal Abu Sneineh, went to the front room to check on her father:

The firing was going on, it became extremely heavy when my father went to answer the phone, so strong that the house was shaking. . . . When he didn’t answer, I came in, I could hear the glass breaking. When I came in, I found him on the floor by the couch. The bullet entered through the window and hit him in the head through the ear. The light was off, I turned on the light and found that the whole floor was covered in his blood and brains were all over the wall, it was horrible, the amount of blood.¹⁸¹

The gunfire at the home continued for another twenty minutes, making it impossible for the family to evacuate their father. The gunfire came from a heavily reinforced IDF position located at the Osama school in Jabal Johar, near the Kiriya Arba settlement, which includes several tanks. Human Rights Watch researchers counted more than sixty medium-caliber bullet craters on the home, as well as dozens of impact craters on nearby homes and on the street.

¹⁸⁰ Human Rights Watch interview, Hebron, October 31, 2000.

¹⁸¹ Human Rights Watch interview, Hebron, October 31, 2000.

Wounding of Fatina Fakhoury and Her Infant Son, October 9, 2000

At about 11 p.m. on October 9, 2000, Fatina Fakhoury, aged twenty-eight, was at home in the Harit al-Sheikh neighborhood when IDF gunfire was directed at her house. She went out into the stairwell of her home with her eighteen day old baby to call her husband and seek shelter on the bottom floor of the building. “While I was standing there, a shot came through the window in the staircase and [shattered]. The fragments of the shot came to me, and I was injured in my face, arms, and legs, all over my body.”¹⁸² The eighteen day old baby in her arms also received a small shrapnel wound in the leg. Her husband came to assist her, but they were unable to go to the hospital for about one hour because of the continuing IDF fire. The gunfire prevented the ambulance from reaching the house, but eventually the ambulance crew managed to arrive with a stretcher. The IDF renewed fire whenever they saw light coming from the house, so “the people from the ambulance had to use [cigarette] lighters to administer first aid, and we had to cover the windows with blankets to prevent the Israelis from seeing [the light.]”¹⁸³

¹⁸² Human Rights Watch interview with Fatina Fakhoury, Hebron, February 12, 2001.

¹⁸³ Human Rights Watch interview with Sharif Fakhoury, Hebron, February 12, 2001.

VII. SETTLER ATTACKS AND THE LACK OF AN IDF RESPONSE

The Israeli Defense Forces and the border police expend extraordinary efforts to defend the Jewish community of Hebron, which numbers some 400 souls. But the attitude of the Hebron settlers, certainly the extremist among them, is hostile. They view the IDF as a tool to carry out their objective, which is, in the end, to seize control of Palestinian Hebron.

Israeli transport minister and former deputy defense minister Ephraim Sneh, April 1, 2001.¹⁸⁴

The law is toothless here. I have no means to remove the hooligans.

Hebron IDF Brigade Commander Col. Noam Tivon, April 2, 2001, discussing settler abuses in Hebron.¹⁸⁵

Hebron's H2 Area

Four small Jewish settlements are located in the heart of Hebron and are home to a population of some five hundred Jews. The area surrounding the four settlements, as well as the Cave of the Patriarchs (known to Muslims as the Ibrahimi Mosque) and a road connecting the downtown Hebron settlements to the larger Kiriat Arba and Givat Harsina settlements, remains under full Israeli control and is known as "H2," after its designation under the special Hebron redeployment protocol signed in 1997. Some 30,000 Palestinians live in the H2 area. The settlers living in downtown Hebron are widely considered to include some of the most extremist Israeli settlers living in the West Bank, and tensions between the settlers and their Palestinian neighbors have long been marked by severe tensions, often exploding into violence.

The five hundred settlers living in downtown Hebron are protected by a large contingent of IDF soldiers—in fact, the number of IDF soldiers deployed there in 1999 outnumbered the number of IDF soldiers then deployed in all of Israeli-occupied southern Lebanon, according to then-Deputy Defense Minister Ephraim Sneh.¹⁸⁶ The virtual blanketing of the H2 area with IDF checkpoints,

¹⁸⁴ Deborah Sontag, "Israeli Baby's Funeral Becomes Focus of Settler Militancy," *New York Times*, April 2, 2001.

¹⁸⁵ Nadav Shragai, "'Outsiders' Blamed for Hebron 'Hooliganism,'" *Ha'aretz*, April 3, 2001.

¹⁸⁶ "Deputy Defense Minister: More Soldiers in Hebron than in Lebanon," *Associated Press*, August 9, 1999; Arie O'Sullivan, "Sneh Tells Settlers: More IDF in Hebron than in Lebanon," *Jerusalem Post*, August 9, 1999.

the constant patrolling of the town by IDF soldiers, and the ubiquitous deployment of IDF positions on the rooftops of Palestinian and settler homes ensures that most settler attacks must be witnessed by IDF soldiers. In many cases, the attacks or abuses take place within meters of IDF soldiers without any intervention on their part.

Israeli settlers are not always the initiators of attacks, and Human Rights Watch has documented cases of physical attacks on Israeli settlers by Palestinian civilians. On February 20, 2001, for example, a young Palestinian woman from Dura village near Hebron stabbed and lightly wounded a nineteen-year-old Yeshiva student, Hananel Jerafi, in the H2 area of Hebron. Since the outbreak of clashes in late September 2000, Israeli settlers living in downtown Hebron have also regularly come under fire from Palestinian gunmen, an issue documented elsewhere in this report. But in the H2 area of Hebron, as in other Israeli-controlled areas in Hebron district such as the Baqa'a valley, it is clear that the majority of physical attacks are initiated by Israeli settlers, and that the IDF has consistently failed in its obligation to protect Palestinian civilians from attacks by Israeli settlers. In effect, settlers are using the protection provided by the IDF to attack Palestinian civilians. In most cases investigated by Human Rights Watch, the IDF has only intervened to protect the Israeli settlers from counterattack.

Since the beginning of the recent clashes, the H2 area of Hebron has been under a nearly continuous curfew, which requires Palestinians to remain within their homes twenty-four hours per day.¹⁸⁷ The curfew does not apply to Israeli settlers, who are allowed to go freely about their daily activities.¹⁸⁸ In many instances of settler abuses documented by Human Rights Watch, the settlers used their ability to move around freely during curfew—and the fact that Palestinians were confined to their homes at the time—to carry out attacks on Palestinians and their property.

In early November, settlers used the cover of curfew to paint provocative anti-Islamic slogans on the walls of a mosque in the vegetable market outside the settlement of Avraham Avino. The slogans, which had been painted over but were still readable at the time of a November 6, 2000, visit by Human Rights Watch researchers, read in Hebrew “Muhammad is a pig” and “Muhammad is a

¹⁸⁷ The curfew, which is discussed in greater detail below, is normally lifted for several hours every few days to allow Palestinians to buy essential supplies.

¹⁸⁸ The Israeli authorities do prevent the Israeli settlers from entering the Palestinian market area, because this area has been the site of many clashes provoked by the settlers, who claim the market was built on Jewish property following the 1929 Hebron massacre. All Israelis, including settlers, are also prohibited from entering territory under full Palestinian control (Area “A”) because of security concerns.

manyak [transliterated Arabic slur for homosexual]” and had a Star of David painted underneath.¹⁸⁹

The Palestinian market adjacent to the Avraham Avino settlement is one of the most frequent flashpoints in Hebron. It has been the scene of numerous confrontations between Palestinian and settlers, who believe the market was built on “on Jewish property, stolen by Arabs, after the 1929 massacre.” During the brief periods when the curfew has been lifted, settlers have often organized protests, some of them violent, at the vegetable market.

On Thursday, November 2, 2000, the IDF announced for the first time in thirty-three days that the curfew would be lifted for more than a few hours. The next morning, when the market re-opened, a group of twenty mostly women settlers arrived and began disrupting the market. In many protests, women settlers are able to be more confrontational without risking an IDF response, because male IDF soldiers are not allowed to come into physical contact with the female settlers. One fifty-five-year-old merchant described the attack: “The [women] settlers ripped down all the clothes [displayed] outside and stepped on them, they took some clothes with them. They were screaming in Arabic, ‘Close! Close! It is forbidden for you to be open!’ It was a Friday. They told us to go home. We closed our shops to protect our goods.”¹⁹⁰

When a large crowd of Palestinians gathered to confront the settler women, the settlers left the market and the IDF responded by firing concussion grenades into the angry Palestinian crowd. Ahmad Abu Neni, a fifty-five-year-old blind man who supports his family by selling cleaning supplies from a kiosk located directly adjacent to the IDF post at the market’s entrance, was first attacked by the settlers and then hit with one of the IDF concussion grenades:

On November 3, between 9 and 10 a.m., I was at the door of my shop, selling cleaning supplies. The settlers attacked me and threw over my shop, took things, and closed it. Then the army fired a sound bomb at me and it set my clothes on fire. I was unconscious when they took me to the hospital. ... They didn’t just attack me but the whole area. They were yelling, ‘Close, close, close the shops.’ They physically assaulted me. They pushed me hard into my shop, so I fell down.¹⁹¹

¹⁸⁹ Human Rights Watch interview with Kawther Salaam, Hebron, November 6, 2000.

¹⁹⁰ Human Rights Watch interview, November 6, 2000.

¹⁹¹ Human Rights Watch interview with Ahmad Abu Neni, Hebron, February 9, 2001.

The market was attacked again on December 31, 2000, the day the militant Binyamin Kahane and his wife were killed in a roadside attack.¹⁹² The blind Abu Neni was again victimized in the attack, when settlers hit him with a heavy brick in the back as he was attempting to lock up his shop. He had to be carried all the way out of H2 before he could be put in a car and taken to the hospital, as Palestinian cars, including ambulances, are prohibited from entering the H2 area. When his shop was attacked for a third time by settlers on January 31, 2001, all the remaining goods were destroyed. He estimated his loss in the three attacks at 2,000 shekels (U.S. \$500), a huge sum for an aging blind man whose only source of income was his small shop.

On March 10, 2001, settlers began attacking Palestinians following the shooting by a Palestinian gunman of Elad Pass, an Israeli settler who was apparently participating in the operation of an illegal roadblock at the time of the shooting (see above). A press release issued by the Christian Peacemaker Team (CPT) described how Israeli settlers attacked the Palestinian vegetable market soon after the shooting:

At around 4:30 p.m., CPT members heard shouting in the street below, and upon investigating, saw about fifty settlers walking and running along al-Shuhada' Street. As a few members looked on from the street entrance to their apartment, a male settler youth ran past and threw a rock into the market at Palestinians. Soldiers grabbed [the settler] and brought him back to al-Shuhada' Street. Another male settler assaulted a Palestinian man splashing clear liquid on him, from what appeared to be a vodka bottle. Shop keepers started closing up shops, and curfew was imposed shortly thereafter. CPT members witnessed male settler youth, some of them apparently drunk, hurl stones in the market, and stomp on vegetables as they marched through the largely empty streets.¹⁹³

Following the settler attack on the Palestinian vegetable market, the IDF surrounded a large part of the Palestinian market with barbed wire and declared

¹⁹² Binyamin Kahane was the son of the assassinated Rabbi Meir Kahane, founder of the banned Kach movement which advocates the mass expulsion of Arabs from the Occupied West Bank and Gaza Strip and which continues to enjoin significant clandestine support among militant Hebron settlers. Binyamin Kahane was the founder of Kahane Chai, a similarly extremist party that was outlawed following the assassination of prime minister Rabin. Deborah Sontag, "Son of Slain Rabbi Kahane Dies With Wife in West Bank Ambush," *New York Times*, January 1, 2001.

¹⁹³ CPT, "Hebron Update: March 10-13, 2001," March 23, 2001.

it a “closed military zone,” effectively giving in to settler demands that the market be shut down.¹⁹⁴

On March 11, 2001, Jewish settlers in Hebron organized a march through Hebron to celebrate Purim that ended violently. Activists from the outlawed anti-Arab Kach movement, including many Hebron settler leaders, had originally been granted a permit to celebrate Purim at the grave of Baruch Goldstein, the Kiriat Arba settler who killed twenty-nine Palestinian worshippers at the Ibrahimi Mosque in Hebron on the eve of Purim in 1994, but senior Israeli police officials intervened at the last moment to cancel the permit and prevented a celebration at the gravesite.¹⁹⁵

The IDF imposed a curfew on the Palestinian residents of Hebron during the Purim parade, but some Israeli settlers clearly sought to provoke a confrontation. According to the Israeli newspaper *Ha'aretz* and other news sources, “Among the crowd were children dressed up as Dr. Baruch Goldstein, the doctor who massacred some two dozen Muslim worshippers at the Cave of Patriarchs during Purim in 1994.”¹⁹⁶ Palestinian youths pelted the rally with stones and rolled burning tires at the parading settlers.¹⁹⁷

On March 27, 2001, the day after a Palestinian gunman killed ten-month-old Shalhevet Pass and wounded her father in front of the Avraham Avino settlement (see above), Israeli settlers vented their rage on the Palestinian community. At about 5 a.m. on March 27, 2001, a group of about fifty armed settlers attempted to enter the Palestinian neighborhood of Abu Sneineh from where the Palestinian sniper had fired, but were pushed back by IDF soldiers. Several of the settlers opened fire on the Palestinian neighborhood when the IDF stopped them from proceeding. The IDF ordered the settlers to stop shooting, but the gunmen were not arrested: “I saw two settlers open fire. The soldiers didn’t arrest them, but only urged to go back.”¹⁹⁸ Settlers continued to attempt to enter the Palestinian neighborhoods, and also attacked the Palestinian

¹⁹⁴ Human Rights Watch telephone interview with Rick Polhamus, CPT volunteer, Hebron, March 28, 2001.

¹⁹⁵ “Graveside party to celebrate 1994 Hebron massacre okayed,” *Deutsche Presse-Agentur*, March 8, 2001; “Israel Police Ban Party by Outlawed Group at Hebron Killer’s Grave,” *Agence France-Presse*, March 8, 2001; “Kach Vows to Return to Hebron Grave Today,” *Ha'aretz*, March 9, 2001; “Israel Police Ban Party at Killer’s Grave,” *Reuters*, March 8, 2001.

¹⁹⁶ “Celebrations and a curfew in Hebron,” *Ha'aretz*, March 12, 2001; Margot Dudkevitch, “Hebron residents mark Purim with Parade,” *Jerusalem Post*, March 12, 2001 also reported that some Hebron residents dressed up as Baruch Goldstein, waved photos of Goldstein, and drank wine from bottles with Goldstein’s portrait on the label.

¹⁹⁷ CPT, “Hebron Update: March 10-13, 2001,” March 23, 2001.

¹⁹⁸ Human Rights Watch telephone interview with Rick Polhamus, CPT volunteer, Hebron, March 28, 2001.

vegetable market. A member of the Christian Peacemaker Team interviewed by Human Rights Watch gave the following account:

On Tuesday night we woke up to shouts and shooting and saw the light of a fire on Abu Sneihneh. [On Wednesday] we went up and saw seven cars burned and fresh bullet holes. We were told that the bullet holes were fired by settlers at very close range, and that some were fired by the IDF from a distance. ...

Halfway up the hill [to Abu Sneineh] there is a 'Y' in the road where the soldiers and kids usually clash. This is where the soldiers stood and turned the settlers back when they tried to enter Abu Sneihneh. At about 10:15 the settlers came back and ... went through the market and back out through our street. There were only a couple of soldiers with them who yelled at them and tried to hurry them along, but didn't stop them and let them overturn crates and burn tarps, crates, and boxes in front of the shops on our street.

There has been damage to the inner portion of the vegetable market. Those shops have metal doors, but the stands and other equipment that the shopkeepers leave outside was damaged, and hundreds of the plastic bread containers were overturned and some of them were burned. . . .

Right now, at 7:26 p.m. on Wednesday, as I look from our roof I can see smoke and flames coming from the market area. ... We could see the flames last night too. We went to look at it last night and were told [first] by the soldiers that the settlers were burning wood and cardboard. We kept asking and finally [the soldier] admitted that the settlers were burning the contents of a carpenter shop.¹⁹⁹

Settlers burned at least five Palestinian shops and also torched the offices of the Waqf Islamic authority, tasked with maintaining and administering Islamic holy sites in Hebron.²⁰⁰ On the night of April 1, 2001, Jewish settlers exploded a gas canister inside a Palestinian store in Hebron, destroying three Palestinian stores and lightly wounding six Israeli border policemen walking by

¹⁹⁹ Human Rights Watch telephone interview with Rick Polhamus, CPT volunteer, Hebron, March 28, 2001.

²⁰⁰ "Jewish Settlers Torch Palestinian Shops In Hebron Over Infant Killing," *Agence France Presse*, March 28, 2001; Greg Myre, "Hebron Settlers Demand Sharon Take a Tough Line with Palestinians," *Associated Press*, March 28, 2001.

the store. Seven other gas canisters readied for similar explosions were discovered nearby.²⁰¹ Soldiers stationed nearby reportedly saw the settlers attacking the store before the explosion, but did not intervene because “that’s police work,” as one soldier told an international journalist.²⁰² Hebron IDF commander Col. Noam Tivon blamed the attack on a group of about forty young settlers associated with a Nablus yeshiva, but blamed the Hebron settler leaders for not taking measures to prevent anti-Palestinian violence as he had requested them to do: “Regretfully, [the settler leaders] didn’t listen to us and they were lenient with [the abusive settlers]. And the result is what happened here in the last week, which was not good. They break into a shop, loot it and then burn it. Unbelievable things.”²⁰³ In response to the incident, commander Col. Tivon ordered his soldiers not to accept any food or candy from the settlers, explaining: “The law is toothless here. I have no means to remove the hooligans. So the proper thing to do is to cut off any social contact with the settlers.”²⁰⁴

Many previous settler attacks have taken place in the area surrounding the Avraham Avino settlement. The Sharabati family’s house adjoins the Avraham Avino settlement, and a significant part of their house has been forcibly taken over by settlers and incorporated into the settlement itself. The family enclosed the remaining parts of the home in wire mesh following a settler rock-throwing incident which injured a family member about one year ago. Since the beginning of the current unrest, attacks by settlers against the family home have intensified, according to the family:

The settlers cut our barbed wire fence and then came over the fencing to take the metal plates [covering the mesh to give privacy to the family], they took seven of them. There is a wall where we put our plants and they come and knock them down [with sticks]. They shout very bad words at us, including religious curses, insults against our prophet in Arabic. ... The soldiers are close by, there are three checkpoints near the house, they are manned twenty-four hours per day. I know the soldiers can hear the settlers when they attack. The soldiers have never stopped the settlers. ...

²⁰¹ Margot Dudkevitch, “Police: Jews Behind Hebron Blast that Wounded Border Policemen,” *Jerusalem Post*, April 3, 2001; “Jewish Settlers Blow Up Palestinian Shop in Hebron, Israeli Soldiers Injured,” *Agence France-Presse*, April 2, 2001.

²⁰² Christine Hauser, “Palestinians, Settlers, Army—Hebron’s Explosive Mix,” *Reuters*, April 2, 2001.

²⁰³ Nadav Shragai, “‘Outsiders’ Blamed for Hebron ‘Hooliganism,’” *Ha’aretz*, April 3, 2001.

²⁰⁴ *Ibid.*

The situation has gotten worse since the intifada. They attacked [last] Thursday, Friday and Saturday. ... If we could collect the stones the settlers have thrown at us, we would have enough to build a new house.²⁰⁵

The day after the March 26, 2001, killing of Shalhavet Pass (see above), settlers from the Avraham Avino settlement cut through the wire mesh protecting the Sharabati home, climbed into the family's courtyard and set their couch on fire. Settlers also pelted the Sharabati home with eggs and paint.²⁰⁶

Muhammad al-Alabi, a forty-eight-year-old shopkeeper, lives in a house adjoining the settlement of Beit Haddassah. On November 4, a Saturday, at about 7:45 p.m., his son was doing his ablutions prior to evening prayer when a metal rod came crashing through the kitchen window. His son grabbed the rod and yelled to his father that the settlers were attacking their home. Al-Alabi entered the kitchen and he looked out of the broken window:

I saw three settlers on the roof, there could have been more since I don't think three of them would come alone. One of them was fifteen, the other two in their twenties. After they put the stick in the window, they went down from the wall to the balcony. They started throwing stones with slingshots. One had a water hose and started spraying water.²⁰⁷

IDF soldiers stationed on the building had a clear view of the attack, but did not attempt to stop it, only pointing their guns at the inhabitants of the home to prevent them from retaliating. Muhammad al-Alabi called the IDF command, explained what happened, and was promised that the IDF would protect the home the next time. The next day a group of eleven or twelve young settlers, boys and girls, began throwing stones with slingshots and spraying water again. The IDF soldiers again did not try to stop the attack, but the police did come to the house after the attack and took a complaint.²⁰⁸

On October 3, 2000, when the H2 area of Hebron was in its fifth day of continuous curfew, one-and-one-half-year-old Samar Sharabati was playing on the roof of her home with her sister at about 3 p.m. A group of settlers walking from Beit Haddassah settlement to Tel Rumeida settlement noticed the girls on

²⁰⁵ Human Rights Watch interview with A. Sharabati, Hebron, November 1, 2000.

²⁰⁶ Greg Myre, "Trouble Continues in Hebron," *Associated Press*, April 2, 2001.

²⁰⁷ Human Rights Watch interview with Muhammed al-Alabi, Hebron, November 6, 2000.

²⁰⁸ *Ibid.*

the roof and began throwing rocks at them. Samar was hit with a rock in her left eye and was bleeding. "We could see the settlers [who had thrown the stones]," her father said, adding that army personnel were stationed on a neighboring roof. "Of course the army saw the settlers throw the rocks."²⁰⁹ The IDF stationed on the roof took no action in response to the incident.

Families living near the Tel Rumeida settlement, a collection of trailers which marks the most recent expansion of settlements in Hebron, have also suffered abuse. In August, prior to the outbreak of hostilities, settlers from Tel Rumeida destroyed some 350 grapevines belonging to Zakariya al-Bakri, whose home adjoins the settlement.²¹⁰ The settlers continue to encroach on his property, and by the time of a February 2001 visit by Human Rights Watch, the IDF had surrounded the entire home with coils of razor wire, and settlers from Tel Rumeida were walking in the yard. In January, 2001, settlers poisoned three cats and two dogs belonging to the family. When Human Rights Watch visited the home on February 11, 2001, many of the windows were broken, door locks had been jammed, and rocks thrown from the Tel Rumeida settlement were everywhere. The al-Bakri family has virtually moved out of their home because of the constant settler attacks, and are building a new home in the Palestinian-controlled area of the city.

On Friday, October 6, 2000, two settlers from Tel Rumeida settlement approached the home of the Abu 'Aisha family, located directly across the street from Tel Rumeida, at around noon. The settlers, young men aged about eighteen, proceeded to rip out the protective mesh covering the aeration holes of the basement water storage tanks, and dumped an unknown white substance into the water. Chemical analysis later determined that the substance was not poisonous, but the pollution had made the water undrinkable. The IDF has a position located directly adjacent to the Abu 'Aisha home. Soldiers walked back and forth in the street during the incident, but did not attempt to stop the settlers. When the Abu 'Aisha family tried to complain to the soldiers, they were told to go to the police because "We are not here to protect you, we are here to protect the settlers."²¹¹

The family contacted monitors from the Temporary International Presence in Hebron and the International Committee of the Red Cross to inform them about the attack, and asked the groups to come and test the contaminated water. When the ICRC car arrived, settlers removed the red cross flag from the vehicle and also damaged the red cross emblem on the door of the car, apparently because they did not want Christian symbols in what they consider to be a

²⁰⁹ Human Rights Watch interview with Z.S., Hebron, November 6, 2000.

²¹⁰ Human Rights Watch interview with Wisal al-Bakri, Hebron, February 14, 2001.

²¹¹ Human Rights Watch interview with Rima Abu 'Aisha, Hebron, November 1, 2000.

Jewish neighborhood. The flag was later recovered by an IDF soldier and returned to the ICRC.²¹²

On October 19, 2000, settlers from Tel Rumeida used large stones to block a walkway leading from the Abu Heikal family home down to the main road in front of the settlement, one of many attempts by the settlers to prevent Palestinians from using roads passing near the settlements. Farial Abu Heikal, the mother of the family and a school principal, contacted the Israeli police station by phone when she noticed the settlers were building the wall, but when she spoke to them in Arabic—an official language of Israel—the police said they didn't speak Arabic and hung up the phone. Her seventeen-year-old daughter found the completed wall when she returned from school, and attempted to climb over. The settlers attacked her by hitting her on the back with an axe handle and throwing water on her. The obstruction of the path and the attack took place within several meters of two IDF positions, but the soldiers did not attempt to intervene. After the attack, the Israeli police came and suggested to the family that they make a complaint at the police station in Kiriat Arba settlement. The family refused, as earlier complaints were never acted upon. The family asked that the police take a complaint on the spot, but the police refused to do so.²¹³ The wall blocking the path remains in place.

In addition to physical attacks and abuse, settlers make life onerous for Palestinians in other, often demeaning, ways. At the behest of the Beit Haddassah settlers, the IDF prevents Palestinians from walking on the main road in front of the Beit Haddassah settlement. Instead, Palestinians are forced to take a steep and hazardous path to get around the settlement. On February 12, 2001, Human Rights Watch researchers observed IDF soldiers refusing to allow a thirty-five-year-old woman, who was recovering from recent operations, from walking in front of Beit Haddassah. The frail and sickly woman was forced to navigate two steep flights of steps and a rocky dirt path to avoid passing in front of the settlement. When asked about the prohibition, the soldiers gave Human Rights Watch different justifications: one soldier replied that the prohibition was essential to protect the settlers from attacks by Palestinians, while another suggested that the prohibition was in place because the settlers would attack any Palestinian walking in front of the settlement.

On December 8, 2000, vandals destroyed more than one thousand phone connections in a switchbox located across the street from the Avraham Avino settlement, cutting the phone access of most of the Palestinian population inside the Israeli-controlled H2 area. Settlers were believed to have been responsible for the vandalism, as the attack took place during the curfew period when Palestinians are not allowed to go outdoors. IDF soldiers were stationed only

²¹² Human Rights Watch interview with Taisir Abu 'Aisha, Hebron, November 1, 2000.

²¹³ Human Rights Watch interview with Farial Abu Heikal, Hebron, November 4, 2000.

thirty or forty meters away from the switchbox. Palestinian repairmen were not allowed to enter the H2 area during the curfew and had to carry out the extensive repairs during the short periods when curfew was lifted, so most Palestinian families did not get their phone service restored until early January, 2001.²¹⁴

Baqa'a Valley

One of the Palestinian areas suffering most from attacks by Israeli settlers is the Baqa'a valley, an agricultural area populated mainly by members of the Jaber clan. The Baqa'a valley adjoins Route 60, the main settler bypass road, and abuts the large Givat Harsina settlement, part of which has been built on land confiscated from the extended Jaber clan. The Givat Harsina settlement continues to expand on land immediately abutting the Baqa'a valley, most recently through the construction of a new exit road to the main bypass road on the land of 'Abd al-Jawad Jaber and the ongoing construction of an additional 144 housing units.²¹⁵ The settlers consider the continued presence of Palestinians in the area to be a security threat, and regularly stage large and often violent protests in the valley in response to attacks against Israelis (including attacks carried out far away from Hebron, in Tel Aviv or Jerusalem). The settler attacks in the Baqa'a valley have increased in seriousness, suggesting that the lack of an effective IDF response has emboldened settlers to become more threatening and abusive toward the Palestinian population.

Several of the attacks have focused on the home of 'Atta Jaber, whose two previous homes were demolished by the IDF in March 1997 and September 1998 because they were constructed without the necessary permit. 'Atta Jaber began construction of a third home in April 2000, and has faced regular attacks by Israeli settlers since, because they consider the land on which he is building as "confiscated" by the settlement.

On November 2, 2000, following a car bomb explosion in Jerusalem, a large group of settlers gathered in the Baqa'a valley at about 5 p.m. When 'Atta Jaber saw the settlers moving towards the homes in the valley, and the IDF not stopping them, he decided to flee from his home with his family: "I was scared, because it was a huge numbers of settlers and I don't have anything to defend myself with."²¹⁶ The settlers focused their attack on the home of sixty-three-year-old Na'im Jaber, located immediately adjacent the Route 60 bypass road. Na'im Jaber related what happened that night:

²¹⁴ Human Rights Watch interview with Bob Holmes, Christian Peacemaker Team, Hebron, February 9, 2001.

²¹⁵ Human Rights Watch interview with 'Abd al-Hadi Hantash, representative of the Land Defense Committee, Hebron, February 8, 2001.

²¹⁶ Human Rights Watch interview with 'Atta Jaber, Hebron, November 3, 2001.

I was coming home as usual [at 5 p.m.] and was surprised by a large numbers of settlers. Of course, we knew about the [bomb] attack in Jerusalem, so when I saw them I expected them to attack the house. The settlers were men, women and children. I locked the house and they started throwing stones. Seven children were in the house . . . they started to scream. I calmed them down and prevented a confrontation from happening.

The police and the IDF were here, even when they were attacking the house. They announced something on the microphone, I didn't understand. . . . We were very careful that no one in the house provoked an attack on the house. The whole street was filled with settlers, at least 100. From 5 to 7:30 p.m. the confrontation lasted.²¹⁷

The IDF did not intervene to stop the stone-throwing by the settlers, only intervening to push back the settlers when they tried to leave the bypass road and approach the home.

On November 21, 2000 a more serious attack took place in the Baqa'a valley. Rich Meyer, a volunteer with the pacifist Christian Peacemaker Team in Hebron, was present in the valley as a large group of settlers gathered and began blocking the road and attacking Palestinian drivers (an incident described in detail below). As night began to fall, the settlers turned their attention to the Palestinian fields and homes in the area:

After dark, at about 8 p.m., a group of settlers ran into the turnip field of Jabrin Jaber. They tore up the irrigation equipment and broke off the sprinkler heads. I could hear their rocks hitting the metal shutters of the house [belonging to Na'im Jaber]. . . .

The settlers pulled the [plastic] irrigation pipe out of the field and added it to the fire of the burning tire [in the street.] The military jeep came up beside the settlers, shone a spotlight on them in the field, and said something to them in Hebrew. Then a group of twenty settlers ran up onto the stone wall above 'Abd al-Jawad [Jaber]'s house, and started throwing stones at the house. Again, the military shone spotlights on them and spoke in Hebrew. As they turned on the spotlight, I could see a group of settlers in 'Abd al-Jawad's field pulling up irrigation pipes. . . .

²¹⁷ Human Rights Watch interview with Na'im Jaber, Hebron, November 3, 2001.

[Every] few minutes, the settlers would run away and start attacking somewhere else, and the soldiers would follow them there and repeat the same procedure.²¹⁸

During the incident, Rich Meyer repeatedly called the Israeli police to inform them about the settler attack and was told that “they were taking care of it.” The settlers went home on their own initiative beginning around 11 p.m., after attacking Palestinian cars, homes and property for more than four hours with minimal reaction from the IDF. Rich Meyer, himself a farmer, estimated that each farmer who had been attacked lost around 4000 to 5000 shekels (U.S. \$1,000 to 1,250) in destroyed sprinkler heads and irrigation equipment, with some additional minor damage to the young crop.

Israeli settlers again attacked the Baqa’a valley on December 8, 2000, following the killing of two Israeli settlers in a roadside attack near Kiriya Arba the same day (see above). The settler attack was the most serious then to have occurred, and resulted in the temporary occupation and damaging of the home of ‘Atta Jaber, the shooting of a thirteen-year-old Palestinian boy, and attacks on Palestinian homes within the valley over a period of two days. Although IDF and police forces were present throughout the incident, they did little to prevent the settlers from continuously attacking Palestinians in the neighborhood.

‘Atta Jaber was at home with his wife and two small children on December 8, 2000, when, at about 10 a.m., hundreds of settlers began to gather on the main road outside Givat Harsina. The settlers began throwing stones at the house of ‘Atta’s father, ‘Abd al-Jawad Jaber, located on the opposite side of the road, before marching on ‘Atta’s house.²¹⁹ Seeing the large group of settlers advance on his home, ‘Atta Jaber decided to flee and took his wife and children to their relatives. When he left, there were already IDF and police jeeps in the area, but they did not intervene to stop the attacks.²²⁰ Hatim al-Salaimi related to Human Rights Watch what he witnessed at the time:

We were working on our land. The settlers gathered in the road in big numbers. All of a sudden, they rushed up to ‘Atta’s house, but no one was there as ‘Atta had escaped. They gathered more and more. A group occupied ‘Atta’s home, and others began to attack the

²¹⁸ Human Rights Watch interview with Rich Meyer, Hebron, February 20, 2001.

²¹⁹ Christian Peacemaker Team, “Israeli Settlers Invade Palestinian Home,” December 13, 2001.

²²⁰ Human Rights Watch interview with ‘Atta Jaber, Hebron, February 11, 2001.

land and the homes. ... They came from the street throwing rocks, they were shouting and had their guns.²²¹

After the settlers occupied 'Atta Jaber's home, they continued attacking homes in the neighborhood, including the homes of Yusif Jaber, aged sixty-five, and Taha al-Salaimi, aged sixty-five. Yusif Jaber recalled: "Some 200 to 300 settlers came to the area, they were armed. The settlers were shooting in the air. They were cursing us, spitting at us, saying bad words. ... They didn't reach my house, but two of my sons were hit by stones."²²² The nearby house of Taha al-Salaimi also came under attack. Taha and his sons initially tried to repel the settler attack, but were told by IDF soldiers that it would be safer to go into their home. Hatim al-Salaimi explained how his six-year-old son Mohammed was then injured:

My father, my wife, children and brothers locked ourselves into the house. The settlers got closer and started throwing big stones at the windows. We have metal shutters on our windows, but because of the force of the stones, the shutters were opened and the windows broke. My six-year-old son was lying by the window and was hit by a stone in the chin, he was bleeding.... When I saw my son bleeding, I started shouting and wanted to open the door, but my parents stopped me.

We stayed inside for twenty minutes more. The soldiers were with the settlers when they attacked, but the number of settlers was so great that the soldiers couldn't do anything. The soldiers tried to stop me from going to the hospital, we argued for about half an hour. ...

Five windows were broken. All the pots with plants were overturned. I had planted turnips and they uprooted one dunnum (one quarter acre) of turnips, as much as they could.²²³

Hatim al-Salaimi's son Muhammad was taken to the hospital and received four stitches to close the cut in his lower lip. According to Taha al-Salaimi, the settlers attacked homes from 1 p.m. to 5 p.m., only stopping when the IDF fired several shots in the air. They then returned to 'Atta Jaber's home: "They set fire to 'Atta's home and started damaging things, but no one dared to go there."²²⁴

²²¹ Human Rights Watch interview with Hatim al-Salaimi, Hebron, February 11, 2001.

²²² Human Rights Watch interview with Yusif Jaber, Hebron, February 11, 2001.

²²³ Human Rights Watch interview with Hatim al-Salaimi, Hebron, February 11, 2001.

²²⁴ Human Rights Watch interview with Taha al-Salaimi, Hebron, February 11, 2001.

When ‘Atta returned with observers from the Christian Peacemaker Team at about 5 p.m., he found that a large group of settlers had occupied his home, moving out all the furniture, bringing up an electric generator and other supplies, and flying a large Israeli flag from the roof. There was a significant police and IDF presence at the scene. ‘Atta Jaber was told that the IDF had given permission to the settlers to conduct a prayer service in his home, and that the IDF would not force out the settlers before the end of Jewish Sabbath, more than twenty-four hours later: “The soldiers did not force the settlers out so as not to harm their feelings, because it was Friday and Saturday, and because of the killing of the settlers. The commander said he could not force the settlers out before the end of Sabbath.”²²⁵ The settlers spent the night at the house, conducting a prayer service.

The next morning, December 9, 2000, many settlers came to ‘Atta Jaber’s home to participate in morning praying services. At about 9:30 a.m., settlers began streaming out of the house of ‘Atta Jaber and began attacking the neighboring homes:

At 9:30 a.m., a group of about sixty settlers attacked the houses down below. They started throwing stones at the house, but the Palestinians living there forced them back [with stones.] They gathered again in a bigger number and attacked again in a different direction.²²⁶

When the settlers began attacking the neighboring homes, a large group of Palestinians gathered to attempt to repulse the settlers by throwing rocks back at them. Suddenly, one of the settlers, later identified as Yehoshua Shani, shot at the Palestinian crowd, wounding thirteen-year-old Mansur Jaber. According to Hatim al-Salaimi: “I was about three meters away from Mansur when he was shot. The shebab [youth] were throwing stones but Mansur had just gotten there and wasn’t throwing stones. Mansur had just come to watch, coming from his house, when he was shot by a settler shooting from near Ahmad’s house. There was an army jeep next to Ahmad’s house but they didn’t get out. The settlers

²²⁵ Ibid.

²²⁶ Human Rights Watch interview with ‘Atta Jaber, Hebron, February 11, 2001. See also, Christian Peacemaker Team, “Israeli Settlers Invade Palestinian Home,” December 13, 2000: “At 10:00am, about 40 settler men and youth moved outside and spread out along the ridge above several other Palestinian homes. The settlers then rushed down the hill and bombarded the homes with stones. Palestinian Shebab (teenagers) returned the rocks. A lone army jeep slowly made its way to the clash, too late for 13-year-old Mansour Naji Jabber who was shot in the abdomen outside his home.”

were around them [the jeep] and they didn't do anything. The settler who shot was near them and I am sure they saw him shoot."²²⁷

The wounded Mansur, hit by a bullet which injured his hand before entering his abdomen, was quickly carried away from the scene. His relatives put him in a car and approached the road, but were stopped by a group of IDF and settlers. According to Taha al-Salaimi, who helped in the evacuation, "Two settlers were standing near the [IDF] jeep, one with an automatic weapon. The other had a big stone and wanted to throw it. The one aimed his gun and said in Arabic, 'Go away or I will shoot.'" Unable to pass through to the main road, they were forced to retreat and attempt to evacuate Mansur Jaber by another road. As they reached the main road, an IDF jeep drove up and offered medical assistance, and ultimately Mansur Jaber was evacuated in an Israeli ambulance. Meanwhile, "the settlers continued attacking the houses."²²⁸

After the shooting, the IDF did ask four Palestinian witnesses to the shooting to go to Kiriya Arba police station to give a statement about the incident. The four men spent several hours at the police station giving statements and looking at photographs of settlers, and were treated in a professional and friendly manner. The settler who shot Mansur Jaber, Yehoshua Shani, later turned himself in and was charged with aggravated assault.

The trouble was not yet over for 'Atta Jaber. In the afternoon of December 9, 2000, four lawyers from the Israeli Coalition against Home Demolitions managed to get a court order requiring the army to evict the settlers from the home. It took the IDF from 6 p.m. to 1:30 a.m. to remove the settlers. By the time the settlers had been removed from the home, they had done serious damage to the structure, burning all of the family's clothes and belongings in the basement, punching holes in the walls, and taking some of the building materials.²²⁹ 'Atta returned the next morning to put out the still-smoldering fire in his home.

When he arrived at his home on the morning of December 10, 2000, 'Atta Jaber was handed a military order declaring his home a closed military zone for the next three months, barring him from returning to his own home. When he attempted to approach the home with members of the Christian Peacemaker Team to photograph and document the damage to the house, the soldiers pointed their guns at them and told them to leave. It took 'Atta Jaber a month, until January 11, 2001 to get a court order ordering the IDF to evacuate the home. By then, the soldiers had caused further damage to the house by burning a fire inside the home to keep warm and by writing graffiti on the walls. The soldiers

²²⁷ Human Rights Watch interview with Hatim al-Salaimi, Hebron, February 11, 2001.

²²⁸ Human Rights Watch interview with Taha al-Salaimi, Hebron, February 11, 2001.

²²⁹ The damage was surveyed by Human Rights Watch during a visit to the home on February 11, 2001.

also built a circular military road immediately behind ‘Atta Jaber’s house, further diminishing the amount of land he can cultivate.²³⁰

During the month-long IDF occupation of the house of ‘Atta Jaber, settlers were allowed on at least one other occasion to enter the home. On December 28, 2000, the IDF granted a request by the settlers to conduct a one-hour Hanukkah prayer service at the home. The prayer service proceeded without incident, and the settlers dispersed in the evening, but soon thereafter a group of settlers stoned the home of ‘Abd al-Jawad Jaber.²³¹

Pierre Shantz, a volunteer with the Christian Peacemaker Team in Hebron, heard about the renewed settler presence at the home of ‘Atta Jaber and decided to go stay at the house of ‘Abd al-Jawad Jaber to observe events. At about 5 or 6 p.m. on December 28, 2000, the house suddenly came under attack from settlers standing on the main entrance road just above the house. The road was recently constructed on land confiscated from the family. “All of a sudden, rocks started hitting the cement. Everyone ran into the house, closed the doors, and went into the main room with no windows.”²³² Shantz called the police, who shone a spotlight on the house, prompting the settlers to leave. The police came over to inspect the home, and suggested that ‘Abd al-Jawad come to the police station the next day to make a complaint. ‘Abd al-Jawad objected, recalling that last time he had gone to make a complaint at the police station, located inside the Kiriya Arba settlement, he was made to wait two hours at the settlement’s fence and then told to go away. After some arguing, the police finally agreed to take a complaint at the scene, but even then questioned the account of the witnesses, arguing that since the witnesses were not able to see the attackers (who were hidden by the high security wall), they could have been under attack from Palestinians—a ludicrous suggestion since no Palestinians would have been allowed on the settlement’s security road by the angry settlers.

Jabal Johar Area Near Kiriya Arba Settlement

The settlements of Kiriya Arba and Givat Harsina, home to some 7,000 Israeli settlers, are located on the eastern hills overlooking the city of Hebron, in close proximity to Palestinian communities. Relations between Kiriya Arba and the Palestinian community of Jabal Johar have been particularly tense, with frequent stoning and physical attacks by the settlers on their Palestinian neighbors. As in the H2 area of Hebron, many of the Palestinians believe that the settler attacks are aimed at making life unbearable for them, forcing them to leave their homes, and allowing the settlement to expand.

²³⁰ Human Rights Watch interview with ‘Atta Jaber, Hebron, February 11, 2001.

²³¹ Christian Peacemaker Team, “Can You Feel The Anger,” January 2, 2001.

²³² Human Rights Watch interview with Pierre Shantz, Hebron, February 10, 2001.

Taisir Abu Shakhdam, aged forty-five, lives with his ten children and three grandchildren in a rented house near the fence with Kiriya Arba. The family showed Human Rights Watch the stones and heavy metal objects thrown at them by settlers, which littered their yard. Taisir explained: "Almost every day, we are attacked by the settlers, but it is the worst on Saturdays. They throw stones and metal objects. ... The settlers, usually about five or ten, come and stand near the house. They throw stones at the house and anyone who walks around."²³³ On February 3, 2001, a Saturday, about fifteen settlers attacked his home, throwing stones and metal bars at the home and the car of his son. Taisir tried to move the car and was then knocked unconscious by a stone:

We were about to have lunch inside, and then my daughter-in-law came and said the settlers were attacking the car. We all rushed outside and jumped down a wall, we couldn't follow the road [down] because of the stones. I reached the car, the settlers were still throwing stones. ... The body of the car was damaged, the shade for the windshield, a side mirror and the light was [broken]. ... That day, the stone throwing was especially heavy. I was hit with a heavy rock in the head and fell to the ground unconscious.²³⁴

The stone throwing continued for nearly two hours, and the Palestinians responded by throwing stones back at the settlers. Taisir showed Human Rights Watch the medical certificate he had received at the hospital that day, following treatment for the cut on his head, and still had a visible scar on his head from the incident.

Fifty-seven-year-old Amni al-Bakri and her husband have actually lived inside the Kiriya Arba settlement fence since 1972, when the settlement was established. On Saturdays, the Jewish Sabbath, they often come under attack from stone throwing settlers, particularly if they attempt to engage in any type of work on that day. Such attacks have intensified since the beginning of the clashes, and in October 2000 the frail couple were finally forced to abandon their life-long home after an especially severe attack.

On Saturday, October 14, 2000, at about 10:30 a.m., Amni al-Bakri went to her garden to pick some grapes for herself and her husband. As she was returning to her house, four young male settlers ran up to her and began attacking her: "They pushed me down, they knocked me down. Then one stepped down hard on my hand, intentionally. ... The boys only spoke to us in

²³³ Human Rights Watch interview with Taisir Abu Shakhdam, Hebron, February 18, 2001.

²³⁴ Ibid.

filthy words, they told us that it was prohibited for Arabs to live there.”²³⁵ Her husband heard the noise from the attack and ran out, but was pushed over by the settler boys, spraining his ankle.²³⁶ His wife’s wrist was broken during the attack. The boys finally ran away when they heard a security guard from the settlement approaching. The couple have locked up their home and moved in with relatives. When asked if they complained to the police about the attack, the wife replied that she had gone on numerous occasions to the police, with no result.

Attacks Against Palestinian Farmers

In addition to the six settlements located inside or in the immediate environs of Hebron city, there are dozens of other settlements located around the district of Hebron, often in close proximity to Palestinian villages. The population and political outlook of these settlements varies significantly, from large “bedroom communities” whose residents chose to live in the Occupied Territories because of the lower and often subsidized housing costs and substantial tax benefits, to small and isolated communities that are often vehemently anti-Palestinian in their rhetoric and actions and aim to expand Israeli settlement in the district. While some Palestinian communities and neighboring settlements maintain relatively peaceful relationships, serious frictions continue to exist between most settlements and nearby Palestinian communities.

The tensions between Palestinian farmers and the settlements are not new to the current crisis, and shooting directed at Palestinian farmers by settlers occurred regularly prior to the current wave of violence. But there is little doubt that such shooting incidents are on the increase, and that settlers in a number of settlements have increasingly and systematically deprived Palestinian farmers from access to their land since the beginning of the current crisis, often with the apparent assent of the IDF. Because of the strict internal closure in Hebron district, Human Rights Watch researchers could not visit all of the villages in Hebron district, but the cases documented below indicate the pattern of abuse.

In the village of Bani Na‘im, located east of Hebron, settlers from the Pnei Hever settlement have shot at or beaten numerous farmers attempting to reach their olive groves near the settlement.

On October 27, 2000, forty-six-year-old Farid Balout went to his olive grove with his wife and four children, aged between one and sixteen, to prune their trees. Their olive trees are not located close to Pnei Hever settlement, but they have to pass close by the settlement when traveling to and from their grove. As they were heading home past the settlement at about 5 p.m., shots rang out

²³⁵ Human Rights Watch interview with Amni al-Bakri, Hebron, November 5, 2000.

²³⁶ Human Rights Watch interview with ‘Othman al-Bakri, Hebron, November 5, 2000.

from settlers and IDF soldiers stationed some 300 meters away. Farid Balout was hit in his left arm, which was hanging outside the window on the passenger side of the car. His wife drove the family home and called an ambulance to get Balout to the hospital. The ambulance had to travel on rough, unpaved roads because of the road closures and clashes on the main road into Hebron; when it arrived at the hospital, the bullet was surgically removed.²³⁷ Farid Balout was unable to harvest his olives because of the shooting attacks, losing about 7,000 shekels (U.S. \$1,750) in income.

Two weeks later, at about 3: 30 p.m. on November 12, 2000, Farid's thirty-five-year-old brother, Mazen Balout, was driving on same road when his car stalled on a steep incline because of overheating. When he got out of the car to add water to the radiator, a shot rang out from the settlement and hit him in the leg, severing an artery and causing severe bleeding. A passing Palestinian car brought Mazen Balout to Bani Na'im. The ambulance that took him to the hospital from Bani Na'im also faced significant difficulties in getting to Hebron because of the closures.²³⁸

Khalid Tairera, aged twenty-nine, was returning from pruning his olive trees together with five students when settlers and IDF soldiers stopped him on the road near Pnei Hever. The group of eight armed settlers (five men, two women, and a boy) began cursing Tairera and his colleagues and ordered them to get out of the car. Tairera, afraid for the safety of the students, got out of the car and an argument ensued. The IDF soldiers intervened on behalf of the armed settlers:

When the settlers would attack the car, I would push them back. Whenever I defended myself from the settlers, the soldiers would shoot in the air. The soldiers were only a meter away, they were four. They shot in the air twice. One of the settlers pushed me, and I punched him in the chest. The other settlers and the soldiers then attacked me all at the same time, they were using the back of their rifles and slapping me, calling me a dog, son of sin, [saying] 'Go away from here, this is our land, go to Jordan, this is our country,' all in Hebrew.²³⁹

Khalid Tairera finally managed to get back in his car, but the settlers kept banging on the car and refused to let him leave. One of the soldiers ordered Tairera to get back out of the car, and Tairera replied that if the soldier wanted him to get out of the car, he should first get the settlers to go away from the car.

²³⁷ Human Rights Watch interview with Farid Balout, Bani Na'im, February 19, 2001.

²³⁸ Ibid.

²³⁹ Human Rights Watch interview with Khalid Tairera, Bani Na'im, February 19, 2001.

The soldier insisted that Tairera get out of the car, stating “I give orders, not you, so do as I say.” Khalid Tairera explained what happened when he complied:

The soldier opened the door and asked me to get out. The settler [whom I had fought with] was behind me. As I got out, the settler hit me on my forehead with his rifle. I was injured and bleeding. Then the soldier told me to get back in the car and leave the area. ... The soldiers then threatened me, saying that if I did not leave the area, they would shoot me and the students.²⁴⁰

Khalid Tairera needed several stitches to close the wound on his forehead. A small crack in his skull was still healing when Human Rights Watch interviewed him in February 2001.

Muhammed Munasra, a fifty-one-year-old farmer, owns land immediately adjacent to Pnei Hever settlement; in fact, some twenty of out of his fifty dunums were confiscated for the construction of the settlement and are now located inside the settlement’s fence. When Munasra and his children attempted to harvest their olives on the land outside the settlement in October, 2000, they were attacked by settlers on the second day of the harvest:

It was me and my children, twelve of us. About ten settlers came at 8 a.m. in the morning. [The soldiers] were inside their observation points. The settlers said, ‘Go from here, you Arab, you son of a dog.’ They fired six or seven shots to scare us, up in the air. ... The soldiers stayed in their [observation] points the whole time. ... I tried to go back, but the soldiers stopped me, they blocked the road with dirt. I tried to climb over the earth several times, but the soldiers stopped me.²⁴¹

The olive grove is the main source of income for the family, bringing in about 18,000 shekels (U.S. \$ 4,500) in a normal year. The entire crop was lost because of the settler attacks. In addition, the family believes that settlers poisoned a water cistern on the land. The Palestinian municipality is conducting an investigation into the deaths of the five goats, who died minutes after drinking water from the cistern in early February 2001.

Palestinian farmers in other villages visited by Human Rights Watch faced similar problems. In November 2000, Muhammad Mufleh, a sixty-six-year-old

²⁴⁰ Ibid.

²⁴¹ Human Rights Watch interview with Muhammad Munasra, Bani Na‘im, February 19, 2001.

farmer from Safi, went to clear some old trees on his land near the settlement of Bat Ayin (also known as Tzoref) with a bulldozer, together with his son and the bulldozer driver. Suddenly, about ten shots rang out from the settlement, forcing the three to seek shelter behind the bulldozer for an hour before fleeing the area. Mufleh had not returned to his land since the attack.²⁴² On November 1, 2000 settlers from Ma'on settlement near Yatta set fire to the grain store of Khalid al-Umur, burning 150 tons of hay and thirty tons of seed and causing the death of some goats.²⁴³

Settler Attacks Against Palestinian Drivers

Israeli settlers have also frequently set up their own road blocks to prevent Palestinian traffic, often in response to Palestinian attacks against Israeli settlers. In addition, settlers have stoned and shot at Palestinian cars. The role of the Israeli authorities in settler attacks against Palestinian drivers is deeply disturbing, and it appears that the authorities are often complicit in settler abuse. When Israeli settlers decide to close roads to Palestinian traffic, Israeli authorities rarely interfere to stop their actions, and at times even operate checkpoints jointly with abusive settlers. When Palestinian drivers who have been stoned or shot at complain to nearby Israeli authorities about such abuses, the authorities rarely take an interest. The apparent willingness of Israeli authorities to allow settlers to take the law into their own hands is particularly disturbing in light of the settlers' well-known antipathy to, and frequently abusive behavior toward, "Arabs."

On November 20, 2000 Rich Meyer, a forty-three-year-old volunteer with the Christian Peacemaker Team, received a call from a contact in the Baqa'a valley, located east of Hebron, opposite the settlements of Kiriya Arba and Givat Harsina, telling him that a large group of settlers had gathered on Route 60 and were stopping Palestinian traffic. It was too late to go out to the Baqa'a valley that night, but Meyer decided to spend the next day there and observe what happened. His detailed testimony to Human Rights Watch provides a compelling illustration of the failure of the Israeli authorities to respond adequately to settler abuses:

At late afternoon, a settler vehicle parked at the junction to Givat Harsina [settlement.] A few settlers got out and stood around in a group. An IDF jeep arrived about a half hour later. As dusk approached, more settler vehicles parked at the gas station. Most of the settlers arrived by foot from Givat Harsina. ...

²⁴² Human Rights Watch interview with Muhammad Mufleh, Safi, February 20, 2001.

²⁴³ Human Rights Watch interview with Yusif Idriss, agricultural engineer, Yatta municipality, February 21, 2001.

Several more jeeps of soldiers and one police jeep parked on Route 60. By 7 p.m., the settlers had set fire to a large tire on the road. By dark, there were some sixty settlers, and by 7 p.m., there were 150 to 200 settlers.

All through the evening, from dark to 10 p.m., small groups of about thirty settlers would break off and run up or down the road or into the fields. When a car approached from the north, a group of settlers would run to the north. If it was an Israeli car, they would let it pass. A Palestinian driver would turn around as fast as possible. I saw two Palestinian cars that were hit by rocks thrown by the settlers, one coming from the north and one coming from the south.

In each case, an army or police jeep would chase after the settlers, but never in time to prevent the damage. In the morning, I picked up windshield glass from where a Palestinian car in the south was too slow to turn around, I still have that glass. ...

After the first two cars were attacked, the soldiers set up road blocks farther to the north and south, with their jeeps, to stop Palestinian cars from going through. Israeli cars continued to be allowed through the roadblock. ... The mood of the settlers was festive, they were singing around the tire ... it was like a party to them.²⁴⁴

Mohammed al-S., a thirty-five-year-old taxi driver from Yatta, was the victim of a similar incident at the same location on December 9, 2000. Settlers were again blocking the road and attacking Palestinian homes in the Baqa'a valley when Mohammed S. drove by with seven passengers sometime between 10 a.m. and noontime.²⁴⁵ "When the settlers saw me, they started throwing stones. I quickly turned the car and wanted to escape. At that time a military jeep came and blocked the road. A soldier came out of the jeep and started beating the car with his rifle."

In an article protesting her arrest for setting up a roadblock barring Palestinian travel on February 13, 2001, Nadia Matar, a leader of the pro-settler Women in Green organization, explained that the day before her arrest, Israeli police had cooperated with settler efforts to block the same main road:

²⁴⁴ Human Rights Watch interview with Rich Meyer, CPT volunteer, Hebron, February 20, 2001.

²⁴⁵ The December 8 and 9, 2000, settler attack on Palestinian homes in the Baqa'a valley is discussed above in this report.

After the recent murders, the Yehuda Vaad Peulah [Judea Action Committee] has decided to take action and stop Arab cars (with PA license plates) driving on our roads. The message is clear: it is inconceivable that the enemy drives on our roads while we are, every day, being shot at, stoned, wounded and murdered.

[On February 12], the moment we went to the road with one or two flags, the police immediately took over and worked together with us, putting road blocks at the Gush intersection and close to Neve Daniel [settlement]; thus clearing the road for us. All we had to do was to stand on the road and check that Palestinian cars would not trick us and anyway to come through. If that would happen, we would stand in front of the car and, with the help of the police, tell the Arab to turn around and go back where he came from. The police also made it clear that if we would leave, they would leave and let Arab traffic go by again.²⁴⁶

It is clear from Nadia Matar's narrative of events that the police agreed on February 12, 2001, to ban Palestinian travel on the road at the initiative of the settlers, and allowed the settlers to participate in enforcing the impromptu ban on Palestinian road travel. The next day, however, the police arrested Nadia Matar and detained her for two hours after she attempted to stop a Palestinian car from passing through the settler's blockade.²⁴⁷

Hebron settlers have also attacked representatives of the diplomatic community. On December 12, 2000, a group of Hebron settlers and IDF soldiers at the Halhul junction blocked the car of British Consul General Robin Kealy, who was returning from inspecting British-sponsored projects inside Palestinian areas of Hebron. According to the written statement provided to Human Rights Watch by the Consul General:

The incident took place at a temporary checkpoint just north of Halhul. [The checkpoint] consisted of a settlers' bus and an IDF jeep, which between them nearly blocked the road, allowing, however, passage for one vehicle at a time. The checkpoint was manned by a combination of a group of IDF (perhaps six) and about ten armed and agitated settlers.

²⁴⁶ Nadia Matar, "The Cookie Arrest," Jerusalem, February 13, 2001, posted in English on the website www.womeningreen.org.

²⁴⁷ Ibid.

My driver explained to the IDF that we were diplomats and wished to return to Jerusalem (speaking via the external intercom of my armoured Range Rover) but the IDF initially refused to let us pass. While this was going on the settlers became more agitated, shouting and slapping the side of the car. Eventually, one woman settler, who had a rock about the size of a loaf of bread in her hand, went round to the back of the car and smashed it against the rear window. Fortunately, as the car was armoured, the rock bounced off, but left a small scratch on the glass. Then eventually the IDF let us through.²⁴⁸

Following the British ambassador's demand for an explanation and an apology, the Israeli Foreign Ministry expressed regret over the incident, although it claimed that the IDF had done its best to restrain the settlers. The British Consul General remained concerned "that the IDF appear to allow settlers either to be present at IDF checkpoints (and do not seem to be restraining them effectively) or to man completely independent checkpoints of their own."²⁴⁹

In addition to setting up abusive roadblocks and preventing Palestinian drivers from driving on "their" roads, Israeli settlers have also stoned and shot at Palestinian drivers. Some of these attacks have taken place as Palestinian drivers drove close to settlements in an attempt to reach their olive groves or fields (discussed above in this report). When Palestinian drivers who have been attacked by Israeli settlers complain to the Israeli authorities, their complaints are rarely acted upon.

On Monday, October 30, 2000, attorney Muhammad Shahin was driving from his office in Hebron to his home village of al-Dahariyya, located south of Hebron. At about 2:30 p.m., he was driving at about 90 kilometers per hour on the main bypass road near the junction to Otni'el settlement when he saw an Israeli car approach:

Coming towards me was an Israeli car, with [yellow] Israeli license plates. As it came closer, I saw the driver picking up something. When they came exactly next to me, he threw this thing at me. I heard an explosion on my car as fragments of glass flew unto my face and hands. ... The car shook from side to side, so I stopped. I saw that my wounds were superficial on my face and hands. The stone hit on the seat next to me and bounced on my side. I dusted off my

²⁴⁸ British Consul General Robin Kealy to Hanny Megally, Executive Director of the Middle East and North Africa Division of Human Rights Watch, dated February 15, 2001.

²⁴⁹ Ibid.

face and cleaned the glass from my face. I looked out the window and could still see the settlers moving away.²⁵⁰

Muhammed Shahin, who later saw the car and its occupants again from a close distance (see below), identified the car driven by the settlers as a red Volkswagen Caravel Transporter,²⁵¹ and noted that “the driver was blond, [aged] between eighteen and twenty, without a beard, with a red face and green eyes. He had earlocks, with a yamuka [skullcap]. The one next to him was about twenty-five [years old], taller than the driver and [wearing] glasses, with a light beard and a yamuka.”²⁵² He decided to follow the car:

I turned around and followed him. When he saw me [following him], he passed all the cars and quickly moved away. I continued following him, but there were cars between us. I got to the checkpoint at al-Fawwar camp, and told the army what happened to me. The army called on its radio to the [farther] checkpoint, describing the red car coming in their direction. ... He took an affidavit from me. One of the soldiers who was standing near the checkpoint told me that he had seen the red car moving quickly through the checkpoint.²⁵³

After taking down the details of the attack and contacting nearby IDF checkpoints on the radio to be on alert for the red Volkswagen, the IDF officer instructed Shahin to go make a formal complaint to the District Coordination Office (DCO) located in the settlement of Beit Haggai. Prior to the outbreak of hostilities, the DCO consisted of Israeli and Palestinian officials who coordinated security for the district of Hebron, but the security cooperation between Israelis and Palestinians had been suspended due to the ongoing unrest. Shahin identified the car responsible for the attack at the Beit Haggai settlement, but was denied the opportunity to make a complaint:

The officer told me to go to the DCO to make a complaint, which I did. When I got there, there was only Israeli army, no Palestinian soldiers. There I saw the two in the car who had hit me, their car was also there. I spoke to the soldier [guarding the entrance to the

²⁵⁰ Human Rights Watch interview, Hebron, November 5, 2001.

²⁵¹ B’Tselem, *Illusions of Restraint: Human Rights Violations During the Events in the Occupied Territories 29 September-2 December 2000* (Jerusalem: B’Tselem, December 2000), p. 37.

²⁵² Human Rights Watch interview, Hebron, November 5, 2001.

²⁵³ Human Rights Watch interview, Hebron, November 5, 2001.

settlement] and said that those two had hit my car with a stone and I wanted to make a complaint. He said the Palestinian-Israeli DCO had 'died' and then said 'You have to go from here or I will kill you. We Israelis had three killed today in Jerusalem, and what happened to you is not important. You have to go from here immediately or I will shoot you.'²⁵⁴

Shahin was forced to leave without making a formal complaint. The next day, he went to the Israeli police station located in the settlement of Kiriat Arba and made a complaint, but the opportunity to identify the two attackers, who had been present at Beit Haggai, was lost. He was shown an album with photos of settlers, but his attackers were not among them.

On October 20, 2000, twenty-eight-year-old 'Ali Abu 'Awwad was driving his car from Beit Umar to Hebron at about 1 p.m. when he was forced to pull over near Halhul because of car trouble. As he got out of the car to check on the tires, a white Subaru stationwagon with tinted windows and yellow Israeli plates drove by. A shot rang out from the car and hit 'Ali Abu 'Awwad in the knee. Abu 'Awwad is sure that the car was driven by Israeli settlers, as it had yellow plates, Hebrew bumper stickers, and an Israeli flag decal on the back. At the hospital, Abu 'Awwad was told by hospital workers that the same car had been involved in two other drive-by shooting incidents aimed at Palestinians.²⁵⁵

On October 12, 2000, the same day that two reserve soldiers were brutally killed by a Palestinian crowd at a police station in Ramallah,²⁵⁶ Omar al-Z., aged thirty, was driving his taxi on the bypass road leading from Bani Na 'im to Hebron at about 7 p.m. He noticed a white car with three settlers parked by the road, signaling for him to stop. Having heard about the Ramallah events, Omar al-Z. decided it would be too dangerous to stop, and continued driving. "I was driving past them, and saw that one of them had a pistol and shot at me. The first shot hit the front [hood] of the car, another hit the front right door. A second settler knelt down and started shooting at the tires. I was swerving on the road to avoid [the shots]. They followed me, but I was able to drive very fast [and escape]."²⁵⁷

²⁵⁴ Human Rights Watch interview, Hebron, November 5, 2001. On October 30, 2000 gunmen from a previously unknown group calling itself the "Saladin Brigades" killed two Israeli guards at a social welfare agency in East Jerusalem. The same day, the stabbed body of an Israeli, Amos Mahlouf, was found outside the Jewish settlement of Gilo. Israel responded with heavy airstrikes against Fatah and Force 17 headquarters in Ramallah, Nablus, and Khan Yunis. Deborah Sontag, "Barak Wins Support and Launches Strikes," *New York Times*, October 31, 2000.

²⁵⁵ Human Rights Watch interview with Ali Abu 'Awwad, Beit Umar, February 13, 2001.

²⁵⁶ On the killing of the two soldiers, see Deborah Sontag, "Two Israeli Soldiers Slain by a Mob; Helicopters Strike Back," *New York Times*, October 12, 2000.

²⁵⁷ Human Rights Watch interview, Hebron, February 23, 2001.

Omar al-Z. drove towards Halhul and attempted to drive his car over a high earthen mound put on the road by IDF soldiers to block traffic, but got stuck on the mound. Seeing that the settlers were still following him, he began shouting for help and a big Palestinian crowd gathered, scaring off the settlers. As Omar al-Z. was waiting for a tow-truck to pull his car from the mound, an IDF jeep pulled up and asked what was happening, demanding the driver's keys. Omar al-Z. explained that he had been shot at by settlers, but the soldiers refused to take his complaint, accusing him of being drunk and telling him that he must have been shot at by Palestinian gunmen. When Omar al-Z. explained that he had seen the settlers shooting at his car, the soldier again asked him for his keys and reiterated that Palestinian gunmen were responsible for the attack. Omar al-Z. handed over his keys, which were found discarded by the road two weeks later. The soldiers made no attempt to investigate the shooting: "They just wrote my name and ID, they didn't ask for details such as the color and the make of the car which shot at me. When I tried to approach the soldiers with information, a soldier yelled at me and told me to go away."²⁵⁸ The repairs to the car cost Omar el-Z. 1,100 shekels (U.S. \$275).

In early October, 2000,²⁵⁹ 'Issa J., aged thirty-eight, was driving his taxi on the main bypass road near the settlement of Ma'ale Adummim, located east of Jerusalem, when a settler approached from his rear in a Volkswagen and signaled to allow him to pass. He complied, and as the car began passing him, the driver pointed a pistol out of the window and shot at 'Issa J.'s car, hitting the rear of the car. 'Issa J. quickly pulled over, and the settler car sped away. 'Issa J. did not report the incident to the Israeli authorities, because he felt, "It is useless."²⁶⁰

At about 1:20 p.m. on January 27, 2001, Muhammed J., aged forty-six, was driving his taxi with three female passengers past the Kiriat Arba settlement on a road in the Jabal Johar area of Hebron when two teenage settlers started throwing stones. "The settlers threw stones at us as we were passing Kiriat Arba," he related, "They were hiding under the trees. The stones broke my windshield." Muhammed J. stopped near IDF soldiers posted about 100 meters away, and told them what had happened. "The soldiers yelled at the settlers and told them to go away ... They didn't try to arrest the settlers, they didn't even move. It cost me 2000 shekels (U.S. \$ 500) to replace the window, I need to work forty days to make this money."²⁶¹

²⁵⁸ Ibid.

²⁵⁹ The witness told Human Rights Watch that the incident took place during the second week of the intifada, but could not remember the exact date.

²⁶⁰ Human Rights Watch interview, Yatta, February 21, 2001.

²⁶¹ Human Rights Watch interview, Hebron, February 23, 2001.

On February 21, ‘Abd al-Mughni Abu T., a thirty-five-year-old taxi driver, was driving past the Kiriya Arba settlement on a road in the Jabal Johar area of Hebron when he noticed a white GMC van with settler occupants rapidly approaching him. The GMC van was driving in the middle of the road, and ‘Abd al-Mughni Abu T. had to drive off the road to avoid a collision. As the GMC van passed, the settlers turned on a loudspeaker and began cursing Abd al-Mughni Abu T., calling him a son of a whore and a son of a bitch in Arabic.²⁶²

Attacks Against Humanitarian Workers, Independent Observers, and Journalists

There is a significant international presence in Hebron, including humanitarian workers, independent observers, and journalists. Attacks by Israeli settlers against such persons have been common. Most such attacks appear to occur when settlers see such persons engaging in activities which they perceive as hostile to their interests, such as monitoring settler and army abuses, or are unprovoked attacks linked to unrelated events, such as suicide bombings in Jerusalem or Tel Aviv. On the other hand, Human Rights Watch researchers who arranged through settler representatives to visit the settlements of Avraham Avino, Beit Haddassah, and Tel Rumeida on November 8, 2000 were well received and were allowed to investigate abuses committed against the settlers.

Among the international organizations with a permanent presence in Hebron are the Temporary International Presence in Hebron (TIPH)²⁶³ and the International Committee of the Red Cross (ICRC). TIPH does not publicly report on settler attacks, but settlers living inside Hebron are openly hostile to TIPH. In a recent interview, the Hebron settler spokesperson David Wilder said that TIPH “don’t have anything to do with us except to watch us. They infringe on Israeli sovereignty, they make a complicated situation more difficult and they hinder the security forces from doing their job.”²⁶⁴ In one documented case, a

²⁶² Human Rights Watch interview, Hebron, February 21, 2001.

²⁶³ Hebron is the only city in the Occupied Territories to have a constant international observer force, named the Temporary International Presence in Hebron (TIPH). TIPH, whose presence was agreed to by Israeli and Palestinian negotiators as part of the 1997 Hebron Redeployment Agreement, consists of about 80 unarmed observers from six countries (Italy, Turkey, Norway, Denmark, Sweden, and Switzerland) who travel constantly around the Israeli-controlled H2 area of Hebron in marked white Opel vehicles, observing and recording events in the area. TIPH does not report publicly on the abuses it documents, but provides confidential reports to their member governments as well as to the Israeli and Palestinian authorities. Its presence has made a positive contribution to reducing tensions, although the inability of TIPH to discuss its findings publicly has limited its positive impact.

²⁶⁴ Mark Matthews, “International Eyes Watch over Hebron: Armed but with Cameras, Small Group of Monitors Helps Limit City Violence,” *Baltimore Sun*, November 16, 2000. See also David Wilder, “To TIPH or not to TIPH,” *Jerusalem Post*, December 17, 2000.

TIPH car driving past the Beit Haddassah settlement on January 10, 2001, was set upon by a group of settlers who began beating the TIPH vehicle. The rear window of the TIPH vehicle was shattered.²⁶⁵

On October 6, 2000, settlers from the Tel Rumeida settlement attacked an ICRC vehicle, ripping off its red cross flag and damaging the red cross decals on the doors of the car, apparently because they were offended by the presence of what they perceived as Christian symbols in what they consider a Jewish neighborhood.

The Christian Peacemaker Team is a faith-based pacifist organization that aims to limit violence by “getting in between.” The CPT has had a continuous presence in the H2 area of Hebron since 1995. Its members regularly travel around Hebron to monitor abuses by the IDF and settlers, and attempt to place themselves in hostile situations to protect the safety of those involved. Through their website and e-mail lists, the CPT distributes regular, detailed reports about abuses witnessed by their volunteers in Hebron, thus providing one of the few credible sources about the human rights situation in Hebron.²⁶⁶ The settlers resent the CPT presence, and have attacked the CPT volunteers on numerous occasions.

On January 12, 2001 CPT volunteer Bob Holmes watched IDF soldiers explode a suspicious garbage bag (which turned out not to be a bomb) outside the Palestinian vegetable market near his home. After the IDF soldiers had carried out the controlled explosion, Holmes walked down the street to inspect the package. As he passed a group of settlers, a teenage settler came up to him, called him a Nazi, and began shoving Holmes in the chest. Holmes, in conformity with his pacifist principles, did not push back or attempt to defend himself, but called over to the adult settlers and said, “Do something about this boy.” The adult settlers did not intervene to stop the attack, and just watched silently. Finally, two IDF soldiers came and pulled the teenage settler away, and ordered the settlers to leave. Holmes then went to the Israeli police station in Kiriat Arba to make a complaint, and the police took a full statement. However, Holmes could not identify the boy from among the photographs shown to him.²⁶⁷ If the IDF had detained the boy, as they do regularly with Palestinian suspects, and handed him over to the Israeli police, the assault investigation would have had a greater chance for success.

IDF soldiers frequently overlook abuses by settlers while responding with excessive force to similar abuses by Palestinians. Stone throwing is a good example. On the afternoon of January 22, CPT volunteer Pierre Shantz was

²⁶⁵ Human Rights Watch interview with Bob Holmes, CPT volunteer, Hebron, February 9, 2001.

²⁶⁶ The CPT maintains a website at <http://www.prairienet.org/cpt/>

²⁶⁷ Human Rights Watch interview with Bob Holmes, Hebron, February 9, 2001.

ascending a staircase in front of the Beit Haddassah settlement²⁶⁸ when stones hit the stairs around him. Shantz turned around and saw about ten young settler children, aged around eight or nine, laughing. A Palestinian who had walked on the stairs minutes before was also pelted by rocks. The IDF soldiers at the scene started pushing the children back into the settlement, and told Shantz that everything was ‘OK’ and that he should just keep walking.²⁶⁹ Many similar attacks against the CPT are documented on their website.

Settlers have also attacked Palestinian journalists on numerous occasions. On Saturday February 10, 2001, *Agence France-Presse* (AFP) photographer Hossam Abu Alan was walking with a colleague past the Beit Haddassah settlement on their way home at about 3 p.m. when they were confronted by three male settlers, aged between eighteen and twenty-two: “They were cursing at us, calling us dogs, and spitting at us. They told us in Hebrew, ‘one day you will be slaughtered.’”²⁷⁰ One of the settlers pulled back his fist and was about to hit Hossam Abu Alan’s colleague, so Abu Alan decided to turn on his camera and photograph the incident. Suddenly, the IDF soldiers who had been passive up to this stage came over and tried to grab Abu Alan’s camera and told him to leave the area, saying he was not supposed to be there. Abu Alan showed the soldiers his Israeli press card, but the soldiers threatened to confiscate the card. The soldiers kept Abu Alan at gunpoint for fifteen minutes before returning his press card and allowing him to leave. The soldiers did not attempt to arrest or even reprimand the settlers who had started the incident: “The soldiers did nothing to the settlers, they just protected them.”²⁷¹

On December 10, 2000, Hossam Abu Alan was photographing a disturbance at the vegetable market in the H2 section of Hebron, an area of frequent clashes between local residents and settlers who claim the area belongs to the Jewish community of Hebron and that the Palestinian market presents a security threat. Hossam explained what happened as he arrived:

When we reached the market, we saw the settlers turning over all the goods. There were about fifteen settlers, men, women, as well as girls and boys. We started photographing. All of a sudden, a group of about eight or nine settlers, men and women, attacked us. They were beating and kicking us, and hitting us with wooden sticks. They hit me on the back many times with something solid. ... I was

²⁶⁸ Palestinians are prohibited from walking in front of Beit Haddassah settlement, and are forced to walk a steep detour around the settlement. In solidarity with the Palestinian community, the CPT volunteers walk the same detour when walking past Beit Haddassah settlement.

²⁶⁹ Human Rights Watch interview with Pierre Shantz, Hebron, February 10, 2001.

²⁷⁰ Human Rights Watch interview with Hossam Abu Aleim, Hebron, February 24, 2001.

²⁷¹ Ibid.

beaten for three of four minutes. At the end, I was still conscious but unable to stand up.²⁷²

Eventually, IDF soldiers pulled the severely beaten Abu Alan out of the group of settlers, but the settlers continued to attack other photographers and Palestinians. Hossam Abu Alan felt that the IDF was no longer in control of the situation: “Instead of just making the settlers go away, [the soldiers] pulled me away, because they were unable to control the settlers.”²⁷³

Kawther Salaam, a Palestinian journalist working for the Arabic language *al Quds* newspaper, has also been attacked by settlers, as well as facing regular abuse by IDF soldiers. When Kawther Salaam was walking around with Human Rights Watch researchers in the H2 area of Hebron on November 6, 2000, IDF soldiers harassed her by making sexually offensive whistle calls and calling her a “sharmuta,” Arabic for prostitute, and “kalba,” Arabic for bitch (female dog), in front of the researchers. Kawther Salaam explained that she was regularly harassed in this way.

On February 6, 2001, at about 11:45 a.m., Salaam was at the square in front of the Avraham Avino settlement:

At the square, I noticed two settler men, about forty to forty-five years old, with long beards and kippahs [skullcaps]. They were running up towards the Palestinian-controlled area of Abu Sneineh. They were throwing stones and chasing Palestinian kids under eight years old.²⁷⁴

Salaam decided to stop and photograph the settlers. When the settlers noticed her taking photos, they began running towards her. Fearing for her safety, Salaam ran towards a nearby IDF post: “The settlers followed me to this point, and one of the soldiers got between me and the settlers, but another soldier grabbed me violently by both shoulders and threw me back towards the two settlers.”²⁷⁵ A larger crowd of settlers gathered, some of whom had covered their faces with black cloth, and began shouting at Salaam and other journalists who had gathered, calling them “fascist journalists” and “Hitler journalists.” Salaam called the Israeli police, but when they arrived, a police officer began pushing her back and threatened to arrest her. After leaving the scene, Salaam tried to make a complaint at the Kiriya Arba police station about the abusive

²⁷² Ibid.

²⁷³ Ibid.

²⁷⁴ Statement of Kawther Salaam, emailed to Human Rights Watch, March 12, 2001.

²⁷⁵ Ibid.

settler and police behavior, but “no one responded to my knocks or presence, so I left.”²⁷⁶

²⁷⁶ Ibid.

VIII. THE IMPACT OF CURFEWS, CLOSURES AND BLOCKADES

Since October 2000, Israel has sealed off nearly all Palestinian towns and villages in the West Bank, placing large concrete blocks or high earthen dams on nearly all exit roads, digging deep trenches across the roads, and preventing Palestinian drivers from passing through dozens of permanent and ad-hoc military checkpoints. The only roads regularly open to traffic are “bypass” roads that connect Israeli settlements in the West Bank to Israel and to each other. In many cases, there are no major alternate roads between West Bank cities other than the “bypass” roads restricted to Israeli use. Palestinian drivers, officially prohibited from using these roads, have attempted to circumvent the closures and blockades by using alternate minor roads or by risking travel on bypass roads. The strict closure, referred to as a “siege” by U.S. Secretary of State Colin Powell during a recent visit to the region,²⁷⁷ has had a severely detrimental impact on all aspects of Palestinian civilian life.

Israel’s policy of sharply restricting Palestinian movement has been in place, with varying degrees of severity, since March 1993.²⁷⁸ The restrictions now in place are the most extensive to date. The closure has brought the local economy to a virtual standstill, with dire consequences for most ordinary Palestinians, and has seriously impeded access to education, medical assistance, jobs, and virtually all other aspects of Palestinian civilian life.

The approximately 30,000 Palestinian residents of the Israeli-controlled H2 area of Hebron have additionally been placed under a nearly permanent, twenty-four-hour curfew, requiring them to stay in their homes around the clock. The curfew is normally lifted for only a few hours every three days to allow them to purchase necessities. On several occasions, the Israeli authorities have announced the “permanent” lifting of the curfew, only to impose it again after a few days after new “incidents”. With the exception of these few breaks lasting several days, members of the Palestinian community of Hebron have been restricted to their homes nearly continuously since the beginning of the clashes. The curfew applies only to the Palestinian residents of H2; Israeli settlers are allowed to walk and drive around freely at all times.

In addition to restricting Palestinians to their homes during curfew periods, the Israeli authorities have placed many other restrictions on Palestinian life in the H2 area. Palestinian cars have been banned from the H2 area since October 2000, forcing local residents to carry home by hand all essential supplies, including heavy items such as cooking gas canisters. For residents living in

²⁷⁷ Barry Schweid, “Powell Endorses Palestinian Demands,” *Associated Press*, February 25, 2001.

²⁷⁸ Human Rights Watch, “Israel’s Closure of the West Bank and Gaza Strip,” *A Human Rights Watch Short Report*, Vol. 8, No. 3 (E), July 1996.

hilly neighborhoods such as Tel Rumeida, this restriction is a significant burden. Even Palestinian ambulances are not allowed to enter H2, so wounded or sick Palestinians have to be physically carried to Palestinian-controlled areas to be evacuated in an ambulance.

The Israeli authorities claim that the curfew is imposed only in response to incidents of Palestinian gunfire from H1 into H2, or to specific instances of unrest within H2.²⁷⁹ Hebron commander Col. Noam Tivon has explicitly linked the use of the curfew and other punitive measures to the actions of Palestinian gunmen:

I constantly demand that the Palestinian forces halt the shooting attacks to ease the difficult situation the local Palestinians are faced with—the closure, the blockade, and curfew. They are suffering economic hardships. The curfew is lifted every 48 hours during the day, but not if there was shooting the previous night.²⁸⁰

The vast majority of the Palestinian gunfire clearly originates from the Palestinian-controlled areas surrounding the H2 area, and there is little evidence to suggest that a lifting of the curfew would lead to Palestinian gunfire originating from within the H2 area, an area which until now has not been the source of substantial, if any, Palestinian gunfire. The large number of IDF soldiers in H2 and the ubiquitous IDF checkpoints at the H2-H1 borders effectively prevent infiltration of Palestinian gunmen into H2 even in the absence of the curfew. The Palestinian residents of H2 have no control over gunmen operating in the H1 areas under Palestinian control. Punishing some 30,000 Palestinian residents of H2 for actions they did not commit and cannot influence is a textbook example of collective punishment.

The Israeli government is under pressure from the Hebron settlers to impose even more stringent measures, and whenever the curfew is lifted, settlers often provoke confrontations that lead to a re-imposition of the curfew. Avraham Ben Yusif, director of the Jewish municipal council of Hebron, is unapologetic about the curfew and settler efforts to ensure that the curfew remains in place for as long as the hostilities continue. He told Human Rights Watch: “The curfew is certainly one step which gives stability to this area, and the key to ending the curfew is on the Palestinian side. . . . They have control, and it is improper to complain to the Israeli side about the curfew. Within

²⁷⁹ Responsive affidavit in High Court of Justice, *HaMoked; Center for the Defence of the Individual v. IDF Commander for Judea and Samaria*, para. 6.

²⁸⁰ Margot Dudkevitch, “Hebron Commander: It can’t go on like this much longer,” *Jerusalem Post*, November 24, 2000.

twenty-four hours it can be lifted if the Palestinians stop the violence.”²⁸¹ When asked about a settler protest at the Palestinian market in downtown Hebron which had led to a clash and a re-imposition of the curfew, Ben Yusif stated: “There was a demonstration. If we can’t live normally, there is no reason why our [Palestinian] neighbors should live normally. There has to be some kind of symmetry.”²⁸² Similarly, Hebron settler spokesperson David Wilder told a journalist: “We’ve been shot at almost every night. Since we can’t live normally, a decision was taken that the rest of the population also shouldn’t be able to live normally.”²⁸³

Settler representatives have advocated that even more stringent measures against the Palestinian community in their meetings with IDF representatives. In a document from “The Jewish Community of Hebron” to the IDF Brigade Commander, dated November 1, 2000 the Hebron settlers demanded a complete ban on Palestinian vehicular travel between the H1 and H2 areas; a ban on Palestinian vehicular travel on five main streets in the Hebron area; a ban on Palestinian pedestrian traffic on six Hebron streets; the complete closure of the Friday “flea market”; a prohibition on the opening of the Palestinian-owned gas station on al-Shuhada’ Street; a closure of “peddler stalls” in three main Palestinian market areas of Hebron; a restriction of “Arab movement” to half the daytime hours and a nighttime curfew from 5 p.m. to 5 a.m.; the removal of “temporary shelters” in the main H2 Palestinian market; closure of the Palestinian shops located underneath the Beit Haddassah and Avraham Avino settlements; closure of the Waqf (the Islamic authority charged with maintenance of Islamic religious sites) office in the H2 area of Hebron; “total separation” in the Machpela Cave (Ibrahimi Mosque) and refusal of access for Waqf personnel to the “Jewish area of the cave”; and “in case of any attack against Jews when the curfew is opened—reimposition of the curfew on the same day.”²⁸⁴

Restrictions on Freedom of Movement, and IDF and Police Attacks Against Palestinian Drivers

Israeli soldiers systematically abuse Palestinian drivers who attempt to circumvent the closure restrictions, subjecting them to serious beatings and humiliating treatment and causing extensive damage to their vehicles. The vast majority of taxi drivers approached by Human Rights Watch researchers

²⁸¹ Human Rights Watch interview, November 8, 2000.

²⁸² Ibid.

²⁸³ Greg Myre, “Hebron Curfew Puts 30,000 Palestinians Under House Arrest,” *Associated Press*, October 30, 2000.

²⁸⁴ Jewish Community of Hebron, “Travel Restrictions for Arabs, Recommendations to the IDF Brigade Commander,” dated November 1, 2000. A copy of the Hebrew original, on JCH letterhead, was provided to Human Rights Watch by Peace Now.

recounted personal incidents of IDF abuse, and many had suffered multiple incidents of abuse.

Israel continues to control the major road networks in the West Bank and Gaza Strip. When Israel imposes a complete closure on the West Bank or Gaza Strip, it becomes virtually impossible for Palestinians to move from one village, town, or city to the other. In most cases, there are no Palestinian-controlled alternative main roads to the “by-pass roads.” According to the Palestinian human rights group Al-Haq:

In addition to linking together Israeli settlements, one of the purposes of the by-pass road network is to separate Palestinian communities. The road network serves as a military grid in the West Bank, separating and surrounding the Palestinian regions with militarily-controlled roads. Since the military can close the roads to Palestinians at any time, the grid enables the military to seal off the Palestinian regions and maintain control over them.²⁸⁵

The pattern of abuse, particularly shooting out or slashing tires and confiscating of car keys, is remarkably similar throughout checkpoints in the West Bank. Given the pattern of these abuses and the frequency of the attacks, it appears that the Israeli military leadership condones such abuses, or is even actively complicit in them. It is simply not credible that the existence of such widespread abuses would have escaped notice by the well-organized IDF command structure. Yet, no concerted action has been taken by the command to stop such abuses.

At least one Palestinian driver was killed by IDF soldiers apparently while attempting to drive home during a comprehensive closure. The death of Ibrahim al-Alami, a twenty-five-year-old bulldozer operator from Beit Umar, took place under unclear circumstances, and neither his family nor any of the human rights groups active in the Hebron area have been able to locate an eyewitness to the killing. According to his mother, the IDF began closing many of the roads in and around Hebron following the lynching of two Israeli reservists in Ramallah that day. Al-Alami was working in Hebron, and at about 2 p.m. she called his employer who agreed to send al-Alami home because of the road closures. He did not arrive, and at about 5 p.m., a stranger called to say that her son had been shot near the village of Beit ‘Einun, and had been taken to the hospital. He had been shot once in the back of his head. Ibrahim al-Alami died of his injuries on October 18, 2000.²⁸⁶

²⁸⁵ Al-Haq, *The By-Pass Road Network in the West Bank* (1997), p. 8.

²⁸⁶ Human Rights Watch interview, Beit Ummar, February 13, 2000.

Ibrahim al-Alami's brother-in-law tried to recover al-Alami's car at about 5:30 a.m. the next day. He found the road near the car closed with an earthen dam, and was prohibited by IDF soldiers from approaching the car, which the IDF said was in a "closed military zone." The IDF soldiers also confiscated the car keys of the vehicle in which the brother-in-law had arrived. He returned four days later to recover al-Alami's car, and found that a single shot had come in through the back window before striking al-Alami in the head. It appears that Ibrahim al-Alami had tried to circumvent a road closure by driving on a small secondary road and was shot by IDF soldiers or settlers. Ibrahim al-Alami was an unarmed civilian who had no arrest record. The suspicious but mostly unknown circumstances of the killing require a full investigation in order to establish whether the IDF was responsible for the killing, and if so, whether the IDF's own open-fire regulations were violated.

On February 19, 2001, Khaldun S., aged twenty, was traveling in a communal taxi van with nine other Palestinians on their way from Yatta to the city of Bethlehem. IDF soldiers stopped the taxi outside the village of Beit Umar shortly after 8 p.m., and called the Israeli border police to the scene. The border police ordered all of the passengers out of the van, and began slapping the driver in the face and kicking him. The border police ordered the driver to apologize in person to each of the soldiers and border police before one of the border police officers told him: "Now get in your van and go home. I don't want to see you here again. If I see you here again, I will kill you."²⁸⁷ Without explaining why, the border police ordered Khaldun S. to stay behind. After the driver left with the other passengers, the border police ordered Khaldun S. to get in their jeep and drove him to a nearby forest, located near the village of Halhul. When the jeep stopped, the border police ordered Khaldun S. to get out. He recounted what happened next:

I stepped out of the jeep and [the border police officer] was holding my arm. He pulled his fist back and hit me hard on the mouth. He hit me again, now my head hit the police jeep and I became dizzy. He grabbed a hold of me and banged me several times against the jeep. Then he kneed me hard, in my private parts. Finally I fell to the ground. The policeman kept hitting me with the machinegun, while the other was kicking me in the head. I lost consciousness, when they would hit me I would wake up momentarily.²⁸⁸

The police officers left Khaldun S. in the forest, and he made his way to safety by walking to a Palestinian home. A Human Rights Watch researcher

²⁸⁷ Human Rights Watch interview, Yatta, February 21, 2001.

²⁸⁸ Human Rights Watch interview, Yatta, February 21, 2001.

who interviewed Khaldun S. saw evidence of injuries consistent with his account, including a split lip, loose teeth and bruises on his back.

Khalid Abu A., a forty-year-old farmer from Yatta, was taking a tractor load of food to his goats at about 11 a.m. on February 20, 2001 when he was stopped by IDF soldiers on a small dirt road leading to the main bypass road. After asking him for his identity document (ID), the soldiers began arguing about what to do, with one soldier arguing that they should let the driver go and another stating in Hebrew, "If you don't want to shoot, I will."²⁸⁹ According to Khalid Abu A., the incident quickly escalated:

Immediately, he shot at my radiator. Then the other one who had checked my ID shot at the tires. He shot eight tires, four on the tractor and four on the trolley. ... I asked them why they had shot my tires, and they said there was a curfew there. I told them no, it is an open area. Then they ordered me to drive and said that if I changed the tires there, they would shoot them again. There were thirteen soldiers there, six walking and seven in a jeep.²⁹⁰

Khalid Abu A. showed a Human Rights Watch researcher the recent bullet damage to the radiator of his tractor (the tires had already been replaced). His car was not the only one damaged during the incident: he told Human Rights Watch that he also witnessed the IDF shoot out the tires of a Ford parked nearby on a Palestinian dirt road, ordering the passengers to leave and prohibiting the driver from changing the tires of the car.²⁹¹

On February 15, 2001, in a small village east of Yatta, Tahir Abu U., aged twenty, and his cousin were approached by a Palestinian man whose car was stuck in the mud. The two cousins took their tractor to the car to pull it out, and met a group of IDF soldiers on a tank at the site. The men were told to take off their jackets and lay down in the mud. The magnetic ID cards that gave them access rights to Israel proper were confiscated, and they were beaten. Tahir Abu U. recalled: "They made us sit in the mud for about one hour, on our knees with our foreheads to the ground, as if we were praying. The soldiers were beating us on our backs with their guns; I was hit hard five or six times."²⁹²

The cousins were unable to start the tractor when their ordeal was over, and went home to get another tractor to jumpstart it. When they returned, they found the first tractor heavily damaged by the soldiers, who remained nearby: "When we returned back with the tractor, we found that the soldiers had slashed

²⁸⁹ Human Rights Watch interview, Yatta, February 21, 2001.

²⁹⁰ Human Rights Watch interview, February 21, 2001.

²⁹¹ Ibid.

²⁹² Human Rights Watch interview, Yatta, February 21, 2001.

all of the tires. They also opened the radiator and took the covers of the oil and fuel tanks. The lights were broken, the body was smashed, the windows were broken. The soldiers were still there, about 100 meters away.”²⁹³ Tahir Abu U. estimated the damage to the tractor at 10,000 shekels (U.S. \$2,500), a huge sum for a poor rural farmer.

Mohammed H., a thirty-year-old taxi driver from Yatta, recounted three incidents in which IDF soldiers had attacked him. During the first incident, in November or December 2000, he was traveling from Hebron to Bethlehem and stopped to drop off some passengers near the village of al-Khadr, near Bethlehem. Two soldiers walked towards him and started cursing him, telling him he was not allowed to be there. One of the soldiers pulled out a knife and cut all four of the car’s tires before walking away. Mohammed H. said it took 1,500 shekels (U.S. \$375) to replace the slashed tires, nearly a month’s income.²⁹⁴

On January 18, 2001, Mohammed H. was driving near the entrance of Yatta when he was stopped by an IDF jeep at the bypass road and told to return to Yatta. As he was turning around, the IDF jeep reversed and smashed into his car. Mohammed H. got out of the car to ask why the soldiers had hit his car when he was complying with their orders, and a soldier came to his car and broke his mirror with the butt of his automatic rifle. At that time, an Israeli settler stopped his car on the bypass road, began cursing Mohammed H., and threw a rock at his car. The IDF soldiers politely escorted the settler back to his car and asked him to leave the scene before allowing Mohammed H. to leave. Mohammed H. showed Human Rights Watch photos of his car, which showed damage consistent with his account.²⁹⁵

In a third incident on February 15, 2001, Mohammed H. was again victimized by IDF soldiers. As he was traveling from Hebron to Yatta on the main bypass road at 5 a.m. to pick up a passenger, IDF soldiers stopped him near the Zief junction and demanded his ID and keys, explaining that there was a closure and that he was not allowed to drive on the road because there had been shooting near the settlement of Ma’on. The soldiers slashed two of Mohammed H.’s tires before telling him, “If [the Palestinians] stop shooting at us [in Ma’on], you can travel on this road.” Mohammed H. was forced to wait by his car until 6 p.m., 13 hours after he had been stopped, before his keys and ID were returned to him.²⁹⁶

²⁹³ Human Rights Watch interview, Yatta, February 21, 2001.

²⁹⁴ Human Rights Watch interview, Yatta, February 21, 2001. Most taxi drivers interviewed by Human Rights Watch estimated that their daily earnings had dropped to about 50 shekels (U.S. \$12.50) per day since the beginning of the Intifada, down from about 150 shekels (U.S. \$37.50) per day during normal times.

²⁹⁵ Human Rights Watch interview, Yatta, February 21, 2001.

²⁹⁶ Human Rights Watch interview, Yatta, February 21, 2001.

In late January 2001, Shaker Abu R., a twenty-four-year-old taxi driver from Yatta, was driving from Bethlehem to Hebron at about 5:30 p.m. when five IDF soldiers stopped him near Halhul. "They shot all four of my tires and broke my left mirror," he recounted, "The soldiers said I was not allowed to drive on the bypass road. I was the ninth taxi, plus five lorries, all of these had their tires shot out [in the incident]."²⁹⁷ On February 20, 2001 Abu R. was driving a sick person from the hospital in Hebron to his home in Yatta when he was stopped at about 5:30 p.m. at the Zief junction by four IDF soldiers. The soldiers began cursing at him and discussed shooting out his tires, relenting only because of the sick passenger. The soldiers refused to allow him to proceed to Yatta, forcing him to return to Hebron with the sick passenger: "They were calling me names, like son of a whore, son of a bitch, bad words that I cannot repeat. The soldiers said I cannot take the road, but it is the only entrance and exit from Yatta. All of the other roads are closed. ... So I drove back to Hebron and left my car there."²⁹⁸

Murad Z., a twenty-three-year-old taxi driver, was driving some goods from Hebron to Bethlehem when he was stopped by an IDF tank on the main bypass road at the junction near the Efrata settlement. The IDF soldiers asked Murad Z. for his ID, driver license and car papers, and then made him wait for two hours in his car. At about 3 p.m., after waiting for two hours, Murad Z. approached the soldiers and asked why they had stopped him and were keeping him so long. A soldier asked him, "OK, you want to go home?" When Murad Z. replied in the affirmative, the soldier walked over to the car, shot out all four tires, returned Murad Z.'s papers, and sent him off with a traditional Arabic farewell, saying "Yalla, ma'a salama."²⁹⁹ It cost Murad Z. 900 shekels (U.S. \$225) to replace the tires.

Bahjat al-S., aged twenty-five, was driving his taxi with a passenger on the main bypass road near Kiriat Arba settlement in late January when he was stopped by IDF soldiers. The soldiers told the passenger to walk home, and then began searching the taxi. They asked Bahjat al-S. to open the radiator cap, but he refused, saying that the car was hot and that it would be too dangerous and bad for the engine to open the radiator before the car cooled down. The soldiers unsuccessfully attempted to force Bahjat al-S. to open the radiator, and then told him they would detain him until he did so, but refused to allow him to turn off the car so the engine could cool down. As he was sitting aside, two soldiers came over and began slapping and kicking him. The soldiers detained him for two hours, periodically coming over to beat him and to ask if he was willing to open the radiator cap. Finally, after two hours, a commander came in a jeep and

²⁹⁷ Human Rights Watch interview, Yatta, February 21, 2001.

²⁹⁸ Ibid.

²⁹⁹ Human Rights Watch interview, Hebron, February 23, 2001.

put an end to the abuse, returning Bahjat's al-S. ID and allowing him to go home.

Fawzi Abu S. was driving his taxi past the Kiriya Arba settlement on a road in the Jabal Johar area of Hebron on January 21 at about 7:30 a.m. when he was stopped by a border police jeep. An Arabic-speaking officer took his car registration papers, his driver's license, his car insurance papers, and his license to operate a taxi issued by the Palestinian Authority. The officer was cursing him and, using foul language, asked him if he knew the area was under curfew. He then ordered Fawzi Abu S. to get out of the car. "He was yelling at me and kicking me, I didn't count the times [I was hit]." Then, the officer took out a knife, and ordered Fawzi Abu S. to take the knife and cut the tires to his car. Fawzi Abu S. initially refused, telling the officer that they would then shoot him and claim he had tried to attack them with the knife. The officer replied, "You will either cut the two front tires or you will be breaking news on al-Jazeera TV," which Fawzi Abu S. interpreted as a threat that he would be shot if he didn't comply. Fawzi Abu S. took the knife and cut the two tires: "After I cut the tires, they took my papers and the keys of the car and went away." It cost him 800 shekels (U.S. \$200) to replace the tires.³⁰⁰

Mahfouz H., a twenty-four-year-old taxi driver, had just dropped off a passenger in the industrial district of Hebron at about 5 p.m. on October 13, 2000 and was returning home when an IDF jeep pulled up and four soldiers got out. He related what happened next:

One of the soldiers came to the car, switched off the engine and took the key. He aimed his gun at me, and said to go home. After he pulled out the key, he pulled me out of the car and kept yelling, 'Go home! Go Home!' I said that my house was far away, and that I couldn't leave the car because I had invested a lot of money in it, and was begging them to return my keys.

When I told the soldier I couldn't go home and needed my keys, the soldier pushed me in my back, and another fired a sound bomb [concussion grenade] at me. Then I ran away and hid in one of the neighboring houses. At that time, soldiers stopped other cars and also took their keys. ... They did this to five cars. ... The soldiers swore at us, using bad words, fuck this, fuck that, I am embarrassed to repeat them.³⁰¹

³⁰⁰ Human Rights Watch interview, Hebron, February 24, 2001.

³⁰¹ Human Rights Watch interview, Hebron, February 23, 2001.

Private Palestinian drivers face similar attacks by IDF soldiers when traveling on the roads. ‘Ali M., a thirty-one-year-old official in the Palestinian Ministry of Tourism, was driving on the road between Beit Umar and the al-‘Arrub refugee camp at about 10 a.m., on his way to visit his parents. An IDF jeep suddenly passed him and cut him off, forcing him to stop. After ‘Ali M. complied with orders to get out of the car and hand over the keys, a soldier pushed ‘Ali M. hard against his car with his machinegun. The soldiers told ‘Ali M. the road was closed, and then one soldier shot out his rear tire while another pulled out a knife and cut through a front tire before leaving the car.³⁰²

On December 18, 2000, ‘Ali M. was about to cross the main bypass road (Route 60) to get from Hebron to his home village when IDF soldiers in two military jeeps stopped him and other drivers. The soldiers immediately started cursing and beating the crowd of Palestinian travelers, ‘Ali M. recounted:

They were swearing, calling us names, sons of bitches, dirty Arabs, bad stuff. I was standing outside the car with many other people. They just started hitting and pushing us, swearing at us. ... They were just walking around hitting people because we were not supposed to be there and were trying to get around them, and now we were caught.

A little boy threw a rock and hit a soldier in his leg. The soldier was so mad and started beating the boy bloody, he was swearing to God and cursing Mohammed, saying he would f*ck our prophet. The kid had a bloody nose and lips. ...

Then he went to the first taxi driver and blew out his four tires, [the taxi driver] was from our village. Then he shot out one of the tires in the Landrover. ... [The soldiers] took two [Palestinian] men with them. ... When I reached home, I found out that my front lights had been broken. I didn’t see this happen, I was too focused on saving myself and [my young brother-in-law] ‘Arafat.³⁰³

Economic Impact

The closures, blockades, and curfews have been devastating to the Palestinian economy.³⁰⁴ Because of Israeli-imposed restrictions and policies

³⁰² Human Rights Watch interview, Sa‘ir, February 23, 2001.

³⁰³ Human Rights Watch interview, Sa‘ir, February 23, 2001.

³⁰⁴ See generally, Office of the United Nations Special Coordinator, *The Impact on the Palestinian Economy of Confrontations, Mobility Restrictions and Border Closures: 1 October 2000-31 January 2001*, Gaza, February 25, 2001.

that prevent the development of an autonomous Palestinian economy, the Palestinian economy remains highly dependent on employment and markets within Israel. Since the beginning of the unrest in October 2000, employment for Palestinian workers inside Israel, normally a main source of income for many Palestinian families, has come to a virtual standstill. Countless businesses have been forced to shut down because they can no longer deliver their products. In the H2 area of Hebron, many shops have been closed for months.

Tahir Muhtasib, the vice-president of the Hebron chamber of commerce, explained the overall impact of the closures, blockades and curfews on the economy:

[T]his is the hardest closure since the beginning of the occupation [in 1967]. Hebron, like the other districts, suffers from closures. But Hebron has suffered more than other cities because it is divided in H1 and H2. H2 has been under curfew for more than four months. The industrial zone is in H2, and industry in Hebron contributes 40 percent of the Palestinian economy. This shows the big loss, the impact on the economy of Palestine.

Most of the industry is shoemaking, marble, tanning, weaving and textiles, and the traditional industries of pottery, glass, and metal furniture.

Since there is a closure, there is no normal course of trade. All of the commitments due to the traders go unmet. Since the entrances of the cities are controlled by the Israelis, it is impossible to transport goods. There are no raw materials for production. Since there are no workers let into Israel, there is very high unemployment. A big number of factories have closed down now. These factories had to lay off their workers, they only work part-time, or they can only pay part of the salary. If this situation continues for a long time, it will be miserable.³⁰⁵

‘Abd al-Karim Nayrukh is part-owner of the largest metal furniture factory in the West Bank, employing some 120 workers in Hebron. Their traditional market has been drastically undercut by the closures: “We can’t get to Jerusalem, Ramallah, or Tel Aviv. We don’t get permits for our vehicles to go outside [Hebron]. I myself have not been outside Hebron for five months.”³⁰⁶ The factory’s sales have been cut by 60 percent, and the company is operating at

³⁰⁵ Human Rights Watch interview with Tahir Muhtasib, Hebron, February 17, 2001.

³⁰⁶ Human Rights Watch interview with ‘Abd al-Karim Nayrukh, February 17, 2001.

a daily loss, amounting to at least 6,000 shekels [U.S. \$1,500] per day. Nayrukh was skeptical about the company's long-term prospects:

We continue to pay our workers, I can't just tell them to go home or not pay them. They are our long-standing workers, many have been with us for ten, fifteen years. I don't know what we will do, but we can't continue like this for more than two months. I will continue to produce the goods and put them in storage. In two months, we will run out of money to pay the workers.³⁰⁷

Jabril al-Natsha is the owner of a large shoe factory in the Palestinian controlled area of Hebron. The closures have shut down his normal distribution networks in Israel and other West Bank towns, cutting his sales by 80 percent. After paying the salaries of his workers and covering his operating expenses, amounting together to about 80,000 shekels [U.S. \$20,000] per month, he is operating at a loss of about 40,000 shekels [U.S. \$10,000] per month since sales only amount to 40,000 shekels [U.S. \$10,000] per month. Consequently, he has been forced to lay off about half of his forty person work force.³⁰⁸

Fathi al-Zaru, a fifty-four-year-old shopkeeper in the H2 Palestinian market explained: "In the old city of H2, the economy is totally destroyed. The situation is very bad. ... One day they will say we can open until 12 p.m., then four or five days we sit at home. ... People from outside H2 are afraid to come here, they are afraid their youth will be stopped or arrested. ... Before the intifada, the normal profit of a small shop would be fifty or sixty shekels [U.S. \$12.50 to 15] a day. ... All of our savings have been spent, and we have to start borrowing. Today, since 8:30 a.m., I haven't sold a single thing. ... I have been selling at this market for thirty years. We have never seen a period worse than this one."³⁰⁹ Samir Abu Ruqab, an apple seller nearby, agreed:

What is there to say? We can open a few hours and then have to close again. I have been in this shop for twelve years. Before the intifada, we would make 1,000 to 1,200 shekels [U.S. \$250 to 300] a week. Now, we are not making any money, we are spending more than we make. These apples, I will have to throw half away because they will rot before I can sell them. Yesterday, I threw away fifty cartons of apples, 1,500 shekels [U.S. \$375] worth of goods. ... I just

³⁰⁷ Ibid.

³⁰⁸ Human Rights Watch interview with Jabril al Natsha, Hebron, February 17, 2001.

³⁰⁹ Human Rights Watch interview with Fathi al-Zaru, Hebron, February 9, 2001.

closed the shop for [the first] three months and threw away the goods.³¹⁰

Radeh Abu 'Aisha is a part owner in a brass-producing factory located in H2. Because of the nearly continuous curfew, the factory has been shut down: "I haven't worked a day since the beginning of the intifada. We can't get supplies and the customers cannot pick up their orders. How can you work with the curfew? The curfew is only lifted for a few hours, and it takes six hours for the brass to melt and another six hours to get the brass ready to work on. There is no guarantee that you will be able to finish the work before the curfew returns."³¹¹ The seven employees of the factory were laid off because of the lack of work. Because of the loss of income, Radeh Abu 'Aisha was forced to pull his son out of university because he could no longer afford the fees.

Desperation is setting in for many of the families in Hebron, as their financial reserves are running out and they can no longer borrow from relatives and friends. The case of the Abu Hadid family is typical. They live in a house with twenty-five relatives, and after the men lost their employment inside Israel, were forced to rely on the income from a small shop. Since the intifada, the shop has been closed under the curfew, and the family has used up all of the supplies inside the shop:

We depended on the shop for the past five months, we ate all the food in the shop. We also sold our Peugeot car and bought a very cheap one, we have spent the money from the car. Now we have nothing left. I used to sell stationary supplies to the school children and owe the supplier 10,000 shekels. The goods are in the shop but I can't sell them now. Now, we depend on God's will.³¹²

Educational Impact

One of the areas of Palestinian society most affected by the curfew and closures in Hebron is the education sector. The IDF has closed three major schools in Hebron and turned their grounds into military bases: the Osama Munkith school, with 584 students, the al-Ma'arif school, with 871 students, and the Jawhar Girls' school, with 380 students.³¹³ According to Muhammad Qawasm, the head of the education directorate in Hebron district, thirty-two

³¹⁰ Human Rights Watch interview with Samir Abu Ruqab, Hebron, February 9, 2001.

³¹¹ Human Rights Watch interview with Radeh Abu 'Aisha, Hebron, February 9, 2001.

³¹² Human Rights Watch interview, Hebron, February 17, 2001.

³¹³ Human Rights Watch interview with Mohammad Qawasm, Director of Education for Hebron district, Hebron, February 18, 2001; LAW, "Violating the Right to Education," January 2001.

schools serving some 12,000 students inside the Israeli-controlled H2 area have been severely affected, unable to function during the curfew. The IDF announced in January 2001 that schools could operate even under curfew, but have repeatedly ordered several schools in the H2 area to close when they attempted to open. The overall impact of the loss of nearly five months of education is drastic:

There is a limited period for each teacher to cover a certain amount of material. Many of the schools have not been able to cover more than 30 percent of the [normal] material. Of course this affects the students negatively, especially those in the first years of education. We try to make up for the losses in different ways. We make some schools teach two shifts, especially those near H2 who have absorbed many students from H2. Since the beginning of this week, we started seven remedial centers at the edges of H2 in the H1 area where the Israelis can't come.³¹⁴

Fariat Abu Heikal is headmistress at the Qurtuba primary school, which caters to about 170 to 200 students aged between six and fourteen, and is located close to the Beit Haddassah settlement. The school was closed for almost all of October, November and December 2000, but has been able to operate whenever the curfew is temporarily lifted. The school is supposedly allowed to be open during curfew, but whenever the school attempts to open during curfew, soldiers at the Beit Haddassah settlement stop the students and teachers and order them to return home. Even when the curfew is lifted, soldiers and settlers often prevent children and teachers from reaching the school. Abu Heikal explained the impact of the curfew on the education of the children:

The curfew affected the timetable of the school year. There are now no recreation courses such as sports and music, only the main courses such as mathematics and Arabic. And still, the children are behind. About twenty students have left to attend schools in H1. ... The students are not yet finished with the first semester material, which normally ends in December. All schools in H1 finished their first semester material in December. ...

The performance of students has also changed. They were in summer holidays and then returned to school in September, which is a review month. When they were ready for new material, there was

³¹⁴ Human Rights Watch interview with Muhammed Qawasm, director of Education for Hebron district, Hebron, February 18, 2001.

an interruption for three months. The teachers now need to move faster to cover as much material as possible. All of this affects the performance of the students, but the students are insisting on learning.³¹⁵

The situation is not much different at the Ibrahimiya primary boys school, with more than five hundred students, which is located close to the Ibrahimi Mosque. The students have covered only about 20 percent of the curriculum, and the school has been closed for more than two-thirds of the school days since the beginning of the intifada. Even when the school is open, only about 60 percent of the students and teachers can make it through the internal blockades and closures. The school is supposed to be allowed to open during curfew, but when the principal and four teachers attempted to open the school during curfew for the first time on February 1, 2001, they were told by the soldiers that they had five minutes to close the school and go home.³¹⁶

Afifa Sharabati is a physics teacher at al-Ukhwa secondary school in the H2 area of Hebron. Her school was closed completely for the first two months of the intifada, but since January 2001 military authorities have allowed the school to remain open during curfew. However, she and two other teachers, as well as about fifty students, cannot reach the school during curfew because they live in the center of the old city and are absolutely prohibited from being outside during curfew, even to go to school. Her final year students have to take their school leaving entrance exams in June, and must pass the physics component to pass the exam. Since she can't reach the school to teach physics, she is deeply worried that the students will be unable to succeed in the exam.³¹⁷

Even when the curfew is lifted, many students report being abused or attacked by settlers and soldiers while trying to make it to their schools. Najla Khatib, aged thirteen, lives only twelve meters from the Qurtaba School, but has to walk a large detour because soldiers refuse to let her pass in front of Beit Haddassah settlement. One morning in early January 2001, she was climbing the stairs to her school when three armed settlers ran up and began throwing stones at her. The next day, she attempted to take a different route with other students, but again was confronted by a group of settler school children who threw stones at them and began cursing them. Nearby IDF soldiers just laughed. When she went home that day, the soldiers stationed near the school called her a whore and a bitch in Arabic and were laughing about the curses. On the third day, armed settlers stopped the children while they were climbing the steps to

³¹⁵ Human Rights Watch interview with Fariyal Aby Heikal, Hebron, February 11, 2001.

³¹⁶ Human Rights Watch interview with Juma' Abu Salimeh, deputy principal of Ibrahimiya Boys School, Hebron, February 18, 2001.

³¹⁷ Human Rights Watch interview with Afifa Sharabati, Hebron, February 11, 2001.

their school, and the IDF soldiers laughed about the incident. Again, the children were cursed in Arabic when they walked past the soldiers, who called out “daughter of a bitch” and “daughter of a whore” and parodied the Palestinian anthem.³¹⁸

Fourteen-year-old Adham al-Barade was going to school on February 15, 2001 when he was confronted by two armed settlers in front of the Ibrahimi Mosque: “I was walking down the street when they attacked me. The two came from the back and grabbed me by my shoulders and started beating and kicking me. They said bad words ... When they were beating me, I hit [one] back. I hit him in the eye and then the other pointed his gun at me.” The police came over, and promptly arrested Adham for attacking the settlers: “The police didn’t do anything to the settlers, they told them to stop beating me and let them go home.” He was taken to the police station, where he was slapped twice in the face by a policeman who asked him why he attacked the settlers. After being kept overnight at the police station, the boy was released when his father paid 500 shekels, either for bail or as a fine.³¹⁹

On February 15, 2001, eleven-year-old Murad Ramus was walking to school. He had not been involved in clashes that day. When he passed the IDF checkpoint near Avraham Avino, he noticed that there were clashes going on up the hill (outside H2 area) but kept walking down the street (inside H2 area). A soldier at the checkpoint grabbed him, kicked him several times, and then told him to stand against the wall. “The soldier called over one of the settlers and allowed the settler to beat me. The settler [armed with an Uzi submachine gun] slapped me four times and kicked me five times. Then, a Palestinian boy threw a big rock at the settler ... and I managed to escape.”³²⁰

On February 6, 2001, Jihad al-Qatanani, aged twelve, was walking home from school when he passed three soldiers near the Ibrahimi Mosque. The soldiers told him to go home, but al-Qatanani explained that the curfew was still lifted and continued walking in the street. One of the soldiers hit him with his steel helmet, and then the soldiers began chasing him. The soldiers soon caught him and beat the boy: “They grabbed me and started beating and kicking me. The soldiers didn’t say anything. They beat me for a long time, I was kicked more than 15 times and kept for about 15 minutes. One of the children of my neighbor passed by and they started beating him, thirteen-year-old Shaker. Then the soldiers left. I had bruises from the beating on my back and my legs.”³²¹

Because of the problems with the schools in H2, many parents have opted to send their children to schools in the Palestinian-controlled areas. But often

³¹⁸ Human Rights Watch interview with Najla Khatib, Hebron, February 11, 2001.

³¹⁹ Human Rights Watch interview with Adham al-Barade, Hebron, February 18, 2001.

³²⁰ Human Rights Watch interview with Murad Abu Ramus, Hebron, February 18, 2001.

³²¹ Human Rights Watch interview with Jihad el-Qatanani, Hebron, February 18, 2001.

children from H2 are prevented from leaving their homes in the morning, or prevented from returning home after school. Radeh Abu 'Aisha sends his son to a school in H1: "His school is in H1, but it is very hard. Some days when the army is being strict, they won't let him out [of H2], or even back in. On those days, he has to sleep at my sister's house in H1." During this interview with Human Rights Watch, Radeh's son called to say that he had been prevented from coming home because of the curfew, and would spend the night in H1.³²²

Health Care Impact

Another area severely affected by the closures and blockades is the health care sector. The physical blockading of many of the villages and cities in the West Bank, compounded by the frequent refusal of IDF soldiers to allow ambulances and ill people through checkpoints, has made it difficult to transport sick or wounded persons to safety, and is believed to have contributed to several deaths.³²³ In many cases, sick or wounded persons have needed to be driven to the blockade in one car, physically carried over the blockade, transferred to a second car, and then to make their way through various IDF checkpoints. Despite a pledge by the Israeli government to allow the free movement of sick and wounded persons, IDF soldiers have frequently delayed ambulances carrying sick or wounded patients at checkpoints, and ambulance drivers have reported severe cases of harassment at checkpoints. Palestinian ambulances are not allowed to enter the Israeli-controlled H2 area at all—no Palestinian cars have been allowed in H2 since October 2000—requiring that all Palestinian wounded or sick in H2 be transported by foot to the Palestinian-controlled areas before being transferred into an ambulance.

Sabah al-Ja'bari, aged forty-three, lives in the blockaded village of Beit 'Einun, located just north of Hebron. At about 1 a.m. on February 13, 2001, she went into labor. An ambulance came, but was unable to reach the home because of an earthen blockade constructed by the IDF on the edge of the village. While in labor, Sabah al-Ja'bari had to walk over the high earthen dam to reach the ambulance. On the way to the hospital, the ambulance was stopped by IDF soldiers in a tank who pointed their guns at them and repeatedly yelled at them to go home. They were detained at the checkpoint for more than one half hour, until a higher ranking officer came who spoke Arabic and allowed them to proceed. The family reached the hospital, normally a five to ten minute ride away, after more than one and one half hour.³²⁴

³²² Human Rights Watch interview with Radeh Abu 'Aisha, Hebron, February 9, 2001.

³²³ B'Tselem, "Civilians Under Siege: Restrictions on Freedom of Movement as Collective Punishment," pp. 19-22; *See also* Deborah Sontag, "Janiya Journal: An Arab Village Strangled. Did Israel Just Forget?," *New York Times*, March 15, 2001.

³²⁴ Human Rights Watch interview with Sabah al-Ja'bari, Beit 'Einun, February 23, 2001.

Mansur Suleiman, a driver for the Palestinian Red Crescent Society, described to Human Rights Watch the dangers and delays faced by Palestinian ambulance drivers:

I have participated in many cases where we had to evacuate patients from the blocked villages. It is very difficult at night, we have to be very careful. ... After the soldiers let us go [through the checkpoint], we receive the patient at the blockade or the checkpoint, where they travel by private car. We use the stretcher to go across the earthen blockades and get the patient. We usually lose about one half hour to forty-five minutes, and we have to coordinate with the cars in the village to see where they [can travel to.]³²⁵

An emergency technician working for the Palestinian Red Crescent Society recounted three cases to Human Rights Watch during a November 2000 interview where his medical team had been delayed because of the blockading of villages by the IDF. On October 13, 2001, the team was delayed in evacuating a seven month old child with meningitis from the village of Shuyukh al-‘Arrub because of the closure imposed on the village. On October 14, 2001, the team was delayed in treating two patients, a twenty-five-year-old woman with acute abdominal pains and a seventy-year-old man with a brainstem injury and vascular bleeding who died a few days later.³²⁶

Medical teams have also suffered serious harassment at the hands of IDF soldiers, and at times have come under IDF fire. On December 15, 2000, a Palestinian Red Crescent Society ambulance crew were on their way to a patient in the al-Zeitoun area of Hebron when their ambulance came under IDF fire, who shot out all of the tires of the ambulance. The soldiers then approached the ambulance and ordered the medical team to get out, telling them “shut up, don’t say anything, or we will shoot you,” and ordering them to lie on the ground. After carefully searching the ambulance and detaining the crew for between twenty and thirty minutes, the team was ordered to proceed without changing the tires on the ambulance.³²⁷

On October 20, 2000, Muhammad Masharka, an ambulance driver with ten years of experience, received a call from al-Fawwar refugee camp, asking him to evacuate the gravely wounded Shaadi al-Waawi (discussed above). When he came to the entrance of the camp, IDF soldiers stopped the ambulance and began arguing among themselves whether to allow the ambulance to proceed. Finally, the IDF soldiers allowed the ambulance to proceed, but

³²⁵ Human Rights Watch interview with Mansur Suleiman, Hebron, February 18, 2001.

³²⁶ Human Rights Watch interview, Hebron, November 3, 2000.

³²⁷ Human Rights Watch interview with Mansur Suleiman, Hebron, February 18, 2001.

demanded that the ambulance team hand over the wounded or killed Palestinian to the IDF on their way out of the camp. The ambulance entered the camp and provided first aid to Shaadi al-Waawi, but then transferred him to a second ambulance, afraid that the soldiers would take al-Waawi, who was still alive, and let him die by the road.

The second ambulance had to travel over very poor backroads. The ambulance broke down on the road because it could not negotiate its way over the large rocks, and lost valuable time as relatives of the wounded man cleared the road. Al-Waawi was bleeding heavily, and it took more than one hour to reach the hospital. On arrival at the hospital, Shaadi al-Waawi was immediately taken to the emergency room but was declared dead ten minutes later.³²⁸

The first ambulance, driven by Muhammad Masharka, was stopped by the same IDF soldiers on its way out of the al-Fawwar camp. When the soldiers found out that the wounded Palestinian was not in the car, they became angry and ordered the driver and nurse out of the ambulance. They interrogated both the driver and nurse, demanding to know who had contacted the ambulance team and what had happened to the patient, at one point threatening to beat the nurse: "All of their words were foul and threatening, they threatened to shoot us several times if we didn't give this information. They spoke in Arabic. One of the soldiers threatened to hit the nurse." Finally, a commander arrived in an IDF jeep, questioned the team for a few minutes in a polite manner, and then allowed them to proceed.³²⁹

³²⁸ Human Rights Watch interview with Tawfiq al-Waawi, al-Fawwar camp, February 14, 2001.

³²⁹ Human Rights Watch interview with Muhammad Masharka, Dura, February 14, 2001.

APPENDIX A:
**United Nations High Commissioner for Human Rights Code of Conduct for
Law Enforcement Officials**

**Code of Conduct for Law Enforcement Officials Adopted by General
Assembly resolution 34/169 of 17 December 1979**

Article 1

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession. Commentary:

(a) The term "law enforcement officials", includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.

(b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.

(c) Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid.

(d) This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Commentary:

(a) The human rights in question are identified and protected by national and international law. Among the relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All

Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment of the Crime of Genocide, the Standard Minimum Rules for the Treatment of Prisoners and the Vienna Convention on Consular Relations.

(b) National commentaries to this provision should indicate regional or national provisions identifying and protecting these rights.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Commentary:

(a) This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.

(b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.

(c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Commentary:

By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and

especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Commentary:

(a) This prohibition derives from the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, according to which: "[Such an act is] an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights [and other international human rights instruments]."

(b) The Declaration defines torture as follows:

". . . torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners."

(c) The term "cruel, inhuman or degrading treatment or punishment" has not been defined by the General Assembly but should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Commentary:

(a) "Medical attention", which refers to services rendered by any medical personnel, including certified medical practitioners and paramedics, shall be secured when needed or requested.

(b) While the medical personnel are likely to be attached to the law enforcement operation, law enforcement officials must take into account the judgement of such personnel when they recommend providing the person in custody with appropriate treatment through, or in consultation with, medical personnel from outside the law enforcement operation.

(c) It is understood that law enforcement officials shall also secure medical attention for victims of violations of law or of accidents occurring in the course of violations of law.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Commentary:

(a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their agencies.

(b) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connection with one's duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.

(c) The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Commentary:

(a) This Code shall be observed whenever it has been incorporated into national legislation or practice. If legislation or practice contains stricter provisions than those of the present Code, those stricter provisions shall be observed.

(b) The article seeks to preserve the balance between the need for internal discipline of the agency on which public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. Law enforcement officials shall report violations within the chain of command and take other lawful action outside the chain of command only when no other remedies are available or effective. It is understood that law enforcement officials shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.

(c) The term "appropriate authorities or organs vested with reviewing or remedial power" refers to any authority or organ existing under national law, whether internal to the law enforcement agency or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of this Code.

(d) In some countries, the mass media may be regarded as performing complaint review functions similar to those described in subparagraph (c) above. Law enforcement officials may, therefore, be justified if, as a last resort and in accordance with the laws and customs of their own countries and with the provisions of article 4 of the present Code, they bring violations to the attention of public opinion through the mass media.

(e) Law enforcement officials who comply with the provisions of this Code deserve the respect, the full support and the co-operation of the community and of the law enforcement agency in which they serve, as well as the law enforcement profession.

APPENDIX B:
**United Nations High Commissioner for Human Rights Basic Principles on
the Use of Force and Firearms by Law Enforcement Officials**

**Basic Principles on the Use of Force and Firearms by Law Enforcement
Officials Adopted by the Eighth United Nations Congress on the Prevention
of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7
September 1990.**

Whereas the work of law enforcement officials * is a social service of great importance and there is, therefore, a need to maintain and, whenever necessary, to improve the working conditions and status of these officials,

Whereas a threat to the life and safety of law enforcement officials must be seen as a threat to the stability of society as a whole,

Whereas law enforcement officials have a vital role in the protection of the right to life, liberty and security of the person, as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights,

Whereas the Standard Minimum Rules for the Treatment of Prisoners provide for the circumstances in which prison officials may use force in the course of their duties,

Whereas article 3 of the Code of Conduct for Law Enforcement Officials provides that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty,

Whereas the preparatory meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Varenna, Italy, agreed on elements to be considered in the course of further work on restraints on the use of force and firearms by law enforcement officials,

Whereas the Seventh Congress, in its resolution 14, inter alia, emphasizes that the use of force and firearms by law enforcement officials should be commensurate with due respect for human rights,

Whereas the Economic and Social Council, in its resolution 1986/10, section IX, of 21 May 1986, invited Member States to pay particular attention in the

implementation of the Code to the use of force and firearms by law enforcement officials, and the General Assembly, in its resolution 41/149 of 4 December 1986, inter alia, welcomed this recommendation made by the Council,

Whereas it is appropriate that, with due regard to their personal safety, consideration be given to the role of law enforcement officials in relation to the administration of justice, to the protection of the right to life, liberty and security of the person, to their responsibility to maintain public safety and social peace and to the importance of their qualifications, training and conduct,

The basic principles set forth below, which have been formulated to assist Member States in their task of ensuring and promoting the proper role of law enforcement officials, should be taken into account and respected by Governments within the framework of their national legislation and practice, and be brought to the attention of law enforcement officials as well as other persons, such as judges, prosecutors, lawyers, members of the executive branch and the legislature, and the public.

General provisions

1. Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, Governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.
2. Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.
3. The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order

to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.

4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;

(b) Minimize damage and injury, and respect and preserve human life;

(c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;

(d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

6. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.

7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

8. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

Special provisions

9. Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the

imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

10. In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.

11. Rules and regulations on the use of firearms by law enforcement officials should include guidelines that:

- (a) Specify the circumstances under which law enforcement officials are authorized to carry firearms and prescribe the types of firearms and ammunition permitted;
- (b) Ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm;
- (c) Prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk;
- (d) Regulate the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials are accountable for the firearms and ammunition issued to them;

(e) Provide for warnings to be given, if appropriate, when firearms are to be discharged;

(f) Provide for a system of reporting whenever law enforcement officials use firearms in the performance of their duty.

Policing unlawful assemblies

12. As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.

13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.

Policing persons in custody or detention

15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

16. Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

17. The preceding principles are without prejudice to the rights, duties and responsibilities of prison officials, as set out in the Standard Minimum Rules for the Treatment of Prisoners, particularly rules 33, 34 and 54.

Qualifications, training and counselling

18. Governments and law enforcement agencies shall ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.

19. Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those law enforcement officials who are required to carry firearms should be authorized to do so only upon completion of special training in their use.

20. In the training of law enforcement officials, Governments and law enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behaviour, and the methods of persuasion, negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programmes and operational procedures in the light of particular incidents.

21. Governments and law enforcement agencies shall make stress counselling available to law enforcement officials who are involved in situations where force and firearms are used.

Reporting and review procedures

22. Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to in principles 6 and 11 (f). For incidents reported pursuant to these principles, Governments and law

enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.

23. Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependants accordingly.

24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

25. Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

26. Obedience to superior orders shall be no defence if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

Note:

* In accordance with the commentary to article 1 of the Code of Conduct for Law Enforcement Officials, the term "law enforcement officials" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. In countries where police powers are exercised by military authorities, whether uniformed or not, or by State

security forces, the definition of law enforcement officials shall be regarded as including officers of such services.