

Violence has become a part of daily life in Israel and the Occupied Territories since the latest *intifada* began on 29 September 2000. More than 570 Palestinians, including 150 children, have been killed by Israeli security forces. More than 150 Israelis, including 30 children, have been killed by Palestinian armed groups and individuals.

Israeli forces have killed Palestinians unlawfully by shooting them during demonstrations and at checkpoints although lives were not in danger. They have shelled residential areas and committed extrajudicial executions. Palestinian armed groups and individuals have deliberately killed Israeli civilians by placing bombs in crowded places and in drive-by shootings.

All Palestinians in the Occupied Territories — more than three million people — have been collectively punished. Almost every Palestinian town and village has been cut off by Israeli army checkpoints or physical barriers. Curfews on Palestinian areas have trapped residents in their homes for days, weeks or even months. In the name of security, hundreds of Palestinian homes have been demolished.

Amnesty International has repeatedly called on the Israeli authorities to abide by international human rights standards and urged the Palestinian Authority and armed groups to act in accordance with humanitarian law. It has also called for the international community to take the action necessary to ensure respect for human rights in the region.

A permanent and durable peace can only be built on a foundation of human rights. The time for the international community to act decisively to this end is long overdue. The past year has shown more clearly than ever that if human rights are sacrificed in the search for peace and security, there will be no peace and no security.



Broken lives – a year of *intifada*

Israel/Occupied Territories/Palestinian Authority

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AMNESTY INTERNATIONAL



**Israel/Occupied Territories/
Palestinian Authority**

**Broken lives – a year of
*intifada***

Amnesty International

Cover photograph: A Palestinian boy plays by a wall sprayed with graffiti in Khan Yunis, Gaza Strip, April 2001
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Amnesty International (AI) is a worldwide movement of people who campaign for human rights. AI works towards the observance of all human rights as enshrined in the Universal Declaration of Human Rights and other international standards. It seeks to promote the observance of the full range of human rights, which it considers to be indivisible and interdependent, through campaigning and public awareness activities, as well as through human rights education and pushing for ratification and implementation of human rights treaties.

AI's work is based on careful research and on the standards agreed by the international community. AI is a voluntary, democratic, self-governing movement with more than a million members and supporters in more than 140 countries and territories. It is funded largely by its worldwide membership and by donations from the public. No funds are sought or accepted from governments for AI's work in documenting and campaigning against human rights violations.

AI is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

AI takes action against some of the gravest violations by governments of people's civil and political rights. The focus of its campaigning against human rights violations is to:

- free all prisoners of conscience. According to AI's statute, these are people detained for their political, religious or other conscientiously held beliefs or because of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status – who have not used or advocated violence;
- ensure fair and prompt trials for all political prisoners;
- abolish the death penalty, torture and other ill-treatment of prisoners;
- end political killings and "disappearances".

AI calls on armed political groups to respect human rights and to halt abuses such as the detention of prisoners of conscience, hostage-taking, torture and unlawful killings.

AI also seeks to support the protection of human rights by other activities, including its work with the United Nations (UN) and regional intergovernmental organizations, and its work for refugees, on international military, security and police relations, and on economic and cultural relations.

Israel/Occupied Territories/ Palestinian Authority

Broken lives – a year of *intifada*

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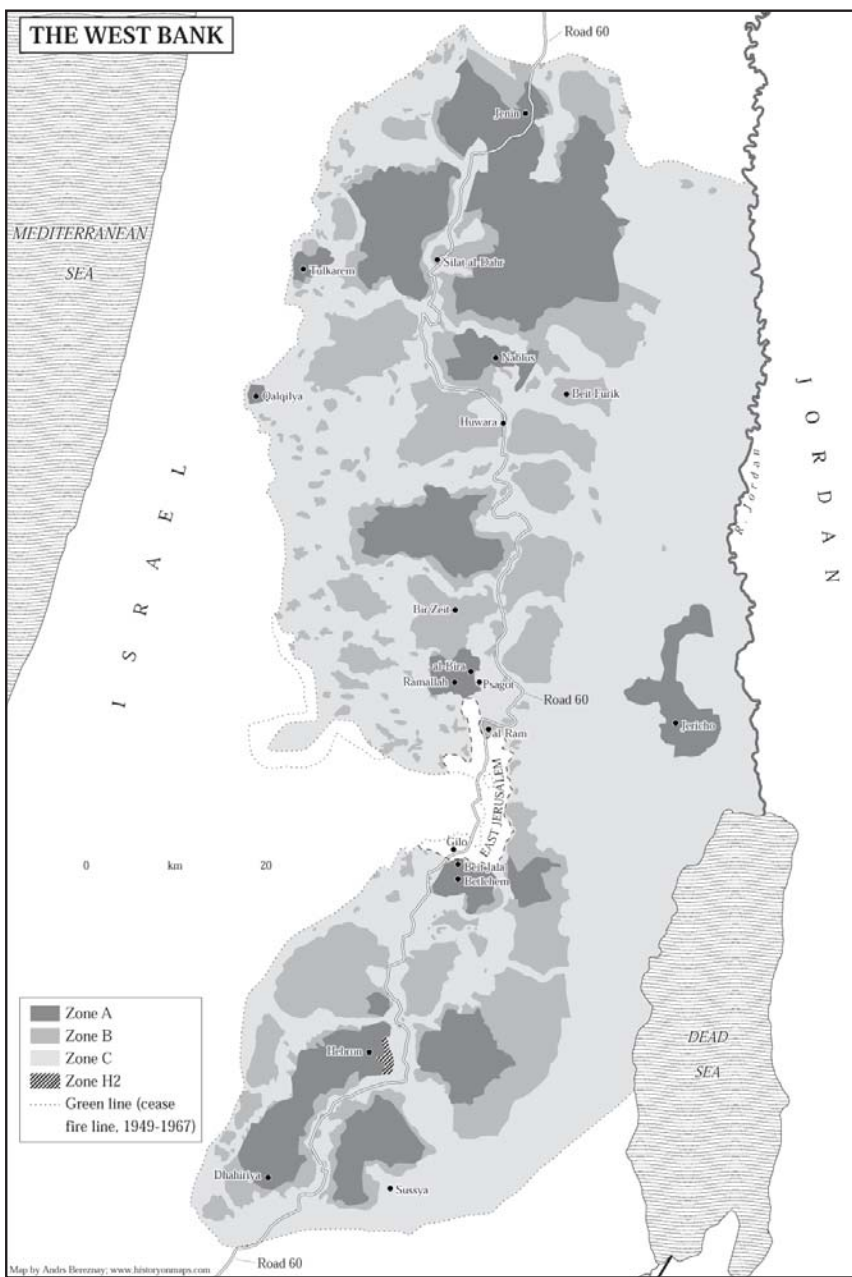
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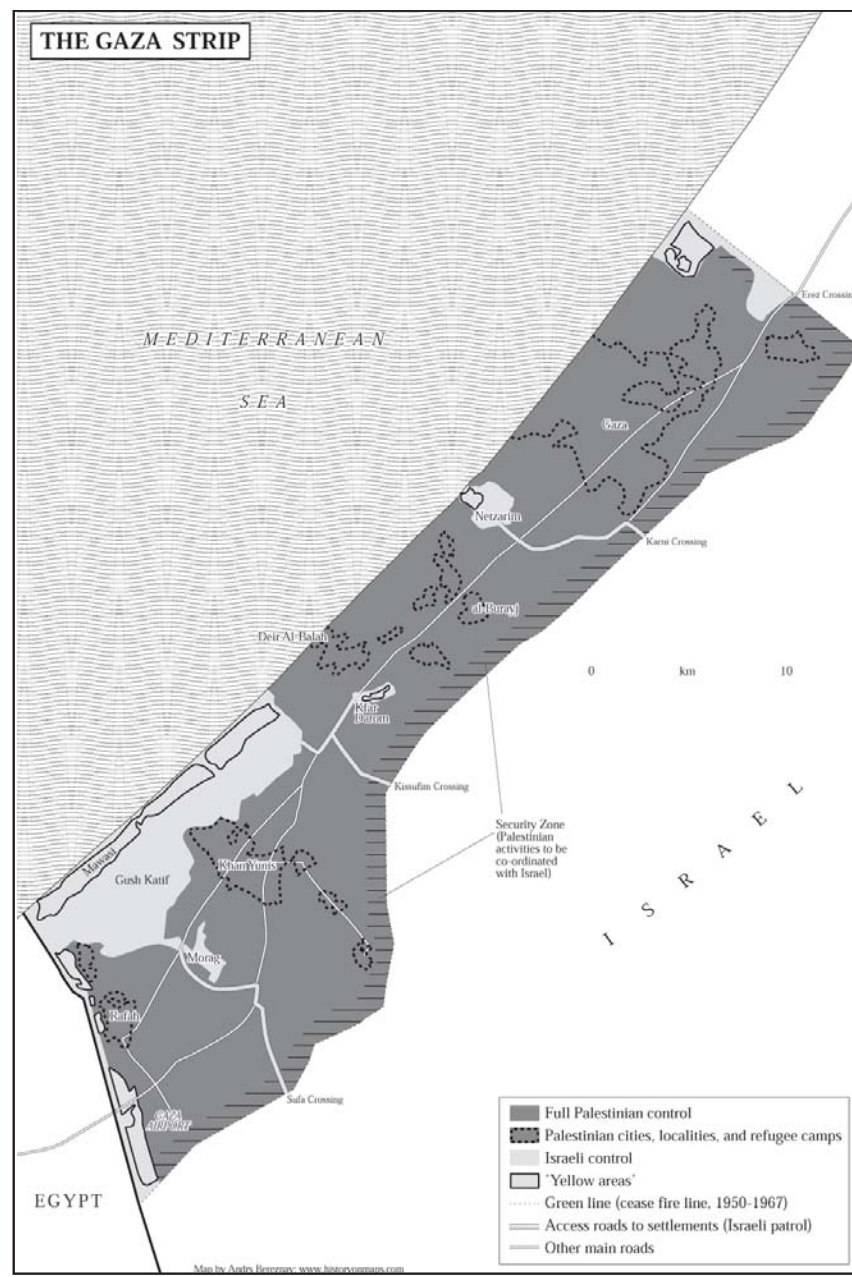
Glossary

<i>B'Tselem</i>	Israeli human rights organization
<i>Fatah</i>	the dominant political force of the PLO
<i>gambaz</i>	torture method involving squatting
GSS	General Security Service (Israeli); also known as <i>shinbet</i> and <i>shabak</i>
<i>Hamoked</i>	Israeli human rights organization
<i>Hamas</i>	Islamist Palestinian opposition group
ICRC	International Committee of the Red Cross
IDF	Israeli Defence Forces
<i>intifada</i>	uprising
Islamic <i>Jihad</i>	Islamist Palestinian opposition group
<i>istikhbarat</i>	Military Intelligence (Palestinian)
'Izz al-Din al-Qassam brigades	armed wing of <i>Hamas</i>
<i>Mahash</i>	Department for the Investigation of Police under the Israeli Ministry of Justice
MDA	Magen David Adom, Israel's national emergency service
NGO	non-governmental organization
PA	Palestinian Authority
PCHR	Palestinian Centre for Human Rights
PLO	Palestine Liberation Organization
PRCS	Palestine Red Crescent Society
<i>shabeh</i>	torture method involving being held in painful positions, usually for prolonged periods
<i>Ta'ayush</i>	"Coexistence", a Palestinian-Israeli organization
<i>tanzim</i>	military wing of <i>Fatah</i>
UDHR	Universal Declaration of Human Rights
UNRWA	UN Relief and Works Agency

The West Bank: zones of control at the beginning of the *intifada*



The Gaza Strip: zones of control at the beginning of the *intifada*



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1: Introduction

The *Al-Aqsa intifada* (uprising) started on 29 September 2000. Palestinian demonstrations, often violent, were put down by Israel with lethal force. By September 2001 more than 570 Palestinians had been killed by Israeli security forces, the vast majority of them unlawfully when no lives were in danger. More than 150 Israelis, including 115 civilians, had been killed by Palestinian armed groups and individuals. Many children were victims: more than 150 Palestinian and 30 Israeli children were among those killed. Thousands of other people were wounded, many maimed for life.

The Israeli authorities have responded to the *intifada* and the killing of Israeli civilians by killing Palestinians at demonstrations, checkpoints and borders, and by shelling residential areas and police stations. In response to attacks on Israeli settlements, Israeli forces have shelled Palestinian towns, making thousands of homes uninhabitable. The Israeli authorities have cut off almost every Palestinian town and village from the outside world by army checkpoints or physical barriers of earth, concrete blocks or metal walls. Villages and quarters of Palestinian towns and villages have been put under curfew so that the residents have been unable to leave home or go to work for days, weeks or even months. In the name of security, hundreds of Palestinian houses have been demolished and Palestinians barred from travelling along certain roads in the Occupied Territories. All Palestinians in Israel's Occupied Territories – more than three million people – have been collectively punished.

Violence is a part of daily life. Israeli settlers have killed and attacked Palestinians with almost complete impunity. Palestinians have shot deliberately at cars with Israeli number-plates travelling along the roads of the Occupied Territories and set off bombs in shopping malls and restaurants. Israelis have

become fearful in crowded streets and cafes and on the roads of the Occupied Territories. Palestinians have become fearful in houses or streets, when walking or driving, especially at the checkpoints where for no

Palestinian stone-thrower and jeep, 21 September 2001
© Reuters/Osama Silwani

apparent reason they may be killed by nervous, reckless or negligent soldiers. No killing in the Occupied Territories is properly investigated so the claims and counter-claims continue to reverberate.

Palestinians are increasingly impoverished by the closures and traumatized by the killings and destruction. Few feel that they have a future – few look beyond the next day, focusing instead on the possibility of staying alive.

Many ministries and departments of the Palestinian Authority (PA) have been seriously weakened as workers are unable to get to work or to carry out their duties. The offices of the PA's security services have been shelled by Israel, and the PA has sometimes not even the money to pay its civil servants let alone to help the population.

The presence of international observers, with a human rights monitoring and investigative role, might lift some of this fear. They could stand at checkpoints and give protection by monitoring the action of security forces. They could ensure the passage of ambulances and the sick. They could guarantee that villages and towns are kept open, restoring some normality to the lives of the people in the Occupied Territories. They could patrol the roads of the Occupied Territories and by their presence offer protection to civilians who travel along them.

International human rights observers could investigate the claims and counter-claims surrounding each killing and wounding, establish the truth and recommend measures to limit the loss of life. The lack of proper investigations and the distrust between Palestinians and Israelis mean that cooperation in investigating causes of death no longer takes place. Misinformation cannot be verifiably challenged. For example, the Israeli Defence Forces (IDF) make statements claiming that Palestinians killed by the IDF were placing bombs or firing guns. In some cases this may be true, in others it may be false. Some Palestinians have attributed deaths apparently caused by accidental gunshots, road accidents or natural causes to the IDF or settlers.¹ Human rights monitors could help assess the real cause of each killing.

Despite the mounting toll of Palestinian and Israeli deaths, Israel continues to reject any international presence. For its

part, the international community has made increasingly strong statements, but has failed to take the action necessary to ensure respect for human rights standards and international humanitarian law. Human rights appear to be low on the international agenda.

A permanent and durable peace can only be built on a foundation of human rights. The past year has shown more clearly than ever that if human rights are sacrificed in the search for peace and security, there will be no peace and no security. All those in a position of authority must recognize that the right to life, physical and mental integrity, freedom from arbitrary detention, freedom of movement, freedom of expression and freedom from fear and want are the inalienable rights of both Israelis and Palestinians. The human rights of one individual cannot be founded on the loss of rights of another. The failure to uphold people's basic rights feeds hatred and perpetuates abuses.

Historical background and international standards

Between the two world wars the British authorities ruled Palestine under a League of Nations mandate. On 14 May 1948 the British mandate over Palestine ended and the State of Israel was proclaimed. Arab protests against a UN partition plan were followed by war between Arab and Israeli armies from which Israel emerged victorious. More than 600,000 Palestinians fled or were expelled from Israel and became refugees.

Two parts of mandate Palestine remained outside Israel: the Gaza Strip, which came under Egyptian administration; and the eastern part of Palestine adjacent to the River Jordan. The latter was annexed by the Hashemite Kingdom of Jordan in 1950 and became known as the West Bank. Hostilities between Israel and Egypt, Syria and Jordan in June 1967 ended in Israel's occupation of the West Bank (including East Jerusalem) and the Gaza Strip, as well as Syria's Golan Heights (annexed by Israel in 1980) and the Sinai Peninsular, which was later returned to Egypt.

Amnesty International, by its mandate, takes no position on such political issues. It thus takes no position either on Israel's

occupation of the Palestinian territories or on the right of the Palestinians to take up arms against occupation. However, the fact that the situation in the West Bank, including East Jerusalem, and the Gaza Strip is one of occupation is fundamental to understanding the continuing resistance over 35 years of the Palestinians and in assessing the human rights standards Israel should use in relation to the Palestinians.

The rules of an occupying power are laid down in the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949, to which Israel is a High Contracting Party. Palestinian residents of the Occupied Territories benefit from the protection of the Fourth Geneva Convention and are "protected persons". The unfinished peace process has not changed the status of the Occupied Territories in this regard.

Under the Fourth Geneva Convention, Palestinians may not be killed, tortured, ill-treated or suffer humiliating and degrading treatment. They may not be deported. Their property may not be destroyed unless "rendered absolutely necessary by military operations". Collective punishment and reprisals are prohibited. The occupying power may not deport or transfer parts of its own civilian population into the territory it occupies. Article 147 spells out a list of "grave breaches" of the Fourth Geneva Convention:

"... wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

Under Article 8 of the Rome Statute of the International Criminal Court, "grave breaches" of the Geneva Conventions constitute war crimes.

Israel has maintained that it does not regard the Geneva Conventions as applying *de jure* to the West Bank and Gaza

Strip, although it has repeatedly affirmed that Israel would respect in practice the "humanitarian provisions", without clearly specifying what provisions it regards as "humanitarian". The International Committee of the Red Cross (ICRC) and the UN have consistently maintained that the Fourth Geneva Convention fully applies to the Occupied Territories and that the Palestinians are a protected population under the terms of the Convention.

Israel also has equal obligations to protect human rights under the major UN human rights treaties which it has ratified. These include the International Covenant on Civil and Political Rights (ICCPR). This treaty, which Israel has of its own accord made a solemn obligation to uphold, contains several articles which cannot be derogated from even "in time of public emergency which threatens the life of the nation" (Article 4(i)). These non-derogable articles include the right to life and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Other international treaties ratified by Israel include the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture); the Convention on the Rights of the Child (CRC); and the Convention on the Elimination of All Forms of Discrimination against Women.

Other human rights standards binding on members of the UN that are particularly relevant for the Israeli government's treatment of Palestinians are the UN Code of Conduct for Law Enforcement Officials (Code of Conduct); the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles); the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles); and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

The PA, which is not a member of the UN, has not ratified these treaties. However, President Yasser Arafat stated to Amnesty International delegates in 1993, soon after signing the first Oslo Agreement (see below), that he would abide by

international human rights treaties. Amnesty International therefore considers the PA also bound by these treaties.

In addition, it is a basic rule of customary international law that civilians and civilian objects must never be made the target of an attack. This rule applies in all circumstances, including in the midst of full-scale armed conflict. Due to its customary nature it is binding on all parties: not only Israel and the PA, but also Palestinian armed groups and Israeli and Palestinian individuals.

The peace process

The present peace process began in 1991. A Declaration of Principles (the "Oslo Agreement") signed in 1993 by Israel and the Palestine Liberation Organization (PLO) envisaged a five-year interim period during which the military government in Israel's occupied Palestinian territories would transfer some functions in parts of the West Bank and Gaza Strip to an elected Palestinian self-government authority. Negotiations on a permanent settlement that would end military occupation were to start by 1996 and be concluded by May 1999.

The Declaration of Principles specifically deferred discussion on Jerusalem, settlements (i.e. the Israeli colonies established in the Occupied Territories), borders and refugees (from 1948 onwards) until the permanent status talks. No conclusion has yet been reached in these talks.

The Interim Agreement (often referred to as "Oslo II") of 1995 defined the intricate zones in the West Bank over which the PA would have jurisdiction in the interim period, and the functions to be transferred to that authority for the interim period. Following elections, the Legislative Council of the PA was inaugurated in March 1996.

Oslo II envisaged the staged withdrawal ("redeployment") of the Israeli military and transfer of civil and security responsibilities to the PA. In the West Bank three zones were defined in terms of responsibilities. In Area A, the PA is responsible for civil affairs and internal security, while Israel is responsible for external security. In Area B, the PA is responsible for civil affairs while Israel has overriding

responsibility for security. In Area C, Israel has security control and is also responsible for civil affairs.

The boundaries of Area A were drawn to include some major centres of Palestinian population. Most of the areas without a significant Palestinian population were allocated to Area C. After the implementation, in 1998, of the first part of the Wye River Memorandum of 1997, the PA had what is referred to as "full control" of the small area which makes up Area A, covering 98 per cent of the Palestinian population of the West Bank. Israel had full control of Area C, which covers nearly two thirds of the area but only 2 per cent of the Palestinian population.

Because Jerusalem was excluded from Oslo II, the situation of East Jerusalem remains as it has been since 1967 – formally annexed into the State of Israel, subject to the laws of Israel and forming part of the municipality of Jerusalem. Palestinians living in East Jerusalem are regarded by Israel as "permanent residents" of Jerusalem (a privilege which may be revoked) and are governed by Israeli law. The international community still considers East Jerusalem to be part of the Occupied Territories.

Human rights monitoring and civil society

For Palestinian and Israeli human rights organizations, the *intifada* made the work of recording human rights violations more difficult as travel from one point to another became increasingly difficult, if not impossible. They have been on the front line, trying to continue their work, notwithstanding the difficulties. Today, as gunmen shoot on the colour of a car's number-plates or the ethnic identity of its occupants, there is no safe means of travel. A yellow-registered Israeli car may be shot at on bypass roads by *Fatah*. A PA-registered car with green or white number-plates may be attacked by settlers and will not be allowed past certain roadblocks. Human rights fieldworkers cannot easily move from place to place, so human rights abuses in outlying areas may not be monitored.

Palestinian human rights groups such as *Addameer*, *al-Haq*, Mandela, the Palestinian Centre for Human Rights, the Palestinian Human Rights Monitoring Group, the Palestinian Society for the Protection of Human Rights and the Environment,



and the Palestinian Independent Commission for Citizens' Rights, to name a few, have raised human rights violations in numerous detailed reports. Israeli and Israeli-Palestinian human rights groups such as *Adala*, the Arab Association for Human Rights, the Association for Civil Rights in Israel, *B'Tselem*, *Hamoked*, the Joint Committee against House Demolitions, Physicians for Human Rights, the Public Committee Against Torture in Israel, and Rabbis for Human Rights, have issued reports and brought cases before the Israeli High Court of Justice on behalf of individuals or groups who have suffered violations. Other groups, too numerous to mention, have been active and given time and energy on behalf of human rights.

Within Israel new movements have been formed, such as *Ta'ayush* ("Coexistence" – an alliance of Palestinian and Jewish citizens of Israel), and *Machsom Watch* (Checkpoint Watch, which sends Israelis to observe IDF checkpoints). Old movements, such as *Gush Shalom* and *Yesh Gvul*, have revived. Groups supporting conscientious objectors are particularly active. Nine women's organizations work together in the

October 2000: Amnesty International's delegate Dr Stephen Males (left), a specialist in sensitive public order policing, and Muhammad Zeidan of the Arab Association for Human Rights, examine forensic evidence from the rooftop where Israeli police snipers fired at Palestinian demonstrators in Nazareth

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Women's Coalition for Peace and this itself is part of a coalition of some 16 other Israeli Jewish, Palestinian and Druze organizations.

Palestinian civil society has made a number of unsuccessful attempts to turn the protests against Israeli occupation into non-violent protests. However, marches and meetings, however well attended, have not been able to halt the cycle of violence.

International action

Over the past year there have been numerous investigations into the situation in Israel and the Occupied Territories – by the UN, the Mitchell Commission (see below) and international and local human rights organizations – and there has been a remarkable consensus in the conclusions and recommendations of the resulting reports. What has been lacking has been the will to implement them.

A special session of the UN Commission on Human Rights, its Fifth Special Session, met on 17 to 19 October 2000. The final resolution called for a Commission of Inquiry, for the UN High Commissioner for Human Rights to visit the Occupied Territories, and for seven UN special rapporteurs to visit the area.

The UN High Commissioner for Human Rights visited the Occupied Territories and Israel in November 2000; a report on the visit was made public on 29 November.² The Commission of Inquiry was set up in December and visited the Occupied Territories; the Israeli government refused to hold discussions with the Commission of Inquiry, but facilitated obtaining a visa for one of its members.³ The UN Special Rapporteur on the Occupied Territories made three reports following visits to the region.

Resolutions supporting international observers were placed by the PA before the UN Security Council in December 2000 and March 2001; in December a call for military and police observers received eight votes at the UN Security Council, one short of a majority. In March 2001 a resolution at the Security Council for UN observers was vetoed by the USA.

Israel's case was also discussed by other UN mechanisms, including the 57th Session of the Commission on Human Rights, the Committee against Torture, and the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

In an attempt to end the violence in the Occupied Territories, a summit including US representatives, the then Israeli Prime Minister Ehud Barak, and President Yasser Arafat of the PA met at Sharm al-Shaikh, Egypt, on 16 to 17 October 2000. Among the measures instituted was the formation of a "committee of fact-finding on the events of the past several weeks and how to prevent their recurrence".

The committee was chaired by George G. Mitchell, former US Senator and Senate Majority Leader.⁴ Its report (usually called the "Mitchell report") was presented to the summit's participants on 30 April and made public on 20 May 2001. It was accepted immediately by the PA and later by Israel, which objected to the committee's support for a settlement freeze as a confidence-building measure.

The Mitchell report's recommendations included calls to Israel to adopt and enforce policies and procedures encouraging non-lethal responses to unarmed demonstrators; to reinstitute investigations into Palestinian deaths resulting from IDF actions; and to adopt tactics of crowd control that minimize the potential for deaths and casualties, including the withdrawal of rubber bullets from general use.

The report also called on the Israeli authorities to lift closures and ensure that security forces and settlers refrain from the destruction of Palestinian homes; and adopt and enforce policies and procedures designed to ensure that the response to any gunfire emanating from Palestinian populated areas minimizes the danger to the lives and property of Palestinian civilians.

The report called on the PA to prevent gunmen from using Palestinian populated areas to fire upon Israeli populated areas and IDF positions; take all necessary steps to establish a clear and unchallenged chain of command for armed personnel operating under its authority; and enforce effective standards of conduct and accountability, both within the

uniformed ranks and between the police and the civilian political leadership to which it reports.

The Mitchell Committee commented that an "international protection force" to be effective would need the support of both parties. The Committee mentioned the possibility of drawing upon the personnel of the Temporary International Presence in Hebron (TIPH)⁵ with agreement of both parties, "to manage other friction points".

In its call to "end the violence", the Mitchell report stated: *"During our last visit to the region, we met with the families of Palestinian and Israeli victims. These individual accounts were heart-rending and indescribably sad. Israeli and Palestinian families used virtually the same words to describe their grief... When we see the shattered bodies of children we know it is time for adults to stop the violence."*

Amnesty International's work

Amnesty International sent nine delegations to Israel and the Occupied Territories, including the areas under the jurisdiction of the PA, in the year following the beginning of the *intifada* in September 2000. Fact-finding missions included experts in riot policing, weapons and international law. The organization published three major reports.⁶

In addition to recommendations to halt the killings, Amnesty International called for a UN commission of inquiry and, later, for international observers with a human rights monitoring component. Amnesty International delegates discussed concerns with Israeli authorities, including the IDF, the Ministry of Justice and Foreign Affairs, as well as with the PA and leaders of *Hamas* and *Fatah*. In March 2001 a mission led by Amnesty International's then Secretary General, Pierre Sané, launched a human rights agenda for peace. It urged Israeli and Palestinian civil society to consider the human rights that should be the basis of any future peace accord.

Amnesty International is a membership organization with more than a million members in over 140 countries and territories. Amnesty International members worldwide have written and campaigned for the Israeli government and security

services to respect international human rights standards. They have urged the Israeli authorities to use lethal force only when lives are in imminent danger, to end state assassinations and to investigate every killing. They have called on Palestinian armed groups to end deliberate killings of civilians. Members all over the world have demonstrated and held silent vigils in response to events in Israel and the Occupied Territories. They have pasted on walls or read out on street corners the names of all victims, Palestinians and Israelis, in a call to halt the killings. Amnesty International members have lobbied embassies and their governments.

Amnesty International has also urged all governments, particularly the US government, to respect their international obligation to refrain from supplying arms likely to be used in serious human rights violations and breaches of international humanitarian law. The overwhelming majority of cases of unlawful killings and injuries in Israel and the Occupied Territories have been committed by the IDF using excessive force. In particular, the IDF have used US-supplied helicopters in punitive rocket attacks where there was no imminent danger to life. Israel has also used helicopter gunships to carry out extrajudicial executions and to fire at targets that resulted in the killing of civilians, including children. Many of Israel's military helicopters and spare parts have been supplied by the USA, Canada and the UK. The supplies appear to be continuing. Small-arms used by Palestinians appear to be smuggled in by Israeli, Jordanian and Egyptian gun-runners.

The purpose of this report is to measure the events of one year of the *intifada* against the universal human rights standards by which governments and individuals should assess their actions. Most of the examples of human rights violations have been investigated by Amnesty International; some have been investigated by others. Amnesty International pays tribute to the work of Palestinian, Israeli and international human rights organizations and human rights defenders who have continued, whatever the difficulty, to promote human rights actively. Such people have investigated the killings and other human rights violations which the authorities should investigate. They have stood at checkpoints or by houses

threatened by shelling – in place of the international human rights monitors which the international community has failed to send. They have helped to rebuild demolished houses and removed piles of earth or filled in the trenches which cut off villages and towns. There are many who continue to stand up for universal human rights for each individual, Palestinian and Israeli, and to struggle to offer solutions.

Every state has an obligation to act; no country should stand on the sidelines and allow killings to escalate. In particular, the 189 states that have agreed to "respect and ensure respect" of the Fourth Geneva Convention have a particular obligation to ensure that its provisions are respected.

2: Killings by Israelis

The first killings of Palestinians during the *intifada* were of those involved in demonstrations or bystanders. Many of the demonstrations were violent. Demonstrators threw stones at Israeli forces, sometimes using slingshots and, in Gaza and the West Bank, in some demonstrations threw Molotov cocktails. The Israeli police, border police, special forces and the Israeli army responded using potentially lethal rubber-coated metal bullets and live ammunition. During some riots in the Gaza Strip and the West Bank, firearms were used by Palestinians and, after the first days, there were gunfights between Israeli security forces and Palestinians armed with guns. However, in the first month approximately 80 per cent of the victims, according to Amnesty International's estimates, were killed in demonstrations in circumstances when the lives of members of the security services were not in danger.

The pattern of killings changed. Palestinian small-arms shooting at IDF posts and settlements led to an increasingly massive riposte from the IDF, resulting in an increased number of Palestinians being killed during the shelling of residential areas. From November 2000 the IDF increasingly pursued an openly avowed policy of extrajudicially executing individuals apparently suspected of planning attacks against Israelis. From January 2001, the IDF went increasingly on the offensive, invading Palestinian areas (including areas under full Palestinian control), shelling and demolishing houses, and razing orchards and crops.

In February 2001 Ariel Sharon was elected to succeed Ehud Barak as Prime Minister.

Over the past nine months the number of Palestinians killed in demonstrations has greatly diminished. However, more have been killed in shelling or as a result of a policy of creating "no-go" areas along the innumerable border zones that divide Palestinian areas from those under Israeli government control. In August 2001, according to Amnesty International's calculations, around half of those killed were either activists targeted for extrajudicial execution by Israel or were uninvolved bystanders in the vicinity of those whom the Israeli

authorities wished to kill. A number of the Palestinians killed may have been killed by their own bombs. In September 2001 at least half of those killed (at least 70 Palestinians, including about seven children) appear to have been killed in reprisal shelling of residential areas and during incursions by Israeli tanks into Palestinian areas. The day after the 11 September attacks in the USA, Israeli soldiers and tanks entered Jenin, an area under the control of the PA, and killed more than a dozen Palestinians, including two women. Without investigations it is impossible to say how many of the Palestinians who have been killed were armed.

Muhammad Jamal al-Dura

On 30 September 2000, the second day of the *intifada*, Jamal al-Dura and his 12-year-old son Muhammad were returning from a shopping trip to their home in al-Bureij refugee camp through Netzarim Junction. Although there were clashes between Palestinian stone-throwers and the IDF, there was no other route home. As the shooting intensified, they sheltered behind a barrel. The situation was described in a sworn affidavit taken by the Palestinian Centre for Human Rights from Talal Abu Rahma, a cameraman for the television channel *France 2*.

"Suddenly, I heard a cry of a child. Then, I focused my camera on the child Muhammad Jamal al-Dura who was shot in his right leg. His father tried to calm, protect and cover his son with his hands and body. Sometimes, the father Jamal was raising his hands asking for help... I spent approximately 27 minutes photographing the incident which lasted for 45 minutes. After the father and the child were evacuated by an ambulance to the hospital, I stayed 30 to 40 minutes. I could not leave the area because all of

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Jamal al-Dura and his son Muhammad sheltering under fire
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those who were in the area, including me, were being shot at and endangered.

"Shooting started first from different sources, Israeli and Palestinian. It lasted for not more than five minutes. Then, it was quite clear to me that shooting was towards the child Muhammad and his father from the opposite direction to them. Intensive and intermittent shooting was directed at the two and the two outposts of the Palestinian National Security Forces. The Palestinian outposts were not a source of shooting, as shooting from inside these outposts had stopped after the first five minutes, and the child and his father were not injured then. Injuring and killing took place during the following 45 minutes."

Muhammad died and his father was severely injured. The first ambulance driver at the scene, Bassem al-Bilbaysi, was killed by Israeli fire at the crossroads as he tried to rescue the father and son.

The IDF first stated that Muhammad al-Dura was killed by Palestinian fire. However, on 3 October 2000 the IDF chief of staff said that the IDF had conducted an investigation "and as far as we understand, the shots were apparently fired by Israeli soldiers from the outpost at Netzarim". On 10 October Amnesty International delegates, including a former senior policeman, Dr Stephen Males, a specialist in sensitive public order policing, visited the site. By that time the IDF had demolished the buildings by which Muhammad al-Dura and his father had sheltered, so the forensic evidence was lost.

Photographs taken by journalists before the destruction showed a pattern of bullet holes in the wall just around the place where the two were sheltering. This suggested that Jamal and Muhammad al-Dura were targeted by the Israeli post opposite where they were cowering. On 11 October the IDF spokesperson in Jerusalem showed Amnesty International delegates maps which purported to show that Muhammad al-Dura had been killed in crossfire.

International standards

"In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons."

Article 2 of the UN Code of Conduct for Law Enforcement Officials (Code of Conduct). These rights include the right to life.

"Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."

Article 3 of the Code of Conduct. The commentary on this article clarifies that the use of firearms is considered as an extreme measure and states specifically that: "Every effort should be made to exclude the use of firearms, especially against children."

"Law enforcement officials shall not use firearms against persons except in self-defence or in defence of others against the imminent threat of death or serious injury... and only when less extreme means are insufficient to achieve these objectives ... intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

Principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles).

Demonstrations

In a demonstration or riot involving the use of stones, or even slingshots or Molotov cocktails, a well-trained police force should be able to contain and defuse the demonstrators without loss of life. The international standards for law enforcement officers are quite clear: they should respect and preserve life and minimize injury and damage (see box). Israeli security forces have persistently breached international standards; they have also breached their own rules of engagement.

The demonstrations and riots in the early days of the *intifada* were studied by Amnesty International delegates, including a policing expert. Confrontations took place at "symbolic areas" – where land had been confiscated, near checkpoints and on the way to Israeli settlements. The Amnesty International delegation found that the Israeli security forces, in policing the violent demonstrations, had tended to use military methods, rather than policing methods involving the



protection of human lives. The security forces had moved swiftly from using non-lethal to lethal methods of control. They had breached their own rules of engagement that allow the use of firearms only when lives are in imminent danger, and then only targeted to the source of fire, and had used potentially lethal force randomly over a wide area.

The weapons used – rubber-coated metal bullets and live ammunition – were not suitable for policing demonstrations. On many occasions Palestinian ambulances and first aid workers were hindered from giving aid.⁷

According to Amnesty International's findings, those demonstrations where the police or army did not arrive, did not seek confrontations with the demonstrators, or used alternative, non-lethal methods of controlling demonstrators were defused without loss of life. For example, demonstrations in Nazareth and Umm al-Fahm on 3 October 2001 to mark the first anniversary of the killing of 13 Palestinian demonstrators in Israel became violent as demonstrators threw stones at a police station in Nazareth over a four-hour period. Police did not respond with fire and the demonstrations were defused without loss of life.

Arrest of a
Palestinian in
Jerusalem, late
2000
© Mahfouz Abu Turk

Asil Hassan 'Asleh

On 2 October 2000 about 200 Palestinians gathered in the village of Arrabeh in the Galilee. They marched out of the village to a location symbolic of the village's confiscated lands – olive orchards near a rubbish dump. The demonstrators posed no danger to life or property. Police, including the army and special forces, were on the hillside above the orchards. They shot teargas and a few minutes later charged the demonstrators, firing rubber-coated metal bullets and live ammunition as the protesters scattered. Two demonstrators were killed – 'Ala Khaled Nasser, aged 22, and Asil Hassan 'Asleh, aged 17. Both were apparently chased in the olive groves and shot while they were running away.

Asil 'Asleh had been a supporter of "Seeds of Peace", a group that worked for Jewish-Arab friendship. He had stayed in their camp in Maryland in the USA and was wearing his Seeds of Peace T-shirt when he died. Asil 'Asleh's father said he saw



police chasing Asil and that one policeman hit him from behind with a rifle butt. Asil disappeared behind an olive tree and his father heard a shot. Asil 'Asleh was shot in the neck at close range. An ambulance was called but did not arrive because of the restrictions on movement imposed by police and soldiers.

Asil 'Asleh was taken by private car for emergency first aid. An ambulance in which he was later being transferred to another hospital in Nahariya, less than an hour away, was delayed at several checkpoints. His father said to Amnesty International delegates: "In normal circumstances, the police serve the people; they do not kill them."

Asil 'Asleh between
friends from the
Seeds of Peace
movement
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Children

A large proportion of those injured and killed by Israeli security forces included children usually present and often among those throwing stones during demonstrations. Sometimes children demonstrated on leaving school; sometimes they were called out of school to demonstrate. Many children were apparently killed by poorly targeted lethal fire; others, as the case studies indicate, appear to have been deliberately targeted. In many of the locations where children were killed there was no imminent danger to life nor reasonable expectation of future danger.

Sami Fathi Abu Jazzar

Sami Fathi Abu Jazzar was declared brain dead after being wounded in the head on 10 October 2000 when Israeli soldiers shot at a crowd of some 400 people, mostly young elementary school-children, who were throwing stones at an Israeli military post near Salah al-Din gate in Rafah in the Gaza Strip. Six others were injured. The children had been encouraged by older youths to leave their schools and demonstrate. Amnesty International delegates concluded that the lives of Israeli soldiers, whose position was heavily fortified and located far from the stone-throwers behind two wire fences, were not in danger and there was no justification for the use of lethal force. Sami Fathi Abu Jazzar died the following day, on the eve of his 12th birthday.

Israeli government spokespersons and media have stated that the reason so many children have been killed has been the use by Palestinians of "child soldiers". However, the fact that children are participating in riots and confrontations with the army does not mean that they are child soldiers. A law enforcement force trained in riot control and equipped and prepared as required by international standards should not need to use firearms against stone-throwers.⁸ Children throwing stones are not military objectives for lethal attack by the Israeli forces. The killing and wounding of children has revealed a reckless disregard for life by Israeli soldiers.

The PA as well as armed groups such as *Fatah* have reportedly taught children to parade or strip rifles in camps. *Hamas* training sessions using children have been filmed. There are some members of the Palestinian security forces aged under 18 who are armed. It is probable that during the year-long *intifada* there have been children under 18 who have had possession of a gun or grenade and shot at Israelis or participated in gunfights, but it is uncommon. In general, children do not carry guns. In every case investigated by Amnesty International, the killing of a child appeared to have been an unlawful killing.

The Israeli government's failure to learn from errors in crowd control, to investigate killings, and to hold anyone to account for unlawful killings has meant that children and adults have continued to be killed when lives have not been in danger. The Palestinian security forces have also failed in their duty to protect and respect the lives of children.

Muhammad al-Sharif

Muhammad al-Sharif, aged 16, from the Shaykh Ridwan area of Gaza City, died on 21 January 2001 during a demonstration near al-Mintar crossing, east of Gaza, about 100 metres away from where a bypass road used by settlers crosses the road to Gaza. According to research carried out by the Palestinian Centre for Human Rights (PCHR), he was killed at 3.30pm by a live bullet in the chest. Eyewitnesses said that about 100 children had been demonstrating since the morning in front of tanks which were guarding the bypass road. At

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Sami Fathi Abu Jazzar, aged 11, shot in Rafah by Israeli soldiers on 10 October 2000
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around 3.20pm, two Israeli military jeeps moved towards the children and the children ran away. Seven minutes later four of the demonstrators moved forward and threw stones at the jeeps. Three soldiers were said to have got out of the jeeps and fired a single shot from a distance of 30 metres. According to the PCHR, no non-lethal means were used to disperse the demonstrators and the stone-throwing children posed no threat to the lives of soldiers or others. The IDF made no statement concerning the demonstrations or the killing of Muhammad al-Sharif.⁹

Gunmen and demonstrations

According to official Israeli spokespersons, Palestinian gunmen hide behind children. There are up to 43,000 armed members of at least 11 separate security services created by the PA. Many members of other political groups outside the armed forces, such as *Fatah*, also own guns.

As not all demonstrations have been observed by independent witnesses, and gunmen have indeed been in some crowds of demonstrators, it cannot be said that Palestinian gunmen have never sheltered behind children or other demonstrators. Investigations by Amnesty International have failed to find any specific instance where Palestinian gunmen have used a demonstration as a protective shield and shot at Israelis from among or behind the demonstrators. Such conduct would totally breach international humanitarian law.

"...In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control."
Principle 22 of the Basic Principles

The Israeli human rights organization *B'Tselem*, which observed every demonstration that took place at Ayosh Junction in Ramallah for 10 days – from 25 to 27 October 2000 and from 29 October to 4 November 2000 – found that gunmen did not fire from among the demonstrators and that gunmen who were among the demonstrators were removed by members of the Palestinian security forces. Its report stated:

"In half of the demonstrations that B'Tselem witnessed, there was gunfire from the Palestinian side. However, the Palestinians who fired were located a distance away from the stone-throwers and were hidden inside buildings in the area. This separation was intentional, and B'Tselem saw PA personnel moving among the stone-throwers and moving away people with firearms and people in uniform. In all the cases, Palestinian gunfire began after the demonstration had lasted at least an hour and after the soldiers had already fired 'rubber' bullets and live ammunition. In fact, after Palestinians fired the soldiers stopped firing and did not respond, except in one instance, on 27 October, when soldiers shot at Palestinians who opened fire..."

"In viewing the occurrence from the observation points, it was noted that the soldiers' response was not affected by the size of the demonstration. The response to a demonstration of hundreds of Palestinians was identical to one in which 50 Palestinians participate..."

"Two Palestinians were killed at the Ayosh Junction during the period that B'Tselem observed the demonstrations: Ghassan Yusuf Ahmed Salem 'Awisheh, 27, was killed on 27 October; Tha'ar Ibrahim Shalesh a-Zayed, 17, a resident of Jilazun Refugee Camp, was killed on 31 October. Both were shot when they did not constitute a life-threatening danger to the soldiers and were killed before the Palestinian side had opened fire."¹⁰

B'Tselem's findings show the importance of human rights monitors when assessing the truth of competing claims about killings.

Failure to investigate

The failure of the Israeli authorities to investigate every killing has created a culture of acceptance of unlawful killings and impunity for those who have used unlawful force.

The failure has extended to the killings of Palestinians who were Israeli citizens. Police and other members of the Israeli security forces killed 13 Palestinians, most of them citizens of Israel, in Israel and East Jerusalem between 29 September and 8 October 2000 during stone-throwing demonstrations. There was no suggestion that the demonstrators had firearms. No

initial inquiry into the circumstances of each killing appeared to have been carried out. The first police investigator on the scene collecting forensic evidence of the weaponry used was apparently the former police officer, Dr Stephen Males, delegated by Amnesty International six days after the beginning of the *intifada*. The Director of the Department for the Investigation of Police (known as *Mahash*, from its Hebrew acronym) in the Israeli Ministry of Justice told Amnesty International delegates that *Mahash* had not carried out any investigation because no one had made a complaint. The failure to make complaints to *Mahash* does not excuse the Israeli authorities for their failure to immediately institute an inquiry after demonstrators were killed by the security forces. Inquiries into the killings were set up only after weeks of protests, particularly by Palestinian citizens of Israel (see below, Or Commission of Inquiry).

In relation to the killings of Palestinians from the Occupied Territories, there has been an even greater unwillingness by the IDF to set up inquiries. As Colonel Dan Reisner, Head of the Legal Department of the IDF, told Amnesty International delegates in January 2001: "No army carries out investigations in warfare; up to then, every question is investigated". He stated that internal operational debriefings were held after every operation; otherwise the army had carried out three internal investigations. These appeared to relate to killings that were widely reported nationally and internationally, and even then, it seems, these were investigated solely through internal IDF investigations. One was into the killing on 30 September 2000 of Muhammad al-Dura (see page 15). Another appears to have been held into the case of Fatima Jamal Abu Jish (see page 27).

A later investigation was reportedly ordered by the Military Attorney General, Brigadier General Menahem Finkelstein, into the killing of three Bedouin women on 10 June 2001. Nassereh Salem Hafez al-Malalha, aged 61, Hikmat Attallah al-Malalha, aged 17, and Salmiya 'Umar Ghanem al-Malalha, aged 37, died when an Israeli tank shelled their tent, south of Gaza, with a 120mm shell filled with up to 2,000 potentially lethal five-centimetre long steel darts or flechettes. The use of such flechettes is not illegal under international law, but they should

not be used near residential areas. A fourth woman, Nassereh Salem Hussein al-Malalha, aged 65, was wounded. Three other artillery shells exploded in the same area, wounding other Bedouin and killing sheep. The IDF initially said it was responding to fire, but later said that the killings had been a "mistake".

Brigadier General Finkelstein apparently said that the findings of the internal debriefing were insufficient and he was to appoint an investigative officer. However, the PCHR, which had lodged a complaint in relation to the killing of Salmiya al-Malalha, was told in September that as the killing was in armed conflict no complaint could be considered.¹¹

The PA has proved equally unwilling to carry out investigations. Every killing in areas under the jurisdiction of the PA should have been considered a possible unlawful killing. A scene of the crime investigation should have been set up to gather as much evidence as possible to determine whether the killing was unlawful and who was the killer. This would have facilitated any subsequent investigation and demands for compensation for the families of the victims. The PA has preferred to allow each victim of Israeli fire to be buried as a martyr. Palestinian forensic pathologists, who were available and who could have determined the exact cause of death in each case, were only called in to carry out a forensic examination of Palestinians killed in the Occupied Territories on the rare occasions when families insisted. Islamic tradition requires that the dead be buried within 24 hours, but the PA abdicated its responsibility to investigate unlawful killings by failing even to suggest a forensic examination to families.¹² Palestinian police appeared to carry out a less detailed investigation than human rights organizations as to the cause of each death.

Or Commission of Inquiry

On 21 October 2000, after widespread protests at the failure to investigate deaths of demonstrators, the Israeli government ordered the establishment of an *ad hoc* fact-finding committee. The government was criticized by many Israeli NGOs and lawyers, as well as Amnesty International, for not establishing a

judicial commission of inquiry regulated by the Israeli Law on Commissions of Inquiry of 1968. Such a commission has greater independence as its members are appointed by the President of the Supreme Court rather than the government, and it has powers to compel witnesses to testify and to grant immunity from prosecution in relation to statements given to those who testify before it.

Apparently in response to public pressure, on 8 November the Israeli government replaced the fact-finding committee with a Commission of Inquiry established under the 1968 law. According to media reports, the Office of the Prime Minister announced that the Commission's mandate "was to investigate the clashes with security forces... in which Jewish and Arab Israeli citizens were killed and wounded." The Commission of Inquiry's mandate did not extend to examining acts of torture or ill-treatment carried out on those arrested by security forces in connection with the demonstrations in Israel.

The Commission of Inquiry, comprising three members under Supreme Court Justice Theodore Or, started sitting on 19 February 2001. It did not publish its terms of reference and procedures and did not allow other lawyers, representing the victims or the police, to question witnesses. It only considered the killings of demonstrators within Israel. Nevertheless, its hearings have shown the importance of such a serious investigation into killings.

The Or Commission of Inquiry is still examining evidence at the time of writing. However, evidence that has come to light during the hearings appears to corroborate Amnesty International's general findings. The Commission visited locations of demonstrations. Police witnesses from Jatt, where one demonstrator was killed on 1 October 2000, appeared not to know the Israeli police rules of engagement and did not use teargas or shout warnings before shooting plastic-coated metal bullets. In Umm al-Fahm, two of those killed on 1 and 2 October 2000 were shot by live ammunition and, amid substantial contradictory police testimony, it appeared generally accepted that police lacked crowd dispersal equipment, were unable to answer correctly concerning the safe range of rubber-coated metal bullets and were instructed to shoot rubber-coated metal

bullets and live ammunition at "instigators" and not only at those who posed an immediate danger to life.

In almost all cases where Palestinian demonstrators were killed, witnesses testified that no warnings were broadcast or shouted before police opened fire. By contrast, when Jews were demonstrating in Tiberias on 8 October 2000 police first shouted warnings, then used batons and teargas and finally used stun grenades and water cannon; the police had been ordered to leave their guns in their cars, except for the officers. In Jaffa on 1 October 2000 police reportedly shot at Palestinians when no lives were in danger, but did not shoot at Jews although other lives may have been in danger.

Unfortunately, no commission of inquiry has heard the testimonies of witnesses from the IDF or eyewitnesses from the Occupied Territories.

Checkpoints

Many people have been killed or wounded at checkpoints when they have clearly posed no danger to the IDF. The circumstances include people crossing a checkpoint who reach for a handkerchief and those in a car manoeuvring for a better position in the queue. Usually the IDF initially claim that gunfire or grenades have been fired from where the person has been killed. Only when the cases are investigated (by human rights organizations or journalists and on rare occasions by the IDF) does it become clear that negligent, reckless or nervous soldiers have killed unlawfully.

Fatima Jamal Abu Jish

Fatima Abu Jish, aged 20, was killed on 7 January 2001 as she was returning to her village of Beit Dajan from the hospital in Nablus where she worked as a receptionist. The IDF had set up roadblocks across the roads to the village, which villagers circumvented by following tracks through the fields. Such tracks were easily visible from the roadblocks, and soldiers at the checkpoints blocked the roads to the village as harassment rather than as a serious attempt to halt entry to Beit Dajan. As a result of



Fatima Jamal Abu Jish
© Private

the numerous checkpoints and blockades an eight-kilometre journey often took an hour.

The car in which Fatima Abu Jish was travelling with her sister and her brother-in-law reached the checkpoint at 5.15pm and took the track. There was the fourth car in a slow-moving tailback of some 20 cars. Suddenly a shot rang out. Fatima's sister looked back and saw Fatima slumped with blood trickling out of her mouth.

The IDF first stated that IDF soldiers had been firing in response to shots. It then admitted that no shots had been fired at the checkpoint and agreed to investigate the killing. Three days later, apparently as a result of their investigation, the IDF stated that a soldier had fired at the wheels of Fatima Abu Jish's car and disciplinary procedures would be taken against him. No reason was given why one car in a convoy should have been targeted.

'No-go' areas

In some places the IDF appear to have targeted people in the streets in an attempt to create a "no-go" area on the edge of a Palestinian town, usually near an Israeli settlement or border. In many cases Palestinians have fired at IDF soldiers or settlers, but the reprisal shelling of Palestinian areas is out of all proportion to Palestinian fire, which has usually involved small arms or grenades. The IDF response appears to be part of a tactic to empty areas of Palestinian towns by forcing the residents to evacuate.

In January 2001 Amnesty International delegates visited Rafah. They were warned by Palestinian residents not to approach the border because of the danger of casual shootings of civilians by Israeli soldiers. As a result, Amnesty International delegates remained 200 metres behind the areas

examined during the previous visit on 10 October 2000. At that time, they had visited houses near the border which had been hit by bullets (they were now evacuated and empty) and investigated the killing of Sami Abu Jassar (see page 20). Previously, delegates had complained to the PA that Palestinian police should have held back stone-throwing children from approaching the border. In January 2001 all townspeople feared approaching the border to a distance of even 200 metres. Two months later, in another apparent attempt to maintain a "no-go" area, the IDF fired a stun grenade at Amnesty International delegates led by Pierre Sané, the then Secretary General, accompanied by several television crews and journalists and surrounded by some 30 children. No explanation was given by the IDF for firing a stun grenade at a group clearly made up of civilians who were posing no threat whatsoever to the soldiers.

Some of those killed or wounded near the border with Israel, whose cases Amnesty International delegates investigated, were bystanders or children playing games. The reckless shooting by Israeli soldiers of any people in certain areas has been highlighted by the number of shootings around UN staff and journalists. For example, Peter Hansen, Head of the UN Relief and Works Agency (UNRWA) was threatened by Israeli soldiers with guns on 30 August 2001 when he tried to enter Rafah to inspect houses that had been shelled and destroyed. On 16 September the Israeli army shot in the direction of delegates from Amnesty International and Human Rights Watch as they were examining the sites of recently destroyed houses a hundred metres from the border with Egypt. There was no fire from Palestinian areas at the time.

More than 40 journalists, at least 30 of them Palestinian, had been injured by July 2001 while reporting during the *intifada*. *Reporters sans Frontières* (RSF) condemned the lack of serious investigations. When the Israeli Ministry of Justice closed the investigation into the shooting in May in Ramallah of French television *TF1* journalist Bernard Aguirre, RSF wrote: "Three different television crews filmed the scene. Their films clearly show an Israeli border guard getting out of his vehicle, calmly taking aim and, with his cigarette between his lips, opening fire on the man, at a distance of 100 metres. The journalist,

who had just finished an interview and still had his microphone in his hand, was hit in the chest. Fortunately the bullet-proof jacket he was wearing saved him.”¹³

Iyad Da'ud and Ahmad al-Kasas

On 17 December 2000 about six soldiers descended from a tank on the Israeli side of the border at Salah al-Din Gate in Rafah, according to eyewitnesses. From a distance of around 200 metres, they shot down the road at Iyad Da'ud, aged 27, as he was arranging shoes on a display stand outside his shop, hitting him in the chest. A youth who came to help him was also shot and injured. Another man, Ahmad al-Kasas, aged 38, came to help and was shot in the stomach. Witnesses told Amnesty International that the shooting lasted around half an hour. Both Iyad Da'ud and Ahmad al-Kasas died.

Attacks on residential areas

In January 2001 Amnesty International delegates including a military expert went to a number of residential areas, Palestinian and Jewish, which had been targeted by gunfire. In all areas houses had been damaged and the lives of residents endangered. Delegates visited Palestinian areas, including Ramallah, Beit Sahur, Beit Jala, Hebron, Nablus, Tulkarem, Rafah and Khan Yunis, and the Jewish settlements of Psagot and Gilo. During a previous visit in November 2000, Amnesty International delegates had visited Beit Jala, al-Bireh and Jericho.

In Gilo and Psagot, delegates saw a number of bullet holes in walls and windows. Houses were barricaded by sandbags and, in Gilo, a long concrete barrier gave extra protection to houses on the edge of town. The weapons used against these residential areas by armed Palestinians appeared to be AK47 rifles, but there was also evidence of the use of small arms such as .22 calibre weapons. In Gilo, about 400 metres away from the firing points on the edge of Beit Jala, the kinetic energy of the bullets appeared to have been largely spent by the time they reached houses. The settlement of Psagot is on a hill

overlooking the Palestinian town of al-Bireh; delegates were shown places and houses where guns had been positioned which had fired at Psagot around 200 metres away. All the areas from which fire had come were in or near residential areas. Bullets had hit several houses, piercing windows in at least four houses, and a synagogue. In one house a bullet had gone through the kitchen window, narrowly missing a woman.

It was clear to Amnesty International delegates that IDF troops had responded to Palestinian attacks with disproportionate use of force. It did not seem to matter to the IDF whether the Palestinian attack involved a lone or several armed Palestinians. In some cases the IDF response lasted for several hours, well after the Palestinian attack had ceased. IDF weapons commonly used in these responses were the M16 rifle; the General Purpose Machine Gun (GPMG); the .50 calibre Browning Machine Gun; and sniper rifles (the Galil and the M21). The damage to homes in the "frontline" was therefore extensive. Houses on the edge of Beit Jala next to Gilo showed damage over an extensive perimeter of about 1.5 kilometres and there was widespread damage to almost every house in border areas in Beit Sahur, Khan Yunis and Rafah, with some dwellings rendered uninhabitable. Many other homes could not be occupied at night because of the threat of future shelling (most attacks occurred at night).

During some exchanges of fire, weapons of large calibre were deployed against armed Palestinians shooting at settlements or Israeli military emplacements. The IDF admitted using 105mm and 120mm tank rounds against buildings that were frequently used as bases by armed Palestinians. The IDF also use the Apache attack helicopter which is supplied by the USA and armed with hellfire missiles and 30mm cannon.

It appeared to Amnesty International delegates that on a number of occasions weapons had been used indiscriminately in such a way as to cause loss of life and injuries to Palestinian civilians. Grenade launchers, which seem to have caused the deaths of two children in Rafah and Hebron, recklessly endanger civilians when used against a residential area.¹⁴ Two types of grenade launchers have been used against Palestinian residential areas: the M203 grenade launcher, and the Mark 19,

40mm, automatic grenade launcher. Unlike the M203, which fires single rounds, the Mark 19 has a 2,200 metre range and fires 48 high explosive and air-burst rounds in less than a minute. Each grenade has a lethal burst range of 15 metres. In addition, 40mm high explosive shells have been used against Palestinian residential areas.

Hani Yusuf al-Sufi

In the morning of 20 December 2000, Palestinians took shelter in their homes in Rafah as there was shooting from Israeli positions. At around 9.45am Hani Yusuf al-Sufi, aged 15, and five friends were standing in a narrow alley when a grenade hit the wall above their heads. His father told Amnesty International delegates:

"I was going to my house and I saw my two sons with other people crowded in the narrow alley. So I told them not to stay outside but to go home as Israelis were shooting indiscriminately. I crossed the road and a shell hit the road. I heard a loud explosion and my neighbour said my son was injured. I said it was impossible as I had told him to go back. I ran to the narrow street. What I saw was incredible — six boys in a pile, all injured. I saw my younger son Hani, apparently killed. I tried to take him up, I saw he was alive. Young men came to help but I told them to carry the other son. Because of his injuries in the head, back and neck, I couldn't go on and collapsed after two to three metres. I tried to stand again but they came and took him from my hands and at that moment he died."

Extrajudicial executions

Israel has for years pursued a policy of assassinating its political opponents. Because extrajudicial executions are universally condemned most governments who practise assassinations surround such actions in secrecy and deny carrying out the killings they may have ordered. Although the Israeli government prefers to talk about "targeted killings" and "preventive actions" (or "pinpointed preventive actions") rather than "extrajudicial

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Helicopter missile attack on a car in Beit Sahur on 9 November 2000 killed Hussein 'Abayat and two women bystanders
© Reuters 2000

executions", members of the Israeli government have confirmed that such killings are a deliberate government policy carried out under government orders.¹⁵

The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions emphasize that extrajudicial executions are never allowed, not even in time of war. According to Principle 1:

"Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. Exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions."

The 1996 report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions points out that no abuses of human rights by armed groups can excuse such violations of fundamental human rights and humanitarian law:

"Governments must respect the right to life of all persons, including members of armed groups and even when they demonstrate a total disregard for the lives of others".¹⁶

The extrajudicial killings carried out by Israel constitute "wilful killings" which constitute a "grave breach" of the Fourth Geneva Convention (Article 147) to which Israel is a High Contracting Party. The comprehensive list of war crimes set out in Article 8 of the Rome Statute of the International Criminal Court include grave breaches of the Geneva Conventions.

During the present *intifada* the policy of extrajudicial execution was initiated with the killing of Hussein 'Abayat, a *Fatah* activist, on 9 November 2000. With the disregard for human life which was to mark such assassinations, two women bystanders were killed at the same time. Since then, until the end of August 2001, at least 30 people appear to have been "targeted" for death and more than 20 others who happened to be near them have also been killed.

The present operations of extrajudicial executions are ordered – according to the Legal Adviser to the IDF, Colonel Reisner – at the highest level of the army and the government, and are carried out openly by whatever means seem most appropriate to the circumstances. The IDF claim that those who are killed are military objectives in a state of armed conflict. But the Israeli security forces who carry out the extrajudicial executions offer no proof of guilt, no right of defence. The identity of the person who authorizes the killing is as secret as the information which allegedly "justifies" such an extreme and unlawful action.¹⁷

In some of the cases Amnesty International investigated, the targets were killed in circumstances where they might easily have been arrested. For example, Mustafa Yassin, aged 28, accused by the Israeli authorities of being an activist in Islamic *Jihad*, had spent nine hours in the custody of the IDF the day before 20 soldiers surrounded his house in Anin, in Area C, an Israeli-controlled area of the West Bank, and killed him on 23 July 2001. Other cases include those of Hani Abu Bakra and Dr Thabet Thabet (see below).

Hani Abu Bakra

Hani Abu Bakra, aged 32, said to be a supporter of *Hamas*, was a taxi-driver from Khan Yunis in the Gaza Strip. On 14 December 2000 he picked up at different points seven passengers, who had no prior knowledge of him or each other. Most were travelling to Gaza to work. They included an electrical engineer working for UNRWA, a young Palestinian police officer, and a 20-year-old woman student studying educational art in Gaza.

The road from Khan Yunis was patrolled by tanks. Leaving Khan Yunis at around 7.50am, Hani Abu Bakra's taxi had to wait, like all Palestinian cars, while Israeli settler cars crossed the Strip along the east-west settler road. Then he was allowed to go through between two tanks.

A little later the taxi reached the second Israeli tank guarding the road and was halted, behind a Mercedes. The soldier inside the tank was using his mobile phone; after about three to five minutes he waved the Mercedes through and signalled the taxi to stop. Passengers in the taxi interviewed by Amnesty International delegates stated that they did not feel disturbed at this point as frequent stops were part of the routine harassment of travel for Palestinians in the Gaza Strip.

Five soldiers jumped out of a jeep and approached the taxi, their guns at the ready. The soldier on the tank told Hani Abu Bakra to switch off his engine and get out. Hani Abu Bakra asked whether he should bring his ID. The soldier said: "Come out, we don't want your ID". According to the testimony of Muhammad al-Khatib, the UNRWA engineer:

"The taxi driver delayed for about a minute and a half, then started to open the door. At that moment the soldiers who were two metres away started to shoot. One of them aimed his gun at my face and shot me... The bullet smashed my jaw and teeth... I threw myself onto the floor of the van and pretended to be dead..."

After five minutes I found the door beside me open. I got out, the shooting was still going on. It was raining, there was a puddle, I lay in it bleeding."

Hani Abu Bakra was killed. The front passenger, 'Abdallah al-Qanan, was seriously wounded and later died. Two other passengers were wounded. When the IDF saw that one of those lying in the puddle was a Palestinian policeman, Ashraf al-Tulba, aged 21, they took him to Kissufim terminal and allegedly beat him before releasing him.

The IDF statement after the killing of Hani Abu Bakra described the extrajudicial execution as a "clash with IDF forces":

"During the attempted arrest of the Hamas activist at an IDF roadblock, the terrorist tried to fire the revolver that was in his possession. The force opened fire towards the terrorist, and killed him. In the exchange of fire two other Palestinians were injured, and another Palestinian was hurt from glass shrapnel."

The passengers questioned by Amnesty International stated emphatically that they saw no gun with Hani Abu Bakra. Their accounts of the shooting were consistent. There was no exchange of fire. The passengers' description of the positioning of some five soldiers within two metres of the taxi does not suggest that this was an operation in which the soldiers feared return fire.

Dr Thabet Thabet

Dr Thabet Thabet, aged 49, a dentist and *Fatah* activist, worked as a director in the Ministry of Health in Tulkarem and taught public health at the Tulkarem branch of al-Quds Open University. He was also Secretary General of *Fatah* in the district. Thabet Thabet's house lies about 250 metres from the "green line", the border between the Occupied Territories (Area A under full Palestinian control) and Israel. On 31 December 2000, his wife, Dr Siham Thabet, left early to see a patient. Soon after, at 9.45am, Dr Thabet Thabet got into his car and began backing out of his driveway in

full view of the border with Area C only 300 metres away. There was a burst of gunfire. Seven bullets smashed through the rear window of the car. The maid, who saw the shooting from the kitchen window, ran out and found Thabet Thabet dead in the car and his body mangled.

Basing her case on the prohibition under Israeli law of execution without trial, Dr Siham Thabet petitioned the

Israeli Supreme Court on the killing of her husband. The Supreme Court accepted the petition and required Ehud Barak, who combined the posts of Prime Minister and Defence Minister, to explain the government's policy by 31 January 2001. A document was submitted to the Court by Major-General Giora Eiland, Head of the IDF Operations Branch, stating that Dr Thabet Thabet "was indeed a physician, but his role as commander of a *Tanzim* cell, who instructed his people where to carry out attacks... removes him from the civilian category". Prime Minister Ehud Barak also submitted a letter stating that: "International law allows a strike against someone identified with certainty as being prepared to commit an attack against Israeli targets... This pertains to a war situation in general and to the right of self-defence specifically."

Jamal Mansur and Jamal Salim

On 31 July 2001 the Israeli Air Force killed eight people, among them two children and two journalists, and wounded 15 others, including a human rights defender, as they shot two missiles from an Apache helicopter at the Nablus-based Palestinian Centre for Information, run by a *Hamas* leader, Jamal Mansur. The two *Hamas* leaders



Dr Thabet Thabet
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killed, Jamal Mansur and Jamal Salim, had both been held in the past in administrative detention by Israel. Jamal Mansur had later spent more than three years in detention without charge or trial under the PA between 1997 and 2000. The two journalists killed, Muhammad Beshawi and 'Uthman Qatanani, were apparently interviewing Jamal Mansur at the time of the attack. Two children, Ashraf Khader, aged six, and Bilal Khader, aged 11, were killed as they played outside, while their mother visited a clinic in the same building. Ahmad Abu Shallal, a human rights defender, who was critically injured, works for the International Solidarity organization, based in Washington, USA. He was reportedly visiting the office of the Palestinian Centre for Information to collect material for a report he was preparing on refugees.

Killings by settlers

Palestinians frequently face attacks, including killings, by Israeli Jews living in the Occupied Territories.

At the time of the 1967 war the only Jews in the West Bank were the Samaritan community in Nablus (numbering about 250). There are now well over 300,000 Jewish settlers living in new colonies (commonly referred to as "settlements") throughout the West Bank, including East Jerusalem.

Most Israeli settlements are in previously "rural" locations, inserted between Palestinian villages often on hilltops. Jews make up 98.4 per cent of the population of the settlements, most but not all of whom are Israeli citizens.

While the rate of Israeli construction in East Jerusalem is now tailing off (owing to limited space), population increase and construction are continuing rapidly in the rest of the West Bank. Settlement expansion accelerated after the peace talks, particularly since Oslo II.

Settlers are subject to Israeli criminal law in Israeli courts, whereas Israeli military orders and Jordanian criminal law are applied to Palestinians. Settlers pay Israeli taxes and receive Israeli benefits and services. Bypass roads have been built for

settlers to ensure their separation from the Palestinians and their freedom from the harassments of military occupation such as road closures. Outside East Jerusalem, Palestinians are prohibited from entry to settlements unless they have a permit, and settlers aged between 18 and 60 serve in a military "guard service"; all are armed and have powers to arrest Palestinians.

Settlers have consistently been allowed to attack Palestinians with impunity. In most instances the violence of settlers against Palestinians is carried out by attacking (breaking glass, burning or occupying) houses or shops; frequently it is directed at people. In most cases such attacks appear to be random, directed indiscriminately at any Palestinian or Palestinian property nearby.

On many occasions settler violence during the present *intifada* has come as a response to Palestinian attacks on a settler. If the IDF are present they normally fail to intervene; sometimes soldiers may attempt to intervene but they are not stationed in sufficient force to protect the Palestinian population. If the attack is in response to a Palestinian attack, soldiers may express approval. The IDF do not have the right to arrest settlers.¹⁸

Under the Fourth Geneva Convention all Palestinians are protected persons and the Israeli authorities have certain obligations towards them, which should include protection from attacks. Article 27 states:

"Protected persons are entitled, in all circumstances, to respect for their persons, their honour, 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."

Article 2(i) of the ICCPR requires each state to undertake "to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant..."

Since the beginning of the *intifada*, at least 10 Palestinians have been killed by settlers. In none of these cases has any settler been brought to justice.

The Idna killings

Three members of the same family, Muhammad Salameh Tmaizi, aged 23, Muhammad Hilmi Tmaizi, aged 17, and Diya Marwan Tmaizi, aged three months, were killed on 19 July 2001 when a car apparently containing settlers fired at the occupants of a Palestinian car near Hebron. The car, returning from a wedding, was carrying eight people, and the settlers were alleged to have allowed other Palestinian cars with one or two occupants to go past before firing at this car. The attackers then escaped. A Palestinian relative of the victims stated that he ran to an IDF jeep to ask them to telephone the nearest checkpoint so that the settlers' car could be stopped. The driver reportedly turned the jeep around and drove off in the opposite direction. The killing was claimed by a group calling itself "Committee for Security on the Roads", a group believed to be linked to the banned Jewish group, Kach.¹⁹

3: Killings by Palestinians

There is no army under the PA although there are at least 11 armed security forces, said to amount to 43,000 men in total. The attacks on Israelis by members of the Palestinian security forces appear to have been carried out as a result of the members' affiliation to an armed group rather than in response to any orders from above.

Palestinian members of armed groups have attacked Israeli military personnel and civilians. The main armed groups which have been involved in attacks on Israelis are: *Fatah*, which is the dominant political force of the PLO and thus of the PA, and *Hamas* and Islamic *Jihad*, which have opposed the peace process and been highly critical of the PA. *Fatah* has attacked Israelis anywhere in the Occupied Territories. According to statements of *Fatah's* General Secretary Marwan Barghouti to Amnesty International delegates in July 2001, *Fatah* considers itself bound by the PLO's recognition of Israel and has not attacked Israelis in Israel. *Hamas* and Islamic *Jihad* have killed Israeli civilians by bombs which have usually been placed within Israel. The Popular Front for the Liberation of Palestine and the Democratic Front for the Liberation of Palestine also carry out attacks. Other victims have been killed by new groups whose organization remains vague or by individual Palestinians unconnected with armed groups.

Fatah is headed by Yasser Arafat, who also heads the PLO and was elected President of the PA in January 1996. The degree of control which President Arafat has over members of *Fatah* or its military wing *Tanzim* who shoot at Israeli soldiers or civilians is unclear, and alters according to the political situation at the time. For instance, a respite in the shootings and bombings (but not in riots) by Palestinians occurred, apparently as a result of pressure from President Arafat, during peace talks such as those at Taba in January 2001. On other occasions President Arafat has called for cessation of violence, but shooting or bomb attacks have continued. Attacks by Palestinian armed groups continued after a ceasefire declared by President Arafat on 17 September 2001. PA security services tried to stop the

shooting and three PA security service stations in Rafah were reportedly set on fire by angry crowds.

Israel has frequently called on the PA to arrest individuals who are said to have ordered the killings of Israelis, and Israeli authorities have stated that their "targeted killings" are a result of the failure of the PA to arrest the perpetrators of crimes. The Israeli government has frequently given President Arafat lists of "terrorists" to arrest. On 27 July the PA responded by offering Israel a list, apparently of 50 settlers and others wanted for attacking Palestinians. On 5 August the Israeli Ministry of Defence publicly named seven people wanted for bomb attacks, and asked the PA to arrest them, declaring that the IDF would push ahead with its policy of killing "the terrorists and their leaders". Later the PA arrested three alleged *Hamas* activists in Ramallah.

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However, the PA has signally failed to carry out proper investigations into the killings of Israelis by Palestinians. On the rare occasions when Palestinians have been arrested in connection with killings of Israelis, they have apparently been released within a few hours or days. No one is known to have been brought to justice for any of the killings.

The PA has an obligation to arrest and bring to justice those who are suspected of committing recognizably criminal

Car of Salit Shetreet, a 28-year-old Israeli woman killed by Palestinian gunfire on a road in the Jordan valley
© Reuters/Ygal Levi

offences, including those who may have ordered or committed unlawful killings. In the past the PA has arrested opponents and held them in detention without charge or fair trial. Between 1995 and 2000 the PA held scores of alleged opponents of the peace process, including suspected members of *Hamas*, Islamic *Jihad* and other opposition groups, in detention without charge or trial. Anyone who is arrested should be treated in accordance with international human rights standards, properly charged and brought promptly to trial in accordance with internationally recognized standards of fair trial.

Amnesty International condemns all attacks against Israeli civilians. Israeli settlers are civilians and should not be targeted unless they are threatening the lives of others. Attacks by Palestinian armed groups on civilians within Israel or the Occupied Territories are a gross abuse of the right to life.

Hamas and Islamic Jihad

Hamas and Islamic *Jihad* have frequently placed bombs in public places, usually within Israel, in order to kill and maim large numbers of Israeli civilians in a random manner. Both organizations have fostered a cult of martyrdom and frequently use suicide bombers. In Gaza, *Hamas* has been accused of training children as young as nine to become suicide bombers or at least to welcome the idea of suicide bombing. No child under 18 has yet been sent on a suicide mission.

Pizzeria bombing

Sixteen people, including seven children, were killed and more than 100 injured in a suicide bombing on 9 August 2001 in the Sbarro pizza restaurant on Jaffa Road in Jerusalem. Those killed included five members of the same family: Mordechai and Tzira Schijveschuurder of Talmon settlement took five of their eight children for a day out in Jerusalem; they and three of the children, Ra'aya, aged 14, Avraham Yitzhak, aged four, and Hemda, aged two, were killed in the attack. The suicide bombing was carried out by a member of the 'Izz al-Din al-Qassam brigades, the armed wing of *Hamas*.

The Dolphinarium bombing

A total of 21 people were killed and 84 injured when a Palestinian suicide bomber blew himself up among a group of young people waiting outside a disco near the Dolphinarium in Tel Aviv on 1 June 2001. Most of the victims were immigrants to Israel from the Commonwealth of Independent States; the youngest, Maria Tagilchev from Netanya, was 14. Two sisters, Yelina and Yulia Nemilov, aged 16 and 18, from Tel Aviv, were also killed. The suicide bombing was claimed by *Hamas*.

Amnesty International has frequently raised its concerns, especially with *Hamas*, about the killing of civilians. The organization has in recent years met leaders of *Hamas* in Jordan and in Gaza and in July 2001 met Shaykh Ahmad Yassin, the founder and spiritual leader of *Hamas*, to express such concerns. Amnesty International stressed that the deliberate killing of civilians is never justified and that the absolute prohibition on deliberate killing of civilians must be respected by armed groups as well as states.

Fatah / Tanzim

Fatah, *Tanzim* and other apparently allied armed groups have carried out a number of deliberate shootings at cars with Israeli number-plates travelling along roads in the West Bank. These shootings target settlers. They frequently appear to be directed towards the car on the basis of its Israeli number-plate, whether the occupants are Jewish men, women and children, or – since they may drive Israeli-registered cars – Palestinian citizens of Israel or residents of East Jerusalem. *Fatah* rarely claims direct responsibility for any individual killing but does not deny the targeting of settlers in drive-by shootings.

In July 2001 Amnesty International delegates raised the deliberate killing of civilians with Marwan Barghouti, member of the Palestinian Legislative Council and Secretary General of *Fatah*. Again, Amnesty International stated the prohibition under international law against killing any civilian and stressed that settlers were considered as civilians under international law unless they were participating in an attack.

Sarah Blaustein and Esther Alban

Sarah Blaustein, aged 53, and Esther Alban, aged 20, both from Efrat settlement near Bethlehem, were killed on 29 May 2001 when the car they were driving in was targeted by gunfire from a passing car near Neve Daniel. A Palestinian group calling itself "the Popular Army Front, Battalions of Return" claimed responsibility for the killings in a statement sent to *Agence France Presse* (AFP). The group said the attack "is in answer to the murders of officials from *Fatah* and a warning to the leaders of the settlements". Four other people, including the husband and son of Sarah Blaustein, a US citizen, were wounded in the attack.

Ekaterina Weintraub

Ekaterina (Katya) Weintraub, aged 27, was killed and another woman, Yehudith Eliyahu, was seriously injured by shots fired from a car waiting by the side of the road at a roadside junction near Jenin on 28 June 2001. The two women were travelling in convoy from Ganim settlement in the West Bank. The attack was claimed by an organization calling itself Al-Aqsa Brigades of *Fatah*, which said it was in retaliation for the assassination of Usama Jawabreh, a *Fatah* activist, in Nablus on 22 June 2001.

Funeral of
Ekaterina
Weintraub
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Killings by individuals

Many Israeli civilians have been killed by Palestinian individuals who may not have been connected with armed groups. The Israeli government has almost invariably reacted to such killings by carrying out reprisal raids against Palestinian targets; such reprisal raids are forbidden by the Fourth Geneva Convention (Article 33).

Although the PA has on many occasions condemned such killings, it has frequently failed to arrest and consistently failed to bring to justice those who have carried out the killings.

Detained Israeli soldiers killed by crowd

On 12 October 2000 an angry Palestinian crowd in Ramallah killed two Israeli reservists, Yosef Avrahami and Vadim Norzhich, who were in the custody of the Palestinian police. The throwing of one reservist out of the window followed by a youth waving bloodied hands at the crowd was caught on film and televised worldwide.

Law enforcement officers have a duty to protect those in their custody. Article 1 of the Code of Conduct says that: "Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts..."

Amnesty International delegates who investigated the lynchings spoke to the Head of the Ramallah Police Station and other members of the Palestinian police in the police station at the time. They said that the Palestinian police had tried to protect the lives of those in their custody by talking to the crowd, moving the reservists from room to room, and offering to disguise them by dressing them as police. The station head said he had tried to protect the reservists with his body but had been flung aside. The head of the Ramallah police told Amnesty International delegates that an investigation was being held into the killing. However, no report of any investigation has been made public and no arrests are known to have been carried out by the Palestinian police.

The Israeli authorities arrested at least 10 individuals in connection with the killings, including at least one policeman said to have been inside Ramallah Police Station at the time. One of those arrested was reportedly beaten upon arrest; the then Minister of Justice, Yossi Beilin, announced the suspension of six policemen in connection with the beating.

Death penalty

Since the beginning of the *intifada*, 10 people have been sentenced to death and two executed after summary and unfair trials before the Higher State Security Court. Such trials have been summary. They take place before military judges and frequently only with state-appointed, military defence lawyers. There is no right of appeal. Sentences are subject only to ratification by President Arafat and may be carried out within hours or days of the trial.

Such unfair trials and executions without the right of appeal flagrantly breach the UN Safeguards guaranteeing protection of the rights of those facing the death penalty:

"Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 [of the ICCPR] including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings.

"Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory."

Amnesty International believes that all executions constitute violations of the right to life and works for the worldwide abolition of the death penalty. The UN General Assembly has stated, in a resolution in December 1977, that: *"The main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment."*

Majdi Makkawi and 'Alan Bani 'Odeh

On 12 January 2001 the PA tried Majdi Makkawi, 28, before the Higher State Security Court in Gaza on charges of giving information to Israeli intelligence services that led to the killing of four Palestinians. Jamal 'Abd al-Razeq, a *Fatah* leader and nephew of Majdi Makkawi, had been extrajudicially executed by Israeli forces on 22 November 2000 together with three other people, including two bakery assistants who happened to be in a nearby taxi. Majdi Makkawi was arrested around 10 December 2000. He pleaded guilty in a summary trial, and was sentenced to death. At the time of the announcement of his arrest on 20 December and during his trial, crowds of Palestinians demonstrated calling for his execution. Only one day after his trial Majdi Makkawi was executed by firing-squad in Gaza Police Headquarters. On the same day 'Alan Bani 'Odeh was executed in Nablus Prison. He was convicted of giving information used by Israeli security forces to extrajudicially execute Ibrahim Bani 'Odeh, his relative. 'Alan Bani 'Odeh had been sentenced in Nablus Higher State Security Court on 7 December after a three-hour trial.

Extrajudicial executions

The extrajudicial executions allegedly carried out by the PA have not received the publicity of those carried out by Israel. This is partly because there appears to be a chain of command under which Israeli extrajudicial executions are carried out, whereas the level of command under which extrajudicial executions are carried out of alleged "collaborators" and others is more obscure. Some extrajudicial executions are said to have been carried out by members of Palestinian security services; others by members of armed groups or individuals. The common factor is that the PA consistently fails to investigate these killings.

Since the beginning of the current *intifada* at least 22 Palestinians suspected of "collaboration" with the Israeli

authorities have been killed or found dead in circumstances which suggest that they were extrajudicially executed. Even when eyewitnesses have said that they have seen the alleged killer, no investigations are known to have been carried out and no one has been brought to justice. Amnesty International is concerned that the failure of the PA to bring to justice those alleged to have carried out these killings (who on some occasions are said to have been members of a Palestinian security service) may be interpreted as permission, if not encouragement, to individuals, including the security services, to commit extrajudicial executions.

Ghial Sultan

On 17 December 2000 Ghial Sultan, aged 34, was killed outside his house in Hares village in the West Bank. According to eyewitnesses, he was killed in the early afternoon by someone who walked up to him and shot him twice in the back of the head with no warning and no word spoken. The killer was reported to be a member of the Palestinian General Intelligence. The Palestinian authorities reportedly made no attempt to investigate this event although the family urged them to do so.

4: Arrests, torture and unfair trials by Israel

The outbreak of the *intifada* was accompanied by widespread arrests of Palestinians for stone-throwing and other offences, and, at the beginning, also of Jews, by Israeli security services. The length of time Palestinians were held incommunicado without access to lawyers grew, and reports of interrogation of Palestinian detainees which appeared to amount to torture or ill-treatment increased during the year. Methods reported included sleep deprivation and intensive interrogation in painful positions, tightened handcuffs, exposure to cold air and *gambaz* (squatting). Reports of brutality by the security forces, shown by beatings of Palestinians immediately on arrest or without arresting them at all, were also widespread. During the first months of the *intifada*, after the mass arrests, Palestinians were held for months without bail. In 2001, trials took place more rapidly but the tariff of sentences for offences such as stone-throwing increased.

Arrests

During the first weeks of the *intifada* more than a thousand people, including Palestinians from the Occupied Territories, Jewish and Palestinian citizens of Israel, were arrested by the Israeli authorities, many of them children. Police brutality, amounting to torture or other cruel, inhuman or degrading treatment, accompanied the arrests and was used indiscriminately against demonstrators. Detainees were frequently held for days without access to a lawyer and those arrested were held without bail.

Over the following months the vast majority of those arrested came from the Israeli Occupied Territories. The number of those arrested was difficult to determine. In July 2001 an Israeli general announced that about a thousand Palestinians from the Occupied Territories had been arrested during the *intifada*. Those held were arrested in the course of riots or clashes with the police or during police raids on

Palestinian quarters, villages or towns, mostly in Areas B and C. Some people were arrested during police forays into Area A. Others were arrested at checkpoints or when entering or leaving the country. Sometimes the reason for the arrest was unknown and detainees were held for weeks or months with vague or no clear reasons given.

International standards prohibit such arbitrary arrests and ill-treatment. Article 9(i) and 10(i) of the ICCPR state respectively:

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

In Israel and East Jerusalem

Israeli law, which applies in East Jerusalem, offers greater protection to the detainee than the military orders which govern the Occupied Territories. Detainees must be brought to court within 24 hours of their arrest. However, a meeting between the detainee and his or her lawyer can be prohibited for up to 21 days. This breaches international standards which state that access to a lawyer should be prompt, the limit being 48 hours.²⁰

Mass arrests took place in Israel during the first month of the *intifada*. By the end of October about a thousand Israeli citizens were said to have been arrested, two-thirds of them Palestinians and one-third Jews, in connection with demonstrations and disturbances. More than 400 people, including at least 30 children, were said to have been in detention at the end of October 2000. Those arrested were taken during demonstrations, from public areas and from their homes, sometimes at night. There were many reports of police brutality accompanying the arrests and detainees frequently did not have access to a lawyer for several days.

Israeli police breached their own procedures as set out in the Police Standing Order (4.01.05) in relation to the arrests of minors. In general, children under the age of 18 should be

brought by their parent or guardian to a police station. They should be questioned during the day, usually by a specially trained police officer, and should only be handcuffed if violent or likely to abscond. However, many children were arrested at night, held in handcuffs and beaten by police officers. Children were allegedly often questioned by police officers without special training.

Article 37(b) of the Convention on the Rights of the Child, to which Israel is a party, states:

"No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be... used only as a measure of last resort and for the shortest appropriate period of time."

In a series of appeal decisions from 8 October 2000, the Supreme Court repeatedly ordered detention without bail for those arrested, usually for alleged stone-throwing, including a Palestinian child aged 15 and a Jewish child aged 16. Because of the number of arrests, detainees were not brought to trial until January or later. The Supreme Court's decision meant that those arrested, including minors, effectively received a four-month sentence for alleged stone-throwing, whether or not they were guilty.

Iyad Qaymeri and Usama Ahmad Abu Zayneh

Iyad Qaymeri, aged 17, and Usama Ahmad Abu Zayneh, aged 19, and two other Palestinians were arrested in Shu'fat in East Jerusalem at about 9.30pm on 1 October 2000. Iyad Qaymeri and Usama Abu Zayneh were among a group of about 30 young men and boys on the street outside their homes; some were throwing stones at passing vehicles. A bus containing soldiers in civilian clothes stopped and a group of soldiers descended and started chasing the Palestinians. It is reported that five soldiers set upon Iyad Qaymeri, pushing him to the ground, kicking his body and face, and yelling insults. The beating lasted about five minutes. Soldiers reportedly also beat Usama Ahmad Abu Zayneh with a baton, particularly on his face, his left side and on his legs; as a result his right leg swelled up.

Iyad Qaymeri and Usama Abu Zayneh and the two other Palestinians were put on the bus and forced to lie on the floor; their hands were shackled behind their back. The soldiers took them to what appeared to be a military camp where they remained for about two hours. They were hooded and forced to lie on the ground. From time to time someone would come and kick them or hit them.

The four Palestinians were then taken to the Moscobiyyeh Detention Centre in Jerusalem. Iyad Qaymeri and Usama Abu Zayneh were interrogated separately for about an hour by the police as to whether they had been involved in stone-throwing. They stated that each time they were asked a question, the interrogator would slap them on the face. The handcuffs were finally removed after the interrogation, in the early morning. By that time their arms were very painful. Iyad Qaymeri and Usama Abu Zayneh were detained until 5 October. The night before Iyad Qaymeri's release, about 20 police officers entered the section where he and about 30 other Palestinian detainees under the age of 18 were held and randomly beat them with batons while yelling insults.

Nisrin Assili

"On 1 October, I was with a group of people at St Mary's Well in Nazareth. Policemen were shooting tear-gas at a group of young people. I saw a reporter from al-Jazeera television who was filming. When the reporter disappeared the police suddenly turned and started shooting at us. I wanted to run, but my sister was with me, so I started to look for my sister. The police surrounded me and started to kick me and beat me with batons, guns and hands. They hit my head, back and chest and threw me on the ground. Whenever I got up, they pushed me down until I lost consciousness. I did not push any of the police. I remember that there was a policewoman there who beat me, though I didn't attack the policewoman."

Nisrin Assili gave this testimony to the Or Commission. Her treatment was caught on film and received wide publicity. It was investigated by the *Mahash*.

A police patrol leader at the scene testified that a woman pushed him, he fell and hurt his knee, and he did not see Nisrin Assili being beaten. The policewoman testified that she used a bat in self-defence; she suggested that film showing her passing eight or nine other police officers to hit Nisrin Assili was edited and therefore misleading.

In the Occupied Territories

The regulations governing Palestinians living in the Occupied Territories are contained in about 5,000 military orders. Arrest regulations for Palestinians arrested by Israeli security services are found mainly in Israeli Military Order 378 which allows detention for up to 90 days without access to a lawyer. Access to the family can be denied even longer. Judicial review is often perfunctory.

Most Palestinians arrested in the Occupied Territories during the current *intifada* were arrested from Areas B and C; some were arrested by IDF incursions into Area A (an amendment to Military Order 378 issued in 1994 authorizes Israel to arrest also in Area A). Some Palestinians from the Occupied Territories have been arrested from Jerusalem or Israel, although the vast majority of Palestinians are prohibited from entering these areas.

The imposition of the closures immediately after the *intifada* began caused great difficulties for all lawyers and detainees. Palestinian lawyers were no longer able to travel to visit detainees in Israeli detention centres, which meant that Palestinian detainees, including children, were effectively held for weeks or indefinitely incommunicado without access to lawyers or their families.

Husan village

A total of 50 people have been arrested from Husan, a village of some 3,000 residents in Area C about three

kilometres from Bethlehem and 500 metres from the Israeli settlement of Beitar Illit. Rami Za'ul, aged 17, was arrested on 30 October 2000 with four youths from the village, all accused of stone-throwing. He said that after his arrest he had to stand for 12 hours. He also said he had ice put on his back and stomach and then hot water poured on it. Then his head was covered by a filthy sack and he was beaten with truncheons until he fainted. Then he was thrown into a cell. His fellow detainees tried to revive him. When they failed they shouted and banged on the door until the guards took him to Hadassa hospital, where he stayed for 24 hours. His mother told Amnesty International:

"We made a complaint to the military commander and asked for bail, but it was refused. For the whole of the first six months in prison, we were not able to see him. We were able once to speak to him on the telephone. We did have a permit to see him on the day of the 'Id [Muslim feast] on 25 December. We went to Telmond with the four other mothers. It is so far away. When we got there we were denied a visit. The boys are very young, and they are not kept with political detainees, but with criminals and drug dealers. They get beaten up so often, they can't sleep, some of the criminal boys have knives. They don't even dare to walk in the yard and their belongings get stolen..."

Rami Za'ul's lawyer complained to the *Mahash*. The Israeli Attorney General said that an investigation was not in the "public interest".

Most of the 70 Palestinian children in Telmond Prison are now kept apart, although in September 2001 up to 12 children were still held with Israeli youth imprisoned for common law offences.

Incommunicado detention

The period during which Palestinian detainees are held in incommunicado detention without access to lawyers has increased. Principle 15 of the UN Body of Principles for the

Protection of All Persons under Any Form of Detention or Imprisonment states that:

"...communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days."

Several cases of incommunicado detention through orders prohibiting meetings with counsel were raised in the Israeli Supreme Court by the Public Committee against Torture in Israel. For example, Naser Mas'ud 'Ayyad, aged 36, from Gaza was arrested on 29 January 2001. He was detained by the General Security Service (GSS) in Shikma Prison. Upon his arrest an Order Prohibiting Meeting with Counsel was imposed on him. He remained a total of 42 days in incommunicado detention.

Sufyan 'Abd al-Rahman 'Abdullah, aged 24, from Qetaneh village, was arrested on 14 June 2001. He was held at the GSS Interrogation Unit at the Moscobiyyeh Detention Centre. On 28 June 2001 an Order Prohibiting Meeting with Counsel was imposed on him. He remained held for a total of 26 days in incommunicado detention.

'Abd al-Aziz Yusuf Mustafa Salaha, aged 20, from Deir Jarir village, was arrested on 14 June 2001. He was first held at the Petah Tikvah Detention Centre before being transferred to the GSS Interrogation Unit at the Kishon Detention Centre in Haifa. An Order Prohibiting Meeting with Counsel was imposed on him on 8 July 2001. He remained held for a total of 26 days in incommunicado detention.

Such prolonged incommunicado detention without access to lawyers or family provides the opportunity for torture or other ill-treatment. For instance, Naser 'Ayyad alleged that during 42 days' incommunicado detention he was deprived of sleep for a week, had his hand and leg shackles tightened so that his wrists and ankles became swollen, and suffered choking and was forced to squat (*gambaz*). He also said that interrogators threatened to kill his father, Mas'ud 'Ayyad, a member of the Palestinian security forces who was extrajudicially executed by Israel by missiles fired from an Apache helicopter on 13 February 2001, two weeks after Naser 'Ayyad's arrest.

Human rights defenders and others

There is no pattern of arrests of human rights defenders that suggests they have been particularly targeted. However, there have been a number of arrests of Palestinians entering or leaving the country and human rights defenders have been arrested in these circumstances. When their arrests have been raised by foreign governments or human rights organizations, the Israeli security services invariably accuse those they have arrested of an offence related to violence. Those arrested appear to have been arbitrarily held under interrogation for several weeks before being released without charge. Some have been issued with administrative detention orders and as a result have remained in arbitrary detention without charge or trial.

The impact of such arrests is far greater than their number. An increasing number of Palestinians who are outside the country or have given testimony abroad during the *intifada* are unwilling to return.

Adnan al-Hajjar

Adnan al-Hajjar, a lawyer employed by al-Mezan Centre for Human Rights, an NGO based in the Gaza Strip specializing in economic and social rights, was arrested on 23 April 2001. He was arrested as he was returning in a party of nine Palestinians from a training course on Legislative Formulation given by the Arab Research and Training Center in Cairo, Egypt, as part of a program organized by Associates for Rural Development and sponsored by the US Agency for International Development (USAID). When questioned about this arrest the Israeli authorities said that he was believed to be implicated in Usama Bin Laden's organization. Adnan al-Hajjar appeared before a judge on 30 April. He was not charged with any crime, but the GSS stated that there was a secret file about him and he was remanded in custody for 30 days. He was released on 23 May 2001, without charge. He said he was questioned only about his political activities as a student and the finances of

al-Mezan. During his detention in Ashkelon Prison he was kept shackled to a chair and interrogated for 20 hours a day over 14 to 15 days, except during weekends. He was deprived of sleep for four days during this interrogation. Guards also shouted in his ears loudly enough to cause physical pain.

Conscientious objectors

Military service is obligatory for Jewish and Druze citizens of Israel. After military service Israelis are obliged to serve up to one month a year in the reserves. Only Jewish orthodox women and Jewish and Druze men who study in religious institutions may obtain a deferment of their military service.²¹

Since the present *intifada* the number of Israelis who have refused to perform military service has increased. Until 1995 Israel did not recognize conscientious objection. In 1995 the Israeli government established an internal committee known as the Conscientious Objection Committee to which male objectors could apply for recognition and exemption from military service. However, between 1995 and 1999 only four applicants were recognized as conscientious objectors; many others were imprisoned after unfair trials by military officers. Sentences, if imposed by higher military officers, can be up to 35 days and may be indefinitely reimposed.

NGOs such as New Profile that work with conscientious objectors say that several hundred people are known to have refused to perform their military service since the beginning of the *intifada*. The number of those imprisoned as conscientious objectors has remained comparatively low.

Gabby Wolf

Gabby Wolf is a conscript who has objected to serving with the IDF on the basis that he believes the Israeli state is "occupying territories which do not belong to" it. He was interviewed by the Conscientious Objection Committee following his request for exemption from military service, but his request was refused. He then received an order to report to the military induction

base in Tel-HaShomer on 1 April 2001. He refused to serve and was imprisoned on 1 April. He was released on 15 June, possibly as a result of pressure from within and outside Israel. He has now been exempted from military service.

Dan Tamir

Dan Tamir, an IDF reserve captain, was jailed for 28 days on 21 August 2001 for refusing to detail a detachment of 10 men from his section for duty in the Occupied Territories. He cited the IDF tradition which demands that an officer set a personal example and never send subordinates on an assignment that he himself would reject.

Summoned for a rebuke by his unit commander, Dan Tamir maintained his stand. He was then told that his next tour of reserve duty would be in the Occupied Territories, and put on notice that refusal on his part would entail a term in military jail – a very unusual procedure in relation to an officer of his rank. At his trial, Dan Tamir declared: "As a man who believes in democracy and Jewish values, and is troubled over the future of the state and its character, I will take no part in military actions whose purpose is perpetuation of Israeli occupation in Judea, Samaria and the Gaza Strip."

Administrative detention

Imad Saftawi was arrested on 13 December 2000 on his return from a trip abroad. He was taken to Shikma Prison, Ashkelon, and was subsequently transferred to Ashmoret Prison, to the interrogation wing of the GSS. On two occasions during his interrogation he was deprived of sleep and seated on a chair to which he was chained by his hands and feet for 36 hours. His interrogators were abusive and threatened that they would find ways to keep him in detention forever or at least interrogate him for 90 days, following which they would place him under administrative detention or

deport him. He saw his lawyer for the first time on 25 January 2001 after 44 days' incommunicado detention.

On 19 February Imad Saftawi was issued with an administrative detention order for six months. From the signing of his administrative detention order until around April 2001 he was held in solitary confinement. He is now held in "small group isolation" with one other administrative detainee. His detention order was renewed in June and is due to expire on 9 December 2001. He believes he is being held for his past membership of Islamic Jihad, although since 1994 he has supported the peace process and renounced violence as a means of achieving change. On 15 October 2001 he was charged with alleged offences committed before 1996.

In Israel and the Occupied Territories, administrative detention is a procedure under which detainees are held without charge or trial. No criminal charges are filed and there is no intention of bringing the detainee to trial. In Israel and East Jerusalem, administrative detention orders are issued by the Minister of Defence; in the Occupied Territories (except for East Jerusalem) they are issued by military commanders. By the detention order, a detainee is given a specific term of detention. On or before the expiry of the term, the detention order is frequently renewed. This process can be continued indefinitely.²²

In the Occupied Territories, the detainee is not given a judicial hearing unless the individual detention order is for longer than six months, in which case there is a judicial review after six months have elapsed. Detention orders of six months or less are renewed without a judicial hearing.

The law allows for the right to a review of every detention order, initially before a military judge and ultimately to the Supreme Court sitting as the High Court of Justice. However, in practice this does not amount to the right, enshrined in international standards, to challenge the lawfulness of the detention. In the vast majority of cases, neither the lawyer nor the detainee is informed of the details of the evidence against him/her since the court is authorized to choose how much information to disclose on grounds of security. There is

therefore no possibility for the defence lawyer for example to cross-examine witnesses or even to inquire about their existence.

Such procedures breach international human rights standards. Articles 9(4) and 14(i) of the ICCPR state respectively: *"Anyone ... deprived of his liberty... shall be entitled to take proceedings before a court..."*

"In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law..."

Administrative detention as applied in Israel and the Occupied Territories is based on Articles 108 and 111 of the Defence (Emergency) Regulations enacted in September 1945 by the British authorities governing the Mandate of Palestine. In March 1979 the Emergency Powers (Detention) Law was enacted which introduced greater administrative and judicial safeguards to administrative detention in Israel. Detention orders are renewed every three months and detainees in all cases have the right to judicial review.

Kamel 'Ubayd

Kamel 'Ubayd, a Palestinian citizen of Israel from the town of Taybeh, south of Nazareth, was arrested on 5 February 2001 and placed immediately under administrative detention. The order was signed by the Prime Minister as Minister of Defence on 5 February 2001 for a period of three months. A gagging order, prohibiting the lawyer and family from discussing the case, was imposed. The detention was reviewed at a hearing at the District Court on 19 April. The Israeli authorities said that they have around 200 pages of evidence against Kamel 'Ubayd, but would not divulge any of it.

Kamel 'Ubayd was held with one other detainee in a windowless cell around three metres by one and a half metres for 23 hours a day and initially not allowed books, pens or paper.

Throughout his detention, Kamel 'Ubayd was reportedly tortured and ill-treated. About four or five

times a week he would be woken up in the middle of the night for interrogation which would last up to 24 hours. During his interrogation sessions he would be handcuffed and reportedly now has a bone infection, caused by the tightness of the handcuffs on his wrist, for which he will require an operation. He stated that he was placed in an extremely hot, small dirty room and later taken straight to an extremely cold room. He was subjected to extremely loud noise and was not allowed to change his clothes for two weeks. His detention was renewed for a further three months, but his release was ordered on 5 August 2001.

Torture and ill-treatment

A year before the *intifada*, in September 1999, the Israeli Supreme Court in an historic judgment declared that methods of torture which had been used and effectively legalized in Israel and the Occupied Territories for many years were now banned. The methods declared unlawful included "shaking", *shabeh* (holding in painful positions), *gambaz*, and sleep deprivation. Most of these methods appeared to have ceased during the year following the judgment (although interrogators continued interrogating through the night with shifts of interrogators).

However, during the *intifada* an increasing number of cases of alleged torture were recorded. At first it was believed that torture must have been authorized in these cases by the Attorney General, using the "defence of necessity" in individual cases left possible by the court judgment. However, on 11 July 2001 the Minister of Justice, in answer to a question in the Knesset, stated that: "To date, no cases of interrogation in which the 'defence of necessity' was pleaded have been brought for the approval of the Attorney General".

Each case of torture alleged by detainees therefore would breach the 1999 Supreme Court judgment on what treatment of detainees is "reasonable". However, no investigation of any allegation of torture under interrogation is known to have taken place.

Muhammad 'Issa

Muhammad 'Issa, a member of the PA police, was arrested on 28 November 2000 and held incommunicado in Shikma Prison, Ashkelon, for 15 days before being allowed, briefly, to see a lawyer. He was then returned to incommunicado detention for a further 12 days. According to his affidavit:

"They sat me on a chair, tied my hands behind the back of the chair with metal cuffs, so that my arms were stretched back tightly and the handcuffs were painfully tight... [X] fastened the cuffs, causing my hands to swell up and go numb. My legs were also tied up, pulled back under the chair. Another chain connected between that loop and the handcuffs. Sitting like that, they punched me and kicked me... I was hit on the head, in the stomach, on the side, on my testicles."

He said that his interrogators made him sit for about six hours by an air-conditioner blowing cold air, while he was wearing only a thin standard-issue prison shirt. They then switched the unit to produce heat for a similar length of time. From what he can recall, Muhammad 'Issa believes he was tortured in this manner until his first remand hearing on 4 December. He alleged that the interrogators would not let him sleep. He testified that he was instructed to confess to being involved in the Kfar Darom bus bombing on 20 November and of "informing" *Al-Jazeera* television of the bombing. "I told them that what they were doing to me was illegal and that I had worked with them, the Israelis, for seven years [in the joint Israeli-Palestinian patrols]." After another round of questioning, he was put in a cell with "collaborators" pretending to be detainees. There were seven men in the group, and he could recall some of their names. One day before his second remand hearing, he was beaten again and instructed to sign some papers, the content of which he did not know. He was then brought before a police investigator where, he said, he signed more documents under duress.

Unfair trials

Trials of detainees from the Occupied Territories are held before military courts. Although the jurisdiction of military tribunals in the Occupied Territories theoretically still extends to Israelis resident in the Occupied Territories, in practice no Israeli is ever tried before a West Bank or Gaza military court for any offence committed in the Occupied Territories. They are tried within Israel in the ordinary criminal courts.

Before the formation of the PA and the division of the West Bank into Areas A, B and C, it was possible for Palestinian lawyers to reach military courts and to attend trials. Since then, it has become progressively more difficult. The military courts were formerly in the population centres; now they are in military camps or attached to settlements. Palestinian lawyers need authorization to enter these areas, and often, even with this permission, they may be forbidden to pass through a checkpoint.

Trials before military courts are seriously flawed.²³ Judges and prosecutors are officers serving in the IDF or the reserves. Judges are appointed by the IDF Regional Commander upon the recommendation of the Military Advocate General who is advised by a special committee. They are promoted almost exclusively from the ranks of prosecutors. Once appointed, judges have no right of tenure and can be removed by the Regional Commander. As a result of this lack of tenure and the close links between military judges and prosecutors, serious doubts have been expressed about their impartiality.

Trials are usually based on confessions and plea bargains. Although the right to use a "moderate measure of physical and psychological pressure" was officially revoked by the Supreme Court judgment in 1999, most detainees still "confess" for various reasons: for instance, because they are guilty; because pressures such as incommunicado detention and the revival of interrogation methods amounting to torture make them confess under duress; or because, although innocent, they do not believe they will have a fair trial and feel they have no other choice than to accept a plea bargain and plead guilty.

There is strong pressure on a detainee to accept a plea of "guilty" because a plea of "not guilty" will actually lengthen his or her time in detention. Thus the lawyer of Palestinian detainees from the Occupied Territories, whether Palestinian or Israeli, will usually urge his or her client to plead "guilty" and use the lawyer's skills in plea bargaining rather than pursue the case to a full defence. Bail is almost invariably refused and often – especially at the beginning of the *intifada*, and if the detainee was accused of throwing stones or Molotov cocktails – the time spent waiting for a trial might be roughly equivalent to the time that a person convicted of this offence would spend in prison as their sentence. A plea of "not guilty" would then double the time in detention as the trials, awaited for four to five months, are frequently postponed for a further two or three months. Even if the detainee was accused of more serious crimes, with penalties of several years in prison, in a system so weighted against the detainee there is still strong pressure to plea-bargain and settle for three years in prison rather than to go to full trial and perhaps receive eight years.

Sana' 'Amer

Sana' 'Amer, aged 14, was arrested on 20 February 2001 in al-Shuhada Hebron, accused of planning to stab a settler with a knife. Her sister 'Abir had attempted to stab a settler and Sana' was standing nearby with a knife in her pocket. She stated that on arrest her cheek was punched with such force that her ear hurt for a week. She was held in Qiryat Arba' and transferred to the Moscobiyyeh Detention Centre where she was held for 19 days with just one visit allowed from her father. She was then transferred to Neve Terza Prison, Ramleh, where Palestinian women prisoners have suffered beatings by prison guards.



Sana' 'Amer
© Defence of Children
International (Palestine)

On 24 April Sana' 'Amer's case was brought to a military court. The military prosecutor offered a plea

bargain requiring Sana' 'Amer to serve a three-year prison sentence. Her lawyer, provided by Defence of Children International (Palestine), refused. The trial of Sana' 'Amer before three judges began on 12 July 2001 and was attended by an observer from the Swedish section of the International Commission of Jurists. Sana' 'Amer's legs were bound throughout the trial and her hands handcuffed whenever the judges left the courtroom. Her lawyer stated that Sana' 'Amer was visibly shaken by the proceedings and did not have a clear understanding of the judge's questions. Although she was a minor and had been found with a knife in her pocket, without committing any offence, she was sentenced to one year's imprisonment with an additional four-year sentence suspended for five years.²⁴

5: Arrests, torture and unfair trials by the Palestinian Authority

Under the PA, in early October 2000 nearly all political detainees from Palestinian opposition groups were released. Some were on leave of absence, with the apparent obligation to return later, but they remained at liberty. During 2001 hundreds of suspected "collaborators" with Israel were arrested; most were tortured and held in prolonged incommunicado detention. Unfair trials before State Security Courts continued.

Arrests

In the first month of the *intifada* the PA released almost every detainee connected with political opposition from prison and detention centres. The official reason was that detainees could no longer be held in prisons subject to shelling. However, by July 2001 dozens of Palestinians suspected of informing Israeli security services about the movements of their targets for assassination were arrested and hundreds of other suspected "collaborators" had been rounded up.

The rights of detainees – particularly those of political detainees – have long been violated by the PA. The rights of any person placed under arrest are set out in the Body of Principles, adopted by the UN General Assembly on 9 December 1988. Arrests should only be carried out according to the law (Principle 2). Principle 4 states:

"Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority."

The arrested person should be told the reasons for his or her detention and brought promptly before a judicial authority who should be empowered to review his continued detention (Principles 10 and 11); the person should have unrestricted communication, in private, with his legal counsel (Principles 17

and 18); he should have the right to regular family visits (Principle 19); he should have the right to trial within a reasonable time or to release pending trial (Principle 38). The Body of Principles, like the Universal Declaration of Human Rights (UDHR) and other human rights standards, lays down categorically the absolute and unconditional prohibition of torture (Principle 6) and the right to humane treatment and respect for human dignity (Principle 1).

Political arrest and detention in the PA before the recent *intifada* involved a system of political arrest followed frequently by prolonged detention without charge or trial. Political prisoners included suspected sympathizers of *Hamas* and Islamic *Jihad* detained during mass arrests by the PA following bomb attacks directed against Israeli civilians. These were called "political prisoners" by the PA. More than 80 were believed to be in detention in mid-2000, mostly without charge or trial, and a few after flagrantly unfair trials before state security or military courts. A number of these were detained because of pressure from outside the PA to arrest "terrorists". Nearly all of them were released in October 2000, soon after the beginning of the *intifada*.

Others held were those suspected of "collaboration" with Israel. These were called "security" prisoners by the PA. The majority of these are held by the *istikhbarat* (Military Intelligence). Human rights organizations do not have access to the *istikhbarat's* detention centres; the ICRC was allowed access in 1998 but is now denied access.

Most "security prisoners" are held incommunicado, without access to families or lawyers, and tortured and ill-treated (see below). Sometimes they are held incommunicado for weeks, months or even years after their interrogation has ended; at least two detainees "disappeared" after arrest.

Until the present *intifada* it appeared that the PA did not put anyone accused of "collaboration" with Israel on trial for his or her actions. One reason may be Article XVI(2) of the Oslo II Agreement, which states:

"Palestinians who have maintained contact with the Israeli authorities will not be subjected to acts of harassment, violence, retribution or prosecution."

This clause appeared to be used by the PA as a pretext for depriving "security prisoners" of their right to receive a fair trial. Their detention, even without charge or trial, has been privately or even publicly welcomed by virtually all sectors of Palestinian civil society who regard "collaborators" with Israel as having "betrayed the Palestinian cause".

Torture

Security services of the PA have tortured and ill-treated detainees. Methods used include beatings, suspension from a height and cigarette burns. During the present *intifada* torture has been reported mainly against detainees suspected of "collaboration" with the Israeli authorities. As shown, the *istikhbarat* normally detain suspected "collaborators" in prolonged incommunicado detention with no possibility of lodging complaints or being brought before a judge – conditions that facilitate torture.

Yusuf Samir

A journalist, Yusuf Samir, aged 63, an Israeli citizen who was born in Egypt, was stopped by Palestinian police on 4 April 2001 while shopping with his wife in Bethlehem. The police questioned him about his Israeli passport. Annoyed that they had questioned his integrity as an Arab journalist, Yusuf Samir returned the same day to the police station with his books and poems to prove his support for the Palestinian cause. Later that day he telephoned his wife and asked her to bring medicine for his heart condition and a gun which he kept at home for protection. Two Palestinian General Intelligence (*mukhabarat*) officers met her in Bethlehem and took the gun and the medicine.

After that the family heard nothing. His wife telephoned the next day and was told that her husband had been released. After publicity about his "disappearance", the Director of the *mukhabarat* made a statement on 14 April to *Voice of Palestine* radio saying that Yusuf Samir had been questioned on 4 April and released the same night.

On 7 June, 64 days after his "disappearance", Yusuf Samir escaped from secret detention and reached an Israeli checkpoint. He told newspapers and radio: "I was given a mattress in one room of an office in the civil administration headquarters where I was repeatedly beaten, humiliated and terrorized. I didn't see a person. I didn't see sun. I didn't see light. I was beaten every hour or half-hour." He said that every day he was told to write a confession that he was an Israeli agent and beaten with a belt and by hand when he failed to do so. Sometimes, he said, his guards would tell him that he would rot in the building until he died.

Sulayman 'Awad Muhammad Abu 'Amra
Sulayman 'Awad Muhammad Abu 'Amra, aged 38, from Deir al-Balah, the father of eight children, was arrested on 8 August 2001 in Gaza by the *istikhbarat*. His family was refused authorization to visit him and he was held incommunicado in the *istikhbarat* detention centre until his family was informed on 15 August that he had died on 14 August. There were marks of bruising on his body. In response to the family's complaint and the request of the PCHR and the Palestinian Independent Commission for Citizens' Rights, an autopsy was performed. The autopsy found that death resulted from "several injuries in the body and sensitive parts, such as the abdomen and scrotum, caused by repeated blows by solid objects. All the wounds were recent and took place one week prior to death." President Arafat ordered an official inquiry into the death of Sulayman Abu 'Amra; no results of this inquiry have been made public and no one is known to have been arrested in connection with his death.

State Security Courts

Trials before the Higher State Security Court, set up by a presidential decree in 1995, remain grossly unfair. Trials are often summary, take place before military judges, are sometimes held at night and there is no right of appeal.

Sentences are subject only to ratification by President Arafat and may be carried out within hours or days of the trial. Most defendants tried before the court have been accused of political offences, although some suspected of economic offences have also come before the court.

The Oslo Agreement prohibited the PA from trying those who have "collaborated" with Israel and, as shown above, hundreds of "collaborators" were held without charge or trial. Since the recent *intifada*, "collaborators" have been tried before the court. Trials have almost invariably been summary, lasting a few hours. The accused have normally been defended by military defence lawyers rather than a lawyer of their choice, and judges are military judges. Whatever the sentence, there is no right of appeal. At the same time, there is pressure from thousands of Palestinians in the street who demand the death penalty for "collaborators" and often demonstrate angrily if a sentence of "only" life imprisonment is issued.

The State Security Court and the Military Court (which primarily tries military personnel) have frequently used the 1979 Revolutionary Penal Code. This is not part of domestic law in the PA but was used by the PLO before the peace process to try members of the PLO's military forces.

6: Collective punishment

"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited... Reprisals against protected persons and their property are prohibited."

Article 33 of the Fourth Geneva Convention

The Israeli authorities have consistently used closures, curfews and demolition of homes as a form of collective punishment against Palestinians.

Closures

The right to freedom of movement is a fundamental right. The UDHR states in Article 13: "Everyone has the right to freedom of movement and residence within the borders of each State."

Article 12 of the ICCPR says that:

"1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant."

In 1998, before the *intifada*, while the peace process was still continuing, the UN Human Rights Committee made strong criticisms of Israel's policy of closures. At that time the closures were far less extreme than today. The Committee stated:

"While acknowledging the security concerns that have led to restrictions on movement, the Committee notes with regret the continued impediments imposed on movement, which affect mostly Palestinians travelling in and between East Jerusalem, the Gaza Strip and the West Bank, and which have grave

*consequences affecting nearly all areas of Palestinian life. The Committee considers this to raise serious issues under article 12. In regard to persons in these areas, the Committee urges Israel to respect the right to freedom of movement provided for under article 12, including the right to return to one's country."*²⁵

The closure of occupied Palestinian territories began with the Gulf War in 1991.²⁶ In the name of "security" the Israeli government barred Palestinians from the West Bank and Gaza from entering Israel without passes; such passes were only given to some Palestinians. Israel's control over the fluctuating number of passes was a means of pressure on the Palestinian population of the Occupied Territories.

The Gaza Strip was closed; vehicles of outsiders (apart from diplomatic or UN cars) were not allowed to enter. Gradually a fully-fledged border was erected. Sometimes, for instance on Jewish holidays or after bomb attacks, it is closed entirely and no one may enter or leave. Sometimes only foreigners or certain categories of foreigners are allowed to enter.

The Gaza Strip is 45 kilometres long and never more than 12 kilometres wide. More than 20 per cent of this area is occupied by Israeli settlements, with a population of about 5,000 settlers, less than 0.5 per cent of the total population of the Gaza Strip. This area is barred to Palestinians. More than a million Palestinians, including 824,672 refugees, nearly 80 per cent of the total population, live in the remaining area.

The West Bank has often been partially cut off from Israel. This was more a means of harassment than a real attempt to prevent those alleged to be "terrorists" from entering Israel (see below). Palestinian cars from the Occupied Territories have different number-plates from those from within Israel, and from 1994 cars registered by Palestinians in the Occupied Territories have not been allowed to enter Israel. Except for a few Palestinian VIPs, Palestinians travelling from the Occupied Territories into Jerusalem have to travel by Israeli-registered taxis or buses. Few Palestinians have passes allowing them to enter Jerusalem.

Israeli closures of the West Bank during the first *intifada*²⁷ and after the Oslo Accords have meant that those outside the Jerusalem municipalities have not been granted permits to live

in Jerusalem and are frequently prohibited even from entering the city. Palestinians from Jerusalem have the right to a Jerusalem identity card (ID) and drive Israeli-registered cars.

Closures have been of many kinds since the present *intifada* began. Members of the IDF or the Border Police stand by the side of the road with traffic slowing devices or a barrier. They may check every passport or ID card or they may only stop and turn back certain cars, trucks or taxis. Barriers unmanned by soldiers come in different forms: a large pile of earth which blocks the road; a trench dug across the road; heavy concrete blocks; and even steel gates.

The Gaza Strip

The Gaza Strip has effectively been closed to the outside world for 10 years. Any Gazan who wishes to leave the Gaza Strip has to apply for permission from the Israeli authorities. Those Palestinians from Gaza who had authorization to work in Israel nevertheless had to return the same night; for some this meant having to leave daily at 3am and return after 6pm. Most inhabitants of Gaza have never been outside this narrow strip of land. The frontier is a high wire fence.

Normally the IDF say that those shot at the fence were trying to plant a bomb. Without proper investigations of each killing, the truth of these assertions cannot be tested. At Erez crossing into Israel, travellers – except for VIPs, the UN and diplomats – have to leave their cars behind. Israeli citizens need special permission from the Israeli civil authorities to enter Gaza and will usually be accompanied, at the insistence of the Israeli authorities, by Palestinian police.

Because the occupied areas of Gaza and the West Bank are divided from each other, one part of the peace negotiations was the construction of a bypass road to link the West Bank and Gaza. That bypass road was at last inaugurated in 2000. However, Gazans still needed a security pass before they were allowed to cross (and many were said to have used the opportunity to enter Israel). This bypass road was closed immediately after the *intifada* began and has remained closed ever since.

Ever since the beginning of the *intifada*, an almost complete closure has been imposed on the Gaza Strip. For almost the

whole period, Gazans have been unable to work in Israel. In addition, the Gaza Strip has at times been closed in at least two places, effectively dividing the strip into three and sometimes four parts with a checkpoint between each. The closures within the Gaza Strip are in the areas where the main north-south road is crossed by roads going to the settlements. Normally, whenever a settler car passes all Palestinian traffic is stopped, causing large traffic jams. However, for long periods during the *intifada* the north-south road was only opened between 9am and 11am and between 3pm and 5pm. This caused long traffic tailbacks; many residents had to wait in queues for two or more hours. It became almost impossible to travel to work or to study. On other occasions the north-south road was completely blocked in two or three places. Among other problems, such blocking left the middle area, including al-Bureij refugee camp and Deir al-Balah, without any hospital to serve the population.

The "yellow areas" in the Gaza Strip are those areas which are equivalent to Area B in the West Bank; they are areas near Israeli settlements where Israel exercises full security control but the PA exercises civil jurisdiction. During the period up until the *intifada*, many restrictions were placed on the daily life of Palestinians in these areas by the Israeli authorities; for instance, there were strict building regulations almost entirely limiting the possibility of building in these areas.

After the outbreak of the *intifada* the Israeli authorities increased dramatically the restrictions they placed on those areas. In some areas, houses considered too close to settlements were destroyed. In most of these areas no one but the residents was allowed to enter or exit without Israeli authorization.

The Mawasi

The Mawasi is the area between the Gush Katif settlement block and the sea, inhabited by a Palestinian population of about 5,000: fishers, farmers and Bedouin. After the beginning of the *intifada* each resident was given a number and an Israeli ID card. No vehicles from the rest of the Gaza Strip were allowed to enter the Mawasi and no cars were allowed to leave the area. No

outsiders from the Gaza Strip were allowed to enter the Mawasi. Barriers were gradually erected so that those who entered or left the Mawasi had to pass through narrow passages, carrying their baggage one piece at a time, as they passed "pillboxes" without being able to see the faces of the soldiers. The Mawasi used to be the market of the southern Gaza Strip and the recreation point – a small outlet in a narrow land where people from Rafah or Khan Yunis could go to buy fresh fruit and vegetables or, during the heat of summer, to swim and relax. Now children and parents are cut off from the coast in the south of the Gaza Strip, remaining in areas which are continually diminishing as a result of house demolitions and extensions of "no-go" areas.

The West Bank

Closures have also been used on the West Bank in the past, and have become increasingly harsh. During the years before the *intifada* they would be imposed more or less heavily depending on Israel's assessment of the security situation or according to the government policy of the time; they tended to be imposed immediately after bomb attacks. Their purpose appeared to be to harass rather than to prevent all movement. Sometimes the blockage was absolute. At other times it was possible to persuade the security forces to let people through. Often the manned blockade could be avoided by taking a side road. This was perfectly obvious to the soldiers manning the blockade since cars frequently came out only 50 metres down the road. The fact that the soldiers did nothing to stop such diversions added to the impression that closures are primarily a means of harassment rather than an effective response to a real security concern.

One feature of the *intifada* has been the total closure of villages and even major towns. In answer to a petition against closures submitted by the Israeli Physicians for Human Rights on 18 December 2000, the IDF stated that they leave a single road to allow access to every village in case of medical emergency. In itself this causes delay and difficulty, since the road which is "open" (or guarded by the IDF rather than closed

with earth or concrete blocks) may change and not be known. In practice there is not always even one road open to a village. The Palestinian-Israeli organization *Ta'ayush*, for instance, was unable to find a single road open for a convoy of trucks and cars bringing food and medical supplies to the villages of Burqin and Kufr al-Dik on 23 June 2001. One road, passing near a settlement, was closed to all Palestinians; others were blocked by trenches dug through the tarmac or by piles of earth. The convoy was eventually allowed by the army to dig a precarious pathway over the earth barrier, but the trucks carrying supplies were unable to cross. On 13 July 2001, after Palestinian attacks on Qiryat Arba settlers, the only route to Hebron which was open was one exposed to firing from the IDF and settlers and apparently booby-trapped.

On 6 August 2001, following the killing of Tehiya Bloomberg, aged 40, from Ginot Shomron settlement, the Israeli army sealed off completely the West Bank towns of Nablus, Tulkarem, Jericho, Ramallah and Qalqiliya and partially closed the towns of Hebron, Bethlehem and Jenin. On 12 September Nablus was again closed; no petrol was delivered and by 18 September there was no petrol in the town.

The closures accentuate the separation between different parts of the PA which, since the Oslo Accord, has never been allowed to operate as an entity. Direct routes are no longer permitted to Palestinian travellers and everyone has to make circuitous detours. The direct Ramallah-Bethlehem route is now frequently closed, and Palestinian travellers have to travel by the dangerous and precipitous Wadi Nar route, several kilometres longer. The straight easy road, taking about half an hour, from Nablus to Tulkarem now takes five hours. At times it is impossible to travel from Nablus to Jenin; several routes are used by those who needed to make the journey.

Many villages have been closed for much of the past year. Farmers may not be able to reach their fields if they are close to settlements. Those who worked in Israel cannot go to work; those who work in neighbouring towns and villages face a more difficult, longer route, often subject to harassment, sometimes to ill-treatment, and even at risk of death.

Zarifa Hassan Anis al-Sa'ad

Zarifa Hassan Anis al-Sa'ad, aged 49, married with nine children, had a brain tumour. She comes from the village of Silat al-Harthiya near Jenin; her husband is a farmer. She was booked for a surgical operation in Ramallah hospital on 13 March 2001. Her testimony was collected by B'Tselem.²⁸

"Because of the illness, I cannot walk on my own. If I need to get up and walk a few metres I have to lean on someone. On Sunday [11 March] I left our village at 7.30 in the morning. We took a taxi to Jenin... From Jenin we took a taxi to Nablus. The normal route to Nablus, via Dotan Junction and Silat al-Dahr, had been blocked by the Israeli army so the taxi driver had to go through Qabatiya.

"After passing Qabatiya, we reached an army checkpoint near Zababida, where the Israeli soldiers would not let us through. They ordered the taxi driver to turn around. I asked the driver to explain to the soldiers what my situation was and that I had to go to hospital, but the driver didn't listen to me and said that the soldiers at this checkpoint would not listen to us. So he decided to return to Qabatiya and take an unpaved road around Meithalun, Sanur, and al-Judeida. This road is long and, because it is full of pits, the driver went very slowly. He had to stop the taxi from time to time because of the road conditions. My head was burning with pain.

"We arrived in Nablus at around 11.30 in the morning. My husband and I took a bus to Ramallah from the Nablus central bus station. Many drivers who were going the opposite way told the bus driver that the road was blocked off at the Burin junction... Despite this, the driver kept going until we got to Burin Junction an hour after we left Nablus. There was an army checkpoint at the junction. The soldiers ordered the bus driver to turn around and go back. We drove for another hour back to Nablus.

"It was around 2pm. I was very tired and my headaches were getting worse, but I had no choice but to suffer because I had to get to Ramallah for the operation. We asked taxi drivers whether there was a

way into Ramallah, but they were all convinced that because of the siege there was no way in.

"We returned to Nablus the next morning and took a taxi to Ramallah. The driver took dirt roads in the mountains. The ride was slow and the taxi was constantly shaking. My head hurt terribly. I thought I would never make it because of the pain and the exhaustion. The drive took almost three hours to Jalazon Refugee Camp. The taxi driver dropped us off there and said he couldn't go any further because the road was blocked with concrete blocks and dirt and soldiers were keeping watch on the blockade.

"The other passengers helped my husband to get me out of the car and sit me on the ground. It was almost 1pm. My husband asked two of the passengers to help him carry me through the orchards to the other side of the roadblock. Two young men and my husband carried me to the other side of the road. They carried me for 15 minutes because they preferred to put some distance between themselves and the roadblock so the soldiers wouldn't see us.

"After we got to the road on the other side of the roadblock we got into a taxi going to Ramallah. The driver told us he could only take us as far as Surda because the Israeli army had dug up the road and was preventing cars from going to Ramallah. However the soldiers allowed passage on foot. We had no choice. We got in and went to Surda. Passengers again helped my husband get me out of the car and three young men carried me over the checkpoint. My husband and I took a taxi to Ramallah. We got there at 2.30pm."

Medical attacks and delays

Health care services in Israel and the Occupied Territories have been disrupted by attacks on health personnel; by impeding access to hospitals of patients and health personnel; and by blocking the movement of medical supplies and of the injured trying to leave to receive treatment abroad.

There have been several reports of attacks on medical and paramedical personnel during the conflict. For example, Bassam Fayez al-Bilbaisi, aged 45, an emergency medical technician for the Palestine Red Crescent Society (PRCS) and ambulance driver from Gaza City, was killed on 30 September 2000 while attempting to rescue Muhammad al-Dura and his father (see page 15). A second ambulance driver was also shot at. Bassam al-Bilbaisi left a wife and nine children.

On 6 October 2000 the ICRC and the International Federation of Red Cross and Red Crescent Societies expressed their concern about the escalating conflict in the territories and "strongly condemn[ed] the disregard for and attacks on medical personnel, as dozens of ambulances from the PRCS and the Magen David Adom (MDA – the equivalent Israeli organization) have been attacked."²⁹

The attacks on ambulances and personnel appear to have overwhelmingly been a result of Israeli military action or action by individual settlers against Palestinian targets: the PRCS reported that, by 16 November 2000, 42 PRCS ambulances had been damaged and 51 personnel wounded or killed. There have also been attacks by Palestinian civilians against MDA vehicles and personnel. Four medical personnel of the MDA were injured and 23 ambulances are reported to have been damaged by stoning by Palestinians in the early period of the *intifada*.

Numerous cases have been recorded of the blocking of access to medical care, and there have been a number of reports of cases where individuals have died or pregnant women have given birth on the long way to medical care.

Taram village

On 23 August 2001, in the small village of Taram near the border of the West Bank, 'Abdallah Atarat, just under two years old, fell into a water butt. Neighbours tried artificial respiration and rushed him to the nearest medical centre at Yabed five minutes drive away. However, they were delayed at the checkpoint for 10 minutes. Even though no clashes had been reported from Taram since the beginning of the *intifada*, the route out of the village had been consistently blocked by soldiers.

On 23 August the soldiers refused to look at 'Abdallah or to let him pass. Eventually the Palestinians removed one of the rocks blocking the way, and drove on. The soldiers did not shoot. However, 'Abdallah was already dead. The IDF spokesperson responded that: "We have no knowledge of the event on Thursday, 23 August. According to the directives of the battalion commander, soldiers at every roadblock are obliged to allow humanitarian cases through as soon as possible, and the forces in the field act according to those directives."³⁰

Curfews

"Curfews should be imposed only in extreme circumstances and as a last resort. In no case should curfews be used as a punitive measure. In cases where a curfew is imposed, it should be done in consultation with the local communities with a view to limiting the adverse impact on the human rights of those affected."
Report of the UN High Commissioner for Human Rights, Mary Robinson, on her visit to Israel and the Occupied Territories in November 2000.³¹

Curfews – by which the population of a given area is prohibited from leaving their houses during a given period of time – were in frequent use during the first *intifada*. Dusk-to-dawn curfews were imposed on many Palestinian towns and lasted a long time; for instance, the dusk-to-dawn curfew in Gaza lasted for six years.

The Israeli government's stated reason for curfews is that they are imposed not as punishment but in order to stop attacks or in the search for a "terrorist" cell. Thus, in theory, a curfew should cease as soon as suspected perpetrators have been arrested. However, a number of curfews have been imposed during the present *intifada* and have continued for many days after arrests have been made in connection with the incident.

For instance, a curfew was imposed on the village of Silat al-Dahr on 20 June 2001 after Ilya Krivitz, aged 62, from Homesh settlement was killed while shopping there. Settlers attacked

houses, stores and a school on the main road and the IDF searched houses and made a number of arrests on 20 and 21 June 2001. The curfew remained in place until 1 July, when a complaint against the curfew reached the High Court of Justice. The IDF commander stated, in his response, that the curfew had been lifted on 25 June except for houses by the road; the Mayor stated that he was never told that the curfew had been lifted and Israeli soldiers continued to patrol the streets and to shoot whenever people came out of their houses.

Curfew in H2, Hebron

The longest curfew in force was that on H2 area, a part of Hebron with a Palestinian population of 30,000 near Israeli settlements that was left under the complete control of the Israeli civil administration by the January 1998 Protocol Concerning Redeployment in Hebron. A 24-hour curfew was in force almost continuously from the beginning of the *intifada* until January 2001. The curfew was only lifted for a few hours every three or four days to allow residents to go shopping. During the curfew no Palestinian cars were allowed to circulate in H2, so all provisions had to be carried in on foot. Even ambulances were usually not allowed into H2 and the sick or wounded had to be carried out. Residents of H2 could not go to work and children could not go to school; everyone was confined to their homes.

S.M., a housewife in H2, testified:

"They fire at school kids, they throw stun bombs at three or four-year-old children. My daughter's children refused to go to school; they cry and say, 'The army will fire at us'. They fire at our windows. The school is far away from home, reaching it is a problem... Children have nightmares, they dream they are attacked, all their dreams are about the army, they shout in their sleep: 'The army! The army!' They get sick and frightened."

In December 2000, five residents of H2 and the human rights organization *Hamoked* brought a case to the Israeli High Court of Justice against the Commander of the IDF in Judea and Samaria and the Jewish Community in Hebron.

In his affidavit the Commander of the Hebron Brigade of the IDF, Colonel Noam Tivon, said that the curfew was only imposed for security reasons whenever there was shooting, throwing bottles or stones, and was lifted when conditions allowed "about 12 hours after the cessation of shooting". During the curfew, he said, residents were allowed to move for "urgent or humanitarian reasons". Colonel Noam Tivon produced a table which showed that the curfew had been imposed only on certain days, and lifted on about two days per week; the "dates when the curfew was lifted" shown in the table were vigorously denied by the residents who said that on those dates no official announcement of the lifting of a curfew was made and residents who ventured out of doors would be shot at.

The High Court of Justice dismissed the case in January 2001. However, during the next months the IDF appeared to attempt to follow the guidelines they had raised in their affidavit.

House demolitions

The Israeli authorities destroy houses of Palestinians for various reasons. During the first *intifada* the civil administration destroyed hundreds of houses as a form of punishment if anyone who had been living in the house committed or was suspected of having committed an attack on an Israeli. After 1994 they continued to destroy as a punishment the houses of families of suicide bombers.

Palestinian houses are also demolished for planning reasons – ostensibly because the houses are built illegally. However, these demolitions are based on a discriminatory policy which consistently refuses planning permission to Palestinians while giving Israelis permission to set up settlements.³² Although the demolitions for lack of planning permission should be unrelated to demolition as punishment, there has for years been such a relation. Many more houses are issued with demolition orders than are actually demolished and house demolition for lack of permits has also appeared in the past to be used as a collective punishment.³³

Both demolition of houses as punishment and house demolition used as a discriminatory policy against Palestinians are prohibited by international humanitarian and human rights standards which Israel has contracted to uphold.

The Fourth Geneva Convention prohibits collective penalties. Article 53 allows demolition of houses and property during armed conflict or occupation only if "rendered absolutely necessary by military operations". Under Article 147, "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" is included among those human rights violations considered "grave breaches" of the Geneva Conventions and are therefore war crimes.

The Human Rights Committee, examining Israel's report on its implementation of the ICCPR in 1998, stated that it:

*"deplores the demolition of Arab homes as a means of punishment. It also deplores the practice of demolitions, in part or in whole, of 'illegally' constructed Arab homes... The Committee considers the demolition of homes to conflict directly with the obligation of the State party to ensure without discrimination the right not to be subjected to arbitrary interference with one's home (Article 17), the freedom to choose one's residence (Article 12) and equality of all persons before the law and equal protection of the law (Article 26)."*³⁴

Throughout the present *intifada* the Israeli authorities have destroyed homes. Some of the house demolition has been the dramatic destruction of whole quarters by several bulldozers backed up by tanks. Other demolitions have been carried out a few houses at a time.

In Rafah and Khan Yunis up to 30 homes were demolished in single operations between March and July 2001. By August demolition of a few houses at a time was more common – operations that caused less public outcry from abroad. Sometimes, especially on the West Bank, homes have been demolished ostensibly for lack of planning permission; at other times, especially in the Gaza Strip (where Israel does not have the right to demolish for lack of planning permission), the reason given has been "security". In the name of "security" Israel appears to be planning to create a "no-go" area of

between 70 and 500 metres wide around every settlement and every military installation. Many demolitions are also carried out as collective punishment in reprisal for attacks on Israelis.

The Gaza Strip

At least 360 homes were demolished in the Gaza Strip during the first year of the *intifada*. They were almost entirely in areas around settlements and the reason given was consistently that of security. The IDF on their websites usually described this house destruction as "engineering works".

The Netzarim junction, where Muhammad al-Dura was killed on 30 September 2000, was the scene of many riots involving demonstrators throwing stones or Molotov cocktails in the first days of the *intifada*. On 7 October Israeli forces demolished all the buildings around the junction, including two blocks containing 32 apartments. Only the battered Israeli blockhouse remained standing.

Khan Yunis

At 11.20pm on 10 April 2001 a number of tanks accompanied by three bulldozers crossed over al-Tuffah checkpoint in the Gaza Strip from the Gush Katif settlement block. The incursion took place without warning and according to news agencies there was a six-hour barrage of fire on homes before the bulldozers started to demolish houses near the checkpoint.



Tents on the site of a demolished house in Khan Yunis
© AI

A total of 28 houses were bulldozed and totally demolished; others were partly demolished and damaged. Two people, including a local resident, were killed. Twenty-six people, including four ambulance workers evacuating the wounded, were listed as wounded by shrapnel during the operation, which forced at least 240 Palestinians from their homes.

Jihad Abu Lawz, whose tent was pitched by the ruins of his former house, told Amnesty International:

"There was the noise of tanks and bulldozers. Some people coming from the sea said they saw bulldozers and heard tanks moving. We were expecting something to happen, because people said the Israelis might raze our houses..."

"At 11pm... the only thing we could do was to flee the area... We took our children and escaped from our home, we and the people of the area... We saw bulldozers coming in... They began razing our houses, there were two aeroplanes firing at people... tanks firing... and the bulldozers razing the houses. So we escaped into the refugee camp... Nearly until 4am the demolition was continuing and the firing. Afterwards they began to withdraw. While they were doing so they continued demolishing houses... They swept away our houses though we did nothing wrong..."

Some apartment blocks near the Tuffah checkpoint had been used to fire bullets or mortars into the settlements, but these were no longer inhabited and were not destroyed in the incursion. The houses demolished, previously visited by Amnesty International delegates in January 2001, were poor one-storey structures inhabited by refugees.

The IDF recorded the incident as follows:

"Following the continuous shooting attacks that have recently occurred in the area of the community of Neveh Dekalim, including mortar bomb fire, IDF forces operated last night to destroy the Palestinian buildings from which shootings were perpetrated in order to prevent further terror attacks against civilians and soldiers."



House in Khan Yunis,
July 2001
© AI

"During the operation, fire was opened towards IDF soldiers and mortar bombs were fired towards communities and positions in Gush Katif. IDF forces returned fire towards the sources of the shooting. Our forces did not suffer casualties."

"The IDF spokesperson clarifies that yesterday's operations are a part of the IDF's continuous operations intended to directly strike the parties responsible for terror. The IDF will not permit attacks upon civilians and IDF soldiers, and will take all necessary steps to protect their wellbeing."³⁵

Most houses along the border of Rafah and Israel were demolished in different stages, although individual houses were destroyed at other times. The official Israeli reason once again was that these houses were being used as bases to shoot at Israeli installations on the border. However, as in Khan Yunis (see above), tall houses where gun emplacements had apparently been placed were left standing while the modest one-storey homes of the Palestinian refugees of 1948 were destroyed.

In the Brazil and al-Sha'er areas of Rafah, 17 houses were demolished after Israeli tanks and bulldozers crossed the border at around 1am on 2 May 2001. The IDF killed one youth,

Mahmud Akel, and wounded 13 others. Four of those wounded were shelled in their homes; others were apparently resisting the bulldozers. According to *AFP*, the Israeli army described it as "an act of legitimate defence".

At about 12.45am on 10 July 2001 Israeli tanks accompanied by bulldozers crossed over the frontier and demolished 24 houses in Block O of Yibna Camp, near the Salah al-Din Gate. These houses had been often visited by Amnesty International delegates over the past months. They did not appear to be houses which had been used for shooting at Israeli soldiers at the border; such bases were the tall houses on the eastern side of Salah al-Din street. There was no apparent reason for their demolition. Once again the reason given by the Israeli authorities was alleged attacks on Israeli forces across the border.

Between March and July 2001 the IDF destroyed more than 130 homes, dispossessing more than a thousand individuals for "security" reasons. During that time, one Israeli, a settler working for the IDF, was killed by Palestinians on the Rafah border, although there were many occasions when Palestinian armed groups fired guns or grenades. There is no evidence to suggest that any of those whose houses were destroyed was involved in the killing.

The West Bank

Since the beginning of the *intifada* the Israeli authorities have demolished more than 200 houses in the West Bank. Although the official reason has often been because of lack of planning permission rather than security reasons, the demolition of the houses frequently appears to have been as a collective punishment for individual acts of violence and an attempt to expel Bedouin families from the area altogether.

Homes near Sussya

On the night of 2 July 2001 a settler, Yair Har Sinai, was found murdered. The father of nine children, he had herded sheep around Sussya settlement. The next day members of the IDF, the Civil Defence of the settlements and bulldozers came and destroyed dozens of shelters,

tents and caves of the local farmers who lived on the dry hills around the settlement. About 500 people were made homeless.

The encampment of Salameh Khawajeh consisted of four structures made of rough stone without mortar. Salameh Khawajeh lived there with his three sons and their families. At around 1am after the killing of Yair Har Sinai, the soldiers came to the encampment and searched it, arresting Salameh Khawajeh. Salameh Khawajeh said he was taken to the settlement of Sussya where he was beaten with gun butts before being released at around 8am. On the same day, 3 July, during the afternoon, 20 soldiers with bulldozers came to the encampment and demolished the shelters of the four families. They also demolished a cave where the families lived during the rainy season and stored grain. The soldiers emptied out grain from their storage containers onto the ground. Amnesty International delegates visited the area of the demolitions on 8 July 2001.

Hajja Lulih Nawaje'ah, who lived in a tent encampment about two kilometres south of Sussya, said:

"We are three families, altogether 16 people, the youngest a month old. Since these settlers have private roads, how could we be responsible for their safety?... They didn't arrest anyone.

"We have been here for 20 years. We have nothing at all to do with the Jews. They came with bulldozers and lots of cars – two bulldozers. They destroyed our tents and terrorized my sons and my daughters. They didn't even spare the sugar we have. They didn't leave it for us. Neither flour, nor goats, nor an upright pole. We are living in constant fear... But we are in our land."

The IDF website comments on the killing of Yair Har Sinai, but not on the mass demolition of Bedouin homes. Spokespeople for the IDF and the settlers council told Amnesty International delegates that the homes had been demolished because the shelters, tents and caves were "built illegally". For three days after the demolition, the IDF prevented international assistance

from the ICRC and UNRWA from coming in. Eventually the relief organizations were able to reach the area and give tents to those made homeless.

On 17 to 18 September 2001 the IDF deported 118 people from three encampments and erected a military camp. In response to a petition supported by Israeli and Palestinian NGOs, the Israeli High Court of Justice issued an injunction allowing the families to return. They were not, however, allowed to reconstruct their shelters nor to clean the blocked wells.

Jerusalem

Demolitions of houses in Jerusalem and its suburbs have been carried out for the stated reason that the structures were illegal. However, it is difficult to avoid concluding that these demolitions have frequently been carried out as an additional collective punishment on the Palestinians. For instance, on 5 August 2001 'Ali al-Julani, a Palestinian from Qalandiya refugee camp near Ramallah, started shooting randomly at soldiers outside the Ministry of Defence in Tel Aviv. He was killed during the attack. On 20 August 2001, four bulldozers demolished a five-story block of flats with nine apartments in the Jerusalem suburb of Beit Hanin belonging to a relative of 'Ali al-Julani – Ibrahim Hussein 'Abd al-Qader al-Julani. Normally, houses built without planning permission are not demolished without some notice. In this case Jerusalem Municipality stated that they had put the demolition on the apartment block the previous day. Bystanders claimed that Israeli soldiers attending the demolition said that the al-Julani family would pay a high price for 'Ali al-Julani's attack.

In March 2001, 14 houses around Jerusalem were demolished. Between 1 and 4 April 2001 other houses were demolished including a house symbolic of the policy of destroying Palestinian houses built without planning permission – the home of Salim Shawamreh. The destruction of this house had become famous. During the first demolition in 1998 Salim Shawamreh had been able to alert Israeli peace groups who demonstrated, together with Knesset members, during the eight-hour demolition. The family home was rebuilt rapidly with

voluntary help of Jews and Palestinians and, the day after the party celebrating this, it was demolished again. Salim Shawamreh himself had travelled around the USA with the Israeli Committee against House Demolitions highlighting the inequities of Israel's discriminatory policy of house demolitions.

7: Amnesty International's recommendations

To Israel, the Palestinian Authority and armed groups

The reports of the UN High Commissioner for Human Rights, the UN Commission of Inquiry and the Report of the Sharm al-Shaikh Fact-Finding Committee have concurred both in their analysis of the causes and events of the recent *intifada*, and in what is needed to end the killings and other human rights violations. However, the political will to make these recommendations effective has been lacking, by both the Israeli and Palestinian authorities, and by the international community, which has failed to move from critical statements to action to protect the civilian population.

1. End the killings

Respect for human life must be restored. The lives which have been already lost will never be restored; the deaths of so many are an irreversible loss. Only a new mindset among Israelis and Palestinians can change the deteriorating situation – a mindset that would regard each human life as valuable, would ensure that each death is properly investigated, and would follow the obligation under international human rights law to respect the right to life.

To the Israeli government:

- ◆ The Israeli government should order all security forces to respect international human rights standards governing the use of force and firearms. Intentional lethal use of firearms must only be resorted to when strictly unavoidable in order to protect life and when less extreme means are insufficient. In accordance with international standards, every effort should be made to exclude the use of firearms, especially against children.
- ◆ Extrajudicial executions must be ended. Those who carry out or order such killings should be brought to justice in trials which are consistent with international standards for fair trials.

- ◆ The Israeli government and the Israeli Defence Forces should cease reckless and random shooting at residential areas. Those who have ordered such unlawful attacks should be brought to justice.
- ◆ Every killing should be thoroughly investigated. The results of these investigations should be made public. Those who have committed unlawful killings should be brought to justice.

To the Palestinian Authority:

- ◆ The PA should take effective action, including by making a public statement, prohibiting anyone under its jurisdiction from attacking or otherwise endangering the safety of civilians. Anyone who unlawfully endangers human life should be brought to justice in fair trials without the imposition of the death penalty.
- ◆ The PA should thoroughly investigate every killing. The results of these investigations should be made public. All those who have committed unlawful killings should be brought to justice in trials that are consistent with international standards.
- ◆ President Yasser Arafat should immediately commute all death sentences and take steps to abolish the death penalty.

To Palestinian and Israeli armed groups:

- ◆ Armed groups must respect fundamental principles of humanitarian law which prohibit the killing of civilians.

2. Safeguard detainees

Those arrested have consistently had their rights violated; they have been tortured or ill-treated; they have been refused access to lawyers or family, and they have faced trials which do not meet international standards for fair trial.

To the Israeli government:

- ◆ Israeli security forces should immediately cease the use of torture or ill-treatment. Allegations of torture or ill-treatment should be promptly and thoroughly investigated and anyone who has used torture or ill-treatment should be brought to justice.
- ◆ Israel should ensure that all detainees have access without delay to relatives and lawyers of their choice, including lawyers

from the Occupied Territories, and that this access is regularly maintained.

- ◆ Israel should ensure that any person brought to justice receives a fair trial, with all rights of defence, including the presumption of innocence.
- ◆ Israel should release all administrative detainees unless they are to be tried, in accordance with international standards for fair trial, for a recognizably criminal offence.
- ◆ Israel should comply with its obligations under Article 37(a) and (c) of the Convention on the Rights of Child by refraining from arrest, detention or imprisonment of children except as a measure of last resort and for the shortest appropriate time. It must ensure that any child deprived of his or her liberty is treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of people of his or her age.

To the Palestinian Authority:

- ◆ Palestinian security forces should immediately cease the use of torture or ill-treatment. Allegations of torture or ill-treatment should be promptly and thoroughly investigated. Anyone involved in using torture or ill-treatment should be brought to justice in trials that are consistent with international standards.
- ◆ The PA should ensure that all detainees have access without delay to relatives and lawyers and that this access is regularly maintained. The International Committee of the Red Cross should be given unrestricted access to all detainees, including those held by the military security.
- ◆ The PA should release political detainees, including those held for "collaboration" with Israel, unless they are to be tried promptly and fairly on recognizably criminal charges.
- ◆ The State Security Courts do not provide the guarantees for a fair trial. Those brought to trial must be brought before courts capable of offering guarantees for fair trial conducted in accordance with international standards.

3. End collective punishments

Closures, curfews and house demolitions are grave human rights violations and are used as collective punishment targeted

against Palestinians in the Occupied Territories. The occupied territories in the West Bank have become a land of barriers between town and town and between village and village. The great majority of the inhabitants of Gaza have been enclosed for years and Palestinians from the Occupied Territories are unable to enter Jerusalem without a permit.

- ◆ Physical barriers and other punitive restrictions on free movement of Palestinians within the Occupied Territories, including East Jerusalem, should be removed.

The demolitions of Palestinian homes for punishment, on alleged security grounds, or based on discriminatory manipulation of planning mechanisms, have caused homelessness and accompanying trauma to thousands of Palestinians, including children.

- ◆ Israel must cease to carry out demolitions of houses as punishment or in reprisals.
- ◆ Outstanding demolition orders based on discriminatory policies should be cancelled and discriminatory policies ended.

To the international community

The international community has so far failed in its obligations under Article 1 of the Fourth Geneva Convention to "respect and ensure respect for" the Convention. Israel has committed grave breaches of the Geneva Conventions, including wilful killings, torture, unlawful confinement and extensive destruction of property. Palestinian armed groups have deliberately killed civilians. More than 570 Palestinians and more than 150 Israelis have been killed. The abuses are continuing and are growing more serious.

- ◆ The USA, the European Union and other states which have friendly relations with both Israel and the PA should endorse publicly the setting up of an international monitoring presence in Israel's Occupied Territories with a human rights component.

The international community should then take immediate steps to implement this initiative.

- ◆ Those states and companies which sell or transfer military equipment to Israeli or Palestinian forces should demand effective and enforceable guarantees that such equipment will not be used in such a manner that leads to human rights abuses.
- ◆ All those involved in the peace process should ensure that human rights are made an integral part of all future negotiations.

Endnotes

1 See, for example, the IDF preliminary reports on the killings of Muhammad al-Dura on 30 September 2000 and three Bedouin women on 10 June 2001 (pages 15 and 24). A forensic examination by the Boston-based Physicians for Human Rights showed that the injuries suffered by Issam Judeh, killed on 8 October 2000, at one time attributed by Palestinians to a settler attack and torture, were consistent with a road accident.

2 UN doc. E/CN.4/2001/114

3 UN doc. E/CN.4/2001/121

4 The committee's members were Suleyman Demirel, former president of Turkey; Thorbjørn Jagland, Minister of Foreign Affairs of Norway; Warren B. Rudman, former member of the US Senate; and Javier Solana, High Representative for the Common Foreign and Security Policy of the European Union.

5 The TIPH has been deployed since 1997 as an international presence from six countries to monitor events in Hebron and so create a feeling of security for the residents. It is not authorized to intervene directly in conflicts and its lack of an investigative and public reporting mandate has limited its capacity to affect significantly the human rights violations in Hebron.

6 *Israel and the Occupied Territories: Excessive use of lethal force* (AI Index: MDE 15/41/00); *Israel and the Occupied Territories: Mass arrests and police brutality* (AI Index: MDE 15/58/00); *Israel and the Occupied Territories: State assassinations and other unlawful killings* (AI Index: MDE 15/005/01).

7 Amnesty International, *Israel and the Occupied Territories: Excessive use of lethal force* (AI Index: MDE 15/41/00, October 2000)

8 At least one Israeli civilian has been killed by a stone: five-month-old Yehuda Shoham was killed in his father's car as he was driving from Shilo settlement on 6 June 2001. This was a large rock, thrown by an adult from above.

9 "Weekly Report on Human Rights Violations Perpetrated by Israeli Occupation Forces in the Occupied Palestinian Territories, January 18-24, 2001", Palestinian Centre for Human Rights, Gaza.

10 *Illusions of Restraint, Human Rights Violations During the Events in the Occupied Territories, 29 September-2 December 2000, B'Tselem*, December 2000.

11 "IDF to open new probe in death of 3 Gaza women", Amos Harel, *Ha'aretz*, 19 August 2001. The IDF complained that the PA did not help the investigation nor did it take IDF officers to see the site of the killing.

12 See Amnesty International, *Israel and the Occupied Territories: Death by shaking – the case of 'Abd al-Samad Harizat* (AI Index: MDE 15/23/95) October 1995, for an instance of a Palestinian family allowing an autopsy. A maximum of three autopsies have been carried out on PA citizens killed by Israeli security forces. One, at the request of the family, was on Yusuf Abu 'Awad, killed on 16 November 2000 by the IDF at close range at Beit 'Umar. The IDF had made him leave his car and said they feared he would attack them. He was unarmed.

13 "Open letter to Meir Sheerit, Minister of Justice", RSF, 14 September 2001. See www.rsf.org.

14 See highlighted case p.32 for death of Hani Yusuf al-Sufi. Mu'azz Ahmad Abu Hadwan, aged 11, killed in a narrow street in al-Shaykh area of Hebron on 31 December 2000, may have died from the same type of grenade launcher.

15 The policy has often been discussed by the security cabinet. On 4 July it was announced that a policy of "active defence", involving "intercepting terrorists", had been accepted by the security cabinet; on 3 October 2001 "targeting terrorists" was said to fall under the policy of "preventive self defence" adopted by the security cabinet. The forum responsible

for approving such operations, according to *Ha'aretz* on 23 August, is composed of the Prime Minister, Defence Minister, Foreign Minister, Chief of Staff and Head of the GSS.

16 UN doc. E/CN.4/1996/4, para 609

17 Amnesty International, *Israel and the Occupied Territories: State assassinations and other unlawful killings* (AI Index: MDE 15/005/2001) February 2001.

18 For a description of Palestinian attacks on settlers and settlements, and settler attacks on Palestinians see, for example, *Center of the Storm: a case study of human rights abuses in Hebron District*, Human Rights Watch, April 2001.

19 See Gideon Levy, "Crossroads of Slaughter", *Ha'aretz* magazine, 30 July 2001

20 Principle 7 of the UN Basic Principles on the Role of Lawyers. It is important to note that international treaty monitoring bodies such as the Human Rights Committee state that access to counsel must be "immediate" or "prompt" – 48 hours is the absolute limit.

21 See Amnesty International, *Israel: The price of principles – imprisonment of conscientious objectors* (AI Index: MDE 15/49/99) September 1999.

22 Administrative detention as applied in Israel and the Occupied Territories is based on Articles 108 and 111 of the Defence (Emergency) Regulations enacted in September 1945 by the British authorities governing the Mandate of Palestine. In March 1979 the Emergency Powers (Detention) Law was enacted which introduced greater administrative and judicial safeguards to administrative detention in Israel. In 1980 similar provisions were extended to the Occupied Territories.

23 See Amnesty International, *Israel and the Occupied Territories: The military justice system in the Occupied Territories – detention, interrogation and trial procedures* (AI Index: MDE 15/34/91) July 1991. Although there have been some improvements in pre-trial procedures, military trial procedures have remained much the same as described in this report.

24 Defence of Children International (Palestine) case study, September 2001.

25 UN doc. CCPR/C/79/Add.93 para.22

26 However, restrictions on freedom of movement have been frequently used on Palestinians throughout the Israeli occupation; for instance, during the 1980s whole towns and villages were placed under collective travel restriction orders (in effect a prohibition from travelling abroad) sometimes for more than a year.

27 The uprising of the Palestinian population of the Occupied Territories between 1987 and 1993.

28 *No Way Out: Medical implications of Israel's siege policy*, B'Tselem, June 2001.

29 ICRC press release 00/37, 6 October 2000.

30 "Suddenly this summer" by Gidon Levy, *Ha'aretz*, 31/08/2001

31 UN doc. E/CN.4/2001/114

32 Amnesty International, *Israel and the Occupied Territories: Demolition and dispossession – the destruction of Palestinian homes* (AI Index: MDE 15/59/99) December 1999.

33 For example, 45 Palestinian houses were demolished the month following a double suicide bombing in West Jerusalem on 30 July 1997.

34 UN doc. CCPR/C/79/Add.93, para.24

35 IDF website