



מרכז המידע הישראלי לזכויות האדם בשטחים  
The Israeli Information Center for Human Rights in the Occupied Territories

**INFORMATION SHEET: UPDATE SEPTEMBER 1, 1989**  
(English Version)

<b><u>Contents</u></b>	<b><u>Page</u></b>
<b>Intifada Fatalities</b>	<b>2</b>
-Total deaths during the Intifada	
-46% of August fatalities - aged 16 or less	
<b>Fatalities Due to Unexplained Circumstances</b>	<b>4</b>
<b>Administrative Detention</b>	<b>9</b>
-Lengthening the term of administrative detention	10
-New regulations: more severe means of punishment against administrative detainees	11

Compiled, written in Hebrew and edited by Na'ama Yashuvi

\*\*\*\*\*

B'tselem, the Israel Information Center for Human Rights in the Occupied Territories, was founded in February 1989 by a group of lawyers, intellectuals, journalists, and Members of Knesset. The objective of B'tselem is to document and to bring to the attention of policy makers and the general public, violations of human rights in the territories.

רחוב התיבונים 8, ירושלים 92386, טלפון 667271, 667274  
8 Hatibonim Street, Jerusalem 92386, Telephone 667271, 667274

## INTIFADA FATALITIES - TOTALS

---

539 Palestinian residents of the territories were killed by Israeli security forces and Israeli civilians from the beginning of the Intifada until the end of August 1989, according to data gathered by B'Tselem.

- \* **Shooting deaths** (including plastic and so called rubber bullets): 505. of these 28 were children aged 12 years or less, and 86 between the ages of 13-16.
- \* **Non-shooting deaths** (beatings, burns and other): 34. Of these 3 were children aged 12 years or less and 3 aged 13-16.

More than 71 people died a short time after exposure to tear gas, of whom 30 were infants. From a medical standpoint it is difficult to determine whether tear gas was the sole and direct cause of death.

During this period, 7 IDF soldiers and 11 Israeli civilians were killed in the territories. 3 of them were infants.

According to data gathered by the Associated Press, 100 Palestinians suspected of collaborating with the Israeli authorities were killed from the beginning of the Intifada until the end of August 1989.

### **IDF DATA**

In testimony before the Committee on Security and Foreign Relations of the Knesset (Israeli Parliament), Chief of Staff, Lieutenant General Dan Shomron, indicated that 468 Palestinian residents were killed by the IDF since the beginning of the Intifada, that 100 were killed by Palestinians themselves and that about 21 fatalities there is no definite knowledge as to the circumstances of their death ('Al Hamishmar', September 6, 1989).

## FATALITIES IN AUGUST - ANALYSIS

In the month of August 1989, 30 Palestinian residents of the territories were killed by Israeli security forces and Israeli civilians. Of these 28 were shooting deaths, one died from beating and one from undetermined causes still under investigation by the police.

46 percent of the fatalities this month are minors. 4 of those killed were children aged 12 years or less, and 10 were between the ages of 13-16. The percentage of minors among the fatalities hovered between 20-25 percent during most months of the Intifada and until now had never risen to more than 33 percent (April 1989).

13 were killed in the Gaza Strip and 17 on the West Bank. In Judea--the district of Ramallah, Bethlehem, Hebron and Jerusalem--the high number of fatalities is notable (12 deaths, representing 40 percent of those killed this month). All of the children under the age 12 who were killed were fatalities occurring in the Gaza Strip.

At least 11 Palestinian residents of the territories were wounded under unexplained circumstances. 8 of them were killed, 2 slightly wounded, and one seriously wounded. In four of the instances, the suspicion was raised that armed civilians were involved in the shooting. Additionally, in five of the cases there is suspicion of irregular action of the part of the security forces (see the analysis below).

Hayim Shaharbani, a reserve Soldier who was hit in the head by a rock that was thrown at him while he was serving (on reserve) in Khan Yunis, died at his home from complications resulting from his wound.

Gideon Zaken, an Israeli civilian employed by the civil administration in the territories, died at the end of the month from wounds received from a Molotov cocktail thrown at the car he was riding in Ramallah.

## FATALITIES UNDER UNEXPLAINED CIRCUMSTANCES

At least 11 Palestinian residents of the territories were wounded during the month of August under unexplained circumstances. B'Tselem approached the Minister of Defence and the Minister of Police, presented them with descriptions of the following exceptional incidents, and noted the increase of such incidents relative to previous months. B'Tselem also noted that these incidents largely took place in the Judea area and that the victims were particularly young.

IDF reported that investigations had begun in 5 of the incidents, in which the possibility of the security forces being involved in causing the death of Palestinian youths under suspicious circumstances was raised, though there is no information available regarding any developments in these cases.

In regard to 4 shooting incidents in which, according to the evidence, armed civilians fatally shot at Palestinians, an investigation was initiated in regard to one case and one person was arrested and later released on bail; and in regard to the 3 other incidents the police spokesperson in the District of Judea informed us that "the police know nothing about the case"-- we received this response more than two weeks after our appeal to the Minister of Police.

1. **On August 7, Mohammed Jamil Kamel, a 12 year old boy from Bethlehem was critically wounded.**

One of the youngsters who was with Mohammed Kamel when the incident occurred gave us the following testimony (translated from Arabic):

"On Aug. 7, 1989, at 1:00 P.M. we left school and crossed the Bethlehem-Hebron road in the direction of Bethlehem. There were about 150 pupils. Mohammed Kamel was behind me.

A beige Subaru Justy, travelling on the road towards Jerusalem, slowed as it approached us. The passenger sitting next to the driver took out a gun and shot once toward me.

When we heard the gunshot we quickly dispersed, and I felt as if someone had pushed me and I fell to the ground. I got up immediately and ran forward. The person with the gun continued to fire. One of my friends was wounded in his leg and continued to run. As we hid we continued to hear many shots, meanwhile an ambulance arrived and picked up one of the wounded. Later I learned that this was Mohammed Kamel.

When I arrived home I opened my bookbag to prepare my homework. I opened my mathematics book and saw a bullet stuck in it. My parents saw the bullet. The next day, I went to school and showed the bullet to the principal of the school. The principal took the bullet and sent it to the Ministry of Education. That day, at 1:00 P.M. the principal took me to the civil administration in Bethlehem where I was questioned and rode in a police car with the principal to the site to reconstruct the incident. After the investigation, I refused to sign the statement. Captain Hussni of the security services shouted at me and said that he would arrest me if I did not sign. I refused to sign because my testimony was written in Hebrew.

At the time of the reconstruction of the incident, Hussni chased the principal away and pushed me into the jeep. They took me to the police station in Bethlehem. At the station I was questioned again by the same investigator and there, too, my testimony was written down in Hebrew and, naturally, I refused to sign."

**Mohammed Kamel**, who was severely wounded, was brought to Al-Mokassed Hospital in East Jerusalem and was admitted to the emergency room. The bullet had entered the third vertebra in his neck and as a result he cannot breathe on his own and remains dependent on a respiratory machine. The lower half of his body is paralyzed.

On the 9th of September Mohammed lost consciousness and as of this writing he has not regained it.

According to his doctors his condition is critical and his chances of survival are slim.

Army sources reported to journalists that the IDF did not fire in the area of Bethlehem and that the investigation of the incident has been handed over to the police in the District of Judea ('Yediot Aharonot' Aug. 8, 1989).

The police Spokesperson at the District of Judea said that the police are not aware of the incident and that it is not under investigation by them.

2. **On August 9, Nidal Ibrahim Misak, a 20 year old resident of Hebron was killed.**

According to the newspaper reports, a bus travelling to Kiryat Arba was stoned near the Al-Nasser Mosque in Hebron. Some of the riders on the bus subsequently got off and shot at the Palestinians who were in the area.

Nidal Misak was shot in the upper part of his body and died.

The police Spokesperson at the District of Judea told us that the police are not investigating the incident.

3. **On August 16, Amjad Hussein Gabriel A-Tawil, a 14 year old boy from Al-Birah near Ramallah, and a bearer of an American passport, disappeared.**

According to the investigation of Al-Haq (a human rights organization in Ramallah) Amjad Gabriel was last seen leaving his house on the afternoon of Aug. 16 on his way to prayers at the mosque.

He did not return home after prayers. Later in the same day there was an incident between IDF soldiers and young people in Al-Birah.

His mother reported his disappearance to the police in Ramallah and the American Consul the next day, and the following morning (two days after his disappearance) his aunt appealed to the Civil Administration in Ramallah, where she was told, according to her report, that Amjad was being detained by the IDF.

During the evening of that day (Aug. 18) a shepherd found a body in the hills east of Al-Birah, which was later identified as being that of Amjad Gabril.

After an investigation, which included an autopsy, the IDF spokesperson told B'Tselem that the military police investigators are investigating the circumstances surrounding the youths death.

4. **On August 19, Radi Mahmud Salah, a 24 year old resident of Dar Salah near Bethlehem, was killed.**

According to witnesses, about 5 people dressed in civilian clothes, looking like tourists and carrying shoulder bags and cameras, wandered through the vegetable market in Bethlehem.

When an incident began between stone throwers and soldiers, the people who looked like tourists suddenly grabbed automatic weapons from their bags and shot at the stone throwers. Radi Mahmud Salah was killed by the gunfire.

According to press reports, the men dressed in civilian clothes also grabbed two additional kids, Haled Musa Abayat and Sharif Musa Zuabar and shot at their legs at close range.

The IDF Spokesperson reported to the press that those who fired were soldiers but refused to affirm or deny the claim that the soldiers appeared as tourists. ('Ha'aretz', August 8, 1989).

5. **On August 20, Faiz al-Jawabrah, a 24 year old resident of Al-Arub refugee camp, was killed in the village of Beit Omar in the district of Hebron.**

According to reports, eyewitnesses said that a person who is known to them as a collaborator from the village of Yata, left his car after he was attacked by stones, shot at Faiz al-Jawabran and killed him. The police spokesperson at the district of Judea told us that the police are not investigating the incident.

6. **On August 21, Sami Mahmud Atawah A-Sbbeh, an 18 year old resident of the village of Teko'a near Bethlehem, was killed.**

From the testimony that was given to us by eyewitnesses the following incident ensued:

On August 21, Sami A-Sbbeh and some other people were working in the construction site of the Al-Hagaja School for Girls in the village of Teko'a.

Suddenly, they heard the sound of gunfire. The workers hid. After 4 shots the firing stopped. Sami, who was standing behind a pillar of the building, moved and several shots were fired at him. The first shot hit his thigh and the second his right shoulder.

Sami fell to the ground, the person firing the shots got into his car (a Mercedes 604 truck which according to the residents passes regularly on that road) and fled the area.

The police spokesperson at the district of Judea told us that an investigation had begun. One of the residents of the near by Israeli settlement, also called Teko'a was arrested as a suspect and was released on bail.

His weapon was confiscated for inspection.

7. **On August 22, Nasser Halil Shahin Abu Katerina, a 16 year old resident of the Al-Am'ari refugee camp near Ramallah, was killed, according to Palestinian sources.**

According to reports, the body of the boy was found in a pool of blood not far from his home. Eyewitnesses report that Abu Katerina was shot by soldiers.

The Jerusalem Post (Aug. 25, 1989), reported that army sources said that the youth was shot by security forces.

The IDF Spokesperson indicated to the press that an investigation had begun but that, as of now, no connection had been established between the death of the youth and activities on the part of soldiers.

8. **On August 24, Nasser Nabil Nasarallah, a 15 year old boy from Al-Azariah in the district of Bethlehem, died.**

According to testimony which was given to us, Nasser and his cousin were stopped by two border-police officers as they made their way home.

According to the testimony, the officers separated the two and questioned them. Nasser fell and died while he was being questioned.

Nasser's father says that he saw signs of beating on his son's head.

The body of Nasser Nasarallah was taken to the Abu Kabir Institute of Forensic Medicine for an autopsy.

The authorities refused to give the father the results of the autopsy.

In response to B'Tselem's inquiry, the police spokesperson at the district of Judea said that the autopsy had shown that Nasrallah had died an unnatural death. The cause of death is still unknown. According to the Spokesperson the findings show that Nasrallah's death did not result from violence. In other words, that he was neither hit nor shot. At this time, the spokesperson said, "we are investigating if his death was caused by poison."

9. On August 31, Ahmed Abed al-Aja, a 19 year old resident of the Khan Yunis refugee camp, died.

According to Palestinian sources, soldiers grabbed Ahmed al-Aja on the evening of August 26, and proceeded to hit him in all parts of his body, especially his head.

Ahmed was taken, severely wounded, to the Nasser Hospital in Khan Yunis, which is not equipped to treat severe wounds. Ahmed al-Aja was taken to Tel Hashomer hospital, where they refused to admit him, according to the sources, and he was returned to the Nasser Hospital, where he died on August 31.



## ADMINISTRATIVE DETENTION

Administrative detention is imposed without judicial process and without the detainee having been charged at all, but rather when the authorities believe that this person might endanger the security or public order some time in the future. Under these conditions, military commander (an officer with the rank of colonel or higher) has the authority to arrest this person without having to bring him or her before a judge, without his having to know what he is accused of or his being able to defend himself. The military commander can issue an order for administrative detention if there is a "reasonable supposition that regional or public security considerations dictate that so and so should be incarcerated."

Every detainee can appeal his arrest to a military judge (a judge of a military court, legally trained and with the rank of captain or higher).

According to the instructions of the Attorney General, administrative detention is not to be used if less severe measures are sufficient. The instructions further direct that **expression of opinions are not sufficient cause for detention.**(2)

Nevertheless, the process of appealing an order of administrative detention allows the security forces to withhold from the detainee the evidence that has been brought against him or even the reason for his arrest, if, in their opinion, security reasons necessitate doing so.

Administrative detention is permitted in international law(3) on condition that appeal is granted and that regular reexamination of the decree takes place, every 6 months being preferred.

### **Petition to the High Court**

Attorneys Avigdor Feldman and Leah Zemel recently appealed to the High Court of Justice in the name of 4 administrative detainees being held in the Ketsiot prison for more that a year and a half, since March 1988.

Against each of the defendants (Alim Da'ana, Badran Jaber, Anah Machawi and Ribhi Haddad), three or four consecutive orders of administrative detention have been issued. The term of the order against Anan Machawi lapsed on the 6th of September and he was freed. The detention of Ribhi Haddad was renewed at the beginning of September for 6 additional months.

Attorneys Feldman and Zemel argued in their petition that, according to the international law, administrative detention, by its nature, is a measure imposed for a short and set period of time, whose aim is the removal of the detainee from the area only when there is no possibility of charging the person. Consecutive orders of detention, argued Zemel and Feldman, remove from this measure its unique character and turn it into a punishment by itself.

### LENGTHENING OF THE TERM OF ADMINISTRATIVE DETENTION

At the beginning of August, the Regional Commanders of the Central and the Southern District signed an amendment to order #4 regarding administrative detention. The new directive declares that the period of administrative detention will now be up to 12 months in place of the previous 6 months, but if the period is more than six months, a military judge has to rule regarding the detention "at the earliest possible time after six months from the time the order has been executed."

Until 1980 the basis of administrative detention was the Defence [Emergency] regulations, 1945, according to which each army commander had the authority to place a person under administrative detention.

Under the impetus of the then Minister of Justice, Samuel Tamir, the Israeli law was amended in 1979 and the ordinance in the territories was amended accordingly in 1980. The authority of placing someone under administrative detention was given solely to the Regional Commander (Major General). The length of the term of detention was limited to 6 months and it was determined that the detainee must be brought before a judge within 96 hours of the detention and that reexamination of the order for detention must take place once every 3 months before a military judge.

In March 1988, 3 months after the beginning of the Intifada, the 1980 decree was suspended and in its place a new decree was issued broadening the authority to place someone in administrative detention and restricting the rights of the detainee. The requirements to bring the detainee before a judge within 96 hours of the arrest and to reexamine the case once every three months were cancelled, and every military commander was once again permitted to issue an order of administrative detention.

The amendment to the decree, which was issued at the beginning of August 1989, lengthened the term of maximal confinement from 6 to 12 months but left the requirement of judicial review every 6 months. Until now the IDF had issued consecutive arrest orders for many of the detainees, and, as a result, in many cases, detention lasts for a year or more.

It would seem that the effect of lengthening the term of detention -- the security justifications behind the order are not clear -- serves first of all, to reinforce the notion that ease of administration is more important than someone's freedom, and secondly to constitute the implementation of psychological pressure on the detainee as part of the general trend toward toughening measures.

The broad use of administrative detention, the arrest of thousands of residents of the territories (8,000 administrative orders were issued during the Intifada according to 'Al-Hamishmar', Aug. 21, 1989) in the 21 months since the beginning of the Intifada, causes us to ask whether there is not in the essential use of administrative detention a violation of the limits placed by international law on the use of this measure, that is as a means of prevention and not of punishment, a means for a short and set period of time and not for an extended period, a means which should be used only under those circumstances in which normal judicial processes cannot be employed.

#### **Year Long Administrative Orders**

In August, for the first time, decrees for administrative detention for an entire year were issued against residents of the territories. Up to this time, we know of 10 people against whom decrees of year long administrative detention were issued. 3 of them are from the Bethlehem region:

Fuad Kukali, single, from Beit Sahur was arrested on August 22, 1989. Previously, Kukali was arrested for 6 months of administrative detention.

Maher Ahmed Ali Salem, single, a 31 year old resident of the Deheisha Refugee Camp, was arrested on August 25, 1989.

Haled Abeid, 24 years old, married with one child, a resident of Bethlehem was arrested on August 28, 1989.

#### **NEW REGULATIONS: MORE SEVERE MEANS OF PUNISHMENT AGAINST ADMINISTRATIVE DETAINEES**

The overwhelming majority of administrative detainees from the territories are held in the Ketsiot prison, within the borders of Israel, and therefore Israeli law applies to everything related to the conditions of their confinement.(4)

In the regulations which were issued in 1981, the right of administrative detainees were specified, including the right to receive medical treatment; the rights to receive personal belongings and cigarettes; the right to receive visitation; and the right to receive and send letters. The legislation decrees that if a detainee violates prison discipline, the only punishment that can be placed on him is 14 days isolation.

Recently, the Minister of Justice amended the regulations regarding confinement under administrative detention with the intention of broadening the prison facility's commanding officer's authority to punish administrative detainees. The new regulations permit the commander, among other things, to punish an administrative detainee by denying him the following rights for a period of up to 14 days: buying goods in the canteen; walks; receiving newspapers and books; receiving cigarettes; receiving and sending letters; receiving money; and receiving visitors (except for visitation by attorneys).

One should note that in Ketsiot there are no family visitations(5) and there is no canteen.

#### **Extended administrative detention**

At least 243 administrative detainees have been held for more than one period of administrative detention, from the beginning of the Intifada, according to the data of the IDF spokesperson. According to estimates of the Palestinian Human Rights Organizations the number of detainees who served more than one period of administrative detention is at least 500. At least 32 cases of people who served more than two terms of administrative detention are known.

**NOTES**

1. The law regarding administrative detention, paragraph 1(a).
2. Limitation on the Rights of Freedom of Movement in the Occupied Territories, Studies in the Rights of Citizens in the Occupied Territories (2), Publication of the Association for Civil Rights in Israel, 1989, p. 17.
3. Fourth Geneva Convention, par. 74.
4. Defence (Emergency) Regulations (arrests), 1981. The High Court of Justice validated this position in its decree 253/88.
5. See: B'Tselem, Information Sheet, Update Aug. 1, 1989, p. 9.