

ISRAEL, THE OCCUPIED WEST BANK AND GAZA STRIP, AND THE PALESTINIAN AUTHORITY TERRITORIES

JENIN: IDF MILITARY OPERATIONS

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I. ABOUT THIS RESEARCH

A Human Rights Watch team of three experienced researchers spent seven days in Jenin from April 19, 2002 to April 28, 2002 to research this report. The team interviewed over one hundred residents of Jenin refugee camp, gathering detailed accounts from victims and witnesses and carefully corroborating and cross-checking their accounts with those of others. Human Rights Watch investigators also collected information from other first-hand observers of the events in the Jenin refugee camp, including international aid workers, medical workers, and local officials. The research also included information from public sources, including Israeli governmental sources, about the incursion. However, the IDF has not agreed to Human Rights Watch's repeated requests for information about its military incursions into the West Bank and Gaza Strip. Although Human Rights Watch's research has been extensive, we do not pretend that it is comprehensive. Further inquiry is still in order, particularly as the excavation process proceeds, and if Israel ultimately decides to make its soldiers involved in the operation available for interview.

II. SUMMARY

On April 3, 2002, the Israeli Defense Forces (IDF) launched a major military operation in the Jenin refugee camp, home to some fourteen thousand Palestinians, the overwhelming majority of them civilians. The Israelis' expressed aim was to capture or kill Palestinian militants responsible for suicide bombings and other attacks that have killed more than seventy Israeli and other civilians since March 2002. The IDF military incursion into the Jenin refugee camp was carried out on an unprecedented scale compared to other military operations mounted by the IDF since the current Israeli-Palestinian conflict began in September 2000.

The presence of armed Palestinian militants inside Jenin refugee camp, and the preparations made by those armed Palestinian militants in anticipation of the IDF incursion, does not detract from the IDF's obligation under international humanitarian law to take all feasible precautions to avoid harm to civilians. Israel also has a legal duty to ensure that its attacks on legitimate military targets did not cause disproportionate harm to civilians. Unfortunately, these obligations were not met. Human Rights Watch's research demonstrates that, during their incursion into the Jenin refugee camp, Israeli forces committed serious violations of international humanitarian law, some amounting *prima facie* to war crimes.

Due to the dense urban setting of the refugee camp, fighters and civilians were never at great distances. Civilian residents of the camp described days of sustained missile fire from helicopters hitting their houses. Some residents were forced to flee from house to house seeking shelter, while others were trapped by the fighting, unable to escape to safety, and were threatened by a curfew that the IDF enforced with lethal force, using sniper fire. Human Rights Watch documented instances in which soldiers converted civilian houses into military positions, and confined the inhabitants to a single room. In other instances, civilians who attempted to flee were expressly told by IDF soldiers that they should return to their homes.

Despite these close quarters, the IDF had a legal duty to distinguish civilians from military targets. At times, however, IDF military attacks were indiscriminate, failing to make this distinction. Firing was particularly indiscriminate on the morning of April 6, when missiles were launched from helicopters, catching many sleeping civilians unaware. One woman was killed by helicopter fire during that attack; a four-year-old child in another part of the town was injured when a missile hit the house where she was sleeping. Both were buildings housing only civilians, with no fighters in the immediate vicinity.

The IDF used armored bulldozers to demolish residents' homes. The apparent purpose was to clear paths through Jenin's narrow and winding alleys to enable their tanks and other heavy weaponry to penetrate the camp interior, particularly since some of these had evidently been booby-trapped. However, particularly in the Hawashin district, the destruction extended well beyond any conceivable purpose of gaining access to fighters, and was vastly disproportionate to the military objectives pursued. The damage to Jenin camp by missile and tank

fire and bulldozer destruction has shocked many observers. At least 140 buildings—most of them multi-family dwellings—were completely destroyed in the camp, and severe damage caused to more than 200 others has rendered them uninhabitable or unsafe. An estimated 4,000 people, more than a quarter of the population of the camp, were rendered homeless because of this destruction. Serious damage was also done to the water, sewage and electrical infrastructure of the camp. More than one hundred of the 140 completely destroyed buildings were in Hawashin district. In contrast to other parts of the camp where bulldozers were used to widen streets, the IDF razed the entire Hawashin district, where on April 9 thirteen IDF soldiers were killed in an ambush by Palestinian militants. Establishing whether this extensive destruction so exceeded military necessity as to constitute wanton destruction—or a war crime—should be one of the highest priorities for the United Nations fact-finding mission.

The harm from this destruction was aggravated by the inadequate warning given to civilian residents. Although warnings were issued on multiple occasions by the IDF, many civilians only learned of the risk as bulldozers began to crush their houses. Jamal Fayid, a thirty-seven-year-old paralyzed man, was killed when the IDF bulldozed his home on top of him, refusing to allow his relatives the time to remove him from the home. Sixty-five-year-old Muhammad Abu Saba'a had to plead with an IDF bulldozer operator to stop demolishing his home while his family remained inside; when he returned to his half-demolished home, he was shot dead by an Israeli soldier.

Human Rights Watch has confirmed that at least fifty-two Palestinians were killed as a result of IDF operations in Jenin. This figure may rise as rescue and investigative work proceeds, and as family members detained by Israel are located or released. Due to the low number of people reported missing, Human Rights Watch does not expect this figure to increase substantially. At least twenty-two of those confirmed dead were civilians, including children, physically disabled, and elderly people. At least twenty-seven of those confirmed dead were suspected to have been armed Palestinians belonging to movements such as Islamic Jihad, Hamas, and the al-Aqsa Martyr's Brigades. Some were members of the Palestinian Authority's (PA) National Security Forces or other branches of the PA police and security forces. Human Rights watch was unable to determine conclusively the status of the remaining three killed, among the cases documented.

Human Rights Watch found no evidence to sustain claims of massacres or large-scale extrajudicial executions by the IDF in Jenin refugee camp. However, many of the civilian deaths documented by Human Rights Watch amounted to unlawful or willful killings by the IDF. Many others could have been avoided if the IDF had taken proper precautions to protect civilian life during its military operation, as required by international humanitarian law. Among the civilian deaths were those of Kamal Zgheir, a fifty-seven-year-old wheelchair-bound man who was shot and run over by a tank on a major road outside the camp on April 10, even though he had a white flag attached to his wheelchair; fifty-eight year old Mariam Wishahi, killed by a missile in her home on April 6 just hours after her unarmed son was shot in the street; Jamal Fayid, a thirty-seven-year old paralyzed man who was crushed in the rubble of his home on April 7 despite his family's pleas to be allowed to remove him; and fourteen-year-old Faris Zaiban, who was killed by fire from an IDF armored car as he went to buy groceries when the IDF-imposed curfew was temporarily lifted on April 11.

Some of the cases documented by Human Rights Watch amounted to summary executions, a clear war crime, such as the shooting of Jamal al-Sabbagh on April 6. Al-Sabbagh was shot to death while directly under the control of the IDF: he was obeying orders to strip off his clothes. In at least one case, IDF soldiers unlawfully killed a wounded Palestinian, Munthir al-Haj, who was no longer carrying a weapon, his arms were reportedly broken, and he was taking no active part in the fighting.

Throughout the incursion, IDF soldiers used Palestinian civilians to protect them from danger, deploying them as "human shields" and forcing them to perform dangerous work. Human Rights Watch received many separate and credible testimonies that Palestinians were placed in vulnerable positions to protect IDF soldiers from gunfire or attack. IDF soldiers forced these Palestinians to stand for extended periods in front of exposed IDF positions, or made them accompany the soldiers as they moved from house to house. Kamal Tawalbi, the father of fourteen children, described how soldiers kept him and his fourteen-year-old son for three hours in the

line of fire, using his and his son's shoulders to rest their rifles as they fired. IDF soldiers forced a sixty-five-year-old woman was forced to stand on a rooftop in front of an IDF position in the middle of a helicopter battle.

As in prior IDF operations, soldiers forced Palestinians, sometimes at gunpoint, to accompany IDF troops during their searches of homes, to enter homes, to open doors, and to perform other potentially dangerous tasks. In Jenin, such coerced use of civilians was a widespread practice; in virtually every case in which IDF soldiers entered civilian homes, residents told Human Rights Watch that IDF soldiers were accompanied by Palestinian civilians who were participating under duress. The forced use of civilians during military operations is a serious violation of the laws of war, as it exposes civilians to direct risk of death or serious injury.

Human Rights Watch has so far found no evidence that Palestinian gunmen forced Palestinian civilians to serve as human shields during the attack. But Palestinian gunmen did endanger Palestinian civilians in the camp by using it as a base for planning and launching attacks, using indiscriminate tactics such as planting improvised explosive devices within the camp, and intermingling with the civilian population during armed conflict, and, in some cases, to avoid apprehension by Israeli forces.

During "Operation Defensive Shield," the IDF blocked the passage of emergency medical vehicles and personnel to Jenin refugee camp for eleven days, from April 4 to April 15. During this period, injured combatants and civilians in the camp as well as the sick had no access to emergency medical treatment. The functioning of ambulances and hospitals in Jenin city was severely circumscribed, and ambulances were repeatedly fired upon by IDF soldiers. Farwa Jammal, a uniformed nurse, was killed by IDF fire while treating an injured civilian. In at least two cases, injured civilians died without access to medical treatment. Direct attacks on medical personnel and the denial of access to medical care for the wounded constitute serious violations of the laws of war.

During the period that the IDF directly controlled Jenin camp, the Israeli authorities were obliged under international humanitarian law to take all feasible precautions to protect camp civilians from the dangers arising from hostilities, and to ensure to the maximum extent possible under the circumstances that the civilian population had access to food and medical supplies. In practice, however, the IDF prevented humanitarian organizations, including the International Committee of the Red Cross, from gaining access to the camp and its civilian inhabitants—despite the great humanitarian need. This blockage continued from April 11 to 15, after the majority of armed Palestinians had surrendered. Human Rights Watch investigated and found no evidence to sustain reports that the IDF had removed bodies from the refugee camp for burial in mass graves.

Every case listed in the report below warrants additional thorough, transparent, and impartial investigation, with the results of such an investigation made public. Where wrongdoing is found, those responsible should be held accountable. There is a strong *prima facie* evidence that, in the cases noted below, IDF personnel committed grave breaches of the Geneva Conventions, or war crimes. Such cases warrant specific criminal investigations with a view to ascertaining and prosecuting those responsible. Israel has the primary obligation to carry out such investigations, but the international community also has a responsibility to ensure that these investigations take place.

III. RECOMMENDATIONS

To the government of Israel:

- Carry out a full and impartial investigation into the violations of international humanitarian law documented in this report, make the results public, and bring to account anyone found responsible for wrongdoing. If war crimes are found to have been committed, institute immediate criminal proceedings.
- Declare unequivocally that Israeli security forces will respect and abide by their obligations under international humanitarian law, and uphold in all circumstances the principle of civilian immunity by taking all feasible precautions to protect civilians, discriminating between military targets and civilians, and ensuring access for medical and humanitarian assistance.

- Take immediate action to end any excessive, indiscriminate, and disproportional use of force by Israeli security forces that endangers civilians.
- Take immediate action to end the practice of using Palestinian civilians as human shields in IDF military operations, and hold accountable in disciplinary or criminal proceedings persons found responsible for ordering, condoning, or carrying out this practice.
- Cease immediately the coerced use of civilians to facilitate IDF military operations. Order all IDF personnel to halt these practices, disseminate this order throughout the IDF chain of command, and hold accountable those persons responsible for ordering, condoning, or carrying out these practices.
- Cease immediately the practice of using lethal force to enforce curfews.
- Ensure that the Palestinian population has access to an adequate level of health care, food, medical assistance, and other humanitarian goods and services essential to civilian life.
- Ensure that medical personnel and ambulances are able to carry out their duties and that patients are able to reach health-care facilities, by allowing both groups to move freely. Any restrictions on movement must not be excessive in impact or duration, be subject to regular review, and be imposed only when and to the extent that is absolutely necessary.
- Cooperate fully with the fact-finding mission established by the U.N. Security Council to investigate the events in Jenin.
- Facilitate the immediate deployment of international observers in the West Bank and Gaza Strip with a mandate to monitor, verify, and report publicly on the compliance by all parties with international humanitarian law standards.

To the Palestinian Authority and armed Palestinian groups:

- Declare unequivocally that Palestinian security forces and members of armed groups will respect and abide by the principles of international humanitarian law, such as upholding in all circumstances the principle of civilian immunity, including by not targeting civilians through the deployment of suicide bombers or other means, whether in settlements or in Israel proper; by discriminating between military targets and civilians; and by ensuring access for medical and humanitarian assistance.
- Investigate all actions and policies that violate these principles and laws, make the results public, hold accountable persons found to have violated these principles and laws, and provide punishments or disciplinary measures that accord with the severity of these offenses.
- Cooperate fully with the fact-finding mission established by the U.N. Security Council to investigate the events in Jenin.

To the government of the United States:

- Request that the government of Israel take immediate steps to implement the above recommendations in both public and private communications.
- Support efforts to address human rights and international humanitarian law violations by all parties in the West Bank and Gaza Strip, including the establishment of an international presence there whose responsibilities include monitoring, verifying, and reporting publicly and regularly on the compliance by

all parties with international human rights and humanitarian law, and provide experts for such an international presence.

- Treat serious and systematic violations of international human rights and humanitarian law by any party as requiring immediate remedy, and ensure that enforcement of human rights and humanitarian law protections are not made subordinate to the outcomes of direct negotiations between the parties to the conflict.
- Seek written assurances from Israel that weapons of U.S. origin, including but not limited to Apache and Cobra helicopter gunships, D-9 armored bulldozers, and TOW anti-tank missiles, are not used to commit violations of international human rights and humanitarian law in the West Bank and Gaza Strip.
- Conduct and make public the results of a comprehensive review of Israeli use of U.S.-origin weapons in the West Bank and Gaza Strip, and update this review not less than every six months.
- Restrict Israel's use in the West Bank and Gaza Strip of any U.S.-origin weapons found to be used in the commission of systematic violations of international human rights and humanitarian law.
- Inform the government of Israel that continued U.S. military assistance requires that the government take clear and measurable steps to halt its security forces' serious and systematic violations of international human rights and humanitarian law in the West Bank and Gaza Strip. These steps should include conducting transparent and impartial investigations into allegations of serious and systematic violations, making the results public, and holding accountable persons found responsible.
- Monitor and report publicly on the use of U.S.-origin donor resources to ensure that such resources do not support PA agencies or Palestinian groups responsible for serious and systematic violations of international human rights and humanitarian law.

To the Member States of the European Union:

- Treat serious and systematic violations of international human rights and humanitarian law by any party as requiring immediate remedy, and ensure that 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 with international human rights and international law commitments as embedded in Article 2 of the Euro-Mediterranean Association Agreement between the E.U. and its member states and Israel.
- Develop and make public benchmarks for compliance by the Palestinian Authority with international human rights and international law commitments as embedded in Article 2 of the Interim Association Agreement on trade and cooperation between the E.U. and its member states and the Palestinian Authority.
- Support efforts to address human rights and international humanitarian law violations by all parties in the West Bank and Gaza Strip, including the establishment of an international presence there whose responsibilities include monitoring, verifying, and reporting publicly and regularly on the compliance by all parties with international human rights and international law, and provide experts for such an international presence.
- Seek written assurances from Israel that weapons originating with E.U. member states are not used to commit violations of international human rights and humanitarian law.

- Conduct and make public the results of a comprehensive review of Israeli use of weapons originating with E.U. member states, and update this review not less than every six months.
- Implement the European Code of Conduct on Arms Exports and restrict transfer to Israel of weapons found to be used in the commission of serious and systematic violations of international human rights and humanitarian law in the West Bank and Gaza Strip.

To the United Nations Security Council and Secretariat

- Ensure that the terms of reference of the fact-finding team appointed by the U.N. Secretary-General to investigate the situation in the Jenin refugee camp and endorsed in UNSC resolution 1405 include international human rights and international humanitarian law, and that the fact-finding team in compiling its report take into account all reliable and verifiable accounts of violations of international human rights and humanitarian law.
- Make the report of the fact-finding team public in a timely manner.
- Establish on an urgent basis 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.

To the International Community

- Take immediate action, individually and jointly, to ensure respect for the provisions of the Fourth Geneva Conventions relative to the Protection of Civilian Persons in Time of War, and Palestinian compliance with the law prohibiting attacks on civilians.
- Take steps, in accordance with paragraph 11 of the December 5, 2001 Declaration of the conference of High Contracting Parties to the Fourth Geneva Convention, to arrange urgently for “the deployment of independent and impartial observers to monitor” Israeli and Palestinian compliance with the Fourth Geneva Convention and other provisions of international humanitarian law.

IV. BACKGROUND: THE BATTLE INSIDE JENIN REFUGEE CAMP

Israeli authorities have repeatedly stressed the military significance of the IDF operation inside Jenin refugee camp, stating that it was imperative to stop attacks against Israeli civilians, both by halting the individuals involved and by destroying the infrastructure they used. Israeli officials claim that many of the suicide bombers that had carried out attacks against Israeli civilians came from the camp.¹ A number of ranking Palestinian militants from the Islamic Jihad, Hamas, and Al Aqsa Martyr’s Brigade groups also lived in the refugee camp.

Armed Palestinians had prepared for the attack by setting up positions at the perimeter of and within the camp, and by laying booby-traps in many areas. Located on hills southwest of Jenin’s city center, the camp’s dense housing and narrow, twisting alleys made for a very difficult environment in which to conduct close-range urban combat. When Human Rights Watch investigators visited the camp, residents spoke openly about the preparations made by the militants, who have been estimated in media reports as having numbered between eighty and one hundred. Children could be seen walking around with unexploded Palestinian pipe bombs they had dug

¹ The dates, locations, and casualties in this period are as follows, according to an April 12 BBC listing: March 2: Jerusalem, nine killed and fifty-seven injured; March 5: Afula, one killed and several injured; March 9: Jerusalem, eleven killed and fifty injured; March 20, near Umm al-Fahm: seven killed; March 21: Jerusalem, two killed and twenty injured; March 26: Jerusalem, three injured; March 27: Netanya, twenty-eight killed; March 29: Jerusalem, two killed; March 30: Tel Aviv, thirty injured; March 31: Haifa, fourteen killed; March 31: Efrat, four injured; April 1: one injured.

out of the rubble. A de-mining worker told Human Rights Watch that he had defused forty Palestinian-made bombs in a single day.

But the presence of armed Palestinian militants inside the camp, and the preparations made by those armed Palestinian militants in anticipation of the IDF incursion does not detract from an essential fact: Jenin refugee camp was also home to more than 14,000 Palestinian civilians. The IDF had an obligation under international humanitarian law to take all feasible precautions to prevent a disproportionate impact of its military incursion on those civilians.

Most witnesses interviewed by Human Rights Watch described the first two days of the incursion as consisting of tank, helicopter, and gunfire. IDF tanks and troops took up positions around the camp's perimeter during the night of April 2 to April 3. While accounts differ according to location, witnesses in the area of the camp immediately above the hospital reported seeing small numbers of IDF soldiers enter the camp on the morning and late afternoon of April 3. Armed Palestinians took up positions at the camp entrance, and also reportedly at other edges of the camp. As the days passed, the armed Palestinians were increasingly forced back into the camp center, fighting in small groups that became increasingly isolated.

To enable tanks and heavy armor to penetrate to the camp, the IDF sent in armored bulldozers to widen the narrow alleys by shearing off the fronts of buildings, in places several meters deep. In the initial days, Palestinian fighters held off the IDF to the west of the camp, while to the east bulldozers penetrated the hilltop district of al-Damaj, overlooking the center of the camp. The IDF infantry managed to enter the northern entrance to the camp, throwing smoke grenades to provide cover as they went from house to house. Although helicopters were present, at that stage they primarily provided air-to-ground support. IDF soldiers "mouseholed" from house to house, knocking large holes in the walls between houses to provide routes of safe passage from the outer perimeters of the camp to the center. In numerous cases, they used Palestinian civilians and detainees as human shields as they moved from house to house, and, as Human Rights Watch has documented in previous incursions elsewhere in the West Bank and Gaza Strip, forced civilians to perform the most dangerous tasks of entering and checking buildings during house-to-house searches.

The third day of the incursion, in the early morning hours of April 6, U.S.-supplied helicopters started firing missiles into the camp, often striking civilian homes where no Palestinian fighters were present. The missile fire, which began in the early morning hours, caught many sleeping civilians by surprise. The chaos and destruction caused by the bombardment allowed the IDF to move closer to the center of the camp. On April 9, thirteen Israeli soldiers died in a major ambush in Hawashin district.

After the April 9 ambush, the IDF relied heavily on missile strikes from helicopters. It also extensively used armored bulldozers, which allowed the IDF to penetrate districts where previously they had not been able to consolidate control. The change in military strategy arguably helped to defeat the armed Palestinians in the camp, but as described below, the new tactics had an unacceptable impact on the civilian population and infrastructure of the camp.

The IDF continued to use armored bulldozers throughout the operation. On April 10, armored bulldozers were sent to widen an alley in Abu Nasr district, to the west of Hawashin. At this time, the bulldozers were still primarily being used to widen streets. On April 12, civilians in the Matahin area of the camp, located above the main UNRWA school, were likewise warned to leave their homes in advance of their being destroyed by bulldozers. Many heeded the call. Armored bulldozers soon arrived to clear a broad path for the IDF's armored vehicles, leveling many of the homes in their path.

Towards the end of the IDF operation, the fighting and destruction was mostly focused on the central Hawashin district of the camp. The majority of the fighting appears to have subsided by April 10, but isolated pockets of Palestinian militants continued to hold out for some days. The bulldozers appear to have continued razing homes even after most of the fighting had ended. At the end, the bulldozers had done much more than

creating paths for the IDF tanks and armored cars in Hawashin district: the entire area, down to the last house, had been leveled.

V. APPLICABLE LEGAL STANDARDS

In any armed conflict, the right of parties to the conflict to choose the methods or means of warfare is not unlimited, but rather is strictly regulated by International Humanitarian Law (IHL) as codified in the Geneva Conventions and its Additional Protocols. Of particular relevance are the concepts of proportionality, military necessity, and limits on the destruction of civilian property.

Prohibition on the Indiscriminate and Disproportional 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 and protected places. Parties to a conflict must direct their operations only against military objectives (including combatants).² Military objectives are defined as “those objects which by their nature, location, purpose or use make an effective contribution to military action.”³

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 in a conflict, regardless of whether it is an international or internal armed conflict.⁴ 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 of a nature to strike military objectives and civilians or civilian objects without distinction.”⁵

Among the types of attacks 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.”⁶ Also prohibited are “attacks against the civilian population or civilians by way of reprisal.”⁷

The term “means” of combat refers generally to the weapons used; “method” refers to the way in which such weapons are used. Casualties that are a consequence of accidents, as in situations in which civilians live adjacent to military installations, may be considered incidental to an attack on a military objective—so called “collateral damage”—but care must still have been taken to try and 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 case minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects,” and to refrain from deciding to launch any attack—or to cancel or suspend any attack already in progress—“which may be expected to cause” such deaths, injuries or damage

² Protocol I Additional to the Geneva Conventions (hereinafter Protocol I), Art. 48.

³ Protocol I, Art. 52(2).

⁴ See Dieter Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflict* (Oxford: Oxford University Press, 1995), 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 conflicts in this respect....”).

⁵ Protocol I, Art. 51(4).

⁶ Protocol I, Art. 51(5).

⁷ Protocol I, Art. 51(6).

“which would be excessive in relation to the concrete and direct military advantage anticipated.”⁸ In its authoritative Commentary on the protocols, the International Committee of the Red Cross (ICRC) states 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.”⁹

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.¹⁰ 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 proportionality to the incidental effects that 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 skills of the combatants (random dropping of bombs when unable to hit the intended target).¹¹

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.”¹²

Military Necessity

Military necessity is one of the most difficult concepts to define under IHL, as a too broad definition of military necessity could easily undermine much of IHL norms and revert to an unacceptable “anything is fair in war” standard. The rule of military necessity *does not* allow for military measures to be taken that violate the laws of war or that do not have a military purpose (that is, that are not intended to defeat the enemy, or that would excessively harm civilians or damage civilian objects in relation to the concrete and direct military advantage anticipated). Military necessity “means the necessity for measures which are essential to attain the goals of war, and which are lawful in accordance with the laws and customs of war.”¹³ An American commentator has attempted to offer a definition of military necessity:

Military necessity is an urgent need, admitting of no delay, for the taking by a commander, of measures which are indispensable for forcing as quickly as possible the complete surrender of the enemy by means of regulated violence, and which are not prohibited by the laws and customs of war.

The Commentary to Protocol I subsequently refers to this definition by saying that it is “based on four foundations: urgency, measures which are limited to the indispensable, the control (in space and time) of the force used, and the means which should not infringe on an unconditional prohibition.”¹⁴

While military necessity does grant military planners a certain degree of freedom of judgment about the appropriate tactics for carrying out a military operation, “it can never justify a degree of violence which exceeds

⁸ Protocol I, Art. 57.

⁹ ICRC, Commentary to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, pp. 681-82

¹⁰ Protocol I, Art 51(5)(b).

¹¹ ICRC, Commentary on Protocol I, p. 684.

¹² *Ibid.*, p. 684.

¹³ *Ibid.*, p. 393.

¹⁴ *Ibid.*, paragraph 1396.

the level which is strictly necessary to ensure the success of a particular operation in a particular case.”¹⁵ Hence, the degree of autonomy granted to military planners by the concept of military necessity is subservient to the rule of proportionality and other “laws and customs of war.”

Limits on the Destruction of Civilian Property

Because the West Bank and Gaza have been militarily occupied by Israel since 1967, the Palestinians living in these territories are “protected persons” entitled to particular protections under the Fourth Geneva Convention. Article 53 of the Fourth Geneva Convention prohibits the destruction of real or personal property in occupied territories “except where such destruction is rendered absolutely necessary by military operations.”¹⁶ Even when such destruction is “absolutely necessary,” “the occupying authorities must try to keep a sense of proportion in comparing the military advantage to be gained with the damage done.”¹⁷

Destruction of civilian property can be a grave breach of the Fourth Geneva Convention, and thus a war crime, if it amounts to “extensive destruction and appropriation... not justified by military necessity and carried out unlawfully and wantonly.”¹⁸ To amount to a grave breach, the destruction and appropriation “must be extensive: an isolated case is not enough.”

VI. CIVILIAN CASUALTIES AND UNLAWFUL KILLINGS IN JENIN

During its investigation, Human Rights Watch found serious violations of international humanitarian law. The organization documented fifty-two Palestinian deaths in the camp and its environs caused by the fighting. At least twenty-two of those confirmed dead were civilians, including children, physically disabled, and elderly people. At least twenty-seven of those confirmed dead were suspected to have been armed Palestinians belonging to movements such as Islamic Jihad, Hamas, and the al-Aqsa Martyr’s Brigades. Some were members of the Palestinian Authority’s (PA) National Security Forces or other branches of the PA police and security forces. Human Rights watch was unable to determine conclusively the status of the remaining three killed, among the cases documented.

Because of the large number of homes in the refugee camp that were demolished by the IDF, it is possible that the total number of casualties will climb somewhat, though not dramatically, as recovery efforts proceed. Corpses continued to be recovered on a daily basis in the camp as Human Rights Watch was carrying out its research in the camp, but residents in the camp had already identified those persons as killed before their bodies were recovered. Because the IDF has not made available the full list of names of those arrested during the operation, some families are unsure whether relatives have been arrested by the IDF or have been killed in the camp.

It does not appear that there are larger numbers of “missing” persons from the camp. The residents of the camp gave consistent lists of the known or suspected dead in the camp, and those lists did not grow significantly while Human Rights Watch conducted research in the camp.

Some of the cases documented by Human Rights Watch amount to unlawful and deliberate killings. However, the organization did not find evidence of systematic summary executions.

During its investigation, however, Human Rights Watch documented unlawful and deliberate killings, and the killing or wounding of protected individuals as a result of excessive or disproportionate use of force. Such cases are in violation of the international humanitarian law prohibitions against “willful killing” of

¹⁵ Ibid., p. 396.

¹⁶ Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949 (hereinafter Geneva Convention IV), Art. 53.

¹⁷ ICRC, Commentary to Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, Art. 53.

¹⁸ Geneva Convention IV, Art. 147.

noncombatants. The organization also found instances of IDF soldiers deliberately impeding the work of medical personnel and preventing medical assistance to the wounded with no apparent or obvious justification of military necessity. Such cases appear to be in violation of the prohibition against “willfully causing great suffering or serious injury to body or health.”¹⁹

At least four persons were killed by the IDF because they were outside during curfews or walked in areas declared “closed” by the Israeli army. Such use of lethal force to enforce curfews or “closed” areas is a widespread practice by the IDF. The use of lethal force against civilians who do not abide by curfews or are found in “closed” areas is unjustified, and a violation of the international humanitarian law provisions prohibiting the targeting of civilians. International humanitarian law requires that the IDF use less lethal means to enforce its curfews and “closed” areas.

In addition, the dimensions of the destruction and the temporal sequence of the demolition of homes and property found by Human Rights Watch researchers suggest that these were carried out unlawfully and wantonly and did not meet the strict requirements of military necessity and proportionality.

There is strong *prima facie* evidence that in some of the cases documented grave breaches of the Geneva Conventions, or war crimes, were committed. Such cases warrant specific criminal justice investigations with a view to identifying and prosecuting those responsible.

Human Rights Watch researchers also identified other serious violations of the laws and customs of war, such as the practice of shielding, in which Palestinian civilians were used to screen Israeli soldiers from return fire. Shielding, while not a “grave breach” of international humanitarian law, is nonetheless absolutely prohibited and warrants investigation.

Every case listed below requires thorough, transparent, and impartial investigation. The results of the investigation should be made public, and where wrongdoing is found, those responsible should be held accountable. Israel has the primary obligation to carry out such an investigation, but the international community also has a responsibility to ensure that the investigation takes place.

Shooting of Hani Abu Rumaila, April 3

Hani Abu Rumaila, aged nineteen, spent the night of April 2 at the house of his grandmother. When the IDF first reached the Jenin camp and gun battles erupted at about 4:00 a.m. on April 3, he ran home to his parents’ house and informed his father that tanks had arrived at the outskirts of the camp. Then he decided to return to the gate of the house and watch what the IDF soldiers were doing. His stepmother, Hala’ Abu Rumaila, explained how Hani was killed at about 5:30 that morning:

The Israelis had just arrived and Hani wanted to open the main gate to the house. He wanted to see what was going on outside. Then, [as he opened the gate], they [IDF] shot him in the leg. He started screaming. When he tried to stand up and run back home, they shot him in the abdomen and chest.

A nurse living nearby tried to come to Hani’s rescue when she heard the screaming, but was herself killed by the IDF soldiers (see below). The family then called an ambulance, which removed Hani’s body to the hospital. Because of the intense fighting, Hani’s family could not make their way to the hospital for funeral arrangements, and Hani was buried in a temporary communal grave at the back of the hospital.²⁰ Hani was unarmed at the time of the killing, and was not a member of any Palestinian militant group, according to his family. Normally, when a Palestinian militant is killed, family take some pride in the fact that the dead relative was in an armed group opposing the occupation, and make no effort to deny the militant history of the deceased.

¹⁹ Ibid.

²⁰ Human Rights Watch interview with Hala’ Muhammad Abu Rumaila, aged thirty-one, Jenin, April 21, 2002.

The Abu Rumaila family showed Human Rights Watch the nearby home that had been occupied by IDF soldiers during the Jenin offensive and from which they believed IDF soldiers had fired on Hani Abu Rumaila. That home is located about one hundred meters down the street from the Abu Rumaila home, diagonally across the street, and had a clear line of sight to the gate of the Abu Rumaila home where Hani was shot.

Shooting of nurse Farwa Jammal, April 3

Farwa Jammal, a twenty-seven-year-old nurse from Tulkarem, was visiting her sister at the Jenin refugee camp at the time of the Israeli incursions. On the evening of April 2, concerned about a possible IDF attack on Jenin, Farwa and her sister, Rufaida Jammal, went to the main hospital to stock up on first aid supplies “to be ready to submit help to anyone who would need it,” according to Rufaida.²¹

Farwa and Rufaida Jammal were awakened early in the morning of April 3 by loud explosions and the screams of Hani Abu Rumaila, who had been severely wounded in their neighborhood (see above). Farwa put on her white nurse’s uniform, marked with the red crescent symbol (the Muslim equivalent of the red cross), and exited the house together with her sister Rufaida, intending to help the wounded man.

According to Rufaida, they met a small group of unarmed young Palestinian men outside their home who were also trying to assist the wounded Hani, and stopped to discuss with them the best way to proceed. IDF soldiers opened fire on the group, wounding Rufaida and killing her sister Farwa:

Before I finished talking with the men, the Israelis started shooting. I got hit with a bullet in my upper thigh. I fell down and broke my knee. My sister [Farwa] tried to come and help me. Then, she was shot in her abdomen. I told her I was wounded, and she replied that she was also wounded. I repeated the *shahada* [the Muslim declaration of faith, customarily recited by Muslims who believe they are about to die]. Then [Farwa] was shot in the heart.... The Israeli soldiers were very near to us²² and could hear and see us. We were clearly visible to them. They kept shooting at us, and I got another bullet in my other leg.²³

Because of the intense Israeli shooting, no help could reach the wounded Rufaida and the dying Farwa. Rufaida’s forty-year-old husband was at the gate of their home, but was unable to reach his wounded wife. Taysir Damaj, Rufaida’s husband, explained how he was shot at by the Israeli soldiers as he tried to rescue his wife, and how she finally had to crawl to safety under a hail of bullets:

I was standing by the window and heard my wife calling for an ambulance. I went out, trying to get some help to them. They [the IDF] were shooting at me, so I lay down in the street. I crawled back to a car parked outside my house. They shot a bomb at me that hit the car. The explosion hit the car and I ran back home. They shot again at me, and then I entered my compound and closed the gate.

My wife crawled back to the main gate. I watched from the window. Then I went out—shooting was continuing the whole time. I pulled her inside our home. I tried to stop the bleeding as best as I could, she was bleeding heavily. Then, one half hour after we called, an ambulance finally arrived and took her to the hospital.²⁴

Rufaida Jammal was adamant that there was no Palestinian fire in the immediate vicinity where she and her sister were wounded, and that they were “far away from the battle” between IDF soldiers and Palestinian militants.²⁵ The wounding of a member of the medical personnel away from the combat area requires a war crimes investigation.

²¹ Human Rights Watch interview with Rufaida Jammal, aged thirty-five, Jenin, April 22, 2002.

²² A site visit by Human Rights Watch established that the IDF soldiers were located about one hundred meters from the two sisters at the time of the shooting.

²³ Human Rights Watch interview with Rufaida Jammal, aged thirty-five, Jenin, April 22, 2002.

²⁴ Human Rights Watch interview with Taysir Mahmud Damaj, aged forty, Jenin, April 21, 2002.

²⁵ Human Rights Watch interview with Rufaida Jammal, aged thirty-five, Jenin, April 22, 2002.

The Shooting of Civilian Imad Musharaka, April 3

At about 9:00 a.m. on April 3, forty-two-year-old Fadil Musharaka was standing in the street near his home with his two brothers and his mother, watching the early stages of the IDF incursion into the refugee camp. They watched as Ziad Amr Zubeidi, a leading member of the militant Palestinian group Al-Aqsa Martyr's Brigades, emerged from a house and was shot dead almost immediately by IDF soldiers stationed at a nearby house. According to Fadil Musharaka, who witnessed the shooting, Amr Zubeidi was not holding a weapon at the time of the shooting.²⁶ No attempt was made to arrest him.

Fadil Musharaka attempted to call an ambulance to remove Zubeidi's body, but was unable to get through to the hospital on his mobile phone. Meanwhile, nineteen-year-old Imad Musharaka, an unarmed civilian, attempted to reach Zubeidi's body and pull it out of the street. Fadil watched as the IDF soldiers shot his brother Imad: "Imad tried to pull Ziad's body out of the street, but [the IDF soldiers] shot him in the leg. When he tried to stand up again, he was shot in the head. After one half hour, the ambulance came, and took both bodies to the hospital. Imad was a civilian, he was watching there with me."²⁷ The shooting in broad daylight of an unarmed civilian, Imad Musharaka, requires a war crimes investigation. Establishing the true circumstances of the death of Palestinian militant Ziad Zubeidi warrants a separate investigation.

Shooting of Muhammad Hawashin, April 3

Alia Zubeidi, the mother of Al-Aqsa militant Ziad Amr Zubeidi, heard on Jerusalem Radio that her son had been killed and his body taken to the hospital. Although her home was far away from the hospital and heavy fighting was taking place in the camp at the time, she decided to go to the hospital to see her son's body. On her way through the refugee camp, she met many people who expressed their condolences for the loss of her son. Fourteen-year-old Muhammad Hawashin considered Ziad Amr Zubeidi a hero, and insisted on coming along to the hospital with Alia, over Alia's objections: "All the people in the area advised me not to continue to the hospital, because it was too dangerous. I insisted on going but asked no one to follow me. Two boys insisted on following me.... I kept telling Muhammad to go back, but he insisted that he wanted to see Ziad himself."²⁸

Just before Alia Zubeidi and Muhammad Hawashin reached the hospital, they found an earthen mound erected by Palestinian militants in an attempt to delay the entry of IDF forces into the camp. They climbed over the mound, and then IDF shooting erupted in their direction, fatally wounding Muhammad Hawashin:

I passed across [the earthen mound], then I heard shooting. The bullets were flying between me and the two boys.... Two meters later, [Muhammad] raised his hand and cried for help. I could do nothing for the boy. I ran to the ambulance, and told them to forget about my dead son and help the boy.... They were afraid because the soldiers shot at anyone who tried to pass the earthen barrier. Then the ambulance crew went to get the boy, but he was already dead. He was shot twice in the face.²⁹

At the time of the shooting, Muhammad Hawashin and the women and children who were with him had essentially exited the Jenin refugee camp, and were walking in an open area behind the hospital. The use of live fire, directed at a group of women and children located outside the active combat zone, cannot be justified on grounds of military necessity, constitutes a serious violation of the rules of war, and requires in-depth investigation.

Shooting of Ahmad Hamduni, April 3

Eighty-five-year-old Ahmad Hamduni was left virtually alone at his home when the fighting broke out in Jenin refugee camp, because his family had moved to an area south of Jenin two days before. When the fighting reached his area around 3:00 p.m. on April 3, he moved to the home of another elderly neighbor, seventy-two-

²⁶ Ibid.

²⁷ Human Rights Watch interview with Fadil Musharaka, aged forty-two, Jenin, April 21, 2002.

²⁸ Human Rights Watch interview with Alia Zubeidi, aged fifty-eight, Jenin, April 22, 2002.

²⁹ Ibid.

year-old Raja Tawafshi. The two elderly men first had some twenty-five relatives staying with them, but at about 5:00 p.m. those relatives left the house, leaving the two elderly men alone.

After the men finished their evening prayers, Israeli soldiers suddenly attacked the home. Raja Tawafshi recalled how his neighbor was killed by the soldiers soon after they entered:

After I had finished praying, they [the soldiers] shot one door of my gate off and it flew into the room. I stood up and they shot at me. I raised my hands. They shot a sound bomb [concussion grenade] inside and the soldiers came inside with their guns. I stood up with my hands up, and [Ahmad Hamduni] was behind me.

Because he is an old man, [Ahmad Hamduni] hunches over. The soldiers were worried [about the hunch in his back] and shot him immediately. I told them, he is an old man, and I tried to touch him. Then the soldiers told me to go out of the room.³⁰

The soldiers proceeded to search the entire three-story home, pushing Tawafshi in front of them at gunpoint: “The soldier put the gun to my back and they searched the house, pushing me in front of them.”³¹ While the soldiers were inspecting the top story with Tawafshi, an IDF missile hit the floor, narrowly missing the group. The soldiers then returned downstairs, placed Tawafshi’s hands in plastic cuffs, and tied him to a chair next to the body of his neighbor, which they had covered with a carpet. Tawafshi explained how he was kept in the chair all night:

They tied my hands and feet and put me in the seat. They tied me to the seat with plastic tape, wrapping it around my chest and legs. They brought a blanket and put it over me. I was thirsty and asked for some water in Hebrew. They said no. Later, I needed to go to the toilet. They asked me to shut up. I was suffering, but nobody helped me. I was in the chair from 7:00 p.m. until 5:00 a.m. Then they came, cut me loose and took the blanket.³²

The soldiers then took Tawafshi out of the home at gunpoint and demanded that he check the homes of four neighbors before they finally allowed him to go home (see below for a further discussion of the coerced use of civilians during the Jenin operation).

The Murder of Palestinian Militant Munthir al-Haj, April 3

Munthir al-Haj, a twenty-two-year-old armed Palestinian militant, was injured on Wednesday April 3, the first day of the incursion. Other fighters carried him from elsewhere to the steps of the mosque on the top floor of al-Razi hospital, a charity hospital located some two kilometers from Jenin Camp. Al-Haj, who had multiple wounds, lay unarmed on the mosque steps and called out for help.

Hisham Samara, a hospital cook, was working in the upstairs kitchen at 11:30 a.m. when he heard someone in pain shouting for help.³³ Samara called two nurses to come with him, and went to the mosque to locate the sound’s source. Confronted by broken glass and bullets, they kept on their shoes and crossed to the mosque’s windows. There they saw al-Haj, lying at the foot of the mosque steps. An IDF tank was in the street, some six meters away.

Samara and the nurses attempted to reach the wounded man, some three to four meters from the mosque’s external door.

³⁰ Human Rights Watch interview with Raja Mustafa Ahmad Tawafshi, aged seventy-two, April 22, 2002.

³¹ Ibid.

³² Ibid

³³ Human Rights Watch interview, Hisham 'Issa Isma'il Samara, April 22, 2002.

We took one of the nurse's scarves and made a white flag. I wound the white flag on a stick. I opened the door, and put my arm with the stick and the scarf outside of the mosque door. While I had my arm out, there was the sound of a big explosion—so loud I could not hear anything.³⁴

Samara did not know what caused the sound, but drew his hand in and waited. Some fifteen minutes later, Samara and the nurses tried again. This time, however, they were forced back by fire from the tank.

As I stuck my hand out the tank began to fire in bursts of bullets, it was very heavy. Of course we tried to speak with the wounded man during all of this and try to get him to crawl towards us. Sometimes he would say, "I can not hear you;" other times he would say, "I can't, I can't." Both his hands were broken, he couldn't move them. There was a lot of blood on the stairs.³⁵

For the next one and a half to two hours, hospital staff made at least three attempts to reach al-Haj, who gradually pulled himself to the mosque steps. Two doctors, dressed in white and carrying white flags, attempted to exit the mosque doors. They were forced back by another loud explosion. Others tried to pass the wounded man a rope so he could pull himself to safety, but were thwarted when he could not move his hands sufficiently to grasp the rope. Neighboring families called the hospital staff to beg them to take action; some tried to reach the man themselves, but gave up after facing tank fire. Hospital staff called the International Committee of the Red Cross and human rights organizations to press them to intervene. Samara's account was corroborated in a separate interview by Dr. Mahmud Abu Aleih, the hospital internist. "It was terrible for us, not being able to help him," Abu Aleih told Human Rights Watch. "This is supposed to be our job."³⁶

Their efforts were to no avail. By this time al-Haj was lying on his side on the mosque steps with his head resting on his hands. According to Samara, al-Haj was fired at from the immediate direction of the tank. He told Human Rights Watch:

The tank fired at him and the bullets entered his back. It was a spray of fire, but it was not heavy tank fire. It sounded like the fire from an M-16, a hand weapon. We are sure it was from the tank because he was directly in front of it.³⁷

Samara reported that, while exchanges of fire had taken place earlier in the morning, there were no exchanges of fire in the area of the hospital at the time al-Haj was shot and killed. His statement was corroborated by Samar Qasrawi, a hospital nurse interviewed separately by Human Rights Watch.³⁸ Seven members of the hospital staff eventually managed to reach al-Haj's body and store it in a makeshift mortuary. It was kept under ice and fans for three days, until the curfew was lifted and al-Haj's family was able to take the body away.

After he was shot and no longer armed, al-Haj became *hors de combat*, meaning that he was no longer taking an active part in the fighting. Wounded combatants who are no longer taking part in fighting should not be denied medical care, nor are they legitimate military targets. The killing of al-Haj after he was wounded and no longer armed amounts to a case of willful killing, a grave breach of the Geneva Conventions, and, as such, a war crime.

Shooting of Atiya Abu Rumaila, April 5

Atiya Abu Rumaila, aged forty-four, is the father of Hani Abu Rumaila, who was killed on the first day of the Israeli incursion. On the evening of Thursday, April 4 at about 10:00 p.m., the family was sleeping when Israeli gunfire suddenly hit their home. Atiya, his wife, and three children shifted from their exposed bedrooms to the kitchen, where they spent the night. On Friday at about noon, Israeli soldiers entered the home of their

³⁴ Ibid.

³⁵ Ibid.

³⁶ Human Rights Watch interview, Dr. Mahmud Mahmud Abu Aleih, internist at al-Razi hospital, April 21, 2002.

³⁷ Human Rights Watch interview, Hisham 'Issa Isma'il Samara, April 22, 2002.

³⁸ Human Rights Watch interview, Samar Qasrawi, April 29, 2002.

neighbors and attempted to blast a passage from the neighbor's house into the Abu Rumaila home, causing significant damage to the house but failing to blast a hole in between the two homes. At about 5:00 p.m. on Friday, Atiya's wife Hala' went to check on the damage in the rooms, and found two unexploded Israeli shells in one room.

Concerned about the damage reported to his home by his wife, Atiya decided to go check for himself, despite the protests of his wife. Two minutes later, Hala' heard her husband calling for help with some difficulty. Hala' and her children ran up to the room, and found Atiya standing, seriously wounded. Atiya looked at his wife and children before starting to collapse, and his wife then noticed the gunshot wound to his head. Human Rights Watch researchers examined the room where Atiya was shot, and found that the nearby home that had been occupied by IDF soldiers during the Jenin operation—the same home that was the source of the firing that killed Atiya's son Hani on April 3—was clearly visible from where Atiya had been standing when he was shot. The trajectory of the bullets, indicated by following the path of the bullets through the window into the wall behind Atiya, pointed directly to the home that had been occupied by the IDF.

Hala' called an ambulance, but the IDF soldiers did not allow the ambulance to proceed:

I started screaming, asking anyone to call an ambulance. The ambulance came, but it was prevented from reaching us. Atiya was still breathing at the time. But there was no aid, no ambulance. I couldn't go outside because there were Israeli snipers and tanks everywhere. All this time we were just crawling.³⁹

Atiya died from the gunshot wound within the hour:

After all my trials trying to get anyone to help, I went back to the body. I started checking, and made sure he died. I closed his eyes and straightened his hands. I closed the door because I didn't want my children to see their father dead. He had promised to buy the children some milk before he died, and they kept asking where the milk was.... I spent the whole night with the children in one room. I couldn't close my eyes. At midnight, I went to the room and put a blanket over him.⁴⁰

Hala' and her three children were still trapped in their home, unable to flee because of the fighting. After her husband had been shot on Friday afternoon, Hala' broke a window at the rear of her home and considered jumping out, but was warned by her neighbors that the window was too high from the ground. On Saturday morning, she tied some sheets together and lowered her seven-year-old son to the ground to go seek help. The boy went to inform their relatives of the death, and Atiya's elderly mother came wailing to the house, ignoring the danger, screaming "Hani! Atiya!" The family was forced to remain in the house for five more days before the IDF announced that all civilians should leave the area because they were about to bomb the camp. The family left the home. The next day, one week after Atiya was killed, an ambulance was finally able to recover the body.

Shooting of Abd al-Nasr Gharaib, April 5

Abd al-Nasr Gharaib (also known as Abd al-Nasr Abu Hattab), was a thirty-eight year old man who suffered from mental problems. His family home is located on the outskirts of the Jenin refugee camp. On Friday, April 5, at about 2:00 p.m., Israeli gunfire hit his home, first injuring his sixty-five-year-old father, Mahmud Gharaib (Abu Hattab). Mahmud Gharaib explained:

On Friday at 2:00 p.m., we were surprised that the house next to us was occupied by Israeli soldiers. They went inside and started shooting randomly. I wanted to close the door to make sure that the children would not go outside. They shot me with a smoke bomb.⁴¹

³⁹ Human Rights Watch interview with Hala' Muhammad Abu Rumaila, aged thirty-one, Jenin, April 21, 2002.

⁴⁰ Ibid.

⁴¹ Human Rights Watch interview with Mahmud Abd al-Nasr Gharaib Abu Hattab, aged sixty-two, Jenin, April 21, 2002.

Mahmud Gharaib was wounded in the foot by the bomb, but the family could not leave the home because of the heavy shooting outside. Finally, they broke a window in the rear of the home and evacuated the wounded man through the window. He remained at another home deeper inside the refugee camp for a week without any medical assistance, causing his wound to become seriously infected.⁴²

Abd al-Nasr Gharaib's family evacuated their home together with their grandfather, but Abd al-Nasr decided to remain behind to look after the home. On Sunday, April 7, Abd al-Nasr's eight-year-old son returned to the home to check on his father and found him shot dead:

I saw my father on the floor.... We found the whole house destroyed inside. My father was in the front room. He had three bullets in his chest and one in the head. My uncle is a doctor. He called an ambulance. He tried to come and take the body, but couldn't reach us. A lot of tanks had surrounded the hospital and he couldn't leave. We left the body for four or five days.⁴³

A next-door neighbor told Human Rights Watch that Abd al-Nasr Gharaib had been shot by the IDF: "They [the IDF] were telling him [Abd al-Nasr Gharaib] to come out. Before he could come out, they shot him.... We heard him screaming twice and then it got quiet."⁴⁴

Bombing Death of 'Afaf Disuqi, April 5

At about 3:15 p.m. on Friday, April 5, Israeli soldiers ordered Asmahan Abu Murad, aged twenty-four, to come with them to knock on the home of the neighboring Disuqi family. As she came outside, she saw a group of Israeli soldiers, including one who was holding a bomb with a lit fuse which he was attaching to the Disuqi home: "I went outside and saw one soldier with a bomb, the string was already lit. They told me, 'Quickly, put your fingers in your ears.' All of the soldiers went away from the bomb, then one soldier threw the bomb and the others started shooting at the door."⁴⁵

Aisha Disuqi, the thirty-seven-year-old sister of fifty-two-year-old 'Afaf Disuqi, explained how the latter went to the door to check on the smoke and to open it for the soldiers, and was killed in the explosion that followed:

We were inside in a room and saw some smoke. The soldiers were asking us to open the door. My sister 'Afaf went to the door to open it, and while she was opening it, the bomb exploded. When the bomb exploded, we were all screaming, calling for an ambulance. The soldiers were laughing. We saw the right side of her face was destroyed, and the left side of her shoulder and arm was also wounded. She was killed that first moment.⁴⁶

Asmahan Abu Murad, who was outside with the soldiers in front of the door, corroborated in a separate interview with Human Rights Watch that the soldiers were laughing after the killing of 'Afaf Disuqi: "After the explosion, I heard her sisters scream for an ambulance. The soldiers were laughing. Then they told me to go back inside."⁴⁷ After the explosion, the soldiers did not enter the Disuqi home. They told Asmahan Abu Murad that she could go home, and the soldiers then left the scene. During the time of the incident, there was no active combat or firing in the neighborhood. The remorseless murder of 'Afaf Disuqi, an unarmed civilian, constitutes a war crime.

'Afaf Disuqi's family took her body inside the home, and repeatedly tried to get an ambulance: "We had a mobile but could only receive incoming calls. Every time someone called, we asked for an ambulance, but it was

⁴² Ibid.

⁴³ Human Rights Watch interview with Mahmud Abd al-Nasser Abu Hattab, aged eight, Jenin, April 21, 2002.

⁴⁴ Human Rights Watch interview with Ahman Yusef Ibrahim Ghelane, aged thirty-seven, Jenin, April 19, 2002.

⁴⁵ Human Rights Watch interview with Asmahan Mahmud Abu Murad, aged twenty-nine, Jenin, April 19, 2002.

⁴⁶ Human Rights Watch interview with Aisha 'Ali Disuqi, aged thirty-seven, Jenin, April 19, 2002.

⁴⁷ Human Rights Watch interview with Asmahan Mahmud Abu Murad, aged twenty-nine, Jenin, April 19, 2002.

prohibited [for the ambulances to move].”⁴⁸ The body remained at the home from Friday until the next Thursday, when the family was able to move the body to the hospital.

Shooting of Abd al-Karim Sa’adi and Wadah Shalabi, April 6

The families of Abd al-Karim Sa’adi, aged twenty-seven, and Wadah Shalabi, aged thirty-eight, are neighbors who live close to the main entrance to the Jenin refugee camp, where the camp administration was located. Abd al-Karim Sa’adi was visiting the Shalabi family at about 6:00 p.m. on Saturday, April 6, when the family realized that IDF soldiers had entered the neighboring Sa’adi family home. The Shalabi family went to their backyard to check what was happening next door, and were met by a group of IDF soldiers who instructed them to exit their home from the front and come over to the Sa’adi family home.

The seventeen people staying at the Shalabi home all went over to the Sa’adi home, and both Abd al-Karim Sa’adi and Wadah Shalabi were carrying infants in their hands. When the group arrived at the Sa’adi home, the soldiers told the men to give the infants to their wives and ordered all the women and children to go inside the house. Remaining outside were Abd al-Karim Sa’adi, Wadah Shalabi, and Wadah’s sixty-three-year-old father, Fati Shalabi.

Fati Shalabi, the only survivor of the incident, explained how his son and his neighbor were soon shot down by the IDF soldiers, apparently because they mistook a back brace Abd al-Karim Sa’adi was wearing for an explosive belt:

They asked us to lift our shirts, to check for explosives. We were facing the soldiers, there was one and one half meters between me and my son [and Abd al-Karim] and two meters between us and the soldiers. The soldiers were standing a bit above us.

When they asked us to lift our shirts, they noticed something on Abd al-Karim’s body. They were talking to each other, saying, “What is this, what is this?” Abd al-Karim’s sister later told me that he had some brace for pain. The soldiers were named Gaby and David. Gaby said, “Kill them, kill them!”—I understand Hebrew because I worked twenty years in Israel....

They started shooting and we fell to the ground. It was about 6:15 p.m. The ground was not flat, it was on an incline. The blood of the others was leaking down between my legs. I was all the way on the left side, and the blood was soaking my clothes, so they thought that I was dead. Two soldiers shot at us, but Gaby was in charge.

After they shot us, they stayed for more than one hour, searching the houses. They walked over us—we were just in between the houses. I made myself as I was dead.⁴⁹

Fati Shalabi remained motionless until the soldiers left, and then made sure that the two men were dead before running home. He hid in his home until 4:00 a.m., when he rejoined his family at the Sa’adi home. They covered the bodies of the men with a blanket, and the bodies remained there until April 17, when hospital workers could finally reach them and bury them at the hospital.

Fathiya Sa’adi, Abd al-Karim’s thirty-year-old sister, corroborated the account of Fati Shalabi during a separate interview with Human Rights Watch. Fathiya recounted how a large group of soldiers had entered their home, and then ordered the Shalabi family to come over to the Sa’adi home. She heard the gunshots from inside the home:

Wadah and Abd al-Karim were holding Wadah’s babies, and the soldiers told them to give the babies to their mothers. All of the women entered into one room. Some soldiers were still inside and some outside. Then

⁴⁸ Human Rights Watch interview with Aisha ‘Ali Disuqi, aged thirty-seven, Jenin, April 19, 2002.

⁴⁹ Human Rights Watch interview with Fati ‘Abd Allah Shalabi, aged sixty-three, Jenin, April 20, 2002.

we heard the sound of shooting outside—the Israeli soldiers [inside the house] thought some resistance had attacked and took up positions inside the house.... One of the soldiers started shouting, “David, David,” and something I did not understand.

After the shooting, the soldiers inside were nervous, and refused to allow any of the family members to go near the area where the two men had been shot. They refused to allow one of the children to use the bathroom near the shooting area. When the soldiers left, they locked the whole family into one room and ordered them not to go outside: “They were being gentle with us, because they knew what they had done. They closed the doors and windows, and told us to go inside one room. They asked us to go inside and lock the door. On the outside, the soldiers attempted to tie the door close with a piece of rope they found.”⁵⁰

After escaping from the room, Fathiya Sa‘adi found her brother and neighbor dead outside: “I took the head of Abd al-Karim and there was a big hole in his head. Wadah also had a big hole in his head.”⁵¹

Shooting of Munir Wishahi and Mariam Wishahi, April 6

The Wishahi family lives in a small house near the entrance of the Jenin camp, close to the main hospital in Jenin. At about 9:30 a.m. on Saturday, April 6, sixty-year-old Issa Wishahi and his fifty-eight-year-old wife, Mariam Wishahi, were drinking tea in their kitchen when fighting erupted around their house. A tank began moving in their direction, and started shooting towards their area. A bomb hit their home, filling the rooms with smoke. The family opened the windows and doors to let the smoke out. There were no Palestinian gunmen inside the Wishahi home, according to Issa Wishahi.

Their eighteen-year-old son Munir Wishahi saw the tanks coming towards their home. He became afraid and decided to run away: “When he saw the tanks coming and all of the shooting, he said, ‘They are going to kill us,’ and ran outside the house.” Soon after Munir left the house, he was shot by the advancing Israeli forces. His parents heard him yell out, “I’m wounded!” and then saw him being brought to the hospital by local youngsters. Munir died on the way to the hospital.⁵²

After Munir was shot, the IDF continued to shell the Wishahi home for at least thirty minutes, although its only inhabitants were the elderly couple. Then Mariam was wounded when a tank shell hit the kitchen, spraying her with shrapnel and causing a serious head wound. For the next day and a half, the elderly Issa Wishahi desperately attempted to obtain medical assistance for his severely wounded wife—the couple had been married for thirty-eight years and had ten children. However, the Israeli soldiers repeatedly prevented ambulances from reaching the home, despite the fact that the Wishahi home is located only a few hundred meters from Jenin’s main hospital, and Mariam died of her wounds around 11:00 p.m. the next day (see below, “Lack of Access to Medical Care”). The death of Mariam Wishahi appears to have been due to the deliberate denial of medical assistance and as such warrants investigation as a possible war crime. Information about the death of Munir Wishahi suggests he was shot while running away unarmed and requires investigation.

Bombing of Yusra Abu Khurj, April 6

Yusra Abu Khurj, a sixty-year-old mentally impaired woman, lived in a one-room apartment on the top floor of her family home, located near the entrance of the refugee camp, just about twenty meters away from the home of the Wishahi family. Her nephew Abd al-Karim Khorj explained how his aunt used to have a habit of standing by the window, singing or sometimes shouting. He believes that his aunt was fired upon in that position from a helicopter on Friday, April 6 at 6:00 a.m.

I was in the first floor apartment. When the missile hit, we felt it, and we came to the third floor and saw the missile there [it had come through the ceiling] and we knew that Yusra must be dead. I came upstairs, to try to be sure, but we couldn’t come in because the helicopters were still in the sky, so we went back

⁵⁰ Human Rights Watch interview with Fathiya Yusuf Sa‘adi, aged thirty, Jenin, April 20, 2002.

⁵¹ Ibid.

⁵² Human Rights Watch interview with Issa Wishahi, aged sixty, Jenin, April 19, 2002.

downstairs. The fifth day of the attack, soldiers occupied the first three floors of the building, we asked to come take her body, to send it to the hospital, but they refused to let us.⁵³

Only on April 17 could the family remove the decomposed body of Yusra for burial. When Human Rights Watch viewed the room, damage indicated that the projectile had entered through the window and passed through the floor to the apartment below. Abd al-Karim Khorj told Human Rights Watch that although there were fighters in the neighboring district of Hawashin area, there was no activity at the time.⁵⁴

According to the family, there were no Palestinian fighters in or near their house at the time the helicopter fired on the home. Human Rights Watch researchers closely inspected the Abu Khorj home, and did not find any suggestion, from sandbags or spent cartridges for example, that Palestinian militants had used the home. The killing of an unarmed civilian in a situation where no combat was taking place requires a war crimes investigation.

Shooting of Nizar Mutahin, April 6

On Friday, April 5, a group of some fifty IDF soldiers entered the home of the Mutahin family, checked the house and decided to remain in the house for the night. According to forty-two-year-old Hattam Mutahin, “They put all of us in one room and no-one was allowed to move. We needed permission to even go to the bathroom.”⁵⁵ The next morning, at about 10:00 a.m. on Saturday, April 6, the soldiers announced that civilians had to leave the houses in the neighborhood because the IDF was planning to demolish some of the houses. Hattam Mutahin explained how her cousin, twenty-two-year-old Nizar Mutahin, attempted to run away while the soldiers were checking the men’s clothes and was instantly shot down by the soldiers:

The soldiers separated the women and the men. They asked the men to take off their upper clothes and put their hands on their heads. Nizar didn’t wait until they took off their clothes, he tried to run away because he was afraid. They immediately shot him. He tried to run and was shot in the head.⁵⁶

It is unclear why Nizar tried to run away. Given the fact that the IDF had previously checked all of the men in the home and had spent the night in the home, it is extremely unlikely that Nizar was armed at the time of the shooting. According to his family, he was not involved in any Palestinian militant movement, was not a wanted person, and had never been imprisoned. The mere attempt by an unarmed civilian who does not pose any immediate threat to the soldiers involved does not automatically make that person a military target. The killing of Nizar Mutahin warrants investigation.

The Bulldozing Death of Jamal Fayid, April 6

Jamal Fayid, aged thirty-seven, lived with seventeen other family members in the Jurrat al-Dahab area of the camp, next to the Hawashin district. Fayid, disabled from birth, could not speak, eat, or move without assistance. For the first two days the family sheltered themselves from the fighting in a small room beside the kitchen.⁵⁷ Other relatives had joined them there for safety.

Shooting around the house and from IDF helicopters intensified on the afternoon of the second day, April 4. On April 5, the house was hit by a missile and the second and third floors began to burn. Fayid’s family tried to run onto the street from the main door, but were forced back when Faziya Muhammad, an elderly aunt, was shot in the shoulder just before she reached the door. They broke a side window and climbed out, but were unable to

⁵³ Human Rights Watch interview with Abdul-Karim Ahmad Mohamad Khorj, aged thirty-one, Jenin, April 27, 2002.

⁵⁴ Ibid. Although another relative, Nidal Ahmad Muhammad Abu Khurj, gave a different date for his aunt’s death, the detail was consistent in other aspects. The date of April 6 matches accounts of the incident by others in the neighborhood and is consistent with the pattern of events at the time.

⁵⁵ Human Rights Watch interview with Hattam Mutahin, aged forty-two, Jenin, April 22, 2002.

⁵⁶ Ibid.

⁵⁷ Human Rights Watch interview, Fathiya Muhammad Suliman, April 20, 2002, and Human Rights Watch interview, Bassima Mahmud Rashid Fayid, April 20, 2002.

lift Fayid through the window. They ran down the stairs shouting at the soldiers to hold their fire. The family then ran towards an IDF position in a house diagonally opposite. An IDF medic briefly treated Muhammad's injury, and the family eventually made their way to Fayid's uncle's house a short distance away.

Early the next day, April 6, Fayid's mother and sister returned home to check Fayid's well-being. He was unharmed. Fayid's sister told how she and her mother ran to IDF soldiers in the street to ask permission to retrieve him:

We tried to beg the soldiers that there was a paralyzed man in there. We even showed them his identity card. The ones on the street told us to go away. So we ran to [soldiers in] a neighboring house and said the same. We begged and begged. So eventually they let five women into the house and try to carry him out.⁵⁸

Fayid's mother, aunt, sister, and two neighbors entered the house. Shortly afterwards they heard the sound of a bulldozer approaching:

It came and began to destroy the house. We could hear people on the street shouting, "Stop! There are women inside the house! Stop!" The soldiers even knew we were in there because they had said we could go into the house and get Jamal out.⁵⁹

Despite the shouting, the bulldozer continued. The women ran out as the house swayed and crumbled around them, crushing the paralyzed Fayid in the rubble. The soldier in the bulldozer cursed at them, calling them bitches. The women ran into another house for safety. The IDF medic who had helped them the day before raged and swore at the bulldozer driver.

The women stayed in the area for three days, and then returned again to the rubble when the incursion had ended. "At night we slept somewhere else, and during the day we came here to find him. We looked all day yesterday, but we could not find him."⁶⁰ Fayid's body was recovered from the rubble on April 21, fifteen days after the house was demolished on top of him. It is difficult to see what military goal could have been furthered or what legitimate consideration of urgent military necessity could be put forward to justify the crushing to death of Jamal Fayid without giving his family the opportunity to remove him from his home. This case requires investigation as a possible war crime.

The Shooting of Jamal al-Sabbagh, April 6

Jamal al-Sabbagh was a thirty-three year-old diabetic. He lived in the al-Damaj area of the camp with Nadia, his wife, and three children. His house was close to heavy fighting during the first two days of the incursion. As the helicopter fire intensified on the second day, April 4, the family broke down two internal doors and escaped to the home of Nadia's uncle, two houses away.

The air attack intensified at 2:00 a.m. the following morning, April 5, and the family ran onto the road for safety. The al-Sabbagh home was hit by a missile: the family watched it burn. Al-Sabbagh's wife told Human Rights Watch that no armed Palestinians had been present in their house.

The next day, on April 6, an IDF tank came down the street, with soldiers calling via loudspeakers for all men in the area to come out of their houses and onto the street. Al-Sabbagh complied with the call and walked into the street at around 6:00 p.m. His wife watched from the doorway as, according to instructions, he raised his shirt, said his full name, and stripped briefly to his underpants. The soldiers instructed him to report with other men to the square at the health clinic. Al-Sabbagh told them he was a diabetic and could not stay out in the cold. The soldiers allowed him to bring his medication and shirt with him in a black plastic bag.⁶¹

⁵⁸ Human Rights Watch interview, Bassima Mahmud Rashid Fayid, April 20, 2002.

⁵⁹ Ibid.

⁶⁰ Human Rights Watch interview, Fathiya Muhammad Suliman, April 20, 2002.

⁶¹ Human Rights Watch interview, Nadia Ahmad al-Ghazawi, aged thirty, April 21, 2002.

Ibrahim Z. (not his real name), a sixteen-year-old neighbor, walked with al-Sabbagh to the health clinic.⁶² When they reached the square beside the clinic, they were ordered to lie on the ground. Ibrahim had seen al-Sabbagh talking to the soldiers about his diabetes shortly beforehand. He was still carrying his shirt and medication in the black bag.

Ibrahim told Human Rights Watch:

We lay down. After that they told us to stand up and told Jamal to put his bag away. They wanted him to put it on the ground. He did. They told us to take off our trousers. While we were taking our trousers off, they shot him.⁶³

According to Ibrahim, the soldiers fired two bullets: one at al-Sabbagh and one at him, a few meters away. The bullets missed Ibrahim, but struck al-Sabbagh.

I did not see who shot me, it was night. Everyone else lay down when they heard the shots. They sounded very close, about five to ten meters away. When I heard the shots I threw myself on the ground.⁶⁴

Ibrahim heard al-Sabbagh recite the *shahada* [the Muslim declaration of faith, customarily recited before dying]. Al-Sabbagh then fell silent.

Ten minutes later a group of eleven Palestinian men arrived. They were ordered to strip to their underwear and crouch in front of the soldiers. The soldiers then tied their hands, one by hand, beginning from the right-hand side. The hands of the last three men were not tied. Instead, they were ordered to carry al-Sabbagh's body inside the clinic building. They tried to put the body in a large refrigerator, but it would not fit. The last thing Ibrahim saw before being taken away for questioning was a group of IDF soldiers putting al-Sabbagh's body under the clinic stairs.⁶⁵ An investigation is required to determine why someone who was at the time directly under the control of the IDF and obeying orders to strip off his clothes was shot to death.

The Shooting of Ali Muqasqas, April 7

Ali Muqasqas, a street vendor, lived in the al-Saha area of the Jenin camp. Muqasqas was at home on Sunday 7 April with his six children, aged between four and twenty-four. His wife, an employee at al-Razi hospital in Jenin city, was one of some thirty hospital employees trapped in the hospital by the curfew and unable to return home.⁶⁶

On the second day of the incursion the fighting drew closer to the Muqasqas family's house, and the aerial attack intensified. A missile hit the house immediately opposite and wounded eight people inside—some of them fighters, others civilians seeking shelter after their own houses had been damaged. The family tried to assist those inside. They called an ambulance, but were told it could not come. Ali's son Hassan recalled that the Palestinian Red Crescent Society (PRCS) told him that "we have tried to come. But the soldiers have shot at us and have even arrested our people."⁶⁷ Family members dragged some of the injured to a safer location, but were forced to leave others behind.

⁶² Human Rights Watch interview, Ibrahim Z., aged sixteen, April 21, 2002. Human Rights Watch has a policy of not revealing the names of witnesses under the age of eighteen. Names and details are held on file at Human Rights Watch. Requests to cite details should be addressed to the Human Rights Watch New York office.

⁶³ Human Rights Watch interview, Ibrahim Z., aged sixteen, April 21, 2002

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Human Rights Watch interview, Dr. 'Ali Jabali, Vice-President of al-Razi Hospital, April 22, 2002.

⁶⁷ Human Rights Watch interview, Hassan Abu Na'il Salim Muqasqas, aged twenty-four, April 22, 2002.

The following day, April 7, Ali Muqasqas was taking shelter with his family in the front room of the house. The room had no access to running water. When the noonday call to prayer sounded, Ali Muqasqas wanted to pray and went outside to fetch water from the tanks on the western side of the house to perform his ablutions. Muqasqas was aware of an IDF position on the eastern side of the house. He did not realize that another soldier was at a window near the north-eastern side of the house, roughly twenty meters from the water tank.

Muqasqas opened the door and left. His son, Hassan, told Human Rights Watch:

Just afterwards we heard him shouting, "I've been shot! I've been shot!" Yes, we heard the sound of the bullets. It was the sound of a sniper rifle. This was the seventh incursion into Jenin; we know the sound by now. My father ran to hide under a set of low concrete stairs on his left, about two meters away.⁶⁸

Muqasqas was shot twice in the abdomen. Hassan and his brothers immediately telephoned their neighbor, Mahmud Talib, to come and help them save their father. Talib agreed, and Hassan ran to open the courtyard door for him. But as he opened the door the soldier fired again, missing Hassan but wounding Talib in the side. Talib told Human Rights Watch: "I went to help him. There was a soldier here in my neighbor's house, and when he saw me he shot me. Whenever he saw anything move, he shot it." Talib showed Human Rights Watch a medical certificate stating that he had had a bullet and shrapnel removed from his chest.⁶⁹ Hassan helped drag Talib to a small storeroom, and then smashed the storeroom window. Hassan, his brothers, sisters, and Talib escaped through the window. Hassan and the children ran to their uncle's house, knowing their father was almost certainly dead, but not sure: "[W]e knew my father was under the staircase, but he was silent. He didn't make any sound after the first scream."⁷⁰

Hassan and the children stayed at their uncle's house until the incursion ended. The International Committee of the Red Cross confirmed their father's death to them, eight days after he was shot, and removed the remains for burial. Under no circumstances can the breach of a curfew by an unarmed civilian going to fetch water be seen as a hostile act. This shooting should be investigated.

Shooting of Muhammad Abu Saba'a, April 9

The home of Muhammad Abu Saba'a, aged sixty-five, was located in the Hawashim neighborhood of the Jenin refugee camp, which was completely bulldozed by Israeli forces during their offensive in the camp. On April 9, at about 6:00 a.m., the family noticed that Israeli bulldozers had moved into their area of the camp and had begun bulldozing homes without warning. The bulldozers began demolishing the Saba'a home while the family was still located inside.

Muhammad Abu Saba'a, the patriarch of the family, went outside to reason with the operator of the bulldozer who was destroying his home. He explained to the bulldozer operator that his family was still inside, and begged the bulldozer operator to suspend the demolition. The bulldozer operator agreed, and began leaving the area. Muhammad's forty-three-year-old son Samia Abu Saba'a told how his father was shot dead by an Israeli soldier as he returned to his home:

When the bulldozer left the place, a sniper shot my father. He was inside the house, but because half of the house had been destroyed [by the bulldozer] he was visible [from outside]. He was shot in the chest with one or two bullets. It was early in the morning, about 7:30 a.m. or so. My father died instantly. We put his body inside the room.⁷¹

Soon after the killing of Muhammad Abu Saba'a, the remaining family members noticed groups of civilians moving in the streets holding white sheets. The civilians told them that bulldozers were leveling houses in the al-

⁶⁸ Ibid.

⁶⁹ Human Rights Watch interview, Mahmud Hussein Qassim Talib, aged fifty-seven, April 28, 2002.

⁷⁰ Human Rights Watch interview, Hassan Abu Na'il Salim Muqasqas, aged twenty-four, April 22, 2002.

⁷¹ Human Rights Watch interview with Samia Muhammad M'asud Abu al-Saba'a, aged forty-three, Jenin, April 20, 2002.

Wahsin area of the camp, and that everyone who remained in their homes would risk being killed. So the Saba'a family members decided to leave also: "We left my father[']s body] inside, and we went outside."⁷² At the entrance to the camp, the civilians were met by IDF soldiers, who separated the women and children from the men, let the women and children proceed to the hospital, and tied up and arrested the men. When he was released from detention, Samia Abu al-Saba'a found his home completely demolished and began searching for his father's body in the rubble:

We found the body two days ago [on April 18]. I came back and recognized where our house used to be. We brought the bulldozer. When I saw the bed and the bones, I told the bulldozer to stop and we started digging with our hands. The body was in pieces.⁷³

The willful killing of an unarmed civilian in a non-combat situation is a violation of international humanitarian law and constitutes a war crime.

Killing of Nayif 'Abd al-Jabr and 'Amid Fayid, April 10

The 'Abd al-Jabr and Fayid families live outside the Jenin refugee camp, in the al-Marah area of Jenin city. On April 10, at about 2:00 p.m., two tanks moved into the area. At the time, nineteen-year-old Nayif 'Abd al-Jabr was visiting the home of his friend, twenty-year-old 'Amid Fayid. Nayif's father attempted to call the Fayid home to warn his son it was too dangerous to come home, but the boys had already left.⁷⁴ The families of both men and their friends vigorously denied that the two men were involved with Palestinian militant organizations. Normally, when a Palestinian militant is killed, the family and friends take great pride in his "martyrdom" and make no effort to deny the militant history of the deceased.

Muhammad Shalabi, aged twenty, was also with the two young men, and explained what had happened:

We were at our house with 'Amid, Nayif, and [another young man]. We were just sitting around when we heard the noise of tanks and became frightened. When we felt it had become too dangerous, they decided to go back to their homes. I tried to persuade them from leaving, because it was very dangerous, but they insisted they had to go home.

We went out of the house, all four of us together. We were walking closely together. [The other young man] left us and went home, so it was the three of us. Nayif and 'Amid were standing in front of a store, and I went down to check if there were any tanks down on the street.

Then the shooting started. I thought it was from the tanks, but then I realized it was from the helicopters. When I heard the shooting, I went to hide. ... [After the attack], when we found 'Amid, he was still breathing. It took maybe thirty minutes to get to the hospital. The first time, he was just wounded in his leg, then he tried to escape and hide. He was shot in the head from the back.⁷⁵

Muhammad Shalabi did not see the wounding of Nayif 'Abd al-Jabr, who was hiding behind another car, but Nayif was later found mortally wounded in the same area as 'Amid. Muhammad Shalabi and a friend carried the mortally wounded 'Amid to the hospital, where he soon died from his wounds. When Qassim 'Abd al-Jabr heard about the shooting of his son, he rushed to the area with his wife and found his wounded son:

When I reached there, I found some people surrounding Nayif, and giving him first aid. He was bleeding from his mouth, but still alive. We took him and put him on the floor of a store. We called the ambulance to come but the driver was prevented from reaching the area. The fire truck also came to try and help but were also prevented—the IDF soldiers prevented them from reaching the area.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Human Rights Watch interview with Qassim Nayif Qassim 'Abd al-Jabr, aged fifty-seven, Jenin, April 20, 2002.

⁷⁵ Human Rights Watch interview with Muhammad Abd al-Rahman Shalabi, aged twenty, Jenin, April 20, 2002.

We sat with Nayif until 2:00 a.m. The whole area was surrounded by tanks and Apache [helicopters] were in the sky. The area was also inspected by IDF with dogs. They made everyone get outside and inspected their clothes, from about 11:30 p.m. to midnight. The Israelis said there were four people there, they had shot and killed one and wounded another, and were looking for the two remaining and the injured one.⁷⁶

At 2:00 a.m., the Israeli forces finally allowed a fire truck to enter the area and evacuate Nayif to the hospital. Nayif died from his wounds at 8:00 p.m. on Thursday, April 11.

During the attack, civilians in the neighboring homes were also injured from the fighting. Fifteen-year-old Rina Hassan was one of the wounded. She was still bedridden when she told Human Rights Watch: “The helicopters came over the area and started shooting. I was in my room when the shooting started. A big bomb from the helicopter fell outside on the veranda and five pieces of the bomb hit me—two pieces are still in my lungs, and two are in my shoulder.”⁷⁷ She was evacuated to the hospital on a home-made stretcher by four youngsters from the neighborhood. The killing of two civilians attempting to return to their homes requires investigation.

Killing of Kamal Zghair, April 10

Kamal Zghair was a fifty-seven-year-old, impoverished wheelchair-bound invalid. He slept in a backroom of a gas station in Jenin, near the Ibrahim Haddad factory. Almost every day, he went in his wheelchair to a neighboring industrial warehouse where his friend, fifty-year-old Durar Hussein, washed his clothes for him, repaired his wheelchair, provided him with food, and also gave him some respite from his lonely existence.

On Wednesday, April 10, Kamal Zghair came to visit his friend Durar Hussein as usual. Durar Hussein explained how he washed his friend’s clothes and fed him, and then wheeled him to the main road when he wanted to return to his room at about 4:00 p.m. Soon thereafter, Kamal Zghair was killed:

That day, he came to me in the morning as he came everyday. I cleaned his clothes and put them out to dry. At about 4:00 or 4:15 p.m., I pushed his wheelchair to the street. He continued to make his way to the gas station.... I had put a white flag on his wheelchair to make sure that everyone could see him from far away.

I waited about ten minutes, because it takes him some time to reach the end of the factory [grounds]. I heard tanks coming from the west. So I got worried about him, because he was in the street. Then they started shooting from the tanks. I knew exactly where he was, and the shooting was there. At first, I thought they were shooting to tell him to move out of the street.

The tanks came nearer and it was too dangerous to remain outside, so I went inside. The tanks stopped for about 45 minutes at the edge of the factory [grounds]. ... The tanks didn’t leave the area, they remained, so I couldn’t leave the compound to check on him. The tanks remained there all night.

The next morning, the curfew on Jenin was briefly lifted. Durar Hussein immediately went to check on his friend:

I went by foot, and in the place I had expected, I found his wheelchair, crushed by the tanks. I saw the wheelchair but not his body. I ran to the gas station where he sleeps, yelling, “Kamal! Kamal!” I entered his room but could not find anyone.

⁷⁶ Human Rights Watch interview with Qassim Nayif Qassim ‘Abd al-Jabr, aged fifty-seven, Jenin, April 20, 2002.

⁷⁷ Human Rights Watch interview with Rina Muhammad Jamil Hassan, aged fifteen, Jenin, April 20, 2002.

I went back to where the wheelchair was crushed, looking here and there. I had seen something in the grass [from the factory], and suddenly remembered this. So I went to check and in between the grass I found his body.

You couldn't recognize the body—his face was smashed and his legs were crushed. I only recognized him because of the socks that I had cleaned the day before.⁷⁸

Human Rights Watch went to inspect the site of the killing and found the crushed and bullet-ridden wheelchair by the side of the road, its white flag still attached. The stretch of road on which Kamal Zghair was killed was completely open with excellent visibility, so it is unlikely that the IDF soldiers who shot him saw anything other than an elderly, wheelchair-bound man. Although Kamal Zghair was outside during a curfew period, the use of lethal force cannot be justified to enforce a curfew. This case raises concerns that serious violations of international humanitarian law have been committed, and thus warrants criminal investigation.

Killing of Faris Zaiban, April 11

The Zaiban family lives in the al-Maslah neighborhood of Jenin city, outside of the Jenin refugee camp. During the IDF operation at the refugee camp, the entire city was placed under a complete curfew. On the morning of April 11, civilians in Jenin city were informed that the curfew would be lifted for a few hours, allowing them to replenish vital food and other supplies.

When the curfew was lifted, forty-two-year-old Inad Zaiban gave his fourteen-year-old son Faris some money and told him to go to buy some groceries. Faris Zaiban left the house, and went with a group of women and two other young boys to a nearby grocery store located near the Ibrahimi school. Eight-year-old Yusuf A. (not his real name) came along with Faris Zaiban, and told Human Rights Watch what had happened on the way to the store:

Me, Faris, one other boy and some women were together. Faris told me to go back home, but I refused. Then we were walking towards a tank [located seventy-five meters away].⁷⁹ We saw the tank turning towards us. I was afraid, and Faris said, "Go home," but I refused.

Then the tank started shooting. Faris and another boy ran away. I fell down. Then I saw Faris falling down. I thought that he had just tripped. But then I saw blood on the ground. I went to Faris, I thought he was just asleep. Two women came and carried Faris to a car.

The soldiers didn't say anything before they started shooting. There were no men with us, just boys and women. We didn't throw any rocks at the tank.⁸⁰

Inad Zaiban was shopping at the market when he heard his son had been shot and taken to the hospital. He rushed to the hospital, but soon was informed that his son was dead. Human Rights Watch visited the scene of the shooting, which is in a street with good visibility. The soldiers had a clear line of fire from where their tank was parked in the middle of the road. The use of lethal force against a group of civilians following the lifting of a curfew, and where no fighting is taking place, constitutes a deliberate attack on unarmed civilians and is a war crime.

⁷⁸ Human Rights Watch interview with Durar Muhammad Salah Hussein, aged fifty, Jenin, April 20, 2002.

⁷⁹ Human Rights Watch researchers visited the scene of the incident, and measured the distance between the tank and where Faris Zaiban had been standing when he was shot as between seventy-five and eighty meters.

⁸⁰ Human Rights Watch interview with Yusuf A., aged eight, Jenin, April 20, 2002.

VII. HUMAN SHIELDING AND THE USE OF CIVILIANS FOR MILITARY PURPOSES

IDF soldiers in Jenin engaged in the practice of human shielding, forcing Palestinian civilians to serve as “shields” to protect them from Palestinian militants. The practice of human shielding is specifically outlawed by international humanitarian law. The inappropriate use of civilians for other military purposes was also widespread during the IDF operation in Jenin. In almost every case where IDF soldiers entered civilian homes in the camp, the residents told Human Rights Watch that the IDF soldiers were accompanied by Palestinian civilians.

Article 28 of the Fourth Geneva Convention states: “The presence of a protected person may not be used to render certain points or areas immune from military operations.” The authoritative Commentary refers to this provision in the following terms: “During the last World War public opinion was shocked by certain instances (fortunately rare) of belligerents compelling civilians... to serve as a protective screen for the fighting troops. The prohibition is expressed in an absolute form and applies to the belligerents’ own territory as well as occupied territory, to small sites as well as wide areas.”⁸¹

Use of Palestinian Civilians as Human Shields

Among the most serious “human shielding” cases documented in Jenin by Human Rights Watch were the cases of four brothers, a father and his fourteen-year-old son, and two other men who were used to shield IDF soldiers from attack by Palestinian militants while the IDF soldiers occupied a large house located directly across from the main UNRWA compound in the camp. In separate interviews with Human Rights Watch, the victims described how they were forced to stand on the balcony of the house to deter Palestinian gunmen from firing in the direction of the IDF soldiers. The Palestinian civilians also described how the IDF soldiers had forced them to stand in front of the soldiers when the soldiers fired at Palestinian gunmen, while resting their rifles on the shoulders of the Palestinian civilians.

Imad Gharaib, aged thirty-four, was one of the four brothers. On Saturday, April 6, at about 6:00 a.m., a group of thirty to forty IDF soldiers entered the Gharaib family home, and forced the Gharaib brothers to walk in front of them as they searched the home. One of the IDF soldiers abused Imad, beating him with his rifle and threatening to shoot him if he did not reveal where he had hidden his gun (Imad said he does not possess a gun):

He asked me if I had any guns. I said, “No, I am only here with my family.” He started beating me with the back of his gun, hitting me many times, insisting that I had a gun. ... He [then] threatened to shoot me and put the gun to my face. Then he moved the gun a bit and shot the television.⁸²

After the soldiers had inspected the home, they tied the men up and, half an hour later, walked them over to a large neighboring house in which the IDF had set up a temporary base; the house was located directly across from the main UNRWA compound. The men were forced to stand outside, facing the Palestinian gunfire:

They ordered us to walk in front of them.... There was some shooting at the [IDF] soldiers [by Palestinian militants higher up in the camp.] They started pushing us and brought us down to another house. There, they put us on the veranda where we could be seen [by the Palestinian gunmen]. The soldiers were sitting inside the salon. We were facing the shooting, the soldiers did this to protect themselves. We could be clearly seen—if the fighters saw us they would not shoot.⁸³

Kamal Tawalbi, a forty-three-year-old father of fourteen children, and his fourteen-year-old son were also taken to the same house and forced to stand facing the Palestinian gunfire. The IDF soldiers also placed them at the windows and forced them to stand in front of the soldiers as the soldiers shot at Palestinian gunmen in the camp:

⁸¹ Commentary, p.

⁸² Human Rights Watch interview with Imad Ahmad Muhammad Gharaib, aged thirty-four, Jenin, April 27, 2002.

⁸³ Ibid.

They took me and my son. They put me in one corner and [my son] in the other corner [of the balcony]. The soldier put his gun on my shoulder. I was facing the soldier, we were face to face, with my back to the street. Then he started shooting. This situation lasted for three hours. My son was in the same position—he was facing the soldier, the soldier had his gun on his shoulder, and was shooting.⁸⁴

The soldiers also treated Kamal Tawalbi and the other men with cruelty. During his interview with Human Rights Watch, Kamal Tawalbi—who had been taken from his home by the IDF soldiers while his home was burning from a helicopter strike—broke down in tears as he recounted how the IDF soldiers had tried to make him believe that his family had been killed while he was in custody:

I heard the noise from my family, I was very worried. Then, another missile hit the house. I started screaming, “My children, my children!” [One of the soldiers] said, “Shut up, because your family is dead, the house collapsed on them.” He was a Bedouin from Beersheva, his name was Yusi. I started crying after this. When Yusi saw I was crying, he kicked me in the leg—he stomped on my foot and hurt it badly.⁸⁵

Both men recalled how the soldiers had forced the men to lie face down on a floor covered with broken glass, and had tied their hands painfully tight behind their backs with plastic handcuffs. The men were then arrested and taken to a military camp for interrogation, and subsequently released at the village of Rumanah.

Faisal Abu Sariya, a forty-two-year-old schoolteacher, also was used as a human shield by the IDF and forced to carry out dangerous tasks. Soldiers entered Abu Sariya’s home on the second day of the Israeli incursion, at about 4:00 a.m. on Thursday, April 4, accompanied by Abu Sariya’s neighbor:

Early, at 4:00 a.m., my daughter woke me and told me there were some people at the door. I opened the door and one of my neighbors, Arafat, told me the soldiers had sent him to tell me that the soldiers were behind my home and wanted us all to go into one room of the house.⁸⁶

Abu Sariya went back inside his home, woke up his family and made all of them go to one room. The soldiers then entered, and asked Abu Sariya’s twelve-year-old son to enter the various rooms of the house and open all the dressers inside. A soldier set up a position at one window, and then kicked over the television that was in his way. The next morning, the soldiers ordered Abu Sariya to accompany them:

The next morning they told me to join them. I asked them, “Am I wanted [for arrest]? Are you taking me to jail?” He said he just wanted me to go next door and they would release me. My wife and children were crying, begging them to release me.⁸⁷

For the next two days, Abu Sariya was coerced into accompanying the soldiers, to enter homes even before the IDF soldiers sent in their bomb-sniffing dogs, and to march in front of the soldiers as they moved in the streets of Jenin refugee camp:

They pointed a house out to me. They said, “Go knock on the door, tell all the people to go in one room, and come back.” I knocked on the door and there was no answer. They put a small bomb the size of a pack of cigarettes on the door and opened it. They ordered me to go inside. I checked and found no one inside. Then they asked me to go out and sent in the dog. Then, when the dog came back, they went inside....

⁸⁴ Human Rights Watch interview with Kamal Muhammad Hussein Tawalba, aged forty-three, Jenin, April 27, 2002.

⁸⁵ Ibid.

⁸⁶ Human Rights Watch interview with Faisal Mustafa Hussein Abu Sariya, aged forty-two, Jenin, April 28, 2002.

⁸⁷ Ibid.

Then we went to another house. Whenever they wanted to move, [a soldier] would grab me by the collar, put me in front of him, and move like this. They used me like this between houses—in case there was some shooting, I would die first.

I asked them, “Please release me, you promised me [to go to] just one house, let me go.” At least five times a day I would ask them. They would always say that they would release me once they found a substitute.⁸⁸

On Saturday, April 6, after two days with the soldiers, Abu Sariya was ordered to go knock on the door of a home by the soldiers, while the soldiers hid themselves on the opposite side of the street. As he ran across the street, another group of IDF soldiers located on the roofs overhead opened fire on Abu Sariya and seriously wounded him in the leg. The two groups of IDF soldiers then began arguing. Rather than taking the seriously wounded Abu Sariya to the hospital, the soldiers provided him with some first aid—bandaging the wound—and then ordered four Palestinian youngsters to carry him away. Unable to reach the hospital, the Palestinian youngsters were forced to leave Abu Sariya at a private home in the Hawashin/Damaj area of the camp. Abu Sariya was forced to stay four more days without medical treatment, unable to leave because of snipers in the area, until IDF soldiers announced on Tuesday, April 9, that everyone in the area had to leave their homes.⁸⁹

Aziz Taha, aged twenty-six, was arrested from his house in al-Dahab district on Sunday, April 7, at approximately 2:00 p.m., when IDF soldiers burst through a hole they had bored in the wall from his neighbor’s garden. Blindfolded, his hands were tied with plastic ligatures before he was pushed back through the hole in the wall the way they had come. He was put on the veranda and his blindfold was taken off; he faced up the hillside into the camp. He took Human Rights Watch to the location and explained what had happened to him.

Aziz Taha was then taken through a maze of interconnected houses, eventually reaching an assembly point on the western edge of the camp. The soldiers arresting him forced him at gunpoint to walk ahead of them, particularly when crossing exposed alleys or in other vulnerable positions. On multiple occasions, there were firefights and Aziz Taha was caught in the crossfire. Aziz Taha retraced his steps together with Human Rights Watch, pointing out the route burrowed through neighbors’ houses and places where he was beaten. Retracing the steps through holes bored in the walls, the houses’ inhabitants pointed out the extensive damage and vandalism that had been done by the soldiers.

Aziz showed Human Rights Watch one alley where he was particularly exposed during a battle:

He made me walk alone up the alley, to the left. Then as we came around the corner, the soldier hid. Shooting came from above, I don’t know who was firing. During this time he made me stand in front of a house, for fifteen minutes the battle was going on and the soldier was hiding.⁹⁰

In Lutfi Badawi’s house, again Aziz was made to stand on a terrace, exposed to the north to fire coming from the lower part of the camp near the UNRWA building. “There was shooting, it was coming towards me but I don’t know from where.”

The entire journey, a mere 500 meters as the crow flies, took Aziz and the soldier twelve hours. When he reached the western edge of the camp with the soldiers, Aziz Taha was forced to take off his clothes and was severely beaten.

I was in my underwear, nothing else. They put me in a house and let me sit down. They made fun of me, spit on me, and starting asking me questions, but when I answered they would just mock me. While I was there, one soldier urinated on me, he cursed at me, but this is nothing, because then he did more. I have nine scars on my legs, so when I stripped they saw them and said you were fighting two months ago,

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Human Rights Watch interview with Aziz Muhammad Hussein Taha, aged twenty-six, Jenin, April 26, 2002.

although the scars were much older. They started beating me then with something metal, it was very painful. They also used the plastic ligatures they were using as handcuffs. They [tied a bunch of them together into a whip] and used them to beat me on the soles of my feet.⁹¹

Aziz Taha was then transported to Salem, where he was detained for four days before being released in Rumana village.

Sixty-five-year-old Lutfiya Abu Zeid told Human Rights Watch that IDF soldiers twice took her from the room where she was taking shelter to use her as a human shield. The first time was at approximately 5:00 p.m. on April 6, when they made her go with them and open doors as they checked a neighboring house. They returned at about 9:00 p.m. the same day; Lutfiya had just started to pray. "The soldier said come here and I said, who me? He said yes." The soldiers took her by her shoulders and held her in front of them as they exited the house and were joined by other soldiers. They took Lutfiya onto the roof and left her in plain sight as a battle began.

About forty soldiers had come into the [courtyard], they were wearing goggles so that they could see at night, it was scary, like they were going to go swim. They took me to the stairs up to the new house, it isn't finished yet. I said I was really scared, that I couldn't walk. They put me on the roof, and [entered that house through the wall].... They started an attack, and I felt like I should go home. Every five minutes there was a rocket, they didn't care what they were shooting. They were in a house, the neighbors' house, but they left me where the helicopters could see me, but they were safe. I stayed there for about 10 minutes, and then I got scared and left.

The soldiers did not object when Lutfiya went back downstairs.⁹²

Muhammad Qataish, aged twenty-four, lived near the camp entrance, above the government hospital. At about 4:30 p.m. on Friday, April 5, Qataish and his family were sheltering from helicopter and other fire in the living room of his house. IDF soldiers broke down the back door and entered the house. In response to the soldiers' orders, Qataish raised his hands, then lifted his shirt and pulled down his trousers. He was then ordered to search the house, room by room at gunpoint. Qataish was then ordered to search the neighboring house, his uncle's, the same way. After they had finished, all the young men were taken out of the house and lined up against a wall.

Qataish and his brother Khaled thought the soldiers were going to arrest them. To their surprise, the soldiers took them both onto the street, and formed one line of soldiers behind each brother. Qataish told Human Rights Watch:

We were lined up along the street, Khaled and myself, each with a line of soldiers behind us. One soldier was resting his M16 on Khaled's right shoulder. I was on Khaled's right. They marched us from the house, along Hawakeen Street, into the middle of the camp, the Hawashin area. They did not say a word. Khaled asked them where we were going. The soldier said, "If you make any noise, we'll shoot you! It was about 4:30 p.m. There were about twenty to twenty-five soldiers with us."⁹³

After walking approximately twenty minutes, the soldiers stopped them at a house on the edge of the Hawashin district. After attempting to force Khaled and then Qataish to enter the house, the soldiers were then fired upon by armed Palestinians. After an exchange of fire the soldiers withdrew, but took the brothers with them. Back near his father's house the soldiers kicked Qataish and beat him with their rifle butts before taking the brothers into detention. The two brothers remained in detention for four days, during which they were fed once.

⁹¹ Ibid.

⁹² Human Rights Watch interview with Lutfiya Muhammad Hussein Abu Zeid, aged sixty-five, Jenin, April 27, 2002.

⁹³ Human Rights Watch interview, Muhammad Mustafa Muhammad Qataish, aged twenty-four, April 27, 2002.

In a separate interview with Human Rights Watch Muhammad (not his real name), a Palestinian militant who participated in the fighting, corroborated Qataish's account. "The Israelis were in a trap, we could have killed them. But we would have had to kill the boys too. Their brother was with us and begged us not to. We had the chance to kill the twenty-five soldiers, but we did not."⁹⁴

In an interview with the *New York Times*, a group of Israeli soldiers in Jenin admitted that they had used Palestinian civilians to shield themselves from attack by Palestinian gunmen. "Yes, because of the snipers [we used Palestinian civilians]," one of the soldiers stated, "If the sniper sees his friend there, he won't shoot." A soldier also told the *New York Times* that they had used Palestinian civilians to open the doors of homes out of fear of booby-traps: "We had a soldier who opened a door and was killed by a booby-trap that went off in his face. We let them [Palestinian civilians] open the door. If he knows it is booby-trapped, he won't open it."⁹⁵

Use of Palestinian Civilians for Military Purposes

Human Rights Watch has previously documented the IDF practice of using Palestinian civilians to assist military personnel and operations, a serious breach of international humanitarian law.⁹⁶ The use of civilians to assist military personnel and operations violates a fundamental principle of IHL, civilian immunity. It also violates Israel's obligation to protect and respect civilian persons under Article 27 of the Fourth Geneva Convention.⁹⁷ Such practices were widespread during the IDF operation in Jenin.

IDF soldiers forced Ibrahim Abu Ra'id, aged fifty-one, to accompany them for seven days, from Friday, April 5, until Thursday, April 11. Abu Ra'id explained how the soldiers had forced him to do some of the most dangerous work during the operation:

They took me because I spoke Hebrew. I was with eighteen soldiers. They asked me to walk in front of them [in the streets]. They asked me to knock on the doors because they were afraid of booby-traps. So they would hide behind the walls and make me knock on the door.

They made me knock on the doors. If there was no answer, they gave me a heavy crowbar to break the locks. If I couldn't break the locks, they would explode it. After the explosion, they asked me to go inside first. After I was inside for five minutes, they would come inside. [That way,] in case an explosion happened, only I would be inside.

When I entered inside, they would ask me, "Open this cupboard, open this door, check this room." I would do the inspection for them. They touched nothing, but would order me to do it. Only after I had opened everything did they start searching. ...

⁹⁴ Human Rights Watch interview, name withheld, April 27, 2002.

⁹⁵ Serge Schemann and Joel Greenberg, "Israelis Say Arab Dead in Jenin Number in Dozens, Not Hundreds," *New York Times*, April 15, 2002.

⁹⁶ Human Rights Watch, "In A Dark Hour: The Use of Civilians During IDF Arrest Operations," A Human Rights Watch Short Report, vol. 14, no. 2 (E), April 2002.

⁹⁷ Palestinian civilian inhabitants of the occupied West Bank and Gaza Strip are "protected persons" under Geneva Convention IV. Article 27 of Geneva Convention IV provides:

[p]rotected 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.

For a more extensive discussion of IHL and the use of civilians during military operations, see Human Rights Watch, "In a Dark Hour."

I told them that it was too dangerous to do this work. So they kept promising, “OK, just work for us today and we will release you,” but they kept making me do this work. They made me do it by force, I had no choice.⁹⁸

Fifty-five year old Kamal Abu Salim was taken to open shops for soldiers after he fled his house in Hawashin in the early morning hours of April 8, as the bulldozers were approaching. The soldiers separated the men of the family out and detained them. “When we left, they took the men and made us take off our clothes, and then threatened to shoot me. We were four, me, my brother, brother in law and 17-year old son. They made me take off my clothes, and wanted me to show them the chicken shop down the road, they said to enter and open all the doors inside.” They walked to the neighboring Abu Nasr district, and although the others were allowed to sit down, Kamal was taken aside to open the shops for the neighbors. He was fired upon by the soldiers. “When I went to do it he started to shoot me, between my legs. He said I was a terrorist, he just wanted to frighten me, I guess.... At the chicken shop, I had to open three doors of three shops there.”⁹⁹ Afterwards, the men were taken to the edge of the camp and detained briefly before being released.

Tariq Fayid was arrested on April 5 from his house in Dahab quarter, the southwest hilltop area of camp. That day, soldiers entered and first came to Fayyad’s house with his thirty-seven year-old neighbor Khaled, who called out that there were soldiers with him and that they should all come out. They were detained for about two hours and then sent home. The following day, Sunday April 6, Tariq Fayid was again arrested after soldiers, preceded by a local Palestinian, came to the door. He and his cousin were separated.

They took us to a house where some other men were who had been arrested. We were blindfolded, everyone was the same, and we were asked to turn to the wall. We had to kneel against the wall, handcuffed behind our backs, and were beaten with weapons. They asked who spoke Hebrew, and I said I did a little, because I wanted to find out about my wife and sons. They took me ... to open three houses. They took off the blindfold, but my hands were still tied in front of me. They asked me to enter houses where they hadn’t been. They asked me to go in and open all the doors and windows. They just looked at the house, then told me to go to the next one, they just watched. And they would tell people to get out of the houses and then I had to go in front of the to check the houses.... Every group of soldiers had a map. The houses were numbered, and when they were finished, they would mark that on their map.¹⁰⁰

Tariq was held for three days in a house in the neighborhood with thirty-five other men. On Tuesday April 9, he and the others were taken to the western edge of the camp. There, he was severely beaten:

They pulled me by the beard, threw garbage at me. They threw us on the ground and then drove a tank up to us, as if it was going to run us over, before turning around at the last minute. It wasn’t at all safe. Some of the others were beaten badly, some were beaten so much they were unconscious. They beat me too, and they walked on top of me, they made me lay on the floor and walked on our heads.¹⁰¹

Israeli soldiers entered the home of the elderly Raja Tawafshi at about 6:00 p.m. on Wednesday, April 3, and shot dead his elderly neighbor, Ahmad Hamduni (see above). After the killing, the soldiers ordered Raja Tawafshi at gunpoint to walk in front of them while they searched the home:

The soldier told me to go out. He put the gun on my back and they searched the house, pushing me in front of them. Around thirty soldiers came in, they searched all the rooms. Then they took me upstairs and started inspecting those rooms. I was still in the same situation, in front of them with the gun in my back. After they finished inspecting the second floor, they asked me to go with them to the third floor.¹⁰²

⁹⁸ Human Rights Watch interview with Ibrahim Yaqub Ibrahim Farhat Abu Ra’ib, aged fifty-one, April 27, 2002.

⁹⁹ Human Rights Watch interview with Kamal Hussein ‘Ali Abu Salim, aged fifty-five, Jenin, April 27, 2002.

¹⁰⁰ Human Rights Watch interview with Tariq Fayid, Jenin, April 28, 2002.

¹⁰¹ Ibid.

¹⁰² Human Rights Watch interview with Raja Mustafa Ahmad Tawafshi, aged seventy-two, April 22, 2002.

After searching the home, the IDF soldiers tied Raja Tawafshi to a chair for the night. The next morning, they again forced the elderly man to accompany them on searches of nearby homes:

[In the morning,] they freed me and asked me to stand up. They took me to my neighbor's house for inspection. I was in front of them and they told me to knock on the door. I told them no-one was home. Then, they broke the door with an iron ramrod and got inside. For four houses, I was in front of them of them to inspect the houses. Then I told them, I can't go anymore because I am tired.¹⁰³

Sa'id Abu 'Anas, aged thirty-four, lived in the Hawashin area of the Jenin refugee camp, and was sifting through the rubble of his demolished home when he spoke to Human Rights Watch. He explained that a group of Israeli soldiers came to the house of his neighbor, where fifty-three people were staying, on Saturday, April 6, at about 10:00 a.m. and ordered the men to go outside:

They tied us up and made us go open the doors of the homes. The soldiers took me and ordered me to open a door. I tried to open the door, but couldn't. I then told them that I didn't want to [continue trying], that I have a heart condition and the door was too tough. They told me to rest for a minute [and used a bomb to open the door.]¹⁰⁴

Twenty-nine-year-old Asmahan Abu Murad was also ordered by the soldiers to go knock on her neighbor's home. When they had come to Abu Murad's home earlier in the day, the soldiers had similarly been accompanied by a neighbor who had been ordered to knock on their door. Before Abu Murad had a chance to knock on her neighbor's door, the soldiers had blown off the door, killing fifty-two-year-old 'Afaf Disuqi who had come to open the door.¹⁰⁵

On April 10, Lina Sa'adiya and her mother were in a house near the government hospital. Fighting had dwindled, and two young armed Palestinians whom Lina had previously seen fighting came unarmed to sleep in the house. The next morning a nearby soldier heard Lina's mother crying out in her sleep, and ordered the inhabitants outside. The two men carried Lina's paralysed mother outside. A group of IDF soldiers stripped and bound them, and made them lie on the ground before taking them back into the house. Three dogs accompanied the IDF soldiers.

Lina and her mother were ordered into the neighboring bedroom.

The soldiers had three dogs. It sounds like they let the dogs at the captured men. I did not see it, but I heard the boys screaming and shouting, and one saying he was bleeding. They [the soldiers] shouted and cursed and the boys and asked if there were more resistance fighters.¹⁰⁶

Lina did not understand the entire conversation, since the soldiers were speaking in Hebrew, but she heard several shots fired in the room next door and the sound of the captured men asking the soldiers to stop. Lina understood the soldiers wanted the captured fighters to lead them on their search through the houses.

One of them was crying, saying his feet were bleeding and asking them to take him to hospital. That was after the soldiers had asked them. At first the resistance boys refused, but then the boys went to take them. They did not want to go with the soldiers because they thought the other young men would think they were IDF soldiers and shoot them. They said, "It is better if you shoot us now." But the soldiers scared them

¹⁰³ Ibid.

¹⁰⁴ Human Rights Watch interview with Sa'id Abu 'Anas, Jenin, April 19, 2002.

¹⁰⁵ Human Rights Watch interview with Asmahan Mahmud Abu Murad, aged twenty-nine, Jenin, April 19, 2002.

¹⁰⁶ Ibid.

with the dogs and by shooting into the walls, the boys went. I heard the soldiers outside saying, “OK, now into the other room, now into this room.” This is how I know they went.¹⁰⁷

In addition to the cases documented by Human Rights Watch, the practice of using civilians to assist military personnel and operations in Jenin has been widely reported on by the international media. For example, in an Associated Press story about the earlier Human Rights Watch report on the IDF use of civilians, the reporter added:

The Associated Press witnessed such an incident this week in Jenin refugee camp. A young boy who had been guiding reporters through the camp was detained by soldiers and he later said he had been forced for three hours to knock on unknown houses. He said that only after he had entered the houses were sniffer dogs sent in and then soldiers entered.¹⁰⁸

VIII. MEDICAL AND HUMANITARIAN ACCESS, AND ATTACKS AGAINST MEDICAL PERSONNEL

Access to health care and emergency medical services have been key issues throughout the current Israeli-Palestinian conflict, caused in part by the severe restrictions on freedom of movement instituted by the Israeli authorities since September 2000.

It is a fundamental principle of international humanitarian law that the wounded, sick, and infirm are entitled to particular protection and respect during armed conflict. Israel’s obligations to ensure medical access were succinctly expressed by Rene Kosirnik, head of the local ICRC delegation, in a press briefing in Jerusalem on April 22:

As long as Jenin refugee camp was occupied by the Israeli Defense Force, the first responsibility lies with the IDF to save lives. It is the responsibility of the force concerned to deliver services, to care for friend and foe. That is the rule.¹⁰⁹

Israel, having ratified the Fourth Geneva Convention, is obliged to respect and protect the wounded, as set out in article 16 of the Convention; emergency medical personnel, as set out in article 20; and to permit recognized national Red Cross and Red Crescent societies to carry out their operations. During the period that the IDF directly controlled Jenin camp, Israel was also obliged to ensure that the civilian population had adequate access to food and medical supplies, as set out in articles 55 and 59.¹¹⁰

The IDF incursion into Jenin began in the early hours of Wednesday, April 3. For the first day and a half, ambulance crews of the Palestinian Red Crescent Society (PRCS) had access to the camp. Some seven dead and twenty wounded were taken by the PRCS to the government hospital at the camp’s edge during this period. From the afternoon of April 4, however, the IDF denied the PRCS crews access to both Jenin city and Jenin camp. The government hospital was sealed off by two IDF checkpoints on either side of its main entrance.

The director of the PRCS Jenin, Ibrahim Dababna, told Human Rights Watch how the PRCS initially began to experience difficulties getting into the camp:

¹⁰⁷ Ibid.

¹⁰⁸ Ceele Jacobson, “Human Rights Group Says Israel Is Forcing Civilians to Carry Out Dangerous Tasks,” Associated Press, April 18, 2002.

¹⁰⁹ Quoted in Chris McGreal and Brian Whittaker, “Israel Accused Over Jenin Assault,” *The Guardian* April 23 2002.

¹¹⁰ Geneva Convention IV, Art. 55 and Art. 59.

Whenever tanks saw the ambulances, they blocked their way. They also shot at them on several occasions. They knew those in the camp needed help, but the tanks at the entrance to the camp forbade our passage. After this we went to the ICRC and asked them to urgently intervene.¹¹¹

After several hours, the ICRC called back and said that the Israeli authorities had informed them there was no prohibition on PRCS access to the camp, and that PRCS ambulances were free to go there. This official position, however, was not reflected by the actions of soldiers on the ground. The PRCS again tried to respond to the many calls for help it was receiving from residents within the camp but, Dr. Dababna said:

Whenever we sent ambulances the tanks would shoot at us and tell us to go back. We repeated this several times: calling, being informed permission was granted, and then being shot at. It was like they were tricking us. But there were so many injured and dead we just began to try anyway.

On April 7, PRCS ambulances resumed operations in Jenin City, though they were sometimes blocked by tanks and were subject to frequent searches. They continued to be denied access to the refugee camp until April 15, eight days later. Human Rights Watch encountered two cases in which sick or injured civilians were treated by IDF medics or assisted to the hospital, but found no evidence of any systematic IDF practice to provide emergency medical care itself. Injured Palestinian combatants, and the vast majority of injured civilians, were effectively denied medical access for the two-week incursion period. All hospital administrators, ambulance staff, and international humanitarian personnel interviewed by Human Rights Watch were in agreement that almost no injured persons from the camp were brought to the hospitals by ambulance from April 5 to April 15.

During the IDF incursion staff members at the government hospital and al-Razi charitable hospital were trapped in their buildings, unable to return home. Medical equipment and buildings were damaged by gunfire, at least in some cases coming from the IDF, and the distribution of medications ceased. Hospitals and the PRCS struggled to operate without water and electricity, and with reduced numbers of staff.¹¹² Unable to reach medical facilities, camp and city residents telephoned the hospitals continuously for advice on how to give first aid, cope with chronic medical conditions, and treat the rising number of health problems brought on by the lack of food and clean water.

Lack of Access to Medical Treatment

Jihad Hassan, forty-two, is an elementary school teacher. He lived with his wife, mother, and eight children in al-Mohatta street, near the camp entrance.

On April 4, the second day of the incursion, Hassan walked up to the second floor of his house to fetch formula for his youngest son. As he walked back down the steps, an IDF missile entered through an exterior window and slammed into a neighbouring room. Hassan, startled, fell down the stairs and broke his leg in four places. The missile exploded: two others hit the house shortly afterwards, setting the first and third floors alight: Hassan's family told him later "it was like the burning fires of hell."¹¹³

Hassan's wife and mother telephoned for an ambulance. Hassan told Human Rights Watch:

I tried to stand up, but I couldn't lift my leg. There was a lot of blood. An ambulance arrived [at the camp entrance], just fifty meters from my home, but the IDF refused to let it reach the house. We talked with the Red Crescent, the Union of Palestinian Medical Relief Societies, and with the hospital. Everyone said the same thing: they could not come.¹¹⁴

¹¹¹ Human Rights Watch interview, Ibrahim Dababna, director of PRCS Jenin, April 20, 2002.

¹¹² Hospitals operated with those staff members present at the time the incursion began. As a result of an IDF missile strike on a PRCS ambulance on March 4 that killed the ambulance director and seriously injured three staff members, the PRCS was operating with nine out of thirteen staff members. The IDF later apologized for the incident.

¹¹³ Human Rights Watch interview, Jihad Muhammad Yassin Hassan, April 19, 2002.

¹¹⁴ Ibid.

Hassan took two painkillers, and his family tried to treat the wounds with water and salt. His wife and mother telephoned for first aid information. Hassan remained in his house without further treatment from April 4 to April 9. Only a short distance from the camp entrance, he could see the hospital from his window. On April 5, IDF soldiers entered and searched his house, but refused his requests for medical assistance. They ordered his elderly mother to accompany them from floor to floor as they searched the house, and then left.

On the seventh day of the incursion, April 9, many residents began to leave the camp. Although he did not hear any IDF warning, Hassan also decided to leave.

I saw everyone leaving the camp as a group. I felt something dangerous was going on and thought that this would be a good opportunity to go to the hospital and get treatment. I said to my family, "it is time." We left about 9:00 a.m. The boys took a mattress and put me on a ladder in order to carry me to the hospital. People tried to help carry me to hospital, but the IDF stopped us. I saw lots of young people stripped to their underpants, being arrested by the IDF. They ordered me to stay with the people they arrested. After an hour I was alone, under the sun, with one other injured person. We stayed there for seven hours.

As evening fell, one soldier called an officer, Captain 'Adil. The captain authorized an ambulance to approach under guard some fifty meters from the camp entrance. A doctor was permitted to enter the camp after raising his shirt, and Hassan was carried to the ambulance on a stretcher. When the ambulance arrived at the IDF position next to the hospital gate, Hassan was checked again by the soldiers. Tanks barred the hospital entrance.

After half an hour I was allowed to enter. That was after they checked my ID, the nature of my injury, and the fact it was from missiles. I heard the soldiers tell them [the hospital staff] that it was the last patient they would receive that day.

Human Rights Watch documented two cases of civilians who died as a result of their wounds, having been denied access to medical treatment. Fifty-eight-year-old Mariam Wishahi was wounded inside her home by tank fire in the morning of April 6. Her husband tried to obtain medical assistance for his gravely wounded wife, but the IDF repeatedly refused to allow an ambulance to reach the scene, located just a few hundred meters from the main hospital in Jenin:

I tried to get an ambulance. I asked my neighbor to get an ambulance. A Palestinian Red Crescent ambulance came, but [the soldiers] shot it. When a second ambulance came the next day, the soldiers made the driver and the nurse take off their clothes next to my house. The driver was telling them he needed to get someone from the house. I started shouting that we needed an ambulance, and the soldiers started shouting to my house, telling me rudely in Arabic to get back inside. My wife kept saying she needed to go to the hospital. On Sunday night, at 11:00 p.m., she died. Every time I called the ambulance, they told me that the IDF were shooting at them and they could not come inside the camp.¹¹⁵

Qassim 'Abd al-Jabr recalled similar difficulties in obtaining medical assistance for his son Nayif who was seriously wounded in an IDF attack outside the refugee camp: "We called an ambulance to come but the driver was prevented from reaching the area. The fire truck also came to try and help but were also prevented—the IDF soldiers prevented them from reaching the area."¹¹⁶ Only about twelve hours after his son was wounded was his father able to take him to a hospital. Nineteen-year-old Nayif 'Abd al-Jabr died from his wounds the next day.

Attacks on Ambulances and Medical Personnel

When permitted to move, ambulances were subject to lengthy coordination and search procedures. Ambulance staff spoke to Human Rights Watch of exhaustive search procedures, in which staff stripped to their

¹¹⁵ Human Rights Watch interview with Issa Wishahi, aged sixty, Jenin, April 19, 2002.

¹¹⁶ Human Rights Watch interview with Qassim Nayif Qassim 'Abd al-Jabr, aged fifty-seven, Jenin, April 20, 2002.

underwear and ambulance contents were examined in detail. IDF soldiers also checked patients' identities and, in some cases, took them from the ambulance into Israeli custody.¹¹⁷

Such search and arrest procedures, if conducted appropriately and in a way that does not endanger medical access, are legitimate. More troublesome are the repeated incidents in which IDF soldiers fired, without warning, on PRCS ambulances and medical staff. Human Rights Watch has previously documented cases in which IDF soldiers in the West Bank have fired on ambulances.¹¹⁸ The number and frequency of reported IDF shootings at Palestinian ambulances rose steeply from March 2002, immediately prior to Operation Defensive Shield.¹¹⁹

On April 3, the first day of the attack, IDF fire killed a uniformed nurse, twenty-seven-year-old Farwa Jammal, who had come to the assistance of a wounded civilian on the outskirts of the camp. As the nurse and her sister were trying to reach the wounded man, they came under IDF fire. The nurse was killed with a gunshot wound to the heart, and her sister was severely wounded (see above, "Attacks on Civilians").

On April 4, an ambulance crew was dispatched to try and rescue injured people in the Atareh area, near al-Razi hospital. Ala'a Salah, himself a PRCS volunteer, lived nearby. At 10:00 a.m. he heard an ambulance siren outside. He and his wife went to the balcony door to look.

I heard the ambulance siren. I looked out the window, and saw the ambulance stop. Five seconds later two guys from the ambulance opened the passenger doors and jumped out. I heard the sound of shooting, heavy fire. The ambulance was in the middle of the road with its motor running and the siren on.¹²⁰

The area was quiet, under curfew and away from the camp. Salah heard no shooting prior to the sound of the ambulance siren. Salah saw the two ambulance staff run behind the ambulance as the shooting continued.

There was still shooting. I think they were shooting around the car. They shot at it maybe two minutes, it sounded like 800mm tank rounds [.50 caliber machine gun fire]. We can distinguish between four and five different kinds of ammunition in these operations, we've heard the sounds a lot.¹²¹

According to PRCS Director Dababna, the PRCS informed the ICRC of the incident, and the ICRC liaised with the relevant Israeli authorities. The IDF denied having fired on the ambulance.¹²² Several hours later, PRCS staff were given permission to move the ambulance. The .50 caliber rounds that Salah believed were used during the incident suggest that the IDF was responsible for the shooting. IDF use of .50 rounds is routine during military operations, while armed Palestinians rarely have such heavy weaponry in their arsenal. Palestinian use of .50 caliber machine guns has been reported in Beit Jala, however.

Haytham Muweis, a thirty-four-year-old ambulance driver, said, "Of course there were soldiers who were just frightened, and fired around the ambulance. But at other times we were shot at directly." Several ambulance

¹¹⁷ PRCS Jenin Director Ibrahim Dababna also told Human Rights Watch of an incident in which the IDF arrested an entire ambulance crew, consisting of two drivers, one nurse, and one volunteer. The soldiers ordered them to strip, bound their hands, and transferred them to Salem military base for questioning. All four were released in the village of Zabooba, twelve hours later. Some twenty PRCS personnel in the West Bank were arrested while performing their duties during Operation Defensive Shield.

¹¹⁸ Human Rights Watch, *Center of the Storm: A Case Study of Abuses in the Hebron District*, May 2001, p. 327.

¹¹⁹ Four staff members of the Palestinian Red Crescent Society were killed during this period, and ten were injured. See Human Rights Watch, "Israel: Cease Attacking Medical Personnel," press release, March 9, 2002. Israeli authorities had made and retracted several allegations that ambulances operated by the Palestinian Red Crescent Society (PRCS) were used to smuggle weapons. On March 27, the IDF reported that a PRCS ambulance was apprehended in the Jerusalem area carrying an explosive belt with eight to ten kilograms of explosives.

¹²⁰ Human Rights Watch interview, Ala'a al-Din Salah, April 20, 2002.

¹²¹ Ibid.

¹²² Human Rights Watch interview, Ibrahim Dababna, director of PRCS Jenin, April 20, 2002.

and humanitarian personnel told Human Rights Watch they believed that the spate of incidents in which IDF soldiers fired on ambulance staff represented a policy of deliberate obstruction of ambulance movement.

Muweis told Human Rights Watch of several incidents in which his ambulance had been fired on while attempting to reach patients. In one such incident, on April 6 or 7, PRCS crews were informed that the IDF had given permission for three PRCS and one ICRC vehicle to enter Jenin camp. The ambulances proceeded past the two IDF positions outside the government hospital, and were subjected to a five-hour search. The PRCS ambulances then attempted to enter the camp, videoed by the IDF. According to Muweis:

They videotaped us and let us enter ten meters from behind the government hospital into the camp. We saw many snipers in the surrounding area, and then shots began to be fired around us. When we were shot at, we reversed and told the soldiers we could not go in. Then we were sure the video was just for media purposes. I heard that day they said on the news that the IDF had let ambulances enter the camp. That is not true. We do not know exactly where the shots fell, and we felt they were doing it just to scare us away. But it was clear to us that if we went further forward, we would be shot.¹²³

One week later, circa April 13, Muweis went to collect an urgent case, a woman in the Sana'iyya area of Jenin city. He left the ambulance station at 11:30 p.m., navigated through streets subject to shifting checkpoints, and collected the patient. On his return, two tanks loomed out of the darkness in front of him, some twenty meters away. The tanks immediately opened fire around the ambulance.

The woman had been sleeping, but she woke up and became extremely distressed. I tried to shout at them that I had an injured woman with me, but no one seemed to be listening. I was yelling from inside the car, but if I had stepped outside I would have been shot. It lasted about five minutes. I stayed there until the tanks left, and then I drove off. They did not ask any questions or try to search me. Shooting has become a kind of talking for them.

Although the fourteen-day blockage of medical access to Jenin camp was unprecedented in IDF military operations, the difficulties faced by ambulance crews and medical workers during Operation Defensive Shield were not limited to Jenin. PRCS ambulances were prohibited from operating for periods of several days in Ramallah and Bethlehem; more limited, but still serious limitations on ambulance movement were in effect in other locations. On April 8, the PRCS reported that seven PRCS ambulances had been destroyed or damaged beyond repair since March 29.¹²⁴

The operations of the International Committee of the Red Cross were also seriously affected. On April 4, the ICRC issued a press statement noting its regret at “the frequent and often serious instances in which medical personnel were prevented from performing their life saving duties,” explaining that “ICRC delegates were regrettably prevented from working because of a sudden degradation of the usual lines of communication between themselves and the Israeli authorities.”¹²⁵ On April 5, the ICRC reported that it would be limiting its movements in the West Bank to a strict minimum, stating:

[O]ver the past two days, ICRC staff in Bethlehem have been threatened at gun point, warning shots have been fired at ICRC vehicles in Nablus and Ramallah, two ICRC vehicles were damaged by IDF tanks in Tulkarem and the ICRC premises in Tulkarem were broken into. This behaviour is totally unacceptable, for it jeopardises not only the life-saving work of emergency medical services, but also the ICRC's humanitarian mission.¹²⁶

¹²³ Human Rights Watch interview, Haytham Muweis, April 22, 2002.

¹²⁴ Palestinian Red Crescent Society, “April 8 Update,” April 8, 2002. Available at: <<http://www.palesetinerics.org>>.

¹²⁵ Middle East: A Solemn Appeal By The International Committee Of The Red Cross & The International Federation Of Red Cross And Red Crescent Societies, April 2 2002, ICR C02/22 Geneva.

¹²⁶ International Committee of the Red Cross, Press Release “ICRC Restricts Its Movements in the West Bank,” Tel Aviv, April 5 2002.

Denial of Humanitarian Access

By the end of the IDF operation in Jenin camp, enormous media controversy had arisen over the question of assistance to the wounded and the disposal of the dead. The IDF, rejecting calls for the participation of independent monitoring or humanitarian groups, announced its intention to collect and dispose of the bodies of those killed, some via burial in a remote cemetery in the Jordan valley, but this was opposed by local human rights organizations, who brought a court injunction to prevent the burials from going ahead. While Human Rights Watch found no evidence to confirm allegations that the IDF had conducted mass burials prior to April 15, the IDF's six-day prohibition of medical access to the injured and sick in Jenin camp is a clear violation of the Israeli obligations under international humanitarian law.

ICRC and PRCS officials were finally permitted to enter Jenin camp after midday on April 15, the day after Israeli authorities and local human rights organizations reached an out-of-court agreement on means of access and the burial of the dead. Accompanied by an IDF liaison jeep, on the first day they transferred seven bodies to the government hospital, as well as nine wounded and sick.¹²⁷ According to the ICRC press officer, ICRC explosive disposal experts and other delegates have since had satisfactory access to the camp area.¹²⁸

Humanitarian organizations also faced severe problems in gaining access to the camp. Remaining camp residents lacked food, water, medication and basic supplies—none of which could be delivered until April 16. The United Nations Relief and Works Agency for Palestine refugees (UNRWA), provides services to the residents of Jenin camp. UNRWA officials were prohibited from delivering supplies to the camp from April 2 to April 15, despite the fact that food, medical supplies and other emergency items were stored in close proximity. Two UNRWA trucks entered the camp for the first time in the late afternoon of April 15, but could travel only fifty meters due to the rubble and destruction. UNRWA staff began to unload the trucks, but IDF soldiers forbade them from doing so. As dark fell, UNRWA staff decided to withdraw rather than encourage camp residents to put their lives at risk by trying to get to the food in the dark and under curfew.¹²⁹

Human Rights Watch interviewed several humanitarian officials on a confidential basis between April 15 and 18.¹³⁰ All expressed severe frustration at the difficulties surrounding humanitarian access to the camp—ranging from the lack of battlefield clearance and continual unfulfilled promises of access, to the absolute lack of coordination between the Israeli Civilian Administration and local commanders on the ground. Several recounted to Human Rights Watch how, after being assured by IDF Central Command or the Civil Administration that the relevant orders had been given, troops on the ground refused to let them pass. The Director of UNRWA West Bank operations, Richard Cook, was himself refused access to the camp on April 15, ostensibly because he had not notified the IDF of the number of his car license plate in advance.¹³¹ In other cases, requests for equipment, assistance, or permission to access the area received no reply. UNRWA had orally requested permission to organize specialized rescue equipment from the Israeli authorities on April 20, and followed up the request in written form two days later. By April 29, UNRWA had still not received any reply.

Cook commented to Human Rights Watch:

¹²⁷ International Committee of the Red Cross, Press Release “ICRC Called for Foreign Specialised Teams to Assist in Jenin Rescue,” Tel Aviv, April 18, 2002.

¹²⁸ Human Rights Watch interview, ICRC Press Officer Jessica Barry, April 23, 2002.

¹²⁹ Human Rights Watch interview, Richard Cook, Director of UNRWA Operations West Bank, April 24, 2002; Human Rights Watch confidential interview, humanitarian official, April 15, 2002.

¹³⁰ Human Rights Watch, confidential interviews with humanitarian officials, April 15-18, 2002. Names and interview notes are held on file at Human Rights Watch.

¹³¹ Human Rights Watch interview, Richard Cook, Director UNRWA Operations West Bank, April 24, 2002;

I have a feeling that the Israeli army works in a very fragmented manner. While it's sometimes the case that the left hand does not know what the right hand is doing, it's more probably the case that the left hand simply does not care what the right hand is doing.¹³²

From April 2 to April 15, the IDF had direct control over medical and humanitarian access to Jenin camp. During this period Israel was obliged under international humanitarian law to provide the sick and wounded with access to emergency medical care, and to ensure the supply of food and medical supplies to the civilian population. According to evidence gathered by Human Rights Watch, injured civilians, combatants, and the sick in Jenin camp had no access to emergency medical care from April 4 to April 15, a period of eleven days. After the camp's surrender, civilians continued to suffer as the IDF failed to facilitate access to food, water, and other emergency services, despite its obligations to do so and despite the fact that, for nine days, emergency personnel and supplies were available in close proximity to the camp.

IX. DISPROPORTIONATE AND INDISCRIMINATE USE OF FORCE WITHOUT MILITARY NECESSITY BY THE IDF

Destruction of the Civilian Infrastructure

The wide-scale destruction of the Jenin camp has shocked many observers. Much of the physical damage was caused by bulldozers sent in to clear paths through Jenin camp's narrow, winding alleys. In some cases civilians were not adequately warned of the impending destruction, and in one case a handicapped person died as his house was bulldozed above him and as relatives pleaded with the soldiers to stop (see below). Others were caught inside as the destruction began. The damage caused by the bulldozers caused permanent damage to many buildings and rendered others uninhabitable or unsafe. Water and sewage mains were disrupted, as well as much of the other infrastructure.

Particularly in the initial stages of the incursion, witnesses described how the IDF's armored bulldozers began destroying their homes while they were still inside, endangering the lives of civilians. Bulldozers initially entered the al-Damaj area of the camp on the east hill of the camp. Bulldozers were able to enter the area below Hawashin area on April 6 and 7, and the Hawashin district on April 9 and 10.

Ahmad Jalamna, aged thirty-seven, lived on the southeast outskirts of the Jenin refugee camp, where bulldozers first entered the camp at the beginning of the incursion. He recalled how IDF bulldozers began destroying his home while his family was still inside on the second day of the attack, April 4, and then shot at his elderly mother when she tried to go outside and stop the bulldozers:

Then they brought the bulldozers. In ten minutes, they had destroyed the shop [in front of the house] and some of the rooms [of my house]. I was in the basement and came inside with the others. I told my mother to go out. When the soldiers saw her, they started shooting at her and I pulled her back inside. Then, they threw a sound bomb inside.¹³³

Human Rights Watch documented one case in which a civilian was buried alive when IDF bulldozers collapsed his home. Jamal Fayid was a thirty-seven-year-old paralyzed man living in the Jurrat al-Dahab area of the camp, and his family could not evacuate him in time. Despite the pleas of the family, the IDF bulldozer refused to stop the demolition of the home on April 6. Jamal Fayid was killed in the collapsed building (see below for more details). It is difficult to see what military goal could have been furthered or what legitimate consideration of military necessity could be put forward to justify the crushing to death of Jamal Fayid without giving his family the opportunity to remove him from his home. The remains of a number of Palestinian militants have been recovered from collapsed buildings, as well as those of civilians who were known to have died but

¹³² Ibid.

¹³³ Human Rights Watch interview with Ahmad Yusuf Ibrahim Jalamna, aged thirty-seven, Jenin, April 19, 2002.

whose remains could not be evacuated prior to the bulldozing. At this writing, recovery efforts continue at the Jenin refugee camp, and it is possible that more remains of civilians or armed Palestinians killed during the bulldozing will be recovered. Human Rights Watch is not aware of any cases of missing people who are believed to be buried under the rubble at the time of this report.

On April 9 in the Hashawin area, Samia Abu Sha'ab described how his father was shot dead by IDF soldiers after trying to get bulldozers to stop destroying their home while they were inside: "The bulldozers started destroying the outside half of our house. Half of the house was very destroyed. My father went out to see what had happened. He spoke to the driver of the bulldozer and explained that his family was inside. The bulldozer stopped."¹³⁴ Shortly afterwards, Samia's father, Muhammad Abu Sha'ab, was shot dead by an Israeli sniper as he stood inside his half-destroyed home (see below). The family was forced to flee the home and had to abandon the corpse of their father inside. When they returned after the offensive, their home had been bulldozed and they had to use a bulldozer to recover their father's remains.

The most significant damage occurred in Hawashin district after the April 9 ambush and killing of Israeli soldiers by Palestinian militants. Because most residents had fled the area by the time it was leveled by bulldozers, Human Rights Watch has been unable to establish precisely when the damage occurred. It is thus difficult to compile an accurate picture of when and how the razing took place. However, it is clear from the wholesale damage, the only area of Jenin camp to be completely leveled, that the destruction was deliberately comprehensive.

Based on detailed maps in which individual buildings can be identified, Human Rights Watch counted a total of 140 completely destroyed buildings in the camp—many multi-family dwellings—of which more than one hundred were located in the completely razed area of the Hawashin district. While there is no doubt that Palestinian fighters in the Hawashin district had set up obstacles and risks to IDF soldiers, the wholesale leveling of the entire district extended well beyond any conceivable purpose of gaining access to fighters, and was vastly disproportionate to the military objectives pursued.

The destruction in other areas of the camp was indiscriminate in its effect on the civilian population, and disproportionate to the military objective obtained. Aside from the razed Hawashin district, over 200 houses sustained major damage, most so serious as to render the homes within uninhabitable. Those assessments were based only on those houses where damage is externally visible. At the time of Human Rights Watch's research no assessment had been made of how many houses had been damaged by the internal "mouseholing" IDF forces used to get from house to house. UNRWA has registered at least 400 families who were rendered homeless by the IDF military operation in the camp, and estimates that their final count of families rendered homeless could reach as high as 800, according to UNRWA Director for the West Bank Richard Cook.¹³⁵ Based on this estimate, as many as 4,000 residents, representing more than a quarter of the camp's residents, could have been rendered homeless.

The wholesale leveling of more than one hundred buildings in Hawashin district, most of them multi-family dwellings, was clearly an act of extensive destruction. Hawashin district—the location of the ambush in which Israeli forces suffered their greatest casualties—was the only area of the campaign to be targeted for such complete destruction. Those who argue that the IDF's actions there were justified point to the many explosive devices found in the district, and speculate that many of the houses may have been booby-trapped. The last Palestinian fighters to surrender were holed up in Hawashin district. Important in this context is also the fact that Israeli forces at the time were under considerable political and diplomatic pressure to conclude the operation quickly. While it may be the case that the wholesale leveling of the district fulfilled a military objective, speculation concerning the extent of improvised explosive devices in the area and reasons of expediency were not sufficient grounds to meet the "absolutely necessary" standard required by international humanitarian law. The

¹³⁴ Human Rights Watch interview with Samia Muhammad M'asud Abu al-Saba'a, aged forty-three, Jenin, April 20, 2002.

¹³⁵ Human Rights Watch interview with Richard J. Cook, Director of UNRWA operations for the West Bank, April 24, 2002.

extraordinary degree of destruction in this particular area raises serious questions about the military rationale that could have justified such actions. This is a case that fully justifies the need for a U.N. fact-finding team to give its utmost priority to the situation in the Hawashin district.

The International Committee of the Red Cross (ICRC), which promotes adherence to the Geneva Conventions, took the unusual step of speaking out publicly about the extent of destruction of the civilian infrastructure in Jenin camp and the inadequate safeguards taken by the IDF to protect civilian life and property in the camp. Rene Kosirnik, the head of the ICRC delegation, stated:

When we are confronted with the extent of destruction in an area of civilian concentration, it is difficult to accept that international humanitarian law has been fully respected.... If you suspect your [military] operation will cause disproportionate damage to civilians or civilian property, then you have to stop the operation.¹³⁶

Human Rights Watch concludes that the Israeli military actions in the Jenin refugee camp included both indiscriminate and disproportionate attacks. Some attacks were indiscriminate because Israeli forces, particularly the IDF helicopters, did not focus their firepower only towards legitimate military targets, but rather fired into the camp at random. This indiscriminate use of firepower added significantly to the civilian casualty toll of the fighting and the destruction of civilian homes in the camp. The Israeli offensive in Jenin refugee camp was also disproportionate, because the incidental loss of civilian life, injury to civilians, and damage to civilian objects was excessive in relation to the concrete and direct military advantage anticipated.

Inability of Civilians to Flee

Thousands of civilian refugees remained in the camp when the IDF launched its attack. Many became trapped inside their homes by the crossfire that raged around them. Camp residents were also trapped in their houses by IDF gunmen, such as the one who shot at twenty-one year old Susanna al-Ghada' when she moved aside a curtain from her window on April 5, and the one who shot seventy-year-old Yusuf Muhammad as he ran to call in children playing in his neighbor's yard on April 6.¹³⁷

Many of the people interviewed by Human Rights Watch described being unable to flee the camp, initially because of the fighting, and later because they had been confined to their houses by IDF soldiers. Fifteen-year old Rhim Salem was kept by IDF soldiers in a house at the edge of Hawashin district until April 15 with twenty-four other people; soldiers also occupied the house, which borders the area completely reduced to rubble.¹³⁸ Many residents ran from house to house inside the camp as the houses they were sheltering in were progressively targeted by IDF fire.

Many civilians were also trapped by the fighting, unable to leave their homes and flee to safety. Lina Sa'adiya, in her late forties, lived with her brother's family and mother in a home near the government hospital. Lina's elderly mother, Farida, was paralyzed and often confused. On April 3, the first day of the incursion, the family was eating lunch when a helicopter-fired missile hit the kitchen, and the second floor began to burn. At first the family called for help, but realizing that no one would be able to come to them, they fled to a neighbor's house, two doors away.

The next day, April 4, the fighting raged around the home where Sa'adiya and her family were staying. Armed Palestinians in nearby houses exchanged fire with IDF snipers. IDF helicopters sprayed the area with gunfire and missiles. The owner of the house and Lina's brother's family fled. For six days, Lina and her mother

¹³⁶ Chris McGreal and Brian Whitaker, "Israel Accused over Jenin Assault," *Guardian*, April 23, 2002.

¹³⁷ Human Rights Watch interview with Susanna N'uaman 'Abd al-Hamid al-Ghada', aged twenty-one, Jenin, April 27, 2002; Human Rights Watch interview with Yusuf Yassin Muhammad Kamil, aged seventy, Jenin April 20, 2002.

¹³⁸ Human Rights Watch interview with Rim Jemal Muhammed Salem, aged fifteen, Jenin, April 28, 2002.

stayed in the home, unable to run, surrounded by broken glass, dust, and continuous shooting. They had no food. They drank from the water tank but it was shot in the fighting and the water eventually drained away.

IDF soldiers discovered Lina and her mother at the house on April 10 and ordered them to leave that afternoon. "A soldier came back and told us to go to the mosque. He said they were going to lay explosives in the area because there was still resistance in the area."¹³⁹ Lina asked the soldiers to help her carry her mother, but they refused, shouting at her to shut up. Lina told Human Rights Watch:

My mother was screaming from pain and distress. I tried to carry her, but I couldn't, I was too weak. I tried to go back to my house, but it had been destroyed by the bulldozer. The camp was empty and all the people had gone away. I dragged my mother through the road, full of glass and rubble and heavy shooting. I saw someone's leg, blown off, on the street. I dragged her for an hour. Her feet were bleeding and she was screaming. I went into a house but it was half gone and there was a dead body in there.¹⁴⁰

Lina and her mother eventually found shelter in another house in the same area. They found a packet of dry biscuits and two bottles of water, which sustained them for the four nights they stayed there. Lina and her mother were still in the house when, on April 14, she heard the sound of a bulldozer and the house began to shake. She ran outside, shouted at the driver, and ran in again to drag her mother out. The second floor of the house caved in as they left. Lina eventually found another house, badly damaged and with a corpse under the rubble. She and her mother stayed there another four days before they were discovered and taken to hospital by foreign journalists on April 18—fifteen days after they had first come under fire.

Nidal Abu Khurj explained how he and his family had been forced to move from house to house in the refugee camp as the houses in which they were taking shelter came under attack from IDF helicopters and tanks. They were first forced to flee their father's house when a neighboring house caught on fire from helicopter shelling, and then spent one night in a brother's house where they came under constant IDF fire. They then fled to a second brother's house, where they again came under attack from helicopters and were forced to remain in the bathroom with twenty-four people to avoid the shelling.¹⁴¹

On April 7, Khadwa Ahmad Hassan Samara, aged thirty-five, was sheltering with her three children and twelve others in the ground floor of her house in the al-Damaj area of the camp. Fighting raged around the area, with armed Palestinians present some thirty meters away. A missile hit the third floor of the house around noon, destroying an exterior wall and a water tank. At 11:30 p.m. the family was startled by the sound of a bulldozer approaching.

Samara told Human Rights Watch:

The first thing they destroyed was the main door. No one could open it. We were trying to sleep in the bedroom. That is, kids were asleep but the adults were awake, worrying. When the bulldozer came I had a mobile. I rang my husband and screamed, "Help! Call the Red Cross! The Red Crescent! Do anything!"¹⁴²

She and the others shouted and placed three lanterns to try and signal that the house was inhabited. They could not leave the house because the only door had become blocked with rubble from the bulldozing. The bulldozer left after demolishing the front stairwell, only to return at 5:00 a.m. Samara and her family were fortunate: the bulldozer stopped after demolishing the bathroom and the children's bedroom. She and the others broke a window and ran to a neighbor's house. There they had fifteen minutes of rest before the bulldozer approached again:

¹³⁹ Ibid.

¹⁴⁰ Human Rights Watch interview, Lina 'Abd Allah 'Abbas Sa'adiya, April 21, 2002.

¹⁴¹ Human Rights Watch interview with Nidal Ahmad Muhammad Abu Khurj, aged thirty-one, Jenin, April 19, 2002.

¹⁴² Human Rights Watch interview with Khadwa Ahmad Hassan Samara, aged thirty-five, Jenin, April 26, 2002.

We smashed a hole in the exterior wall, using anything we could find—hammers, old bits of pipe, whatever. One by one we climbed out of the hole and went to the house of the brother of Muhammad, my neighbor. We arrived there circa 6:30 a.m.¹⁴³

On April 9, Samara and her family were sheltering in a third house, along with more than twenty-five other civilians. Samara did not hear any IDF warning to evacuate. It was a telephone call from a relative in Jordan, who was watching the al-Jazeera television station, that convinced Samara and the others to leave. Samara called her husband, trapped at his workplace outside the camp, to check. He confirmed that the IDF had told the inhabitants to leave the camp. Samara and the others made white flags, and left the house at 4:00 p.m.¹⁴⁴ She and her family were stopped by an IDF tank some fifty meters away, and were told repeatedly to return to their houses. After waiting for several hours in the street, Samara and her family were allowed to walk to al-Razi hospital, outside the camp, and arrived safely at 7:00 p.m.

Indiscriminate Helicopter Fire

Although missiles had been used from the beginning of the incursion, their use became particularly intense in the early morning hours of April 6. Testimony collected by Human Rights Watch indicates that many areas of the refugee camp were fired upon at that time, catching many sleeping civilians unaware. Many of the rockets used were U.S.-made wire-guided TOW missiles. The evidence gathered by Human Rights Watch suggests that many of the TOW missiles indiscriminately hit civilian homes and in at least one case a civilian was killed when she was struck by a helicopter missile. The number of solely civilian objects hit in the helicopter attacks the early morning of April 6 suggests that insufficient care was taken by Israeli forces to target only military objects. Due to the dense urban setting of the refugee camp, fighters and civilians were never at great distances. Nevertheless, such proximity does not provide a valid excuse by Israeli forces' action in firing upon the entire area as if it were a single military target.

Kamal Tawalba, a forty-three-year-old father of fourteen children, offered one of many compelling accounts that showed how IDF tanks and helicopters made little distinction between legitimate military targets and civilian homes. He told Human Rights Watch that he was alone with his family at his home on the morning of Saturday, April 6, and had harbored no Palestinian militants in his home: "There were no fighters in my house. I have fourteen children and would never have taken such a risk." The family was asleep on the bottom floor of their home when a tank shell hit the floor above them, setting the house on fire. He and his family tried to leave, but were prevented from doing so when IDF soldiers shot at them: "I went to the gate and started calling to the IDF soldiers to allow us to go out. I tried to ask for help—I held two children in my arms—but they started shooting at the windows."¹⁴⁵ A few minutes later, two TOW-missiles hit the top floor of his home, causing more destruction: "After two minutes, two more missiles came to the house from an Apache helicopter. I can tell the difference [with the tank shells] because we could see the wires from the Apache helicopter [guiding the missile]. I took my small baby—there was so much dust—and I went outside without caring about the soldiers. A soldier started shooting at me and told me to put the children down. He took me in the street and told me to take off my clothes."¹⁴⁶

Thirty-one-year-old Samira Shalabi was with twelve civilians, including six children, who had gathered together for safety in Samira's mother's house on Matahin street above the UNRWA school. She says there were no fighters in the nearby area.

We were sleeping there; there were twelve of us. First, they fired a rocket and some of it fell down into this room. The windows fell in on us and because we couldn't breathe, we left the room and went into the

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Human Rights Watch interview with Kamal Muhammad Hussein Tawalba, aged forty-three, Jenin, April 27, 2002.

¹⁴⁶ Ibid.

hallway. But the helicopters didn't stop, they kept firing rockets continuously. People tried to help us get out, because the rocket blast had sealed the door shut, we had to go out the kitchen window.¹⁴⁷

A four-year-old girl, Sara Shalabi, was injured by shrapnel in that attack; while her injuries were light enough to be initially treated with first-aid, she now needs an operation to remove shrapnel.

Many other buildings fired upon in that attack housed only civilians, for example Yusra Abu Khurj, a mentally disabled woman who lived in the district below Hawashin near the entrance to the camp. She was killed by a missile from an Apache helicopter fired directly into her top-floor room in a building at approximately 6:00 a.m.; the building was occupied only by civilians (see below for more details).

Indiscriminate attacks were most intense on April 6, but they did not entirely abate afterwards. Khadija al-Ruzi, aged fifty-four, described how her family had to flee their home in the Hawashin area camp after fire from an Apache helicopter set the house alight. She said that beginning on April 6, the area of the camp they were staying in came under heavy helicopter fire.¹⁴⁸ There were no Palestinian militants in her three-story building, but the next day an Apache helicopter strike set the building on fire, forcing its evacuation:

The fourth day [April 7] we had to leave our house because [the IDF] had hit it with a missile and it was burning. It was a three-story building. We were in one corner in the bathroom [because it had no windows] and stayed there with twenty-eight people, men, women, and children. We were all civilians. When the house was burning, we had to move.¹⁴⁹

The family ran to a neighboring house: "We left the first house when it was first light [in the morning]. The houses are close to each other so we could move quickly, but the shelling continued."¹⁵⁰ They had to leave the second home that same evening at 9:00 p.m. when it, too, came under intense tank fire. They went out with white cloths, and the women and children were allowed to leave the camp by the IDF soldiers in the area, while the men were stripped of their clothes and arrested.

Some of the helicopter missile fire was so indiscriminate that it nearly killed IDF soldiers. Seventy-two-year-old Raja Tawafshi recalled how an IDF missile fired from a helicopter hit the top floor of his home in the Saha area of the camp on April 3 as he was accompanying IDF soldiers who were searching his home: "During their inspection, a bomb hit the house from the IDF [helicopter] and damaged that floor."¹⁵¹

On Wednesday, April 10, Karima Baklizia, in her sixties, was taking shelter in her house in the Hawashin area with another woman and three children. Although this was a time when fighting had been concentrated in the Hawashin neighborhood, there were no Palestinian fighters present in the house. An ambush and the deaths of Israeli soldiers the previous day in the neighborhood had led to particularly intense attacks on that neighborhood—according to confidential sources, the IDF fired at least thirty-five TOW missiles into the camp immediately following the April 9 ambush.¹⁵² Baklizia and the others were hiding in a small bathroom on the second floor. Three missiles hit the first floor of the house, and the first floor began to burn. Baklizia and her companions tried to run to the house next door, only to find that it, too, had been hit. They ran to a second house, and stayed the night. In the early morning of the next day, Baklizia and the others returned.

¹⁴⁷ Human Rights Watch interview with Samira Tawfiq Yusuf Shalabi, aged thirty-one, Jenin, April 27, 2002.

¹⁴⁸ Human Rights Watch interview with Khadija 'Abd al-Qadir al-Ruzi, aged fifty-four, Jenin, April 19, 2002.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Human Rights Watch interview with Raja Mustafa Ahmad Tawafshi, aged seventy-two, Jenin, April 22, 2002.

¹⁵² Confidential information on file at Human Rights Watch.

I returned to my house to check the damage. As I went to check there was another missile strike. I was in the bathroom and all the house came down. It collapsed and I felt it shake, but the bathroom is at the beginning of the house and it was still standing. Nobody can believe that I am still alive.¹⁵³

The women eventually climbed down and walked down to the health clinic. Baklizia's companion took off her headscarf to use as a white flag. Both eventually found shelter with an acquaintance near the health clinic.

Insufficient Warnings Issued by IDF

The IDF took some steps to minimize loss of life by issuing warnings to camp residents, but in many areas of the camp residents did not receive or hear any warnings. On multiple occasions from April 9, the IDF used loudspeakers to urge civilians to vacate their homes. It is not clear, however, how widely or how often the loudspeaker messages were conveyed. Many of the camp residents interviewed by Human Rights Watch did not hear the messages directly, but instead heard about them from neighbors, by seeing their neighbors flee, and, as in Samara's case, by a relative watching al-Jazeera television news in Jordan.¹⁵⁴

Issa Wishahi, who lived near the entrance to the refugee camp and saw his son and wife killed during the IDF offensive (see below), recalled hearing the IDF loudspeaker messages:

On Monday [April 8] the soldiers were saying that everyone going out of their homes would be safe, just to carry a white flag, that everyone who remained inside would be bulldozed. They said this in Arabic on the loudspeakers. After that, everyone [in my neighborhood] came out into the street.... The soldiers made that announcement from 9:00 a.m. to 12:00 p.m. on Monday.¹⁵⁵

Fathiya Sa'adi vividly remembered the Arabic-language warning that came blaring from IDF loudspeakers on Wednesday, April 10, at about 9:30 a.m., ordering civilians to evacuate their homes. She repeated the message verbatim to Human Rights Watch:

Inhabitants of the refugee camp of Jenin! We want to inform you that the Israeli soldiers have occupied the camp and it is completely under Israeli control now. We have destroyed your resistance. Now, you must immediately leave your houses, or we will destroy the whole camp over your heads by plane and by tanks.¹⁵⁶

Fathiya and her family left their home, pushing their wheelchair-bound mother in front of them. "The [Israeli] snipers were shooting in the air to make us afraid," she recounted.¹⁵⁷

Some of the civilian residents were too fearful to come out of their homes when the IDF ordered them to leave. Sa'id Abu 'Anas, a thirty-four-year-old resident of the Hawashim neighborhood, recalled how on the evening of Tuesday, April 9, he heard an announcement on the loudspeakers but was too afraid to go outside: "The soldiers started talking on the loudspeakers, saying we must come out and they would treat us with humanity. No one came out because we thought we would be killed. Then they asked for the women and children to come out—they let the children, women, and old men go out."¹⁵⁸ Said, afraid for his life, stayed inside until Saturday, April 13, when IDF soldiers arrested him and the other remaining men.

Many other residents did not hear the warning directly from the IDF soldiers, but were informed by their neighbors. Samia Abu al-Saba'a, aged forty-three, recalled: "We saw some people coming with white *kafiyas*

¹⁵³ Human Rights Watch interview, Karima Mustafa Sa'id Baklizia, April 20, 2002.

¹⁵⁴ Human Rights Watch interview with Khadwa Ahmad Hassan Samara, aged thirty-five, Jenin April 27, 2002.

¹⁵⁵ Human Rights Watch interview with Issa Wishahi, aged sixty, Jenin, April 20, 2002.

¹⁵⁶ Human Rights Watch interview with Fathiya Yusuf Sa'adi, aged thirty, Jenin, April 20, 2002.

¹⁵⁷ Ibid.

¹⁵⁸ Human Rights Watch interview with Sa'id Abu 'Anas, aged thirty-four, Jenin, April 20, 2002.

[head scarves], they said the bulldozers were destroying the Hawashin area. They said we should leave our houses, because anyone inside will be killed. The people told us this, not the soldiers.”¹⁵⁹ Hala’ Abu Rumaila, who lived on the outskirts of the camp and whose stepson and husband died in the IDF attack, also recalled hearing about the evacuation order from neighbors who had heard the IDF message. In some cases, this may have been because soldiers did not want to expose themselves to the risk of entering Palestinian houses. Rim Salem recalled how soldiers occupying the house where she and twenty-four other civilians were sheltering tried to make her mother go to the neighboring houses in Hawashin district. “They told her they were going to destroy the house, and wanted my mother to go to the neighbor’s house to tell them to leave. My mother was afraid to do it because of the soldiers, and the IDF was afraid of the fighters.”¹⁶⁰

Most warnings seem to have preceded imminent destruction by bulldozers. Human Rights Watch did not receive information that similar warnings were issued in advance of air or artillery attacks.

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¹⁵⁹ Human Rights Watch interview with Samia Muhammad M’asud Abu al-Saba’a, aged forty-three, April 20, 2002.

¹⁶⁰ Human Rights Watch interview with Rim Jemal Muhammed Salem, aged fifteen, Jenin, April 28, 2002.

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