

B'Tselem

On Human Rights in the Occupied Territories

Al-Aqsa Intifada, June 2001



בצלם

B'Tselem - The Israeli
Information Center for
Human Rights in the
Occupied Territories



About B'Tselem

B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories was founded in 1989 by a group of Israeli public figures, lawyers, academics, journalists, and Knesset members to protect human rights in the Occupied Territories. Its strategies to achieve this goal are the following:

š Provide information to the Israeli public and the international community about violations of human rights in the Occupied Territories.

š Recommend and encourage policy changes to ensure greater protection of human rights.

š Foster debate and discussion among the Israeli public to generate greater sensitivity and commitment to human rights norms and principles.

In its twelve years of activity, B'Tselem has published over eighty reports on a wide variety of human rights issues. B'Tselem organizes public campaigns, conducts public education activities and engages in lobbying at the national and international level. To improve its effectiveness, B'Tselem cooperates with other human rights organizations - Israeli, Palestinian, and international.

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B'Tselem has produced a great deal of information and has earned respect for its impartiality and accuracy. The organization serves as an important source of information for the local and international media, as well as Israeli policy-makers and the international community.

In this new intifada, B'Tselem continues to document human rights violations, and to hold all actors accountable to their human rights obligations. Our task is made more difficult by a number of factors:

š The climate in which we are working is extremely polarized. Both Israelis and Palestinians manipulate information to support their position, making B'Tselem's impartial critique and dogged adherence to the facts all the more important. However, the polarization also makes our work more difficult, as we have to be even more careful about the reliability of our sources of information.

š The reality is more complex than that of the previous intifada. In some of the current clashes, Palestinians are shooting live ammunition at Israeli soldiers. These soldiers are justified in using lethal force in life-threatening situations. Therefore, not every case in which a Palestinian was killed can automatically be labeled as excessive force. Excessive force is only a situation in which a soldier used lethal force in a non-life threatening situation or used force disproportionate to the danger. B'Tselem can therefore only ascribe responsibility for a particular killing after a thorough analysis of the incident, taking all factors into account. This is a lengthy task given the scope of recent events. It is essential, however, if B'Tselem is to remain true to its commitment to accurate information.

While the scope and complexity of human rights violations has increased, B'Tselem continues to conduct extensive first-hand documentation of violations, to provide information to the Israeli public and the international community and to lobby local and international policymakers to advance human rights.

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During the events of the past nine months, the scope of Israeli human rights violations against Palestinian residents of the West Bank has been unprecedented. The Israeli violations are ongoing and permanent. Killing of children and other innocent civilians, extra-judicial killings of suspects, and complete blockades of Palestinian towns and villages are now routine. Most of the Israeli human rights violations of recent months are not new. However, the number of people harmed by Israel's policy and the consequences of the violations are far greater.

Israel argues that the collective punishments, the high number of civilian casualties, and the numerous other human rights violations result from Palestinian violence. Thus, Israel contends, the blame for the suffering of the Palestinian civilian population must be placed on the Palestinians themselves. However, international humanitarian law and human rights conventions, to which Israel is party, are of special validity and importance precisely in situations like the one facing us at present. Their purpose and function are to state what is permitted and what is prohibited in situations of the kind presently existing in the Occupied Territories. It is precisely in these times that the authorities must respect the rights of civilians and strictly comply with the fundamental principles to which the state is committed.

Because Israel occupies the West Bank and Gaza, it is responsible for protecting the human rights of the civilians living there. However, this fact does not reduce the Palestinian Authority's responsibility for its own human rights violations. The deliberate attacks on Israeli civilians by Palestinians are a flagrant breach of international humanitarian law. The establishment of the settlements, though itself a violation of international law, does not make them or the settlers legitimate targets of attack. In addition, Palestinian gunfire at Israelis from within a civilian population is absolutely prohibited. Gunfire of this kind endangers the Palestinian civilians by exposing them to Israeli retaliatory attack.

Since the beginning of the intifada in late September 2000, B'Tselem has published several reports that examine issues such as IDF use of excessive and lethal force when responding to demonstrations; imposition of stringent restrictions on movement; and failure to enforce the law against Israeli civilians who commit violent acts against Palestinians in the Occupied Territories. Some of the findings reached by B'Tselem on these subjects appear in this supplement. The complete reports can be downloaded from B'Tselem's Website.

B'Tselem again urges the two parties – as long as they are engaged in conflict – to strictly comply with the rules of international law and human rights principles and to endeavor to limit, as much as possible, the harm to innocent civilians.



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Bethlehem, March 2001

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Special thanks to the photographers who contributed their works.

Death Foretold

Over the past thirty-nine weeks, Israeli security forces have killed 338 Palestinian civilians, 109 of them under age eighteen. Israel denies responsibility for these deaths, claiming that it only uses force when necessary.

The Open-Fire Regulations state that soldiers are only allowed to shoot if they are in life-threatening situations. However, the term "life-threatening situation" is extremely broad. Is a child throwing stones at soldiers from 100 meters away to be considered a threat to their lives?

In this context, a new regulation issued by the IDF is especially significant. This regulation allows the firing of live bullets at the legs of stone-throwers who threaten soldiers' lives. But if the soldiers are truly in a life-threatening situation, why shoot at their legs? Clearly, soldiers facing real danger can shoot anywhere on the body in order to save themselves. Furthermore, since a regulation already existed allowing the use of lethal force in life-threatening situations, it is difficult to understand what the new regulation adds. The only logical explanation is that the intent is to expand the license given to soldiers such that they can use live ammunition even when their lives are not endangered.

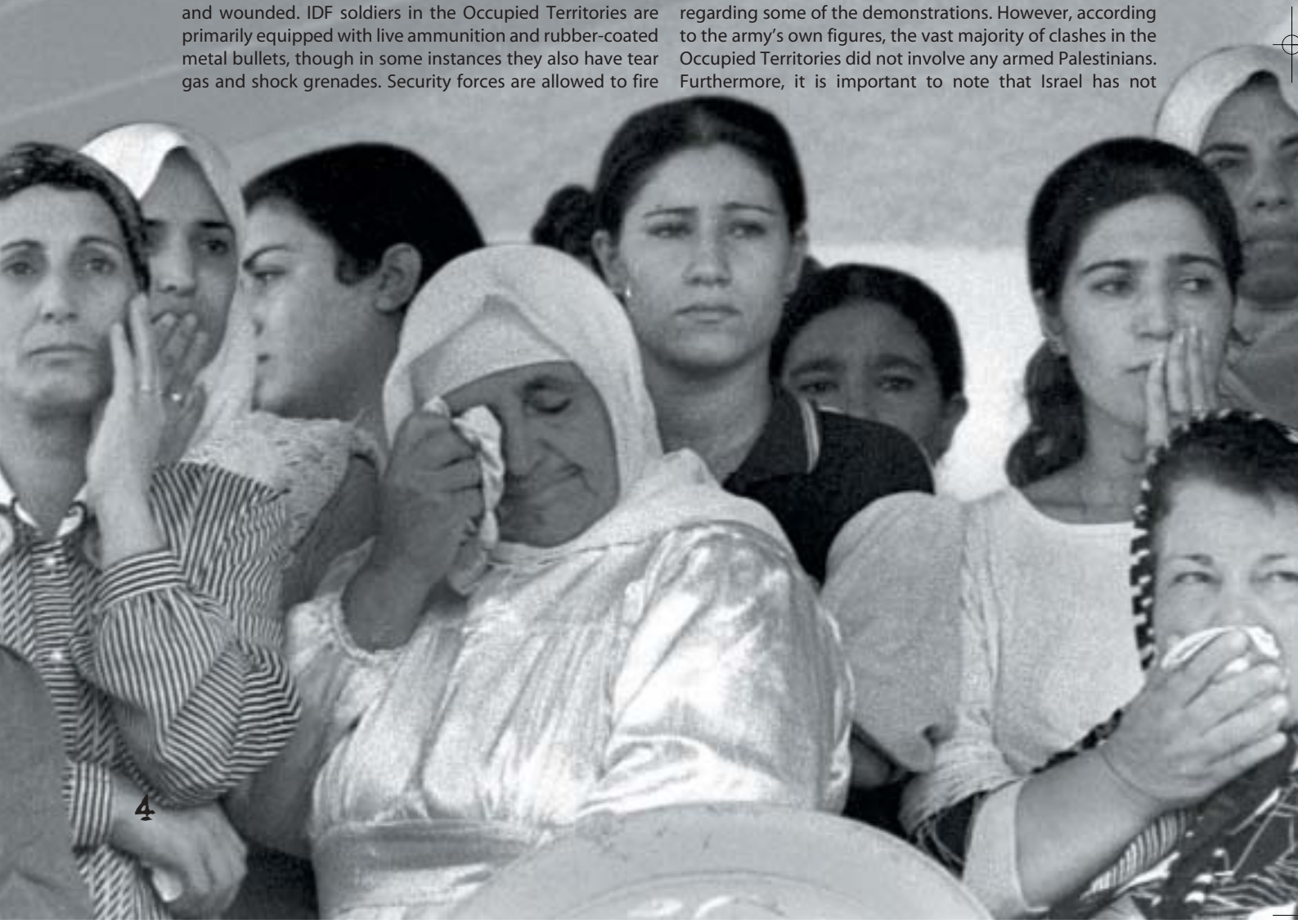
Although the IDF has had to cope with similar demonstrations for many years, it has failed to purchase and develop non-lethal crowd control techniques. This is one of the principal factors in the high number of Palestinian killed and wounded. IDF soldiers in the Occupied Territories are primarily equipped with live ammunition and rubber-coated metal bullets, though in some instances they also have tear gas and shock grenades. Security forces are allowed to fire

"rubber" bullets when human life is not in jeopardy, and the IDF considers them a legitimate means to disperse non-life-threatening demonstrations. Although bullets of this kind have killed scores of Palestinians and wounded many others, the army continues to consider them non-lethal.

A wide variety of non-lethal crowd control tools are used throughout the world. Tear gas and "rubber" bullets cannot be the only means to disperse demonstrations. Brigadier General (ret.) Dov Tamari, who teaches the advanced systems course in the IDF, criticized both the IDF and the police for "not really taking the trouble to develop effective non-lethal weapons." In an interview with *Ha'aretz*, he stated that:

We know how to fire a missile directly at the forehead of anyone we want, but we do not have the technology to put out the match that ignites the Occupied Territories, except for rifles, as was done a hundred years ago. The IDF prepared itself mentally and operationally extremely well for this confrontation, but did not invest in technology. Israel is still stuck in the stage of gravel throwers and protective vests.

Israel also argues that Palestinian gunmen congregate among demonstrators and fire from within the crowd. Thus, it maintains, soldiers must use live ammunition and cannot rely on alternative means. This argument may be correct regarding some of the demonstrations. However, according to the army's own figures, the vast majority of clashes in the Occupied Territories did not involve any armed Palestinians. Furthermore, it is important to note that Israel has not



instituted a new policy for dispersing demonstrations, but is implementing a policy that has been in force for many years. Therefore, Israel's argument is baseless because security forces also used lethal means in the past.

The lack of accountability of Israeli security forces is another feature of this intifada. The Israeli military has ceased to investigate cases where Israeli security forces kill Palestinians. Israel argues that it is involved in an "armed conflict," and while civilians may be killed, such incidents do not warrant investigation. The Office of the Military Advocate General said that it would only investigate serious violations of the regulations. The state's argument is untenable. First, war also has rules, and, regardless of the classification of the conflict, the killing of civilians violates these rules. Thus it is improper to make a sweeping decision not to investigate civilian deaths. Second, during the current intifada, the Military Investigations Unit only investigated in rare instances, primarily where the case was reported in the media or documented on film. This fact indicates the extraneous considerations entailed in initiating an MIA review. In making this decision, the Office of the Judge Advocate grants immunity from prosecution to security forces who violated human rights. Such immunity contravenes international law.

Soldiers facing stone-throwers do not function as an army. They are performing policing actions, comparable to any other police force in Israel or abroad. They are not involved in a battle in which they must vanquish the enemy. Therefore, soldiers must undergo training as police officers, must be equipped as police officers, and must function as police officers.

The methods that the IDF uses to cope with non-violent demonstrations were well described by Dr. Stephen Miles, former senior officer in the British Police Force, who visited the Occupied Territories with representatives of Amnesty International. Regarding the army's methods in dispersing demonstrations, Dr. Miles stated that, "These are good tactics if one wants to wipe out an enemy, they are not policing." A force trained in law enforcement, instructed in and prepared for dispersing demonstrations, equipped with many and varied means and is properly protected, should not have to use lethal force to disperse stone-throwers.

Elsewhere in the world, police cope with mass, violent demonstrations without shooting and killing demonstrators. For example, in September 2000, Prague was the scene of mass demonstrations against a gathering of the International Monetary Fund. The demonstrators threw stones, hurled Molotov cocktails, and struck the police with sticks. The police stood there, covered from head to toe with protective equipment. The police used water cannons but did not fire one shot, and no one was killed. Similar demonstrations took place in other locations. Security forces did not use live ammunition or "rubber" bullets in any of them, and coped with the demonstrators by utilizing effective, non-lethal means.

Even if Israel does not have a policy to intentionally injure Palestinians, after so many Palestinians have been killed in demonstrations in the same way and Israel failed to change its policy on dispersing demonstrations, the lack of intent does not diminish the blame and responsibility it bears.

Photo: Avichai Nitsan



Qalandia, February 26, 2001

The Death of 15 year-old Hussam A-Dissi, a Tenth Grade Student

Hussam and I were related. We were also good friends. We lived near each other and studied car mechanics in the same class at Sakhnin College.

The college is four or five kilometers away from our home. The late Hussam and I rode to school with Hussam's father every day. At the end of the school day we would take one of the taxis on the Jerusalem-Ramallah route home. Qalandiya Refugee Camp is on the way home.

Since the beginning of the Al-Aqsa Intifada, I would normally come home, rest for a while, have lunch and then walk toward the road next to Qalandiya Refugee Camp and the Atarot airport. Twenty boys, sometimes more, would gather there and at 15:00 we would start throwing stones at the soldiers behind the two barbed wire fences that separate the Atarot airport and the Jerusalem-Ramallah road.

We normally stood on the side of the road farther from the airport, near the houses and stores of the Refugee Camp, 100-150 meters away from the soldiers. We would cross the road and get within 50 meters of the barbed wire fence. We threw stones and the soldiers routinely responded with rubber bullets and tear gas. Prior to the killing of the late Hussam, no boys were killed during these events, but some were lightly injured by rubber bullets or tear gas inhalation. The injuries were normally to the legs, and only a small number of the wounded were hit in the upper body.

As stated, the stone-throwing would normally begin around 15:00 and last two hours. We would return home at sunset. We never blocked the road or damaged passing cars, because we knew that all the cars on the road were owned by Arabs and that settlers didn't use that road.

We would throw stones when the boys gathered and when there were soldiers in front of us, at the airport. There were times when we got there and there were no Israeli soldiers, so we just went home. On Fridays, the stone-throwing would start after the Friday prayer, and there would be more of us. Most of the participants were our age and most of us know each other.

The late Hussam participated at first, but lately he stopped coming because his father came once and picked him up. I heard he had yelled at him and warned him not to go there and take part in stone-throwing.

On Monday, 26.2.01, we came home from school as usual. Around 14:00 - 14:30, I ran into Hussam near his house. He told me he was going for groceries. I walked with him to Qalandiya, and there we met some boys who were throwing stones at the soldiers who were at the airport, behind the barbed wire fences.

We joined them. There were 20 - 25 of us. We were standing across the road from the soldiers, about 100 meters away. After an hour, we decided to cross the road. We stood closer to the barbed wire fences and started throwing stones from there.

All the while, tear gas and rubber bullets were being fired at us. We would run away, take a little break and then return. We were swearing at the soldiers while throwing stones at them. They swore back. One of the soldiers said that he would shoot and kill us if we didn't leave the place within five minutes.

We didn't pay attention and went on throwing stones. On that day there were more soldiers there than usual. There were dozens of soldiers and military jeeps. There was also an armored vehicle inside the airport area. It was a few hundred meters away from us, in the back.

After about two hours of stone throwing, I suddenly heard Hussam, who was three meters away from us, shouting to me, telling me he had been hurt. He turned around and wanted to run away, but he fell to the ground. I ran to him with a few other friends and we saw blood streaming out of his body. Hussam was lying face down on the ground. We turned him over, and noticed he was barely breathing. We lifted him and put him in a van that was passing by. We drove toward the hospital in Ramallah, using dirt roads to bypass the roadblock. I rode with Hussam, and was by his side the whole time. I tried talking to him, but he didn't answer at all. After a minute or two in the car, Hussam stopped breathing.

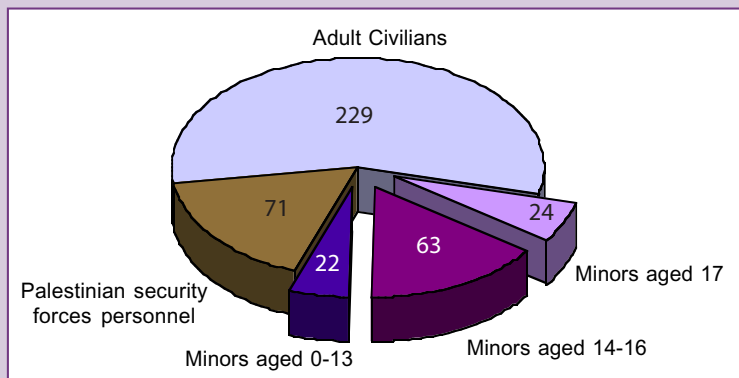
After we arrived at the government hospital in Ramallah, we were told that Hussam had died as a result of four live bullets - one to the chest and three to his back.



Photo: Eldad Rafaeli

Palestinian and Israeli Casualties: 29.9.00-18.6.01

Palestinians killed by Israeli security forces in the Occupied Territories

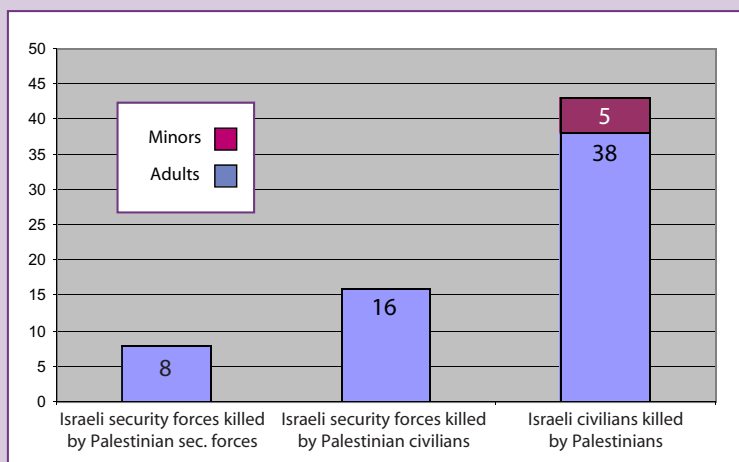


In Addition

In the Occupied Territories:

- § Six Palestinian civilians were killed by Israeli Civilians.
- § At least Nine Palestinians were killed by Palestinians due to suspicion of collaborating with Israel. A 12 year old boy was killed by armed Palestinians during a confrontation with local residents who were trying to prevent them from shooting at IDF posts.
- § Four foreign Civilians were killed by Israeli security forces in the Occupied Territories. Three foreign Civilians were killed by Palestinians.

Israelis killed by Palestinians in the Occupied Territories



Inside Israel:

- § One Palestinian was killed by Israeli security forces in Israel.
- § 12 Palestinian citizens of Israel were killed by Israeli police forces.
- § 34 Israeli civilians were killed by Palestinians in Israel. 13 of the Israeli civilians were minors, of whom one was a 17 year old, five were 16, three 15, three 14 and one 13.
- § Nine Israeli security forces personnel were killed by Palestinians from the OT in Israel.
- § Two Foreign civilians were killed by Palestinians in Israel, one of whom was a minor, 16 years old.

Comment: The data may change as a result of ongoing research, which produces new information about the events

"Nobody can convince me that we didn't needlessly kill dozens of children"

(Senior IDF officer, quoted in *Ha'aretz*, 12 December 2000)

Children constitute a large percent of those killed and wounded. Some 32 percent of Palestinian civilians killed between 29 September 2000 and 18 June 2001 were minors under the age of 18. Some 37 percent of Palestinians wounded during that period were under 18.

Israel claims that these shocking statistics result from the Palestinian Authority sending children to clash with the soldiers. OC Central Commander, Yitzhak Eitan, for example, stated that "unfortunately, the Palestinians make cynical use of children, women, and youth to confront our forces. They place them in the front of the confrontation with the objective of putting the IDF in difficult positions." The primary reason for the death and injure of so many Palestinian children, however, is Israel's policy as described above (See pages 4-5).

This is not the first time children have been injured during dispersal of demonstrations. From the beginning of the first intifada, in December 1987, to the start of the second intifada, 281 Palestinian children under 17 were killed by Israeli security forces. During the recent months, 85 more children under 17 were killed.

Although Israel does not have an intentional policy to kill children, it has failed to change the Open-Fire Regulations even after hundreds of children have been killed and thousands wounded. Therefore, the lack of intent does not diminish the blame Israel bears. When one child is killed, it is a tragedy. When more than three hundred children are killed and steps are not taken to prevent the unnecessary killing, it is criminal negligence.

However, the fact that Israel bears primary responsibility does not release the PA from its responsibility to protect children and prevent them from participating in demonstrations, which are likely to be dangerous. B'Tselem found no evidence to indicate that the PA is making a serious effort to prevent children from reaching the site of demonstrations and participating in them, even if the PA did not expressly encourage it.

B'Tselem's observation of demonstrations indicated that PA personnel made certain that armed people or people in uniform were not among the demonstrators. However, they made no attempt to keep children away so that they would not be injured. In addition, in many demonstrations, a procession of people cross through a Palestinian checkpoint on their way to the Israeli checkpoint. At this point, Palestinian Police can easily stop children from continuing on to the site of clashes. However, they do not do this and thus fail in their duty to ensure children's safety.

Stones can also kill - don't the soldiers have a right to defend themselves?

When a soldier is in a life threatening situation, be it from bullets or stones, he has the right to shoot to kill. B'Tselem's criticism focuses on the fact that the IDF widely uses lethal force, even in instances where soldiers are not in life threatening situations. Despite the fact that stones can, in rare instances, pose mortal danger, it is certainly not the rule. The IDF cannot base its crowd control policy on the assumption that stones, by definition, are life threatening. A well-protected force which is trained for dispersing demonstrations such as those that occur in the Occupied Territories, does not need to use lethal weapons to defend itself against stones.

Given the many acts of Palestinian violence on the roads of the Occupied Territories and in Israel, why does B'Tselem criticize the closure policy, which prevents Palestinian terrorists from traveling freely?

If Israel has information that a Palestinian is planning to attack Israelis, it must take measures to prevent it. Israel cannot, however, indiscriminately target the Palestinian population as a whole because of such information. The restrictions on movement imposed by Israel, including the siege on the majority of the villages and the general

closure, are so extensive that they disrupt all aspects of daily life: access to health care, jobs and schools, as well as family ties. Those most hurt by the sieges are the sick, the elderly and those carrying young children, for whom mobility is difficult. The sweeping restrictions are far from legitimate security measures and clearly constitute a form of illegal collective punishment. While Israel has the right, and the duty, to protect its citizens, it cannot do so by blanket restrictions affecting an entire population.

Why criticize the Palestinians when they are fighting for independence against an occupying power?

Human rights is a universalistic framework: all human beings have equal human rights and all governmental authorities have equal obligations to respect human rights. The larger political context - whether a struggle is just or unjust - does not affect these obligations. A basic principle of human rights is that the ends cannot justify the means: human rights of certain individuals cannot be sacrificed to achieve a cause, no matter how just. There is no symmetry to this conflict, and neither should there be symmetry in human rights criticism. However, the power imbalance between Israel and the Palestinian Authority does not relieve the latter of its obligations to protect civilians – both Israeli and Palestinian – from violence.

Photo: Flash 90 - Nati Shohat





Israel's Assassination Policy

On November 9, an Israeli helicopter fired a missile at a car in the center of Beit Sahur, killing Hussein 'Abayat and two women: 'Aziza Muhammad Danun and Rahma Rashid Shahin. There was no fighting taking place at the time, yet the attack was intentional: the premeditated killing of 'Abayat. The two women were merely bystanders. This was the first of a series of Israeli assassinations over the course of this intifada. Over the following months, Israel has assassinated at least 15 Palestinians. An additional seven bystanders have also been killed in these attacks.

These killings are part of an open policy to assassinate Palestinians suspected of acts of violence against Israelis. Far from being a new phenomenon, Israel has carried out assassinations overseas for over 30 years. Over the course of the previous intifada, Israeli undercover units assassinated "wanted" Palestinians in the Occupied Territories as well.

The assassination policy violates the right to life, the most fundamental of all human rights, enshrined in international and Israeli law. There is no legal basis for these killings. Unnamed security personnel make a decision to kill a person, and the decision is carried out with no legal process whatsoever. The assassinations carried out by Israel in recent months are, in essence, extra-judicial executions.

Problems are rife from the initial decision through all stages of the process – problems which render any legal justification Israel could mount irrelevant. How does Israel decide to assassinate a person? The intelligence information Israel uses to make this calculated decision is not externally scrutinized. The "accused" never sees the suspicions against him, and has no opportunity to refute them. There is, therefore, a very real danger that security forces may make a mistake, perhaps the information is unreliable, perhaps they are mistaken.

Israel has abused its intelligence information in the past to violate the rights of thousands of Palestinians. Based on such information, individuals were held without trial in administrative detention for years. Based on such information, individuals were prohibited from leaving the Occupied Territories and entering Israel. Such prohibitions were lifted with the help of external intervention. In the past, Israel tortured Palestinian detainees based upon such intelligence information, only to release most of these detainees without charge. This experience calls into question the reliability of this intelligence information

and its extensive use by Israel. Whereas all these cases are abusive, the damage can to a certain extent be undone. Assassinations are irreversible.

Mistakes can also occur in the course of the assassination itself. Those who carry out the assassination may err in the identification of the victim. There is also a great risk of harming bystanders. As mentioned, Israel has killed seven Palestinians who were not targeted for attack: innocent bystanders killed when assassinations are carried out in the middle of towns and cities.

Such an assassination policy raises the specter of a frightening slippery slope. If Israel can kill those suspected of attacking Israelis, where should it draw the line? Perhaps those who make such attacks possible should also be targeted? And what about those who merely express support for them?

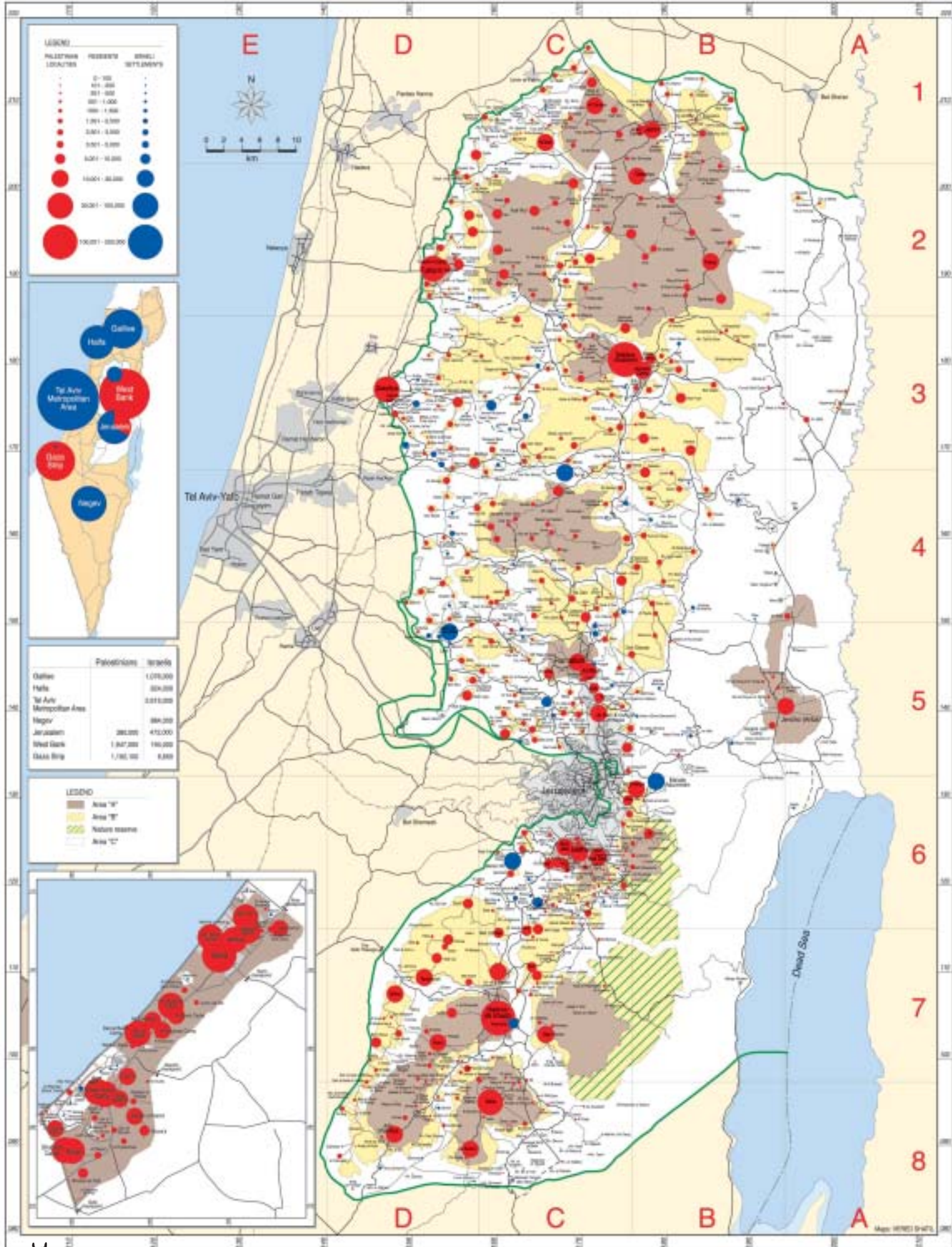
Israeli officials deliberately avoid a clear articulation of whom they consider a legitimate target for assassination. This ambiguity allows Israel to attack a variety of people in different positions. Under such circumstances, and considering the secrecy surrounding this policy, the danger of sliding down the slippery slope is not hypothetical, but merely a matter of time.

B'Tselem does not have the means to examine the people that Israel assassinated and their actions, since Israel does not publish information of this sort – in fact does not bother providing any explanation of its decision to assassinate a certain individual. Yet, whether the victims are innocent people or people who have actually harmed Israelis, this cannot be the response. A country that wants to be part of the community of democratic, law-abiding countries cannot justify such a blatant violation of legal principles and basic human values.

Photo: Ziv Koren

הצילום
זיו קורן

12 Population Map of the West Bank and the Gaza Strip - Nov. 2000





Tacit Consent

In mid November, Hafiza Zaban went with her family to their olive groves. The residents of Burin Village, near Nablus, have for some time suffered the abuse of settlers from the nearby Yitzhar settlement, but they continue to work their land, which provides an important source of income, particularly given the current economic hardship in the Occupied Territories. This eighty-two year-old woman described what happened on that day in November:

We picked olives from seven to noon, when around 30 settlers arrived, all of them young men, aged 20 to 30. They attacked us from all sides and began to throw stones at us and beat us with sticks and stones. We screamed and shouted. The males fled as did some of the young women and children. I am an elderly woman and could not flee.

Suddenly, one of the settlers, a healthy, fat young man, came at me with a pole. He was wearing a skullcap and had a long beard. He hit me in the head with the metal bar, striking me on the right side of my head, near my eye. Blood began to gush from my head. I fell and passed out.

This incident is only one of the many cases in which settlers have attacked Palestinians during the current intifada. Over the past few months, several leaders of the settlers have warned that settlers are liable "to take the law into their hands" and use force if the IDF does not act as the settlers think it should. These warnings have indeed been realized: in recent months, settlers have shot at Palestinians, stoned their cars, damaged property, uprooted trees, burned a mosque, harmed Palestinian medical teams, attacked journalists, prevented farmers from going to their fields, and blocked Palestinian cars from travelling on roads. Although some of the shooting was in self-defense, the vast majority of violence was premeditated.

Settler violence against Palestinians is not a new phenomenon: settlers have committed such acts since the beginning of the first intifada, and even before. However, in recent months, the scope and severity of the violence have increased.

This violence occurs against the background of leniency and prolonged impotence of the Israeli law-enforcement authorities, including the army, the police, and the justice system. Israel, as the occupying power, has the duty to ensure the security and well-being of Palestinians under its control. The authorities ignored many illegal acts committed by the settlers in the current intifada, despite their open and almost official nature. For example, settlers organize roadblocks, blocking roads to Palestinian traffic in broad daylight, after having announced their intentions in the media. Israeli authorities have not made any meaningful efforts to stop these vigilante roadblocks. In some areas in the

West Bank, settlers even conducted independent armed patrols. Those involved are not part of any official framework and are not subordinate to the IDF or the Israel Police Force. The IDF made it clear that it opposes this activity, but apparently does nothing to end it.

Israeli law-enforcement failures regarding the settlers are conspicuous:

§ In many instances, soldiers and police officers stand idly by during settler attacks, doing nothing to stop them and protect the Palestinian victims. In numerous cases in which Palestinians under attack requested assistance from nearby soldiers, the soldiers refused to assist or responded with contempt.

§ The authorities do not seriously investigate cases of settler violence against Palestinians, and close many investigations without any conclusions. Contrary to law, the police do not investigate cases in which Palestinians do not file a complaint. For example, in the current intifada, the killing of two Palestinians by settlers – which was even reported in the media – was not even investigated by the police. In the report that Israel filed with the Mitchell Committee, it undertook to thoroughly investigate every case in which it is contended that settlers attacked Palestinians. It is already possible to state that Israel is not meeting this commitment.

§ Over the years, law enforcement in the Occupied Territories has received stinging criticism from official bodies, including the Attorney General, the Supreme Court, and the Shamgar Commission, which was established in 1994 following the massacre in the Cave of the Patriarchs. The Commission sharply criticized the law-enforcement authorities handling of offenses against Palestinians, and concluded that, despite repeated warnings, meaningful measures had not been taken to improve it.

Israel punishes Palestinians who kill Israelis to the full extent of the law, and in some cases punishes their families as well. In sharp contrast, most Israelis who kill Palestinian receive a light punishment or no punishment at all.

Over the years, Israel has failed to enforce the law on settlers. This failure exists despite repeated warnings, among them from official bodies. It therefore must be concluded that the authorities' inactions stem from policy. Even if Israeli authorities do not directly encourage violent acts against Palestinian civilians, their neglect leads to the same result. This policy violates the fundamental principle of equality before the law and challenges the foundation of the rule of law in Israel.

Ron Dudai

Targeting Settlers

Palestinians are not the only victims of this intifada. There has also been a sharp increase in Palestinian attacks on Israelis, particularly settlers. Palestinians fire at settlers' cars and at their homes, including in Psagot, Hebron, and Gilo. From 29 September 2000, when the current intifada began, to 18 June 2001, Palestinians have killed 43 Israeli civilians in the Occupied Territories, including 5 minors, and wounded many others. They have also caused property damage. Some Palestinian leaders have supported these attacks

Heysham 'Abd a-Razeq, the Palestinian Authority's Minister of Prisoners' Affairs, for example, defended the attack on a school bus from the Israeli settlement Kfar Darom, in the Gaza Strip, in which two civilians were killed and nine wounded, among them five children: "The perpetrator of this attack was one of the Palestinian people. We committed it against people who occupy our land. From our point of view, any action against the occupation is legal." Regarding this same attack, Ahmed Helles, a senior Fatah official, stated that, "All the resistance against the occupation is legal...We didn't go to Tel-Aviv. Every attack on our land is on a legitimate target." Statements of this kind undermine fundamental principles both of international human rights law and international humanitarian law.

Establishment of the Israeli settlements contravenes international law, making them illegal. Since the settlements violate international law, the settlers have no right to settle there permanently. The demand to evacuate the settlements in the context of the Israeli-Palestinian agreements is legitimate. However, it is clear that this in no way justifies the attacks on settlers. The fact that individuals live in a settlement does not affect their civilian status. This is a clearly civilian population that includes children. Intentional attacks on civilians are absolutely prohibited under all circumstances.

A fundamental principle of international law on the use of force, whatever the circumstances, is the distinction between civilians, on the one hand, and people taking an active part in the violence and people using weapons, on the other hand. The position that "all means" must be used in the battle against Jewish settlement is unacceptable, and blatantly contradicts this principle. The responsibility lies with the Palestinian Authority to enforce the law against those who engage in violent, criminal behavior, regardless of the identity of the victim.





Photo: Reinhard Krause/Reuters

Civilians Under Siege

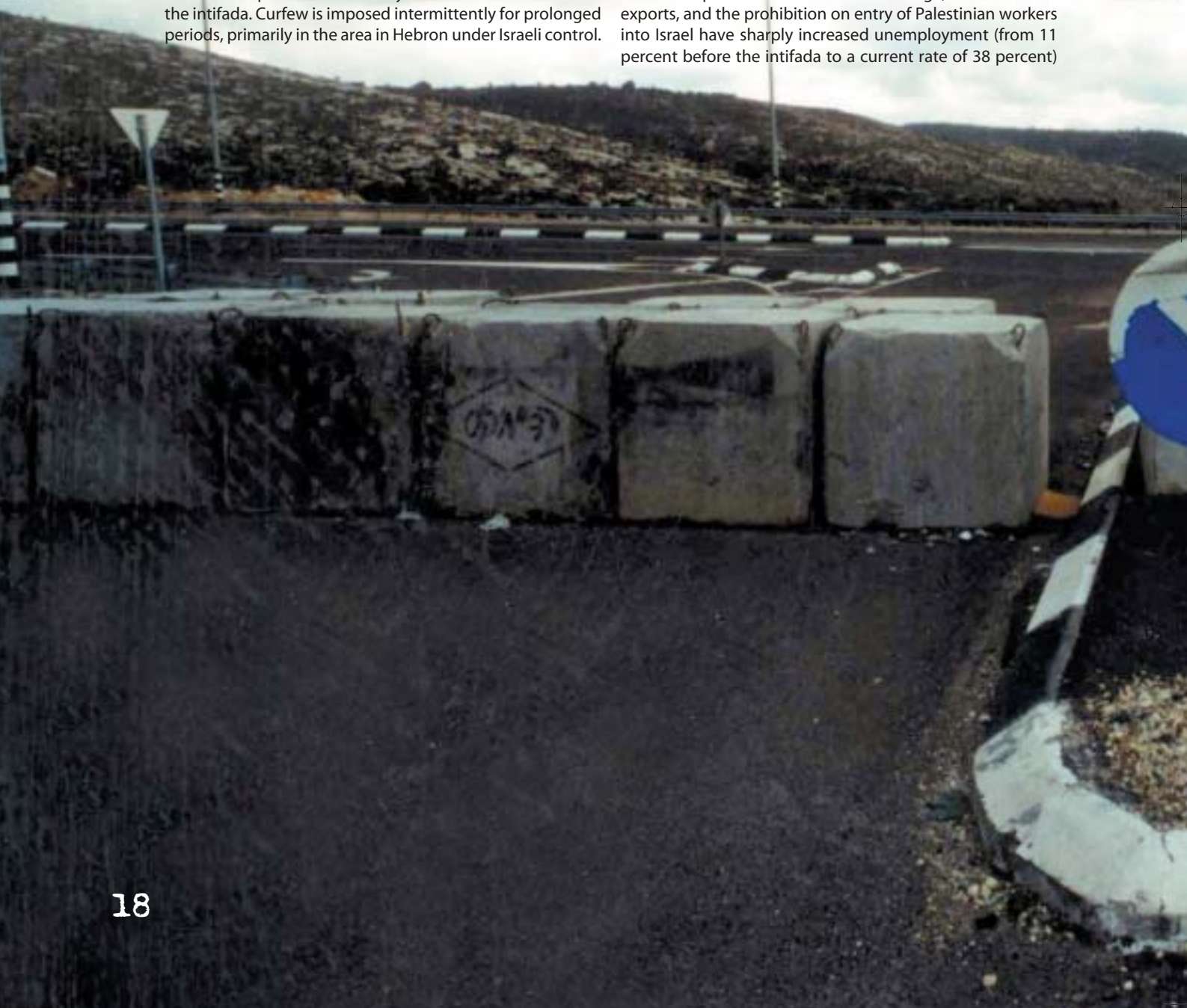
Since the beginning of the current intifada, Israel has placed unprecedented restrictions on the movement of Palestinians in the Occupied Territories. Never have the restrictions been so extensive, so long, and so harsh in the harm caused to some three million people.

The most conspicuous restriction is the siege (called a "crown" in IDF-lingo). The IDF has blocked access to Palestinian cities, towns, and villages throughout the West Bank with concrete blocks, piles of dirt, deep trenches, or checkpoints. The siege imprisons whole populations within their communities and severs them from the outside world.

The current format of the siege is new. Over the past eight months, Israel has also employed two methods that it previously used: comprehensive closure (prohibition on entering Israel, including travel between the West Bank and the Gaza Strip) and curfew (during which residents are not allowed to leave their homes). The comprehensive closure has been imposed continuously since the second week of the intifada. Curfew is imposed intermittently for prolonged periods, primarily in the area in Hebron under Israeli control.

The siege makes it difficult for many Palestinians to receive the medical care they need. Village residents (some half of the total West Bank population) are particularly affected, as they must travel to neighboring cities to reach hospitals and clinics. Senior Israeli officials state that restrictions on movement are not imposed in medical emergencies. This claim is patently false. B'Tselem has documented many instances in which soldiers stationed at checkpoints prevented or significantly delayed the sick and wounded from passing. In several tragic cases, people have died as a result of such delays. The new phenomenon of unstaffed roadblocks, which can only be removed by heavy machinery, make it impossible to allow the passage of the sick and wounded in emergency situations.

The siege has devastated the Palestinian economy, which was already in a poor state. Many workers are unable to reach their job, production processes cease because of the shortage of raw material, and merchandise cannot reach the marketplace. The combination of siege, restrictions on exports, and the prohibition on entry of Palestinian workers into Israel have sharply increased unemployment (from 11 percent before the intifada to a current rate of 38 percent)



and cut export revenues in half. Consequently, in April 2001, some 64 percent of Palestinian households lived under the poverty line of \$400 a month for a family of six.

The siege policy is based on flagrant discrimination according to nationality. The siege is imposed only on Palestinians, while Jewish settlers may travel as they wish. On some occasions, the IDF has expressly stated that the restrictions on Palestinian movement are intended to ensure the free movement of Jews along roads in the Occupied Territories.

Because of its complete control over more than 60 percent of the territory in the West Bank and the Gaza Strip, and its control over most of the roads and the external borders, Israel remains the occupier of the Occupied Territories, even though control over certain areas has been handed over to the Palestinian Authority. As the occupier, Israel is responsible for the lives of the civilian population under occupation and must ensure, as far as possible, their well-being.

Government ministers and senior IDF officials recently referred in the media to the siege as a "pinpoint measure" taken following "intelligence information" that is intended

to "stop terrorist cells." Statements of these kinds distort reality and mislead the public. The general siege on most of the cities and villages in the West Bank is not a "pinpoint" measure at all, but a continuous and sweeping act that has been in force since the first days of the current intifada. An examination of changes in the siege clearly demonstrate that security is not the sole motivation for these restrictions. For example, Israel has tightened the siege in "response" to attacks by Palestinians against soldiers or Israeli civilians, although there is no connection between these decisions and the prevention of similar attacks in the future. On the other hand, the decision to ease the siege was often made in recent months as a political or diplomatic "gesture," with no indication that there had been any change in the "security threat" that ostensibly justified the siege. It is important to remember that even following a periodic easing of the siege, it remains unprecedented in its severity compared to any other period prior to this intifada.

Senior defense officials have questioned the contention that the siege contributes to the security of IDF soldiers or Israeli civilians. In any case, the siege's devastating human consequences render this action a clear case of collective punishment, which is completely prohibited by both Israeli law and international law.



Photo: Micki Kratzman

Via Dolorosa of the Siege

Zarifa al-Sa'ad, born in 1952, resident of Silat al Harithiya – Jenin district.

I am a mother of nine - six daughters and three sons. My husband is a farmer. He has a meager income of no more than a few hundred shekels per month. Our financial situation is difficult, but we manage, thank god. My husband is elderly. He is almost 70 years old. This is why he cannot go to Israel to work other jobs, and relies only on farming for income.

At the end of 1996, I started experiencing pain in my head. I was tested, and was diagnosed with a brain tumor. I underwent surgery in early 1998 in the government hospital in Ramallah, and another at the end of the year at the same hospital, but to no avail. After the second operation, my health deteriorated. I could hardly move. I lay in bed all the time, and my daughters had to run the household. From time to time I went for tests in Ramallah.

In the beginning of 2000, I had chemotherapy at Assuta hospital in Tel Aviv. This was funded by donations collected by my family in Jenin. At Assuta hospital I received 15 treatments over the course of 45 days. I was hospitalized for some of these treatments and was sent home for others. I also received extensive lab tests and was x-rayed. I took the test results to the hospital in Ramallah, and they decided on an operation to remove the tumor. The operation was scheduled for March 14th, 2001.

Village residents advised me to go to Ramallah a few days before the date of the operation because the roads were blocked and it would be better to leave early in order to get to the hospital on time. I was due at the hospital on March 13th, 2001 for tests and preparation for surgery.

Because of the illness, I cannot walk by myself. If I need to get up and walk a few meters, I have to lean on someone. On Sunday, March 11th, 2001, I left my village, Silat al Harithiya, at 7:30 in the morning with my husband. We took a taxi to Jenin. The trip went smoothly and we arrived at 7:50. From Jenin we took a taxi to Nablus. The normal route to Nablus, via Silat adh Dhahr and Dotan junction had been blocked off by the Israeli army. So the taxi driver had to go through Qabatiya. After we passed Qabatiya we reached an army roadblock near Az 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 the hospital, but the driver didn't listen to me and said that the soldiers at this roadblock would not speak to us. This was why 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 central bus station there. Many drivers who were going the opposite way told the bus driver that the road was blocked off at Burin junction. These drivers told the bus driver that it was impossible to reach Ramallah because it was closed off. Despite all this, the driver kept going until we got to Burin junction, an hour away from Nablus, where there was a military roadblock. The soldiers told the bus driver to turn around and go back. We drove for another hour back to Nablus.

It was around 14:00. I was very tired, and my headaches were getting stronger, but I had to tough it out because I had to get to Ramallah to undergo surgery. We asked taxi drivers whether there was a way into Ramallah, but they were all convinced that there was no way in because of the siege.

Having lost hope of getting into Ramallah that day, we decided not to return to Jenin, but to spend the night at a relative's house in Immatin, close to Nablus. We returned to Nablus the next morning and got on a taxi to Ramallah. The driver took dirt roads in the mountains. The ride was slow and the taxi was shaking constantly. My head was hurting very badly. I thought I would never make Ramallah alive, because of the pain and the exhaustion. The drive took more than three hours, until we got to Al Jalazun Refugee Camp. The taxi driver dropped us off there and said that he couldn't go any further because the road was blocked with concrete blocks and dirt, and soldiers were keeping watch.

The other passengers helped my husband get me out of the car, and sat me on the ground. It was almost 1 PM. My husband asked two of the passengers to help him carry me through the orchards to the other side of the block. Two





Photo: Micki Kratzman

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 block so that the soldiers wouldn't see us.

After we got to the road beyond the block, we got on a taxi 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 is preventing cars from driving toward Ramallah. However, he explained, the soldiers do allow passage on foot. We didn't have a 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 to the other side of the block. My husband and I took a taxi to Ramallah. We got there at 14:30.

I cannot describe the hardship and pain I suffered during those two days. I'm a sick woman, and I can't walk because of the disease. Thank god I arrived to the hospital safely.

Today, March 13th, 2001, I'm feeling well and mentally preparing for the operation. This operation is difficult. I hope it succeeds. I spent the night with relatives in Ramallah, and tomorrow, March 14th, 2001, at 8:30 in the morning, the doctors will put me in the OR.





What can you do?

Stay informed – All of B'Tselem's reports are available in English. B'Tselem maintains an extensive, up-to-date website on human rights in the Occupied Territories. We also distribute weekly e-mail updates: www.btselem.org

Inform others – if you would like additional copies of this newspaper to distribute in your community, please contact us: Mail@btselem.org

Speak out – Contact your nearest Israeli consulate, and your Foreign Minister or Secretary of State, demanding that Israel respect its human rights obligations.

Contribute to B'Tselem's efforts to advance human rights – As the leading Israeli organization monitoring human rights in the West Bank and Gaza Strip, B'Tselem has a crucial role to play during this crisis, providing accurate information and impartial analysis, and holding both Israel and the Palestinian Authority responsible for their human rights record. We hope you will agree that this is an endeavor worthy of your support.

Checks in any currency may be sent to B'Tselem, 8 Hata'asiya St., Talpiot, Jerusalem 93420, Israel. In the United States, tax-exempt contributions may be made through the New Israel Fund. Contributions should be marked as donor advised to B'Tselem and sent to NIF, P.O. Box 91588, Washington DC, 20090-1588.

Photo: Uriel Sinai

תעודת

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Photography: Flash 90 - Nati Shohat

בֵּיתָם

מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)

"בֵּתְסֵלֵם" מרכז המעוּמָתִים הַיִּשְׂרָאֵלִי לְחֻקּוֹת הָאִיִּשָׁן בְּאֶרֶצֵי הַמְּחֻלָּה

B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories