



DEATH IN CUSTODY

The Killing of Murad 'Awaisa, 17,
in Ramallah, 31 March 2002

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The Israeli Information Center for
Human Rights in the Occupied Territories



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Researched and written by Yael Stein

Fieldwork by Iyad Hadad

Data coordination by Maya Johnston

Translated by Zvi Shulman

Cover: Murad 'Awaisa, 17

Introduction

Murad 'Awaisa, 17, an eleventh-grade student and resident of Ramallah, was detained by IDF soldiers on the afternoon of 31 March 2002. The soldiers imprisoned him and other Palestinians in an apartment in the building in which he lived. The next morning, his body was removed to the hospital in Ramallah. The medical reports prepared after his death stated he had been hit by two bullets – one near the heart and the other in the left leg.

B'Tselem took testimonies from several Palestinians who had been detained with Murad 'Awaisa. They indicate that around 8:00 P.M., soldiers forcefully removed him from the room where he had been imprisoned. Some twenty minutes later, the other detainees heard intense gunfire inside the building and from outside. The gunfire lasted for about ten minutes. The soldiers later informed them that 'Awaisa had died.

The detainees did not see the shooting of 'Awaisa. Therefore, it is impossible to assert with certainty who shot him and what were the exact circumstances of his death. However, the fact that he was killed while in detention is sufficient grounds to place the responsibility for his death squarely on Israel.

The testimonies indicate that throughout the detention, the soldiers beat the detainees, at times with rifle

butts and clubs, swore at them, and threatened them. When one of the detainees asked to go to the bathroom, the soldiers beat him on the way to and from the bathroom. The soldiers covered the heads of the detainees with nylon bags, which they removed only after the detainees experienced trouble breathing. The detainees were not given food or water during the entire period of detention.

'Awaisa was killed during the first days of Operation Defensive Shield, which lasted about three weeks. During the operation, the IDF did not allow human rights workers or journalists to enter the Occupied Territories. As a result, the actions taken by the IDF during the operation could not be fully examined until after it had ended. B'Tselem took many testimonies regarding the operation, and will publish a separate report relating to Operation Defensive Shield. Due to the gravity of the case involving 'Awaisa and the other detainees, B'Tselem decided to publish a separate report on this matter.

This case study describes the chronology of events from the time 'Awaisa was detained to the time of his death, some eight hours later. The report presents testimonies of persons who were detained with 'Awaisa in the Wahidi building. The report then discusses Israel's responsibility for his death, based on Israeli and international

law, and for the other human rights violations it committed against the detainees.

The report does not relate to the legality of the detention of 'Awaisa and the other Palestinians. During Operation Defensive Shield, the IDF detained thousands of Palestinians pursuant to an order issued by the OC Central Command. The order allows IDF forces to detain Palestinians – even when they are not considered suspects – for

a period of up to eighteen days. During this eighteen-day period, detainees do not have the right to meet with their attorneys and there is no judicial review of their cases. The vast majority of these detainees have been released. Three Palestinians detained pursuant to this order and seven human rights organizations petitioned the High Court of Justice, demanding that the order be nullified on the grounds that it is illegal.¹

1. HCJ 3239/02, *Iyad Ashak Mahmud Mar'ab et al. v. Commander of IDF Forces in Judea and Samaria*. The Court has not yet ruled on the petition.

Chronology of Events

On Sunday, 31 March 2002, two days after IDF forces entered Ramallah in Operation Defensive Shield, soldiers seized control of the Wahidi building, which is located on the outskirts of Ramallah, and turned it into an army post. During the day, the soldiers detained thirteen to fifteen Palestinians, covered their heads with nylon bags, handcuffed them, and imprisoned them in one of the apartments in the building.

In the afternoon, soldiers came to the home of Murad 'Awaisa, 17, an eleventh-grade student, who lived in the Wahidi building. The youth was ill. He had already undergone three head operations and expected to undergo further surgery. His mother, Faria 'Awaisa, 40, described how her son was taken into detention:

On Sunday [31 March], about noon, I looked through the peep-hole in the door and saw soldiers going into the apartments of my brothers-in-law and searching them. Then they came to our apartment. About seven soldiers came into the apartment, put my daughter Riham, 14, my son Muaid, 8, and me in the guestroom, and closed the door.

I heard Murad screaming in pain. I

started screaming and tried to leave the room, but each time the soldiers sent me back. One of them said to me in Arabic, "You are a woman. Don't force me to beat you." One of the commanders asked me about my husband's ID card. I told him, "You detained him. If you want the ID number, you can get it from my ID card." He asked me to bring the card. When I went to the kitchen to get it, I saw that a great deal of damage had been done to the apartment. The furniture was damaged and objects were all over the floor. I saw Murad. He was in the corridor. He was curled up and a soldier was guarding him. When I brought the ID card to the commander, I saw the soldier strike Murad. Murad told the soldier, "Don't hit me in the head. I had head surgery and there is a pin inside." Murad is sick; he suffers from water on the brain. When I heard him complain about his illness, I told the commander, "Dear commander, I beg you not to let them beat my son. He underwent three operations and has to undergo another one." He replied, "I am not your dear." After the soldier finished checking my ID card, he and the other soldiers took my son out of the apartment.²

2. The testimony was given to Iyad Hadad on 5 May 2002.

The soldiers took 'Awaisa to one of the apartments in the building. Inside the apartment were Palestinians who had been detained earlier in the day. The soldiers beat the detainees many times, including beatings with rifle butts and clubs. The soldiers beat 'Awaisa in particular, apparently because his illness made him restless and unable to sit still. When detainees asked to go to the bathroom, the soldiers beat them along the way and refused to remove the handcuffs when they reached the bathroom. In the evening, the soldiers gave them only three blankets for all of them. Throughout the many hours of detention, the soldiers did not give them any food or water. 'Ahed Jabareen, 27, described the soldiers' conduct during the detention:

The soldiers bound our hands behind us with plastic handcuffs, blindfolded us, and took us next door to the Wahidi building. They covered my head with trousers.

They took us to one of the top floors of the building, kicking us and beating us with their hands and rifle butts along the way. They put us all into one room and swore at us. They also kicked us and beat us with their rifle butts and a club wrapped in leather strips with pins at the end. They did not let us move, and forced us to remain kneeling. After an hour or so passed, they removed the trousers from my head. They also removed the handcuffs

and put them on again, this time in front.

Around 1:00 P.M., the soldiers brought in Murad 'Awaisa, a neighbor of ours. There were some thirteen detainees in the room, and we were all from the same neighborhood. The soldiers were particularly violent with Murad. They separated him from the rest of us, and put him in one of the corners of the room. His hands were bound with thin, yellow, electric wire. The soldiers tied his hands very tightly. Whenever he complained about it, the soldiers beat him and told him to shut up. In the evening, I saw that several detainees who asked to go to the bathroom came back exhausted because they had been beaten. I heard their screaming and saw that their eyes were bloodshot.³

In the evening, 'Awaisa and another detainee, Rashad Jabareen, asked to go to the bathroom. The soldiers took Jabareen first. When he returned, he told the others that the soldiers had beaten him. Other detainees who went to the bathroom during the day also said that the soldiers had beaten them. Therefore, when the soldiers wanted to take 'Awaisa to the bathroom, he refused. The soldiers forced him to go.

About twenty minutes later, while Murad was not in the room, the detainees heard the sound of intense gunfire. There was firing both outside and inside the building. The shooting

3. The testimony was given to Iyad Hadad on 11 May 2002.

lasted for about ten minutes. About fifteen minutes later, a soldier came into the room and told the detainees that 'Awaisa was dead. During the night, the soldiers removed his naked body, and left it outside on the road.

The next morning, the soldiers' commanding officer went to 'Awaisa's home and spoke with his mother, but did not bother to tell her or other relatives that he was dead. His mother stated that:

On Monday [1 April], at around 8:00 A.M., the commander who had been at our house the previous day came back. He was average height, had a heavy build, and wore glasses. He told me, "I want the telephone number of al-Halal Hospital." I told him that I didn't know the number, but that I have the number of the Ramallah hospital. I gave him the number and he stored it in his mobile phone. I asked him why he wanted the number, and he replied that a person was sick and needed an ambulance. Then he left the apartment. Less than half an hour later, while I was standing near the living room window, which faces the street, I saw an ambulance stop opposite the house and two people get out. I tried to see what they were doing and who the patient was, but I couldn't see well enough. I went to the kitchen window, but the medics had already gotten back into the ambulance and left. About

two hours later, the soldiers left the building. As soon as they did, some female neighbors came into my apartment. I thought that they came to console me for the damage to the apartment and the detention of my husband and sons. But one of the women told me that she had seen a body lying on the sidewalk alongside the building. She said that she asked the ambulance driver if the fellow had been wounded or killed and what his name was. The driver told her that his name was Murad 'Awaisa. I then realized that my son had been killed.⁴

Muhammad 'Awad, 32, the physician in the ambulance that took 'Awaisa's body to the hospital, told B'Tselem that on the morning of 1 April, the Israeli District Coordinating Office contacted Red Crescent headquarters in Ramallah and requested that an ambulance be sent to evacuate the body of a Palestinian. In his testimony, he stated:

When we got to the location, I saw an armored vehicle standing opposite a five-story building. Three civilian vehicles were parked parallel to the armored vehicle. The ambulance driver and I got out of the ambulance. I saw the body of a person who had been killed. It was on the road between one of the civilian cars and the armored vehicle. The body was covered with a heavy blanket and was lying on an

4. The testimony was given to Iyad Hadad on 5 May 2002.

army stretcher. The soldiers pointed at the body, and one of them handed the ambulance driver the ID card of the person who had been killed. When I began to pull away the blanket to check him, the Israeli soldier ordered me to pick up the body immediately, without examining it. He said in English, "Examine him later." I picked up the body and we put it into the ambulance. Then I heard one of the women who lives on the block ask who it was. Majid, the driver, said that it was Murad 'Awaisa.

On the way to the hospital, I examined the body and saw a hole in the left side of the chest, near the heart. There was no exit hole. I saw another hole in the knee. I do not remember if it was the right or left knee. This wound had penetration and exit openings. The face of the deceased was pale, indicating that he had lost lots of blood. He had a plastic endo-tracheal tube in his mouth, which is generally used for resuscitation. I also saw an infusion apparatus affixed to his right hand. The body was naked, stiff, and very cold. It was covered in a wet blanket. This was a superficial examination, which I conducted to take basic information about the location of the injury and cause of death.⁵

The ambulance took the body to the hospital. The medical report stated that he had been hit by two bullets – one

near the heart and the other in the left leg.

After the soldiers left the building, the neighbors went to the apartments to see what damage had been caused. Majid 'Awaisa, 20, who lives in the Wahidi building, described what he saw:

We went into the apartment of Muhammad Fanun, which is on the western side of the third floor and is unfurnished. I saw a large area of blood on the floor in the apartment – in the corridor, the bathroom, and two of the rooms. There was lots of blood in the bathroom and in one of the rooms a mattress had bloodstains and bullet holes. The floor and walls of the rooms on the western and northern sides of the apartment also had bullet holes in them. There were some thirty to forty bullet cartridges in the room on the north, and about ten to twenty in the room on the west. The left leg of Murad's trousers had holes that I think were caused by bullets. His shirt had the same kind of holes, in the chest area. Needles and other first-aid objects were lying on the floor.⁶

Murad 'Awaisa was buried on 3 April 2002 in the yard of the hospital in Ramallah. The burial took place when the IDF lifted the curfew on the area. At the time, his father and brothers were being detained in Ofer camp. They were released after twelve days in detention.

5. The testimony was given to Iyad Hadad on 25 May 2002.

6. The testimony was given to Iyad Hadad on 11 May 2002.

Testimonies

Testimony of Iyad Musa Mahmud Jabareen, 23, single, student, resident of Ramallah⁷

On Sunday [31 March], I was in my house, which is situated opposite the Abu Dahu bakery. It was two days after Israel army forces entered Ramallah and imposed a curfew on the city. Around 11:00 A.M., a group of Israeli soldiers broke into the house and detained my brothers Jihad, 21, Rashad, 17, and me. They also detained our neighbors' son, Hamdi Jabareen.

The soldiers took us outside the house and ordered us to knock down the door of one of our neighbors, Hassan 'Awaisa. We did as they said, using a hammer and hatchet that they had given us. After that, one of the soldiers took me to the bathroom in the yard outside the house. He followed me inside and started to interrogate me. He asked if I had a weapon. I said that I didn't, and then he beat me with his rifle butt and with his hands and feet. The questioning and beating lasted about fifteen minutes, after which he took me outside and ordered me to join my brothers and our neighbors' son, who were sitting on the ground in the yard.

About noon, the soldiers ordered us to hold our hands over our heads and led us to the Wahidi building, which is around fifty meters from our house.

The building has seven floors, two of which are underground. When we got to the building's entrance, the soldiers bound our hands behind us with plastic handcuffs and covered our heads with nylon bags. They took us to the top floor, put us in one of the vacant apartments, and ordered us to sit on the floor. The bag covering my head made me feel as if I was suffocating. My friends and I began to shout and complain about the bags on our heads. About an hour later, the soldiers removed them. When they did that, I saw there were other detainees [in addition to my brothers and our neighbors' son] in the room. There were about fifteen of us, and we were all from the same neighborhood.

At 2:00 P.M. or so, I saw the soldiers beating another fellow as they brought him into the room. It was Murad 'Awaisa, 17, who lived on the fourth floor of the Wahidi building. The soldiers sat him down in a corner by himself. His hands were bound and his head had a bag over it. During the time they kept us in the building, many soldiers were moving along the corridors. They guarded us in shifts. Sometimes they beat us with their rifle butts and hands. One of the soldiers had some metal wire and he used it to hit us in the back while we were sitting curled up with our heads

7. The testimony was given to Iyad Hadad on 5 May 2002.

covered facing the wall. Several times the soldiers threatened that they would kill us and aimed their weapons at our heads.

About the time that the soldiers brought Murad into the room, I asked if I could go to the bathroom. A soldier covered my head with a bag and tied my hands in front of me. He led me to the fourth floor and took the bag off when we got to the bathroom. I went inside. The door was slightly open, and I saw that I was in Murad's apartment. There were lots of soldiers moving about in the apartment searching it. My hands were still handcuffed, so I couldn't urinate. I asked the soldier to take them off, but he refused. I asked him to take me back, and he took me.

Around 6:30 P.M., I asked again to go to the bathroom. A soldier took me to one of the apartments on the second or third floor. I am not sure which floor it was because my head was covered. The soldier pushed me as we went down the steps, causing me to fall down and roll all the way to one of the apartments. When we went into the bathroom, the soldier took off the bag. It was dark inside. When I tried to open the zipper of my pants, the soldier hit me with his rifle butt to get me to speed things up. This time, too, I couldn't urinate; my hands were bound and the soldier was beating me. He took me back to the apartment, beating me along the way. When we got there, he took the bag off my head and ordered me to sit down on the floor.

My brother Rashad and Murad asked

if they could go to the bathroom. I warned them, and told them that they shouldn't go. But the soldier had already taken my brother. When they left, I warned Murad not to go and told him what had happened to me. About a half an hour later, the soldiers returned my brother, and I saw that he had marks on his body from blows he had received. He later told me that when he went into the bathroom, the same thing happened to him as had happened to me.

The soldier who had taken us tried to take Murad, but he refused to go. The soldier grabbed him and dragged him. He covered his head with a bag and led him outside. I did not see the soldier's face because it was dark in the room. Twenty minutes after Murad left, I heard soldiers moving about and intense gunfire. There was firing both inside and outside the building, but I couldn't tell from which direction. It was around 8:00 P.M. At first, the shooting was non-stop, and then it was sporadic. It lasted for about ten minutes. Then it was quiet. Fifteen minutes later, one of the soldiers came into the room and told us in halting Arabic, "We killed your friend. He is dead. Forget about him." I understood that he was talking about Murad.

The soldiers talked among themselves in Hebrew. I understand Hebrew. I heard one of them ask the soldier who had told us they had killed our friend, "Where is the guy?" The soldier answered that he was on the bottom floor. The two guys who were sitting

next to me were frightened. I calmed them down. I said that the soldier might be lying, and maybe they took him home. After about twenty minutes passed, a group of soldiers came into the room. They were agitated. They covered our heads with bags and ordered us to lift up our hands so they could check the handcuffs. They tightened the cuffs and sat us down facing the wall. They told us to bend over and threatened to kill us if we moved. Some of us had trouble breathing because of the bags that were covering our heads, and began to yell. Others cried and complained. I told the others, "If you feel you are suffocating, take off the bag without asking the soldiers for permission." One of the soldiers heard me and hit me in the head. I took the bag off, and he hit me in the head again. About an hour later, the soldiers took the bags off and covered our eyes with a cloth blindfold. During the period of our detention, I heard some of the guys say that they had medical problems. One of them said that he has a heart condition and another said he suffers from asthma. The soldiers ignored them.

We stayed like that until midnight. Then the soldiers took me and four of the others downstairs, beating us and banging our heads on the walls and the metal banister on the way to the entrance of the building. One of the soldiers tried to frighten us by cocking his weapon and pointing it at us. Then

they removed the handcuffs and the blindfolds and ordered us to go home without looking back. My brother Jihad arrived home about fifteen minutes after I did. Rashad came home about fifteen minutes after Jihad. They were in bad shape because of the beatings they had suffered.

The next morning, several neighbors called me to ask what happened to Murad. They told me that they heard he had been killed. I called the Red Crescent to find out if the rumors were true. The fellow at the Red Crescent told me that an ambulance had taken a person from our neighborhood who had been killed, and that he was in the hospital in Ramallah. He did not mention the name of the deceased. I knew he had been killed, so I did not call the hospital. The next day, I was told that it was in fact Murad who had been killed, and that two bullets had killed him. I later learned that he was buried in a common grave next to the Ramallah hospital.

Testimony of Rashad Musa Mahmud Jabareen, 17, high school student, resident of Ramallah⁸

On Sunday [31 March], I was in my house, which is located near the Abu Dahu bakery. Ramallah was under curfew. Israeli soldiers were deployed throughout the area, but they stayed in a few buildings. One of them was the Wahidi building, which is next to our house.

8. The testimony was given to Iyad Hadad on 22 May 2002.

Around 10:00 A.M., a group of Israeli soldiers came to our house. They banged on the door. When we opened it, three soldiers came into the house and demanded the ID cards of the men. The other persons in the house were my father, who is forty-nine years old, my brothers Iyad, 22, Jihad, 21, and Jewad, 10, my sisters Ismahan, 18, Jihan, 16, and Iman, 8, and my mother Noel, 40.

We gave the soldiers our ID cards, and then they ordered my brothers Iyad and Jihad and me to go with them. They took us to the yard outside the house. They gave us a hatchet and ordered us to knock down the door of one of the adjacent houses. The soldiers detained our neighbor Hamdi Jabareen and brought him over to where we were.

We knocked down the door, and the soldiers went in and turned on the lights. Nobody was inside. After the soldiers finished searching the house, they took us to the Wahidi building. When we reached the building, they bound our hands in front of us with plastic handcuffs and covered our heads with nylon bags. They took us upstairs. As we went, they beat us with their hands, the butts of their weapons, and with a club with pins on the end. They beat me in the head, neck, and face, using the club and their rifle butts. They continued beating us until we reached an apartment on one of the top floors. They put us in a large room. About five minutes later, one of the soldiers took the bags off our heads.

The soldier asked if we wanted to drink some water. We said that we did and he gave us one cup. We drank it with our hands shackled. Then he removed the cuffs and bound our hands with electric wire.

The room was not furnished. Nobody lived there, and it looked as if the apartment was still under construction. I saw seven other detainees. During our time there, the soldiers forced us to sit on the floor facing the wall. From time to time, they kicked us and beat us with their rifle butts and hands. They mocked Abu Amar [Yassir Arafat], imitating him saying "*Shaheed* [martyr], *shaheed*, *shaheed*."

Around 1:00 P.M., the soldiers brought another fellow into the room. My brother Iyad told me it was my friend Murad 'Awaisa. They sat him down in the corner opposite us. When I turned around, I saw him. His hands were bound in front, but his head and eyes were not covered. About an hour later, they brought in another fellow and sat him down next to us. He was blindfolded and his hands were bound in front of him.

Between 4:00 and 5:00 P.M., I asked if I could go to the bathroom. The soldiers let me go. One of the soldiers led me to an apartment in the building. I am not sure where it was located because they had put a bag back on my head. I think that he took me to an apartment on the third floor. On the way down the steps, the soldier banged my head into the wall. He did that about ten times. When I got to the bathroom, I asked the

soldier to remove the handcuffs. He refused. The handcuffs made urinating impossible, so I asked to go back to the room. On the way back, the soldier again banged my head on the wall. He swore at me in an extremely gross manner and threatened me. The soldiers let the other fellows go to the bathroom at the same time. My brothers Iyad and Jihad, and our neighbor Hamdi were among the ones who went. Later, they told me that the soldiers had also beaten and sworn at them.

In the evening, about an hour after I had gone to the bathroom, the soldiers put all of us into one corner of the room. There were thirteen of us. They brought blankets, threw them at us and covered our heads with bags. About thirty minutes later, some of us began to complain that the bags made it hard to breathe. The soldiers removed the bags and blindfolded us with pieces of cloth. Some time later I asked if I could go to the bathroom again because I couldn't urinate the first time. Murad also asked if he could go. One of the soldiers led me. He removed the blindfold and covered my head with a bag. Another soldier came along as well. On the way down, the soldiers banged my head into the wall and kicked me. They beat me so much that I can't say precisely how many times they struck me. It made me dizzy.

When I got to the third floor, they took me into an apartment and closed the door behind us. They beat me very hard and threatened me: "We are going

to shoot you. We want to kill you. All of you commit [terrorist] acts in Israel." They also pointed the barrel of their rifle at my head and the back of my neck. They pressed their rifles against my body with force. I presume that the soldiers beat the others and me in revenge for the attack inside Israel that killed many Israelis. That also explains their statements that we "commit acts in Israel."

The soldiers locked me in the apartment and beat me for about thirty minutes. Then they took me to the bathroom. A soldier removed the bag, enabling me to see them. One of them was short, had darkish skin, and a moderate build. He had a scar on his face, black hair, and seemed to be about nineteen to twenty-one years old. He was the soldier who beat me and swore at me the most.

While I was in the bathroom, the soldiers continued to beat me. One of them punched me, knocking my head into the wall. I lost consciousness, I don't know for how long. When I regained consciousness, I was lying in the bathtub. My hands were not bound. The two soldiers were standing there, and they stomped on all parts of my body. About ten minutes later, they stood me up, tied my hands in front of me with electric wire, and took me into the corridor. One of them stood behind me, grabbed me, yanked me close to his chest and picked me up. The other soldier kicked me in the legs. I felt as if I was going to collapse, and I fell to the floor. One of the soldiers picked me up

by the shoulders and the other picked me up by the legs to take me back to the upstairs apartment. They covered my head with a bag. They carried and dragged me, beating me on the way. They asked me in Arabic how I was, but I didn't answer. They beat me more and ordered me to say "I'm all right."

When we got back to the room where the other detainees were, the soldiers threw me onto the floor. Then they ordered Murad to get up to go to the bathroom. I told him not to go, but they grabbed him by the shoulders and dragged him. I heard Murad say to them: "I don't want to. I don't want to." But they ignored him and took him outside. Ten minutes later, I heard gunshots from inside and outside the building. I clearly heard shots being fired from the apartment where we were being kept prisoner. The intense firing lasted for about fifteen minutes. One of the soldiers - I think it was the commander because he gave the instructions and orders - entered the room. He shouted and spoke with the soldiers. The soldiers tied the hands of everybody whose hands were not bound. One of the soldiers threatened to shoot us if we moved.

Between 8:30 and 9:00 P.M., the commander called out our names and checked them against the ID cards. When he called Murad's name, we said that he was in the bathroom. The commander asked, "Was it Murad who went to the bathroom?" We said that it was. He took Murad's ID card and left the room. Despite the difficulty,

I managed to see the commander through the bag that was covering my head. I was able to identify him by his movements. He carried a flashlight and turned it on. When he left the room, the soldiers tightened the guard on us and ordered us not to move. A few minutes later, one of the soldiers came into the room and took one of the three blankets that had been thrown at us earlier.

About 10:00 P.M., the soldiers took a few of the detainees. They did not return. A half an hour or so later, the soldiers took another four detainees. Three of us were left in the room. About an hour later, they took my brother Jihad and the other fellow, and I remained there alone. Later, four soldiers came into the room, picked me up and took me into the corridor. Two of them stood behind me and held me up, while the other two kicked me in the left side of my midsection. I had no strength left. I couldn't stand any longer, and I fell down. The soldiers dragged me to the stairs, beating me on the way. When I screamed in pain, one of the soldiers covered my mouth with his hand and ordered me not to scream.

When we got to the building's entrance, the commander told me, "Go home to your parents and take care of yourself. Don't cause any problems." He removed the handcuffs and blindfold and put my ID card and the others' ID cards into my pocket. He didn't say whom they belonged to, or what I was supposed to do with them. Afterwards,

he ordered me to walk home without turning around. I went home. I could hardly walk. The commander kneeled and aimed his weapon at me as I walked to my house, a distance of about forty to fifty meters. Around 11:00 P.M., I checked the ID cards that were in my pocket, and saw that they were those of our neighbor Bassem Sinarah and of 'Adnan.

Testimony of 'Adnan 'Abd al-Jalil Jabareen, 39, married with six children, teacher, resident of Ramallah⁹

On Sunday [31 March], Israeli troops were in Ramallah. I was at my house, which is located on Mar Butrous Street opposite the Wahidi building. My house is old and has one room, a kitchen, and an outdoor bathroom. I have six children, aged three to fifteen.

Israeli army vehicles and soldiers had been on our street since the beginning of the invasion of Ramallah two days earlier. They gathered at the building opposite my house.

Around 7:00 A.M., I heard knocking on the door. I had the feeling that they were soldiers. When I opened the door, a large group of soldiers entered the house. The children were very startled and some of them began to cry. One of the soldiers, I think it was the commander, spoke to me in English. He told me that they wanted to search the house. I told him, "As you like." As they searched the house, I saw one of the soldiers take a purse

that contained my wife's jewelry and two hundred Jordanian dinars. When he was on his way out, I took the purse out of his hands and asked him why he was holding it. He did not reply. I gave the purse to my wife, Intisar. When I gave her the purse, the soldier ordered me to give him my ID card. I took the card out of my wallet and gave it to him. He took it and kept it. The commander asked me which organization I belonged to and why I had flags and pictures of Palestinians who had been killed. I told him that the children had brought them, and that they were young and didn't know what they were doing.

The search took about thirty minutes. During the search, the soldiers turned the house upside down. When they finished, they went into the street. One of them came back inside and ordered me to give him the wallet from which I had taken out my ID card. It had 192 shekels, twenty-one Jordanian dinars, one US dollar, my driver's license, and a few other pieces of paper. He took the wallet and left. About ten minutes later, the commander and several soldiers came into the house and ordered me to go with them. They took me to the Wahidi building, which has five floors and many apartments.

When we reached the steps of the building, the soldiers covered my head with a nylon bag and put me in a vacant apartment. They took the bag off my head, and I saw that the only people

9. The testimony was given to Iyad Hadad on 11 May 2002.

in the room were a large number of soldiers and me. They forced me to sit down on the floor and face the wall. About three hours later, they brought seven detainees into the apartment. All of them were from the neighborhood. Three of my brothers were among them: 'Adal, 31, Hajazi, 37, and 'A'ad, 27. Their hands were bound and their heads covered with nylon bags. The soldiers forced them to sit down on the floor, after which they removed the bags.

Around noon, the soldiers brought in another detainee, Murad Taufiq 'Awaisa, who lived in the building. I estimated that he was seventeen years old. I knew him and his family well. He suffered from some disease and his head had been operated on a few times. The soldiers shoved him into the room and ordered him to sit down in another corner of the room. Later on, soldiers brought some more detainees from the neighborhood. They bound our hands with plastic handcuffs. We were a total of fourteen detainees in the room. While we were in the room, the soldiers yelled at us and beat anyone who moved. Murad got most of the blows. I tried to raise my hand a few times to explain Murad's condition to them and ask them not to beat him. The soldiers shouted at me, told me not to speak, and kicked me. Soldiers beat up detainees who asked to go to the bathroom.

Around one or two o'clock, I heard a soldier speaking with another soldier. He asked how many detainees were

in the room. The soldier replied that there were thirteen, and immediately corrected himself and said there were fourteen. I speak a bit of Hebrew, so I understood what they said.

At 7:00 P.M. or so, I felt weak and had chest pains. I asked if I could go to the bathroom. One of the soldiers went with another detainee and me to one of the bathrooms on the second or third floor. I don't know exactly because the soldiers had put a bag back on my head. When we got to the bathroom, the soldier removed the bag. I asked him to take off the handcuffs, but he refused. That made it hard for me to urinate. When I got back to the room where we were being held, I felt severe chest pains. I asked the soldiers to bring me pills from my house, which was very close to where we were. They brought the pills, but the pills didn't help. About half an hour later, I felt nauseous, and I stretched out on the floor. My brother asked them to call an ambulance. The soldiers refused, but they let me go home.

At home, I couldn't fall asleep. At around 1:00 A.M., I heard voices coming from the entrance to the Wahidi building. I heard the voices for about two or three hours. When I heard them, I thought something might have happened to Murad, particularly because the soldiers beat him more than the others. Around 6:00 A.M., my wife told me to look out the kitchen window. She said that one of the soldiers had no clothes on. I shouted at her to get away from the window,

without really thinking about what she had said. I asked her where the soldier was. I went to the kitchen window to see what she was talking about. I saw a fellow who was naked and motionless lying on the ground at the entrance to the Wahidi building. His legs were bound and blue. I looked carefully and saw that it was the body of Murad. There was a pool of blood next to his head. My wife asked me who it was. I told her it was not a soldier, but the body of a Palestinian. She asked who it was, but I didn't answer. I thought that

she would scream if I told her who had been killed.

At about 8:00 A.M., a Red Crescent ambulance arrived to remove the body. While the medical team was doing that, my wife, who was standing by the window, asked them who it was. One of the them said that the name of the person was Murad Taufiq 'Awaisa. I later learned that he was buried in a common grave next to the Ramallah hospital.

Duty to Protect Detainees

*“Imprisoning a person deprives him of his rights. The person is deprived of his liberty – but not his dignity. A person’s dignity remains with him at all times, and his dignity in prison is like his dignity outside prison.”*¹⁰

Detainees are unable to protect themselves and ensure that their rights are not infringed. Therefore, the responsibility for ensuring their welfare and safety rests with the authorities that detained him. This principle is set forth, *inter alia*, in the Israeli Penal Code, as follows:

It is the duty of a person having care of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other case to withdraw himself from such charge and who is unable to provide himself with the necessities of life – whether the charge is undertaken under a contract or is imposed by law or arises by reason of any act, whether lawful or unlawful, of the person who has such charge – to provide for that other person the necessities of life; and he is held to have caused any consequences which result to the life or health of

the other person by reason of not fulfilling the said duty.¹¹

Furthermore, detainees lose their liberty and related rights, but they do not lose rights that are unrelated to their detention. Thus, detainees retain their rights to life, bodily integrity, rudimentary living conditions, and many other rights that are enshrined in Israeli law and in international law, and the state authorities are required to protect those rights.

The authorities’ duty to ensure the safety of detainees and safeguard their rights also applies to persons who are detained in times of combat. International humanitarian law, which relates to these situations, states numerous rules relating to the prison conditions of detainees and prisoners, civilians and combatants alike.¹² One of the fundamental principles is the prohibition on detaining persons in areas that are exposed to combat actions and are therefore dangerous.¹³

Israel also has the duty to protect Palestinians because it is the occupying power in the territory. It must, therefore, protect the welfare and safety

10. Comments of Justice M. Heshin in Appl. Perm. Appeal 4409/94, *Avi Hananya Golan v. Prisons Service, Piskei Din* 50 (4) 136, 172.

11. Penal Code, 5737 – 1977, section 322.

12. See the Fourth Geneva Convention Relative to Civilians in Time of War, of 1949, articles 79-135; the Third Geneva Convention Relative to the Treatment of Prisoners of War, of 1949, articles 21-103.

13. Fourth Geneva Convention, article 83; Third Geneva Convention, article 23.

of the civilian population, including civilians who are detained. This duty is grounded, *inter alia*, in article 27 of the Fourth Geneva Convention, which states that the combatant parties must protect the welfare and safety of civilians. This article, which is the foundation of all the Geneva Conventions that Israel undertook to carry out, does not confine itself to stipulating that acts harming civilians are not to be committed, i.e., that it is forbidden to harm the civilian population, but also requires that states take all precautions and measures in their power to prevent such acts and to assist the victims.¹⁴

The Fourth Geneva Convention explicitly relates to the case in which a person dies while in custody. According to the convention, a doctor must sign the death certificate, indicating the cause of death and the conditions under which the death occurred. In addition, when a detainee dies an unnatural death, the authorities are obliged to investigate the incident. The state must take testimonies from eyewitnesses and prosecute the persons responsible if the inquiry indicates the guilt of one or more persons.¹⁵

14. See Jean Pictet, *Commentary on the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (Geneva: ICRC, 1958), pp. 199-207.

15. Fourth Geneva Convention, articles 129-131.

Conclusions

Israel flagrantly breached its duty to safeguard the welfare and safety of the detainees whom it held in custody. The primary breach was failing to protect Murad 'Awaisa's life during his detention. Israel bears this responsibility regardless of the precise manner in which he died, which will determine the specific criminal offense for which the soldiers involved are liable.

The grave facts entailed in this case – the soldiers forcing 'Awaisa to leave the room, his being unarmed and handcuffed, his medical problems, and the severe beatings that he suffered – increase Israel's responsibility for his death. These facts make it especially incumbent on Israel to investigate the circumstances of his death.

The soldiers beat the detainees throughout the period of detention. In some instances, the soldiers covered the detainees' heads and handcuffed them. The soldiers also swore at them and threatened them, and failed to give them any food, water, or medical care. Not only do these acts constitute human rights violations, they also breach Israel's duty to protect detainees in its custody.

Abusive treatment of Palestinians in the

Occupied Territories by Israeli security forces is not a new phenomenon. Over the years, it has become an integral part of Palestinian life.¹⁶ The 'Awaisa case is particularly grave because it involves detainees who were in the custody of soldiers and were unable to defend themselves against the soldiers' brutality.

The overall context of Operation Defensive Shield is irrelevant to an examination of the events described in this report. Whatever the objectives of the operation were, they cannot justify the soldiers' conduct. They cannot explain the killing of Murad 'Awaisa and the beatings inflicted on the detainees.

B'Tselem demands that the IDF immediately investigate the circumstances of Murad 'Awaisa's death and the soldier's abusive conduct toward the detainees. In conducting the investigation, testimonies must be taken from the Palestinians who were detained with 'Awaisa and from the commanding officers who were responsible for giving the orders to the soldiers and for supervising them. In addition, the IDF must establish clear procedures to ensure that such incidents do not recur.

16. For sample cases during the al-Aqsa intifada, see B'Tselem, *Standard Routine – Beatings and Abuse of Palestinians by Security Forces during the al-Aqsa Intifada*, May 2001; B'Tselem, *In Broad Daylight – Abuse of Palestinians by IDF Soldiers on 23 July 2001*, August 2001.

Response of the IDF Spokesperson's Office*

Israel Defense Forces
The I.D.F. Spokesperson
Public Relations Branch
Itamar Ben Avi st.
Tel Aviv code: 63476
Tel: 972-3-6080339/40
fax: 972-3-6080334
March 7, 2002



Ms. Yael Stein - B'Tselem

Re: B'Tselem's report on the circumstances of the death of Murad 'Awaisa

Dear Ms. Stein,

The response of the IDF Spokesperson to your inquiry in the matter of the circumstances of the death of the youth Murad 'Awaisa is as follows:

The office of the Judge Advocate General intends to order an investigation by the Military Police Investigation Unit.

Sincerely,

s/

Efrat Segev, Major

Head of Public Relations

* Translated by B'Tselem