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# AMNESTY INTERNATIONAL PUBLIC STATEMENT



Index: MDE 15/005/2013

7 June 2013

## Israel: Deportations of asylum-seekers must stop

In the light of new information emerging over the last week on the extent of the Israeli government's deportation of asylum-seekers, in violation of international law, Amnesty International urges the Israeli government to end all removals of asylum-seekers to their home or third countries

The new information, which was revealed by the State Prosecutor's Office in the context of a High Court of Justice hearing, on 2 June 2013, of a petition challenging the legality of the Prevention of Infiltration Law, 2012, shed light on the numbers of Eritrean and Sudanese asylum-seekers deported in violation of the international law principle of *non-refoulement*, as well as new plans to deport Eritrean asylum-seekers to an unspecified third country.

International law, including the 1951 Convention relating to the Status of Refugees, which Israel has ratified, prohibits states from returning anyone to a country where they would be at real risk of persecution or other serious human rights violations or abuses, or to a country where they would not be protected against such return (the principle of *non-refoulement*). The prohibition on *refoulement* covers all forms of forced return, including legal or other measures such as extradition, deportation, returns at the border and collective expulsion.

Although Israeli government officials have frequently spoken of plans to deport asylum-seekers and other foreign nationals to third countries, at the court hearing on 2 June 2013 the state representative claimed for the first time that the government had already reached an agreement with one such country to receive Eritrean nationals, and possibly nationals of other countries, currently detained under the Prevention of Infiltration Law, 2012. The State Prosecutor's representative also told the High Court of Justice that additional agreements for two other countries to receive Eritrean nationals had almost been completed. She stated that as the information was sensitive, she could not reveal the names of the countries involved. Later that day, Israel's Ministry of Foreign Affairs denied knowledge of any such agreements. The High Court of Justice ordered the state to submit an affidavit within a week providing information on these agreements.

Amnesty International emphasizes that agreements with third countries on the transfer of asylum-seekers are not sufficient to satisfy Israel's obligation of *non-refoulement*. Deportations in violation of the principle of *non-refoulement* are unlawful, whether or not they are conducted under such agreements.

During the same hearing, the State Prosecutor's representative also noted that in recent days the Minister of Interior had rejected the asylum claims of three Eritrean nationals and indicated that Israel is likely to reject almost all the remaining asylum applications by Eritreans. These decisions are reportedly based on the state's assumption that Eritreans fleeing forced conscription would not suffer persecution or other serious human rights violations upon return to Eritrea and thus would not qualify for refugee status.

National service conscription in Eritrea is mandatory for all adults, and though the policy provides for 18 months of conscription, in practice conscription is extended indefinitely in the majority of cases. Conscripts receive minimal pay and have no choice in their assigned role. The system of indefinite, involuntary conscription amounts to forced labour. The system also provides a context in which other human rights violations take place. Anyone caught evading or

deserting from national service is arrested and arbitrarily detained – without charge, trial or access to a lawyer. Many thousands of draft evaders and deserters have been detained without charge or trial since national service began in 1995. Amnesty International has also received information of cases in which people were arrested on the suspicion that they were intending to desert.

Anyone within the active national service age bracket of 18 to 40 years old who is forcibly returned to Eritrea will be suspected of national service evasion. Furthermore, the Eritrean government considers any request for asylum in other countries to be an act of treason. Other failed asylum-seekers, as well as suspected opponents of the government and adherents of a religion other than the four recognized by the state, face a significant risk of being subjected to detention without charge, trial or access to a lawyer, torture and other ill-treatment upon return to Eritrea.

Amnesty International thus opposes all returns of Eritrean nationals to Eritrea, or to third countries where they would not be protected against such return.

In a brief submitted by the State Prosecutor's Office to the High Court of Justice, the Israeli government also revealed that 534 Sudanese nationals detained under the Prevention of Infiltration Law, 2012, had been deported from Israel to Sudan via a third country since the law took effect one year ago. Although these individuals signed forms consenting to deportation, Amnesty International believes that these deportations cannot be considered voluntary. As Sudanese nationals, the individuals in question could be detained indefinitely under the Prevention of Infiltration Law, since Israel considers Sudan an "enemy state". In recent months Amnesty International has received numerous reports that Sudanese and Eritrean detainees were pressured to sign such forms and told by Israeli officials that "consenting" to deportation was their only way out of indefinite detention. New reports of Population and Immigration Authority officials pressuring detainees to sign forms consenting to "voluntary" deportation emerged this week.

The brief also confirmed that more than 1,500 other Sudanese nationals who were not in detention were deported to Sudan via a third country over the last year. Even though these individuals were not in detention when they signed forms authorizing their deportation, Amnesty International has serious concerns that their consent may not have been free and informed, given their lack of access to fair and effective asylum procedures in Israel, the myriad punitive measures against "infiltrators" either passed or pending in the Knesset, racist and xenophobic statements by public officials against asylum-seekers, and the growing number of attacks on individual asylum-seekers and their communities.

Sudanese asylum-seekers are at risk of harassment, detention, torture and other ill-treatment by the Sudanese security services upon return to Sudan from countries in which they have sought asylum. Sudanese nationals who are returned to Sudan from Israel face even greater risks, because Sudanese legislation imposes severe penalties on nationals who enter Israel or have contacts with Israelis.

Amnesty International opposes all returns of Sudanese nationals from Israel to Sudan, including via third countries. Since Sudan and Israel each consider the other an "enemy state," the organization believes that all Sudanese nationals in Israel are at risk of serious human rights violations upon return and are therefore in need of international protection.

The new information revealed by the State Prosecutor's Office appears to contrast with statements made by senior Israeli officials over the last three months indicating that the authorities were suspending deportations of Eritrean and Sudanese detainees. On 4 March 2013 Attorney General Yehuda Weinstein ordered Israel's Population and Immigration Authority to halt deportations of Eritrean nationals in Israeli custody to any destination outside Israel until the relevant legal issues had been clarified. Minister of Justice Tzipi Livni,

responding to an inquiry from Knesset member Dov Khenin on 19 May 2013, said this suspension of deportations also included Sudanese nationals.

Amnesty International urges the Israeli government to change course. The Knesset (Israeli parliament) should repeal the Prevention of Infiltration Law, 2012. Until that happens, the Israeli government should cease to implement the law and grant all asylum-seekers access to fair, effective and transparent asylum proceedings, outside of detention. Those found to be in need of international protection must be granted asylum in Israel.

### **Background**

One year ago, Israel began implementing the Prevention of Infiltration Law, 2012, adopted in January 2012. This law allows for the automatic administrative detention of anyone, including asylum-seekers, entering Israel without permission, and allows detainees to be held without charge or trial for three or more years.

The law was aimed at those entering irregularly from Egypt, who are considered to be “illegal infiltrators” by the Israeli government, regardless of their potential asylum claims and the abuses that many have suffered at the hands of criminal gangs in Sinai and elsewhere.

Amnesty International opposes the Prevention of Infiltration Law, 2012 on the grounds that the automatic and prolonged detention it envisages contravenes international law and that immigration detention should never be used as a punitive or deterrent measure.

About 1,800 people are currently detained under the Law, including numerous victims of trafficking and abuse during the journey to Israel, as well as about a dozen children. The majority of these detainees are Eritreans or Sudanese who entered Israel via the Egyptian border between June and December 2012 and were detained on arrival. About 1,600 of them are held in the Saharonim detention centre in the Negev, many in tents and temporary structures despite the harsh desert conditions.

Amnesty International has long-standing concerns that Israel's asylum system lacks transparency, does not offer asylum-seekers access to fair proceedings, and is ineffective in ensuring protection. The state's brief to the High Court of Justice submitted in May 2013 admitted that it had not finished examining any of the more than 1,400 asylum applications filed by detainees held under the Prevention of Infiltration Law, 2012, despite the fact that under the law, such examinations must be completed within nine months of the asylum claim being filed.

For several years, Israel categorically denied Eritreans and Sudanese access to refugee status determination procedures, in violation of its obligations under the 1951 Refugee Convention, instead granting them temporary collective protection while simultaneously implementing a growing number of punitive measures against “infiltrators” in an effort to pressure them to leave. Although the Israeli authorities have begun to register asylum claims submitted by Eritrean and Sudanese detainees, Israel's ongoing attempts to deport Eritreans and Sudanese or transfer them to a third country prove that their temporary protection status is not enough to protect them from *refoulement*.

Concerns about Israel's asylum procedures are particularly acute for those in detention. Israeli authorities have not consistently informed detainees how they can request asylum, even when detainees have told prison authorities that they face danger if returned to their home countries. Ministry of Interior officials have denied that such declarations mark the beginning of an asylum process and instead demanded that those wishing to claim asylum fill out specific forms which were generally not provided to the detainees.

According to data released by Israel's Ministry of Interior, at the end of March 2013 there were more than 54,700 people in Israel who had irregularly entered via the Egyptian border. Of these, 66 per cent are Eritreans, and 25 per cent are Sudanese.

**Further information**

Amnesty International, *Israel: Knesset should reject draft law imposing prolonged detention on asylum-seekers* (Index: MDE 15/043/2011), 23 December 2011 (<http://www.amnesty.org/en/library/info/MDE15/043/2011/en>)

Amnesty International, *Israel: New detention law violates rights of asylum-seekers*, 10 January 2012 (<http://www.amnesty.org/en/news/new-israeli-detention-law-violates-asylum-seekers-rights-2012-01-10>)

Amnesty International, *10 years on: Violations remain widespread in Darfur*, (Index: AFR 54/007/2013), 28 March 2013 (<http://www.amnesty.org/en/library/info/AFR54/007/2013/en>)

Amnesty International, *Egypt/Sudan: Refugees and asylum-seekers face brutal treatment, kidnapping for ransom, and human trafficking* (Index: AFR 04/001/2013), 3 April 2013 (<http://www.amnesty.org/en/library/info/AFR04/001/2013/en>)

Amnesty International, *Sudan: Civilians caught in unending crisis in Southern Kordofan* (Index: AFR 54/009/2013), 17 April 2013 (<http://www.amnesty.org/en/library/info/AFR54/009/2013/en>)

Amnesty International, *Eritrea: Twenty years of Independence, but still no freedom* (Index: AFR 64/001/2013), 9 May 2013 (<http://www.amnesty.org/en/library/info/AFR64/001/2013/en>)

# AMNESTY INTERNATIONAL PUBLIC STATEMENT



Index: MDE 15/006/2014

24 March 2014

## **Israel: Flawed consultations place Bedouin at risk of forced eviction**

Consultations held on plans to evict some 30,000 Palestinian Bedouin citizens of Israel in the Negev/Naqab region have been deeply flawed and consequently not met international standards, Amnesty International has concluded following recent correspondence with the Israeli authorities on the matter. It considers that, if this is not rectified, any relocation that follows will amount to a forced eviction.

The latest version of the relocation plan is set out in the proposed “Law for Regularizing Bedouin Habitation in the Negev - 2013” and attendant official documents. Amnesty International is calling on the Israeli authorities to abandon the proposed law, as it is currently formulated, give formal recognition to all the excluded villages (so-called “unrecognized villages”), halt demolitions in them, provide adequate levels of essential services to them and apply relevant international standards in any upcoming consultations with the Bedouin in the Negev/Naqab.

Amnesty International is also concerned that the Israeli security forces have responded to demonstrations in support of Bedouin housing rights with excessive force and harassed protest organizers. Amnesty International calls on the Israeli authorities to ensure that Palestinian citizens of Israel who criticize government policies are able to exercise their rights to freedom of expression and assembly without fear of violence and other intimidation.

### **Deeply flawed consultations with the Bedouin**

Amnesty International considers that the way in which the process of consultation has been conducted up until now has been deeply flawed. It has drawn the conclusion on the basis of its analysis of a report on the consultations conducted by Minister Without Portfolio Ze’ev Binyamin (Benny) Begin and approved by the government on 27 January 2013, its recent field research in the Negev/Naqab, a meeting with Israeli government representatives on 11 December 2013 and information provided by the Israeli authorities in a recent response to concerns it has set out in three detailed letters over the last year and a half.

Amnesty International’s assessment is that the consultations did not meet the standards set by international law, in particular with regards to the provision of full, accurate and timely information to those affected by evictions, the requirement to ensure that anyone affected is able to participate in the consultations, and transparency regarding the way objections and alternative proposals are addressed by the authorities. The Bedouin have notably not been given details of the planned relocations. For example, on 9 December 2013 an official map of planned relocations of Bedouin from excluded villages, effectively outlining what would constitute mass forced evictions, came to light in the Knesset. This map had not been made available to the Bedouin or any organization involved in the consultations, and its revelation caused further erosion of the already significant lack of trust in the authorities’ intentions. Unless the procedures are corrected, an eviction conducted in the absence of genuine consultations will amount to a forced eviction.

Amnesty International sent letters to Benny Begin on 27 August 2012, to Prime Minister Benjamin Netanyahu on 10 February 2013, and to Minister of Agriculture and Rural Development Yair Shamir on 27 January 2014, detailing Amnesty International's serious concerns regarding the proposed "Law for Regularizing Bedouin Habitation in the Negev - 2013".

On 25 February 2014, Amnesty International received a one-and-a-half page response from the Head of Strategic Planning Department in the Headquarters of Economic and Community Development of the Negev Bedouin. The letter emphasized that "the goal of the government is to make a significant change in the quality of life of all the Bedouin and therefore [the government is] focusing on four pillars in the regularization: zoning so that the houses could be legalized, modern infrastructure, accessibility to public services like education, health, welfare, etc., and employment." However, the impact of the threat of forced evictions on the rights and quality of life of the Negev/Naqab Bedouin was not addressed.

The letter also noted: "Public participation is a main tool that is being implemented. Several public participation processes are held nowadays in the Negev Mountain and in Wadi El Na'em [Wadi Na'am]. Those areas are state owned land and all these processes are open to the public." The letter did not contain details about these processes or any others that might be considered consultations, and did not answer any of the questions raised by Amnesty International regarding the process of consultations on evictions.

The reality on the ground raises serious questions about what is meant by "public participation". According to residents of Wadi Na'am whom Amnesty International interviewed in December 2013 and March 2014, the population there have repeatedly requested official meetings through their local residents' committee but have received no response. Residents have told Amnesty International that they are ready to discuss any solution that will allow them to continue their agriculture-based lifestyle and social organization. Since the beginning of 2014, according to the residents, government authorities have approached individual Bedouin residents and invited them to meet in small, closed meetings, but the residents preferred to refer the invitation to the local residents' committee, which is formed of representatives of each neighbourhood and family grouping in Wadi Na'am. The nature of these interactions has led to the impression amongst residents that the authorities are avoiding setting a date for a public meeting arranged with the local residents' committee.

Recent news of demolitions in Khirbat al-Watan, Umm Batin, Wadi Na'am and al-'Araqib does further damage to relations between the government and the Bedouin. Since the beginning of 2014, Amnesty International has compiled information on at least 25 demolitions of Bedouin-owned structures in the Negev/Naqab. Amnesty International is concerned that such demolitions of property, including cases where the residents are being forcibly evicted, have not been subjected to appropriate legal and procedural safeguards as required by international standards, including adequate notice, consultation and effective remedy.

Hundreds of buildings in the excluded villages are under demolition orders, while others are served with "stop work" orders that require the owners to demolish their property themselves within a month or face a fine and a criminal record, as documented by Amnesty International during regular research in several excluded villages in the Negev/Naqab, including al-Sira, al-'Araqib, Umm al-Hiran, Wadi Na'am and others, since 2004. Bedouin citizens living in the excluded villages have virtually no chance of winning an appeal against a demolition order because the government officials in court rely on claims that the appellants are "trespassers" on state land, and on the fact that the villages are unaccounted for in regional plans, which in fact constitutes an omission on the part of the authorities. Appeals against demolition orders are costly and even in the most successful cases have, at best, resulted in the postponement of the implementation of the orders.

The government authorities do not provide warnings of the specific date and time of demolitions, and frequently enter the villages with significant force in order to bulldoze

homes. Some Bedouin demolish their own homes in order to prevent more vulnerable inhabitants, such as small children, being traumatized by having large contingents of security forces entering their private spaces. Amnesty International learnt from interviews in Wadi Na'am that demolitions entail the destruction of the concrete base of homes, as well as the structure standing on it, apparently to prevent residents building a temporary dwelling on it. Other Bedouin continue to live in homes under demolition orders, relying on the arbitrariness of the implementation of the orders, which can leave such buildings standing for months and even years, but are affected by the uncertainty of the threat of demolition, which can happen at any moment. For more information on recent demolitions, see Amnesty International, *Israel: Demolitions of Bedouin homes in the Negev desert must end immediately*, 18 July 2013 (<http://www.amnesty.org/en/news/israel-demolitions-bedouin-homes-negev-desert-must-end-immediately-2013-07-18>).

According to General Comment 7 of the UN Committee on Economic, Social and Cultural Rights, evictions may be carried out only as a last resort, once all other feasible alternatives have been explored in genuine consultation with the affected persons. These alternatives can be proposed by those affected by them, collectively, through their elected representatives, if any, and in smaller groups and individually. Thus, the UN Committee has identified "genuine consultation" with affected persons as a fundamental safeguard against forced evictions. Genuine consultation with all affected individuals should include (a) the provision of full, accurate and timely information, (b) effective engagement and (c) the consideration of alternative proposals by affected communities.

Amnesty International recommends, as the organization has done previously on many occasions to the Israeli authorities, that all the excluded villages be given official recognition, reflecting the reality that has existed for decades. Demolitions in the villages should be halted immediately, until the housing policies for the Bedouin are brought to a standard that cannot be considered discriminatory. At the same time there is an urgent need to provide adequate levels of basic and essential services to the villages including adequate water provision, sanitation, electricity, health care, road infrastructure and public transport in order to meet Israel's international obligations to all its people.

Once this is achieved and if, having considered all alternatives, some evictions are still found to be the only feasible option in the framework of the regional plans, genuine consultations with the affected population should be conducted. Those affected by any proposed eviction should be given full information on (a) the proposed eviction and the reasons for it, and the intended use of the land or property following the eviction; (b) the compensation and alternative housing options (meeting appropriate adequacy standards) that will be provided and any exclusions; (c) the alternatives to evictions that were considered by the authorities; (d) how the eviction and resettlement will be carried out, including the private and public actors who will be involved and details of their roles and responsibilities; (e) opportunities to challenge decisions or any aspects of the eviction process before administrative bodies and the courts; and (f) the objectives, method and timeline of the consultation process (including opportunities to engage with different actors who may be involved) and an opportunity for affected people to make suggestions to increase its effectiveness. The Israeli authorities have yet to initiate such a process.

### **Disproportionate responses to protests**

Amnesty International is concerned about reports that the Israeli authorities have breached the rights of members of the Bedouin population in their response to protests against the proposed "Law for Regularizing Bedouin Habitation in the Negev - 2013" held in several locations in Israel, and in particular in Hura in the Negev/Naqab on 30 November 2013. This follows the use of excessive force by the police against demonstrators inside Israel during similar protests staged in the middle of 2013. Dozens of protesters were arrested in these protests. Most were released without charge days after they were arrested.



Eyewitness accounts described the protest in Hura on 30 November as being peaceful until large numbers of armed police, some on foot, some mounted on horseback and some in helicopters, attempted to disperse the demonstrators in the middle of the afternoon, using what appeared to be excessive force. One protester, Talib Abu Freh from al-'Araqib, who is approximately 40 years old, was injured by a tear gas canister that hit his face, according to Amnesty International interviews with eyewitnesses, a potential breach of international law enforcement standards. According to the United Nations Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, equipment used to disperse an assembly must be used only when necessary, proportional and lawful, taking into consideration that even "less-lethal" weapons can result in serious injury and even death. Chemical irritants, such as tear gas, should not be used where people are confined in an area and not in a way that can cause lasting harm (such as at too close range, or directly aimed at people's faces).

Amnesty International received reports from first-hand witnesses in the Negev/Naqab that the imposition of a "closed zone" around Hura at a later stage of the protests prevented Magen David Adom ambulances from reaching injured people who had called the emergency health services for over four hours, thereby potentially violating their right to health.

Amnesty International received reports that the organizers of the demonstrations were harassed by the police and the General Security Service (GSS, known as the Shin Bet) in the days before the protests took place. Some young activists were summoned to police stations without reasonable suspicion of criminal activity, questioned and warned in an intimidating manner not to continue organizing protests, thereby undermining their rights to freedom of expression and assembly. In a response, reported in the media on 10 March 2014, to a High Court of Justice petition, the state attorney justified the summons and questioning of the young activists by characterizing the protests against the proposed "Law for Regularizing Bedouin Habitation in the Negev – 2013" as "carried out for subversive and nationalistically-motivated ideological reasons, [posing] a risk to state security." He did not provide evidence to support this assertion.

Amnesty International requested information from the Israeli authorities on 27 January 2014 about any investigations conducted into incidents related to the demonstrations, and any actions taken as a result, but has not received a reply.

For further information on Amnesty International's concerns about excessive use of force during demonstrations in mid-2013, see Amnesty International, *Israel: Protect citizens' rights to protest peacefully against forced evictions*, 31 July 2013 (<http://www.amnesty.org/en/news/israel-protect-citizens-rights-protest-peacefully-against-forced-evictions-2013-07-31>).

## **Background**

The proposed "Law for Regularizing Bedouin Habitation in the Negev - 2013" passed its first of three readings in the Israeli Parliament (Knesset) on 24 June 2013. It is the latest initiative to push through a relocation plan for Bedouins in the Negev/Naqab. The original plan was formulated by Ehud Praver on the basis of a report by Eliezer Goldberg and adopted by the Israeli government on 11 September 2011 (Decision Number 3707). It was only subsequently made the subject of consultations led by Benny Begin in 2012.

Amnesty International considers the proposed law to be inherently discriminatory and that, if passed and implemented, it would violate the Bedouin's rights under international law, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Elimination of All Form of Racial Discrimination (ICERD), both of which have been ratified by Israel. For more information see Amnesty International, *Israel: Knesset urged not to pass law that would forcibly evict tens of thousands of Negev/Naqab Bedouin*, 20 April 2013 (<http://www.amnesty.org/en/library/info/MDE15/008/2013/en>).

Public Document

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## Press releases

18 July 2013

### Israel: Demolitions of Bedouin homes in the Negev desert must end immediately

Israel must immediately halt all demolitions of Arab Bedouin homes in communities in the Negev/Naqab desert which the government has refused to officially recognize, Amnesty International said, following news that the village of al-'Araqib was once again razed by land authorities.

"The Israeli authorities must halt demolitions in these communities and change course completely to guarantee all citizens' right to adequate housing," said Philip Luther, Director of Amnesty International's Middle East and North Africa Programme.

"The Israeli government's Praver-Begin plan would lead to the forced eviction of tens of thousands of Arab Bedouin citizens of Israel. The plan is inherently discriminatory, flies in the face of Israel's international obligations and cannot be accepted in any circumstances."

Bulldozers from the Israel Land Administration, accompanied by a large and heavily-armed police force in more than 60 vehicles, arrived in al-'Araqib early on Tuesday morning and began to destroy 15 shacks, effectively flattening the village and displacing 22 families.

The village, which has never been officially recognized by the Israeli authorities despite the residents' longstanding claims to their lands, has been demolished more than 50 times in the past three years. Each time, residents have tried to rebuild their homes, constructing makeshift shelters on the same land.

"We have the right to remain here; our struggle has continued for generations and we will persevere," said Aziz al-Turi, a resident from the village. "Our grandfathers are buried on this land. We will continue to rebuild and demonstrate to defend our right to live here."

The latest demolition came a day after mass protests were staged across Israel, the occupied West Bank and in the Gaza Strip, against the proposed "Law for Regularizing Bedouin Habitation in the Negev". This law would provide for the forced eviction of more than 30,000 residents from 35 "unrecognized" Bedouin villages in the Negev desert. In some areas, including Be'er Sheva and Sakhnin, Israeli police used excessive force against peaceful demonstrators opposing the plan.

All construction in these villages is considered illegal by the Israeli authorities, and their 70,000 residents lack basic services, including water and electricity. Amnesty International is urging the Israeli authorities to scrap the draft law, which is expected to lead to a massive increase in home demolitions in these communities. Although the draft has only passed its first reading in the Knesset (parliament), the Israel Land Administration regularly demolishes homes and other structures in these villages unhindered. More than 120 homes and other structures in these villages have been demolished over the last five months.

"The repeated demolitions in al-'Araqib and other villages show that the Praver-Begin plan is being implemented on the ground, despite the fact that the bill is still pending in the Knesset and that the communities which will be affected still have not been genuinely consulted," said Philip Luther.

"The Praver-Begin plan discriminates against Arab Bedouin by providing less protection for their land and housing rights compared to other Israeli citizens.

The international community must pressure the Israeli government to respect its human rights obligations within its borders, as well as in the Occupied Palestinian Territories."

#### Further information:

##### Protests on 15 July and responses of the authorities

- Protests against the Praver-Begin plan and the draft Israeli law took place on 15 July in Palestinian communities throughout Israel, as well as in the Occupied Palestinian Territories. The High Follow-Up Committee for Arab Citizens of

[Region Middle East And North Africa](#)  
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Israel also called for a general strike.

- Israeli security forces and police used excessive force against demonstrators in Be'er Sheva and Sakhnin, while the Hamas de facto administration prevented a demonstration by youth activists in Gaza City and the Palestinian Authority prevented protesters from marching from Ramallah towards the illegal Israeli settlement of Beit El.

- In Be'er Sheva, the largest city in Israel's southern Negev region, Israeli police and special police forces arrested 14 demonstrators, including two women and two children. Delegates from Amnesty International Israel observed the protest. Demonstrators were peaceful, but Israeli police charged into the crowds on horseback and used force during the arrests. The demonstrators have been charged with "assaulting a police officer."

- In Sakhnin, in the north of Israel, Israeli forces arrested some 14 demonstrators, including three women and a child. One of the women arrested was Fathiya Hussein, a human rights activist who works at Adalah, the Legal Center for Arab Minority Rights in Israel. Israeli police forces charged into the demonstrators on horseback and fired tear gas and sponge-tipped bullets at demonstrators.

- In occupied East Jerusalem, Israeli forces arrested at least 10 protesters, some of whom were children. Approximately 12 protesters were injured when Israeli forces, including men in civilian clothing, attacked the demonstrators and bystanders.

**For further information on the "Law for Regularizing Bedouin Habitation in the Negev", see:**

[Amnesty International, Israel: Knesset urged not to pass law that would forcibly evict tens of thousands of Negev/Naqab Bedouin \(Index: MDE 15/008/2013\), 20 April 2013](#)

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# URGENT ACTION

## PALESTINIAN VILLAGERS AND ISRAELI STATE MEDIATE

**The mediation period between Palestinian villagers and the Israeli state was extended until 25 April.**

On 2 September 2013 the High Court of Justice suggested that the Palestinian villagers who are threatened with forced eviction and the Israeli state go into mediation. The High Court of Justice did not rule against the forced eviction of all the residents of eight villages situated in the hills south-east of Hebron, in the southern West Bank, to make way for a military training zone, Firing Zone 918, and there are no guarantees that the mediation process will lead to a resolution that does not violate the rights of the villagers.

The villagers agreed to the process immediately and the Ministry of Defence agreed on 21 October 2013. Both sides agreed to the appointment of Yitzhak Zamir, retired Supreme Court Judge and former Attorney General, as mediator. The mediation period was initially set for four months but that was extended. Meetings have been held regularly between representatives of the villagers and the State Attorney's Office, who was targeted in the UA Update of 11 September 2013. The State Attorney has mentioned that the letters he received from Amnesty International activists "left an impression".

The villagers' lawyer has said to Amnesty International that the process is "interesting". The lawyer also said that the current situation, which allows the villagers to remain in their homes while the mediation is ongoing, is more positive than the High Court of Justice potentially ruling that the army's plans could go ahead. The lawyer attributes this relatively positive situation to the conjunction of local and international pressure, to which Amnesty International contributed.

**No further action is required from the UA network. Amnesty International will continue to monitor the case. Many thanks to all who sent appeals.**

This is the second update of UA 170/13. Further information: <http://amnesty.org/en/library/info/MDE15/013/2013/en>

Name: Residents of Safai, Majaz, Tabban, Fakhit, Halaweh, Mirkez, Jinba and Hillet al-Dhaba'a  
Gender m/f: both

Further information on UA170/13 Index: MDE 15/005/14 Issue Date: 3 March 2014

**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## ARMY PLANS FORCED EVICTIONS OF PALESTINIANS

**Some 1,000 Palestinians living in the southern West Bank, nearly half of them children, are facing forced eviction; some of their buildings are already being demolished, and their movement is restricted.**

The Israeli army plans to expel from their homes all the residents of eight villages in the hills south-east of Hebron, **Safai, Majaz, Tabban, Fakhit, Halaweh, Mirkez, Jinba and Hillet a-Dab'a**, to make way for a military training zone. They were forcibly evicted in late 1999, but an interim injunction allowed them to return to their destroyed villages after a few months. The injunction was extended and will remain valid, though it has been challenged by the army, until a hearing at the Israeli High Court of Justice on 15 July. In many similar cases, the High Court of Justice has ruled in favour of the security forces and the state rather than in accordance with the principles of international law, binding on Israel, which prohibit forced evictions and forced transfer. The residents will be rendered homeless if evicted and will lose their livelihood.

The military training zone, known as Firing Zone 918, was originally declared a closed military zone in the 1980s, but the residents were allowed to build homes on the land and use it for farming. After the evictions of 1999, they petitioned the High Court of Justice to be allowed to remain on the land. The state responded that the residents did not live in the area permanently, and tried to prove this with aerial photographs taken soon after the evictions, in effect giving evidence of the destruction wrought by the expulsions. The residents' petitions were renewed in January and February 2013, and the state is due to submit its response ahead of the next hearing.

Like many of the 150,000 Palestinians in the 60 per cent of the West Bank designated as Area C, which is completely under Israeli control, the residents face repeated demolition of their homes, animal pens and amenities. Two primary schools and a clinic are also under demolition orders, as are solar electric panels and water cisterns.

### **Please write immediately in Hebrew, English or your own language:**

- Expressing concern that some 1,000 people in Safai, Majaz, Tabban, Fakhit, Halaweh, Mirkez, Jinba and Hillet a-Dab'a, located in Firing Zone 918, are in danger of forced transfer and eviction, and calling on the authorities to cancel the eviction order immediately;
- Calling on them to remove responsibility for planning and building regulations in the Hebron hills and elsewhere in the Occupied Palestinian Territories from the Israeli military authorities and give it solely to the local Palestinian communities;
- Calling on them to place a moratorium on house demolitions and evictions in the West Bank until the law is amended to bring it into line with international standards.

### **PLEASE SEND APPEALS BEFORE 14 AUGUST 2013 TO:**

#### Minister of Defence

Moshe Ya'alon  
37 Kaplan Street, Hakiryia  
Tel Aviv 61909, Israel  
Fax: +972 3 696 2757  
Email: minister@mod.gov.il

**Salutation: Dear Minister**

#### Military Judge Advocate General

Brigadier General Danny Efroni  
6 David Elazar Street  
Hakiryia, Tel Aviv, Israel  
Fax: +972 3 569 4526; +972 3 608 0366  
Email: newmedia@idfspokesperson.com

**Salutation: Dear Judge Advocate  
General**

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## ARMY PLANS FORCED EVICTIONS OF PALESTINIANS

### ADDITIONAL INFORMATION

Under international humanitarian law (IHL), including the Geneva Conventions, evacuations of protected persons (such as the inhabitants of an occupied territory) are only admissible for their own protection, temporarily, and only if there is an imperative military reason for taking this extreme measure. The description of Firing Zone 918 provided by the Israeli state in its legal response, where it claims that the terrain is particularly suitable for specific live-fire training, does not meet the threshold of such an imperative necessity, and therefore, if implemented, the eviction of the residents of this area would constitute forced transfer in violation of IHL. Similarly, IHL prohibits destruction of property in occupied territory except where absolutely necessary for military operations. The military activity that does take place in the area occasionally damages the residents' property, and arbitrarily restricts movement including access to medical treatment and the transport of water containers. The military administration of the Occupied Palestinian Territories (OPT) issues and implements demolition orders against the residents' property, because there are no planning provisions for Palestinian residency in the eight villages, as well as in dozens of other Palestinian villages around them. The residents' rights to an adequate standard of living including the rights to water, to the highest attainable standard of health and to education, under the International Covenant on Economic, Social and Cultural Rights (ICESCR), together with their right not to be discriminated against in relation to those rights, are being violated repeatedly and in various ways.

For years Israel has pursued a policy of discriminatory house demolition, allowing scores of Israeli settlements, illegal under international law, to be built on occupied Palestinian land, while confiscating Palestinian lands, refusing building permits for Palestinians and destroying their homes. In the first half of 2013, more than 250 homes, work sheds and animal pens were destroyed in Area C, displacing at least 300 Palestinians and causing damages to many more, on the grounds that they had been built illegally; Palestinians living there face severe restrictions on building, while settlements for Israelis in the same area continue to expand and are provided with utility services and other infrastructure. International law forbids occupying powers from settling their own citizens in the territories they occupy.

House demolitions are generally carried out without warning of the date and without any consultation, giving no opportunity for Palestinians to salvage their possessions or find at least basic shelter elsewhere. The UN has estimated that some 4,800 demolition orders are pending, many of which are in Area C of the West Bank. In Area C, Israel has complete control over planning and construction and the approximately 150,000 Palestinians living there lack representation at all levels of the Israeli military planning system. Not only are there no Palestinian representatives on the planning institutions, but even the ability of Palestinian residents to submit objections to eviction and demolition orders are very limited. Palestinians, especially villagers in marginal areas such as the hills to the south-east of Hebron and the Jordan Valley, have suffered particular pressure. In a "closed military zone" there is effectively no possibility for Palestinian construction and development. These demolitions amount to forced evictions. This places Israel in breach of its obligations under international human rights law, including the ICESCR, which it ratified in 1991, enshrining the right to adequate housing for everybody and prohibiting forced evictions, defined by the Committee on Economic, Social and Cultural Rights in General Comment 7 as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection".

The situation is compounded by the fact that, under Israeli military law, evicted families are not entitled to alternative housing or compensation, thereby violating their right to effective remedy, meaning many would face homelessness and destitution were it not for relatives, friends and charities.

Name: Residents of Safai, Majaz, Tabban, Fakhit, Halaweh, Mirkez, Jinba and Hilet a-Dab'a  
Gender m/f: both

UA: 170/13 Index: MDE 15/011/2013 Issue Date: 3 July 2013



# URGENT ACTION

## FORCED EVICTIONS OF PALESTINIANS TO GO AHEAD

**Some 1,000 Palestinians living in the south of the occupied West Bank, nearly half of them children, are still facing forced eviction by the Israeli army; the Israeli High Court of Justice did not rule in favour of their rights.**

The Israeli army plans to expel and forcibly evict from their homes all the residents of eight villages situated in the hills south-east of Hebron, in the southern West Bank, to make way for a military training zone, Firing Zone 918. The villages are Safai, Majaz, Tabban, Fakhit, Halaweh, Mirkez, Jinba and Hillet al-Dhaba'a. If the evictions go ahead they have the potential to violate a range of residents' rights including adequate housing, water, sanitation, health and education.

In its response to the villagers' petitions to the Israeli High Court of Justice, the state insisted on the legality and necessity of the evictions, arguing that the evictions do not constitute forced transfer according to the Fourth Geneva Convention. Its rationale was that the villagers are not actually resident in the villages, but rather use the land on an occasional basis only, and that the villages were established in contravention of a military order after the military zone was declared in the area in 1980. This is contradicted by the villagers' own accounts and academic research documenting local habitation and cultivation for many decades. The state attorneys also argued that the military had the right to confiscate private property for training needs, which are of "high military importance", but chose only to restrict access by permitting occasional agricultural activities in the area. The High Court of Justice decided on 2 September 2013 that the state and the villagers should enter mediation to reach a solution. The petitioners agreed to the mediation and the state has until 7 October to decide whether to do so as well. Previous efforts at mediation which took place 10 years ago came to no result, as the Israeli authorities offered a different tract of land, only a fraction of the size of the area on which they live and work now, and this was inadequate for the villagers' needs.

### **Please write immediately in Hebrew, English or your own language:**

- Expressing concern that some 1,000 people in Safai, Majaz, Tabban, Fakhit, Halaweh, Mirkez, Jinba and Hillet al-Dhaba'a, located in Firing Zone 918, are in danger of forced transfer and eviction, and calling on the authorities to cancel the eviction order immediately, prior to mediation or consultation with the villagers;
- Comply with the High Court of Justice proposal to undertake mediation with the communities whilst ensuring that it amounts to genuine consultation in line with international standards;
- Calling on them to remove responsibility for planning and building regulations in the Hebron hills and elsewhere in the Occupied Palestinian Territories from the Israeli military authorities and give it solely to the local Palestinian communities;
- Calling on them to place a moratorium on all house demolitions and evictions in the West Bank until the law is amended to bring it into line with international standards.

### **PLEASE SEND APPEALS BEFORE 23 OCTOBER 2013 TO:**

Minister of Defence  
Moshe Ya'alon  
37 Kaplan Street, Hakiryia  
Tel Aviv 61909, Israel  
Fax: +972 3 696 2757  
Email: minister@mod.gov.il  
**Salutation: Dear Minister**

Commander of IDF in the West Bank  
Major General Nitzan Alon  
GOC Central Command  
Military Post 01149  
Battalion 877, Israeli Defence Forces  
Israel  
Fax: +972 2 530 5741 /24  
**Salutation: Dear Major General**

State Attorney  
Advocate Aner Helman  
Department of Bagatsim  
Ministry of Justice  
29 Salah ad-Din Street, P.O. 49029  
Jerusalem 91010, Israel  
Fax: +972 2 6467011  
**Salutation: Dear Mr Helman**

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Please check with your section office if sending appeals after the above date. This is the first update of UA 170/13. Further information: [www.amnesty.org/en/library/info/MDE15/011/2013/en](http://www.amnesty.org/en/library/info/MDE15/011/2013/en)

**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## FORCED EVICTIONS OF PALESTINIANS TO GO AHEAD

### ADDITIONAL INFORMATION

Under international humanitarian law (IHL), including the Geneva Conventions, evacuation of protected persons (such as the inhabitants of an occupied territory) is prohibited, unless undertaken for their own protection, or if there is an imperative military reason for taking this extreme measure. Even then, such evacuations must be temporary, and the residents returned to their homes as soon as hostilities in the area have ceased. The description of Firing Zone 918 provided by the Israeli state in its legal response, where it claims that "Firing Zone 918 constitutes a very important area for IDF exercises and has no substitute identical in nature" does not make the case that the threshold of "imperative military reason" has been met. Therefore, if implemented, the eviction of the residents of this area would constitute forced transfer in violation of IHL. Similarly, IHL prohibits destruction of property in occupied territory except where absolutely necessary for military operations. The military activity that does take place in the area occasionally damages the residents' property, and arbitrarily restricts movement including access to medical treatment and the transport of water containers. The military administration of the Occupied Palestinian Territories (OPT) issues and implements demolition orders against the residents' property, because there are no planning provisions for Palestinian residency in the eight villages, as well as in dozens of other Palestinian villages around them. The residents' rights to an adequate standard of living including the rights to adequate housing, water and sanitation, to the highest attainable standard of health and to education, under the International Covenant on Economic, Social and Cultural Rights (ICESCR), together with their right not to be discriminated against in relation to those rights, are being violated repeatedly and in various ways.

In Area C, Israel has complete control over planning and construction and the approximately 150,000 Palestinians living there lack representation at all levels of the Israeli military planning system. Not only are there no Palestinian representatives on the planning institutions, but even the ability of Palestinian residents to submit objections to eviction and demolition orders are very limited. Palestinians, especially villagers in marginal areas such as the hills to the south-east of Hebron and the Jordan Valley, have suffered particular pressure. In a "closed military zone" there is effectively no possibility for Palestinian construction and development, and many existing structures are at risk of being demolished on the grounds that they had been built illegally. The discriminatory policy means that Palestinians living there face severe restrictions on building, while settlements for Israelis in the same area continue to expand and are provided with utility services and other infrastructure. International law forbids occupying powers from settling their own civilians in the territories they occupy.

The lack of genuine consultation to explore all alternatives with the affected communities to date and the failure to provide alternative accommodation for those who need it means that these demolitions amount to forced evictions. This places Israel in breach of its obligations under international human rights law, including the ICESCR, which it ratified in 1991, enshrining the right to adequate housing for everybody and prohibiting forced evictions, defined by the Committee on Economic, Social and Cultural Rights in General Comment 7 as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection". Mediation such as that suggested by the High Court of Justice in the case of the villages in Firing Zone 918 can potentially amount to genuine consultation if it is conducted according to international standards and not prejudiced by existing unlawful orders and policies. Genuine consultation requires the provision of full, accurate and timely information, meaningful engagement by the authorities and serious consideration of alternative proposals by affected communities.

The situation is compounded by the fact that, under Israeli military law, evicted families are not entitled to alternative housing or any compensation, thereby violating their right to effective remedy, meaning many would face homelessness and destitution were it not for relatives, friends and charities.

Name: Residents of Safai, Majaz, Tabban, Fakhit, Halaweh, Mirkez, Jinba and Hillet al-Dhaba'a

Gender m/f: both

Further information on UA: 170/13 Index: MDE 15/013/2013 Issue Date: 11 September 2013

# URGENT ACTION

## ISRAELI ARMY DESTROYS HOMES FOR SIXTH TIME

**On 8 July just after 6am, the Israeli army demolished three homes and a number of animal pens belonging to shepherds in Hadidiya in the Jordan Valley. Twenty-two people were made homeless, of which six were children, including a four-year-old suffering from cerebral palsy. This took place in summer heats exceeding 40 degrees Celsius.**

This is the sixth demolition the extended family of **Abd al-Mihde Ghayyadh Salamein**, a sixty-five year old man, his wife, their two sons and their families, have endured since 2000. Today's events were preceded by a demolition on 27 June, after which the family moved a short distance eastwards and sheltered in tents donated by a humanitarian organization. In the June demolition, a portable ecological toilet and a food storage structure were spared, but today these were demolished together with everything else the family owns. The army did not issue specific warnings with regards to the demolitions that would have allowed the family to prepare for the losses.

The entire population of Hadidiya (some 150 people), as well as neighbouring villages, are threatened with a similar fate. They are located in Area C of the West Bank in the Occupied Palestinian Territories (OPT) where Israeli control is reflected in planning provisions that allow for very restricted Palestinian residency while Israeli-only settlements are regularly expanded. At the same time, the community in Hadidiya is paying exorbitant prices for small quantities of water in mobile tankers brought in from several kilometres away for domestic use and for their livestock, while Israeli settlers living nearby benefit from an abundant water supply. Residents are harassed by settlers who attack their sheep and threaten the herders while out working on grazing lands. Shepherding communities in al-Maleh, also in the Jordan Valley, have seen pastures torched by arsonists believed to be settlers in recent months.

### **Please write immediately in Hebrew or your own language:**

- Expressing concern that Abd al-Mihde Ghayyadh Salamein and his family have suffered repeated house demolitions, and that some 150 people in Hadidiya and the surrounding area are at further risk of house demolitions;
- Calling on the Israeli authorities to cancel all demolition orders immediately, and place a moratorium on house demolitions in the West Bank until planning and housing laws are amended to conform with international standards;
- Calling on them to investigate incidents of settler violence towards Palestinians and bring anyone found responsible of criminal offences to justice promptly, and halt settlement expansion as a first step towards removing settlements from the OPT.

### **PLEASE SEND APPEALS BEFORE 19 AUGUST 2013 TO:**

#### Head of Civil Administration

Brig. Gen. Motti Elmoz  
Address: Office of the Head of Civil  
Administration  
Yamal 1029  
Military Post Number 01482  
Beit El, Israel  
Fax: +972 2 9977341

**Salutation: Dear Brigadier General**

#### Military Judge Advocate General

Brigadier General Danny Efroni  
6 David Elazar Street  
Hakiryah, Tel Aviv, Israel  
Fax: +972 3 569 4526; +972 3 608 0366  
Email: [newmedia@idfspokesperson.com](mailto:newmedia@idfspokesperson.com)

**Salutation: Dear Judge Advocate  
General**

#### **And copies to:**

Minister of Defence  
Moshe Ya'alon  
37 Kaplan Street, Hakiryah  
Tel Aviv 61909, Israel  
Fax: +972 3 696 2757  
Email: [minister@mod.gov.il](mailto:minister@mod.gov.il)

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date. This is the second update of UA 194/11. Further information: <http://amnesty.org/en/library/info/MDE15/042/2011/en>

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# URGENT ACTION

## ISRAELI ARMY DESTROYS HOMES FOR SIXTH TIME

### ADDITIONAL INFORMATION

Over the years, the Israeli army has forced the residents of Hadidiya to live in extremely difficult conditions. They are forbidden from building permanent structures, and are thus forced to live in tents and shacks which provide little protection from the harsh weather of the arid landscape. However, even these structures are considered “illegal” by the Israeli army and have been demolished on several occasions. The children travel on a dirt road to go to school in a village 10 kilometres away. The residents are not allowed to connect to electricity or water grids, they are not allowed to drill new wells, nor are they permitted to use the wells or roads in the immediate area as these are exclusively for the Israeli settlers living in the nearby settlements, such as Ro'i, Beqa'ot and Hemdat, which are unlawful under international law.

Under international humanitarian law (IHL), including the Fourth Geneva Convention, destruction of property in occupied territory is prohibited except where absolutely necessary for military operations. The military administration of the Occupied Palestinian Territories (OPT) issues and implements demolition orders against the residents' property, because there are no planning provisions for Palestinian residency in Hadidiya, as well as in dozens of other Palestinian villages nearby. This reason does not amount to imperative military necessity. The residents' rights to an adequate standard of living including the rights to water, to the highest attainable standard of health and to education, under the International Covenant on Economic, Social and Cultural Rights (ICESCR), together with their right not to be discriminated against in relation to those rights, are being violated repeatedly and in various ways.

For years Israel has pursued a policy of discriminatory house demolition, allowing scores of Israeli settlements, illegal under international law, to be built on occupied Palestinian land, while confiscating Palestinian lands, refusing building permits for Palestinians and destroying their homes. In the first half of 2013 more than 250 homes, work sheds and animal pens were destroyed in Area C, displacing at least 300 Palestinians and causing damages to many more, all on the grounds that they had been built illegally. Palestinians living there face severe restrictions on building, while settlements for Israelis in the same area continue to expand and are provided with utility services and other infrastructure. International law forbids occupying powers from settling their own citizens in the territories they occupy.

House demolitions are generally carried out without warning of the date and without any consultation, giving no opportunity for Palestinians to salvage their possessions or find at least basic shelter elsewhere. The UN has estimated that some 4,800 demolition orders are pending, many of which are in Area C of the West Bank. In Area C, Israel has complete control over planning and construction and the approximately 150,000 Palestinians living there lack representation at all levels of the Israeli military planning system. Not only are there no Palestinian representatives on the planning institutions, but even the ability of Palestinian residents to submit objections to eviction and demolition orders are very limited. Palestinians, especially villagers in marginal areas such as the Jordan Valley, have suffered particular pressure. These demolitions amount to forced evictions. This places Israel in breach of its obligations under international human rights law, including the ICESCR, which it ratified in 1991, enshrining the right to adequate housing for everybody and prohibiting forced evictions, defined by the Committee on Economic, Social and Cultural Rights in General Comment 7 as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection”.

The situation is compounded by the fact that, under Israeli military law, evicted families are not entitled to alternative housing or compensation, thereby violating their right to effective remedy, meaning many would face homelessness and destitution were it not for relatives, friends and charities.

Name: Abd al-Mihde Ghayyadh Salamein (m) and his extended family

Gender m/f: both

Further information on UA: 194/11 Index: MDE 15/012/2013 Issue Date: 08 July 2013

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## Press releases

21 September 2012

### Quartet action needed to keep Palestinian villages on the map

Demolitions have tripled in three years, with villages in Hebron Hills now under threat

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The government of Israel's eviction and demolition plans for 13 Palestinian villages in the Hebron Hills [1] come as demolition and displacement rates have hit a three-year high, adding to the uncertainty about the future for Palestinians living in the Israeli-controlled Area C of the West Bank, a group of 30 aid, development, and human rights organizations warned today.

The communities are targeted for demolition or expulsion from the area as the government of Israel plans to use the land for the expansion of an Israeli settlement and to create a closed military zone [2].

The organizations are calling on the Middle East Quartet, who will be meeting informally on Monday, 24 September in New York, to visit the affected communities and address the violations that are happening on the ground. The agencies said the Quartet needs to move beyond words and deliver a concrete plan of action that keeps Palestinian families in their homes while working to ensure all parties are meeting their obligations under international law. The Quartet's plan must, therefore, press the government of Israel to immediately reverse policies and practices that violate international human rights and humanitarian law and lead to forced evictions, forced displacement, and demolitions in Area C.

Nishant Pandey, Country Director for Oxfam said:

"The Quartet has issued 39 statements condemning the government of Israel's violations of international law, yet the number of people displaced by unlawful demolition of Palestinian homes continues to increase at an unprecedented rate. Words have so far failed to bring meaningful change to people's lives and the Quartet must now show Palestinians and Israelis that it is committed to working towards a just, durable peace."

The demolition and eviction plan for the Hebron Hills would leave 1,650 Palestinians homeless [3], without access to the land they need for farming and raising animals to feed their families. Many of them are already living in substandard conditions because of Israeli restrictions on Palestinian building in Area C.,

Ann Harrison, Middle East and North Africa Deputy Director for Amnesty International said:

"The Quartet must face the facts on the ground in the occupied West Bank: escalating demolitions and whole villages threatened with forced eviction. Ensuring respect for international human rights and humanitarian law should be the cornerstone of the Quartet's work. Only if it confronts these ongoing violations head on can the Quartet contribute to a just and sustainable solution."

The threat to villages in the Hebron Hills comes as new figures reveal that the rate of demolitions has tripled in the past three years, with the average number of people displaced increasing 98 percent during this same time [4].

Sarah Leah Whitson, Middle East director at Human Rights Watch, said:

"It's time for the Quartet to stop the euphemisms: Israel's demolitions of Palestinian homes and other structures without military necessity violate its obligations as an occupying power. The Quartet should press the government of Israel to end these violations immediately."

The agencies said that the increasing concerns of Palestinians in areas which they were working with had prompted them to speak out now. Oxfam has recently had a mobile veterinary unit impounded in the area and was given notice that it is not permitted to enter the villages where it is working to help 148 families earn a decent living raising goats and sheep. A number of other agencies have received demolition or stop work orders for aid projects in the villages.

David White, Country Director for CARE International said:

"The families we work with are terrified that any day they could lose their homes

and the health clinic provided by CARE International. Tomorrow they could wake up and everything they have worked their entire lives to build could be gone. We are providing people with essential health services, but no amount of humanitarian or development assistance can help people overcome this feeling of despair. The Quartet needs to put forth a plan of action that brings the security people desperately need to lead a dignified life.”

-END-

#### EDITORS NOTES:

[1] The 13 villages include the Palestinian village of Susiya, which has received demolition orders due to its proximity to an adjacent Israeli settlement, and 12 nearby villages in an area that has been designated by the Israeli Civil Administration (ICA) as a closed military zone for the purpose of military training, referred to as “Fire Zone 918.” The 13 Hebron Hills villages are all located in Area C, which is the 60 percent of the West Bank where Israel controls planning and zoning, as well as security.

[2] In total, more than 18 percent of the West Bank, which is equivalent to the amount of land in which the Palestinian Authority exercises civil and security control, has been designated as a closed military “fire zone,” rendering the areas effectively off limits for Palestinians. These “fire zones” are almost exclusively located in Area C, with approximately 5,000 Palestinians from 38 villages living within these areas, leaving them at increased risk of physical harm as well as eviction and demolition.

[3] 150 Palestinians are under threat of being displaced from Susiya, where the ICA has handed over demolition orders for more than 50 structures including homes, a community center, solar panels and renewable energy systems, animal shelters, and other income generating structures. Another 1,000 Palestinians have been issued orders of eviction from 8 villages within “Fire Zone 918.” An additional 500 people from the 4 other villages within “Fire Zone 918” are at increased risk of displacement due to demolition orders against their homes. In recent months, some structures including aid projects like (windmills, water cisterns, animal pens, and tents) have already been demolished in Susiya and “Fire Zone 918.”

[4] From 2009 to 2012, the monthly average of demolitions in the West Bank rose from 23 to 64, while the monthly average number of people displaced by Israeli demolitions of their homes rose from 52 to 103.

AI Index: [PRE01/441/2012](#)

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# STOP THE TRANSFER

ISRAEL ABOUT TO EXPEL  
BEDOUIN TO EXPAND  
SETTLEMENTS

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**The Israeli army plans to forcibly evict and transfer 20 Palestinian communities, some 2,300 people, from their homes in the area of the Ma'ale Adumim settlement bloc in the occupied West Bank. The plan aims to relocate the communities, a majority of which are Jahalin Bedouin, to a site about 300m away from the Jerusalem municipal garbage dump.**

**Israeli authorities have not consulted with the communities and the residents oppose the move. Military officials have said that the army will begin implementing the plan in early 2012. If carried out, this forced transfer would violate Israel's obligations under international law and uproot some of the poorest communities in the West Bank.**

The Israeli army has already issued many demolition orders against these communities. In some of them, more than 90 per cent of homes and other structures are at risk of demolition.

Two schools, in Khan al-Ahmar and in Wadi Abu Hindi, which serve around 200 Jahalin children, are slated for demolition. Children make up about two thirds of the residents targeted for displacement. If the schools are demolished, the younger ones will have no access to education.

## **BACKGROUND**

In the early 1950s, the Jahalin tribe was displaced from the Tel Arad area in the Negev to the West Bank by the Israeli authorities. Following Israel's occupation of the West Bank in 1967, the Israeli military restricted access to vast expanses of the Jahalin grazing land, declaring them military zones or confiscating land for

building settlements. Other areas were designated as nature reserves and the Bedouin were prohibited from using them. As a result, the Jahalin's seasonal movement and traditional way of life became impossible, and they were forced to settle in permanent small encampments in the area east of Jerusalem.

**“We will not leave – they want to expel us, but we will not leave.”**

Amneh Odeh Jahalin, whose house in al-Mihtwish was demolished by Israeli forces on 31 October 2011

Abu Raed lives in al-Mihtwish, one of the communities due to be transferred in the current plan. “I grew up during Jordanian rule, when the Bedouin were

allowed to move between the West Bank and Jordan”, he says. “Wherever there were grazing lands, we moved. In 1975 Israel started creating military zones. And they started moving us away from these areas towards the roads. After 1977, the first Jewish settlements were established in the area. The settlements grew, and they began to be surrounded by fences and then came the settlement security. Then they began to prohibit us from more areas and we no longer had access to grazing lands or water sources like Ein Fara, Ein Fawar or Ein Wadi al-Qelt.”

Because they lack access to grazing lands, many of the Bedouin have abandoned their traditional way of life and currently depend on humanitarian assistance. More than half of the communities are food insecure; none of the communities have access to the electricity grid and only half are connected to water networks.





**above: Jahalin family outside their tent days after their homes were demolished by the Israeli army, al-Mihtwish, 3 November 2011.**

**cover: Jahalin homes in al-Muntar in the occupied West Bank, 12 November 2011. The community is at imminent risk of forced eviction by the Israeli army.**

For many the access to health services is very limited. “We go to the hospital on donkeys”, says Abu Mohammed, who lives in al-Muntar.

The Bedouin communities are all located in areas designated as “Area C” under the Oslo Accords between Israel and the Palestinian Liberation Organization (PLO). In these areas, which make up more than 60 per cent of the occupied West Bank, the Israeli army retains complete control over security, and the Israel Civil Administration, a military body, controls planning and zoning.

The Israeli authorities have not allowed Palestinians to build and develop their land in Area C. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 70 per cent of Area C is completely off-limits to Palestinian construction and a further 29 per cent is heavily restricted. Less than 1 per cent of

Area C has been planned for Palestinian development by Israel’s Civil Administration.

Meanwhile, the Israeli authorities have continued to build and expand Israeli-only settlements on Palestinian land in these same areas, in violation of international law and in contempt of resolutions by the UN Security Council and other bodies. Since its occupation of the West Bank, Israel has established more than 150 settlements in the West Bank (including East Jerusalem). The establishment of these settlements violates the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which prohibits an occupying power from settling its civilian population in the territory it occupies.

Settlers in the nearby settlements consistently harass the Bedouin communities and attack their property with virtual impunity. “In September 2009 I went to the Kfar Adumim settlement

council and invited them to come and see the school.” Eid Jahalin, from Khan al-Ahmar, told Amnesty International. “They came and drank tea and coffee and left. Three days later we received a letter from the Israeli court saying that the school is a security threat. The settlers then came and destroyed the fence around the school and some of its doors and windows. They have attacked it several times since.”

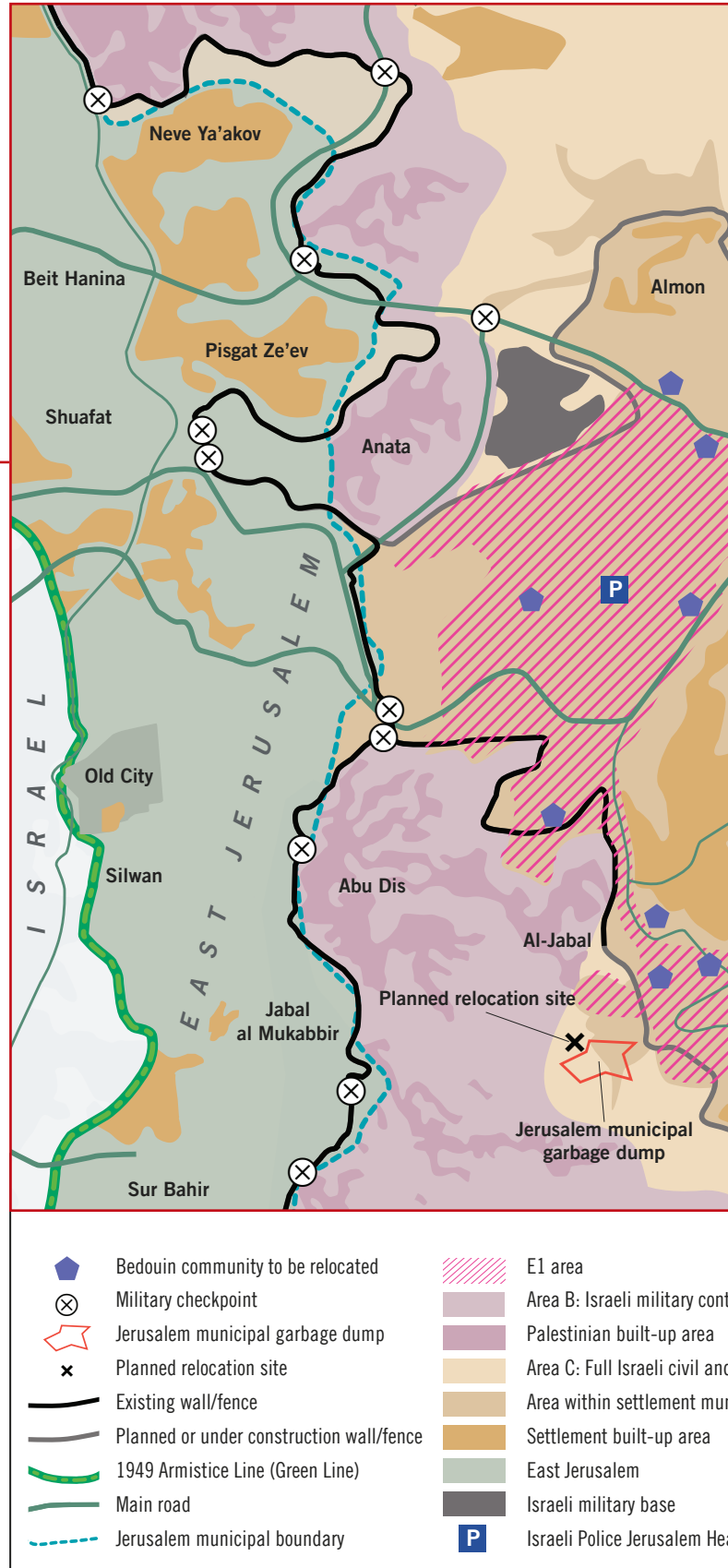


## THE E1 PLAN

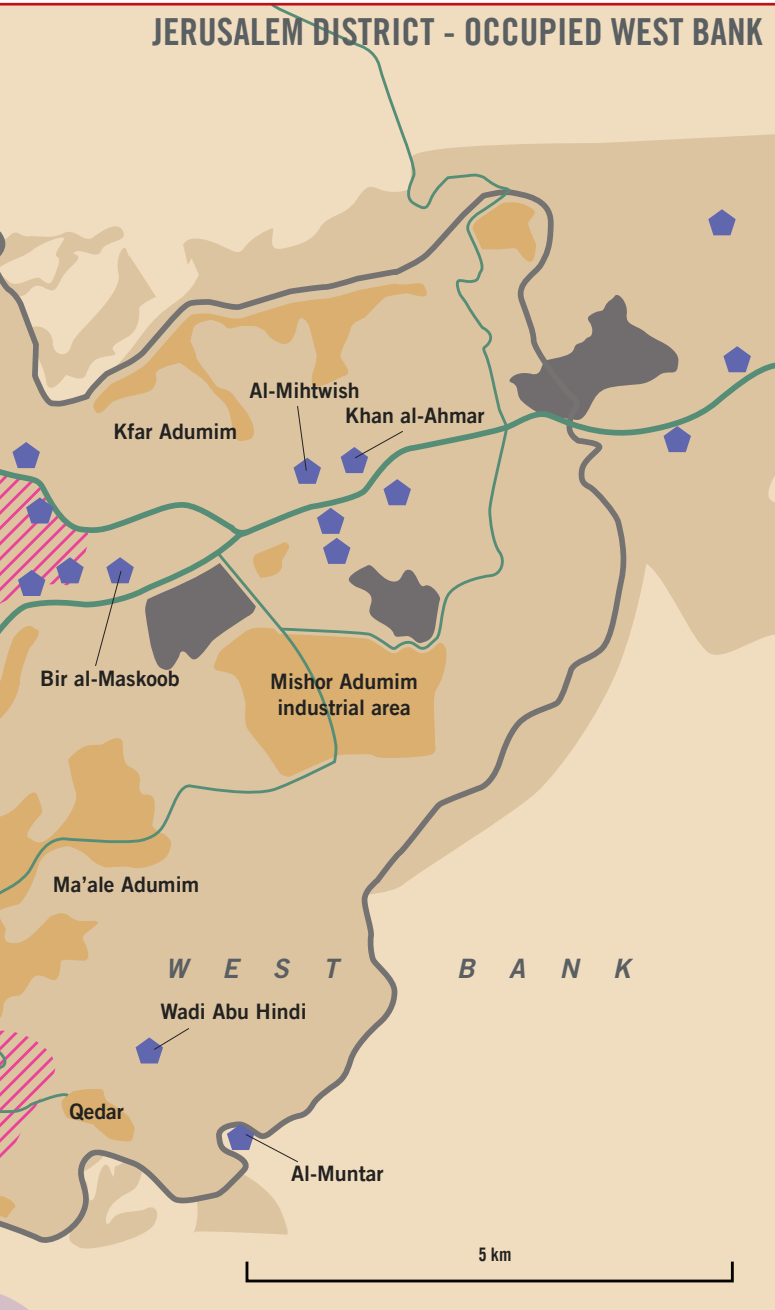
E1, an abbreviation for East 1, is the Israeli plan developed in the 1990s to expand settlements in the area between East Jerusalem and Ma'ale Adumim. More than half of the Bedouin communities targeted for home demolitions and displacement live in and around the area designated for the E1 plan.

If implemented, the plan will effectively cut the geographic contiguity of the West Bank, with a solid line of Israeli settlements dividing the northern and southern West Bank. It will also prevent Palestinian neighbourhoods in East Jerusalem from using their lands for badly needed development.

The E1 settlement plan includes around 4,000 housing units, hotels, an industrial area and a large police station that serves as the police headquarters for the West Bank area. The police station was officially opened in 2008 and much of the infrastructure is already in place. However, successive Israeli governments have delayed further construction due to opposition by the US government and the European Union.



The maps indicate the general locations of areas and boundaries and should not be treated as an authoritative statement of Amnesty International's view on questions of borders or disputed areas. The maps are adapted from Foundation for Middle East Peace.



control, Palestinian municipal authority  
 military control, including planning  
 municipal boundary  
 headquarters

Description of the area or interpreted as  
 for Middle East Peace maps by Jan de Jong.

from top: Garbage trucks at the Jerusalem municipal garbage dump, 3 November 2011; An effluent pool outside the dump, next to the area designated for the communities after their forced evictions; Jahalin Bedouin homes in al-Muntar, 3 November 2011. In the background and in the bottom picture is the settlement of Qedar. The Israeli military has restricted access to vast expanses of the Jahalin grazing land, confiscating land for building settlements.



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## YEARS OF BEING PUSHED OUT

For decades, the Jahalin have been struggling to hold on to their homes in the face of land expropriations, house demolitions and forced evictions by the Israelis. In 1975, Israel expropriated 3,000 hectares of the area where the Jahalin lived, to build the Ma'ale Adumim settlement. In the following years, Israel expropriated further land, began construction of Ma'ale Adumim, and established the Mishor Adumim industrial zone and the settlements of Kfar Adumim and Qedar. With this expansion, the authorities also demolished homes and structures belonging to the Jahalin in an attempt to push them out of the area.

In 1991, Israel designated Ma'ale Adumim as a city and continued to expand it further. Three years later, the Civil Administration ordered the eviction of dozens of Jahalin families from land that was intended as a new settlement neighborhood.

The community refused to move out of their homes and petitioned the Israeli High Court of Justice against the military order. In 1995, the court rejected their petition on the basis that the Jahalin did not possess official title to the land. That year, the Israeli

army forcibly evicted the Jahalin from their homes and relocated them to a site next to the Jerusalem municipal garbage dump where the Civil Administration had built 120 residential buildings for them. Two more forced evictions were carried out in 1997 and 1998 respectively.

Hamad Salamat Jahalin, also known as Abu Daoud, was one of the Jahalin forcibly evicted in 1998 to a site near the Jerusalem municipal garbage dump, referred to by residents as al-Jabal. He was born in Tel Arad and moved to the southern West Bank after Israeli forces displaced his family in 1948. After Israel occupied the West Bank, his family settled in Bir al-Maskoob. In 1998, Israeli forces demolished homes in Bir al-Maskoob and forcibly removed him and other members of the family to al-Jabal. He recalls:

*"A huge [Israeli] force including police and army, Civil Administration and bulldozers, came with no warning. They demolished all our houses, took our possessions and moved them to al-Jabal. We refused to leave and the Palestinian Authority gave us 35 tents, one for each family. The next day another [Israeli] force came, confiscated the tents, and arrested five of us, including*

*me. They took us to the Ma'ale Adumim police station and asked us to sign a paper saying that our homes were in a military area. We refused and they took us to the prison in Gush Etzion and kept us there for days. Meanwhile, our families were left with nothing. For ten days, they had the sky as their blanket and the ground as their mattress. The Palestinian Authority hired a lawyer who fought our case. On 1 March 1998, the lawyer told us that the court ruled that we could put up our tents but nothing else. The army was there every day after that, not letting us build anything. [Al-Jabal] is like a prison to us. It is very unsuitable. The garbage releases gases and we are very close to it. Animals cannot live here."*

A similar fate awaits 2,300 people if the current Israeli plan to displace further Bedouin communities is implemented.

## THREAT OF TRANSFER IMMINENT

According to the Israel Civil Administration a plan to relocate the Bedouin in these 20 communities to other sites in the West Bank has existed for years. Military officials have said that the plan will be implemented in phases beginning in early 2012.



© Amnesty International

**left:** Israeli army and police forcibly evicting a member of the Jahalin community, east of Jerusalem, 1997.

**above:** Jahalin family outside their tent days after their homes were demolished by the Israeli army, al-Mihtwish, 3 November 2011. The Jahalin communities are some of the poorest in the West Bank.

## FORCED TRANSFER DEFIES INTERNATIONAL LAW

As the occupying power, Israel's actions in the Occupied Palestinian Territories (OPT) are bound by the Fourth Geneva Convention, to which Israel is a High Contracting Party. Article 49 prohibits "[i]ndividual or mass forcible transfers... regardless of their motive", which includes forcible transfer within national boundaries as well as deportation from the occupied territory. Article 53 prohibits destruction of property not justified by military necessity. According to Article 147, unlawful transfer and extensive destruction or appropriation of property carried out unlawfully and wantonly are grave breaches of the Convention, and hence war crimes.

Israel's argument that the Fourth Geneva Convention does not apply to the OPT has been rejected by the most authoritative international bodies, including the UN Security Council and the International Court of Justice.

Israel's unlawful demolitions of Palestinian homes and forced evictions of these Bedouin communities also violate international human rights law, particularly the right to adequate housing. Housing rights violations experienced by Palestinians in the OPT are both a symptom of the wider human rights violations to which Palestinians are subject and a barrier to their achievement of other human rights, including their rights to family life, work and education.

Israel is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which explicitly guarantees the right to adequate housing without discrimination (Article 11.1):

"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

Adequate housing includes legal protection against forced evictions, and states parties to the ICESCR are obliged to both respect and protect people's right to housing. In no circumstances should people be evicted or moved without genuine consultations, prior reasonable notice and the opportunity to submit legal challenges. Nobody should be made homeless or vulnerable to any of their other rights being violated due to an eviction. This requires states parties to ensure that there is access to appropriate alternative housing, resettlement, and, if necessary, productive land.

All the UN human rights treaty bodies, which oversee the implementation of these treaties, have dismissed Israel's claim that UN human rights conventions do not apply in the OPT.

Residents of some of the communities told Amnesty International that they have been threatened with removal by different Civil Administration officials over the years, but that they had not received written notice of the plan and that they have never once been consulted.

"The Civil Administration has never been here once to discuss the plans with us", said Abu Mohammed. "We heard about the [garbage dump] from rumours. Later we were called to two meetings in Jericho with UNRWA, [UN Relief and Works Agency for Palestinian Refugees] where we said we refused to be moved. If you

want to move us, you have to let us have a livelihood. We depend on grazing sheep. There [by the dump], there's no way we could do that. We can't raise sheep inside our houses. And they'd be moving all the different tribes to the same place, which would create problems. We Bedouin have never lived close together with other tribes like that. There are old differences in how we live, where we graze our animals, and so on. There is an alternative location, Tabeq al-Qtayf, which we suggested if we are required to move. The land there is not owned by anyone, it's an open area, but the Civil Administration won't talk to us about it... I'm 45, and I can't move to

an urban house for the last 20 years of my life. I'd rather be in prison."

The Civil Administration's plans call for the displaced Bedouin to be relocated to a site next to a large garbage dump near the Palestinian town of Abu Dis. The dump receives up to 1,100 tons of garbage per day, most of it from Jerusalem. The Israeli Ministry of Environmental Protection stated that the site creates air pollution, ground pollution and possible water contamination and that it is improperly fenced-off and poses a "danger of explosion and fires" due to untreated methane gas produced by the

**Jahalin students at the Khan al-Ahmar primary school in Occupied East Jerusalem, 27 April 2010. The school is due for demolition by the Israeli army.**

decomposition of garbage. Although disposal of waste at the dump site is due to end in mid-2012, no rehabilitation plan for the site has been approved or budgeted, and the site will likely be hazardous for many years to come.

## DEFENDING THEIR RIGHT TO STAY ON THEIR LAND

In 2011, the communities targeted by the plan created the Protection Committee for Bedouin in the Jerusalem Periphery to coordinate a collective response to the displacement plan. The Committee includes representatives from each of the 20 communities.

As the Bedouin tribes were expelled from southern Israel after 1948 and are registered refugees with the UN, international law guarantees their right to return; the Committee has stated that if they are to be moved from their current locations, they should be allowed to return to their lands in the Negev desert. Alternatively, the Israeli authorities should recognize their right to remain in their current homes, provide them with infrastructure (as Israel does for the neighbouring settlements) and connect them to the water, electricity and road networks, and lift arbitrary restrictions on their movement so they have access to sufficient grazing lands.

As a final option, the Committee has said that they would be willing to negotiate the possibility of relocating again – but only if the Civil Administration treated them as equal negotiating partners.



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## ACT NOW

### Call on the Israeli government to:

- Cancel the plan to transfer the Jahalin Bedouin communities, and provide services and infrastructure for the communities in their current locations.
- Immediately stop all demolitions in the Jahalin Bedouin communities and elsewhere in the Occupied Palestinian Territories (OPT), including East Jerusalem.
- Transfer responsibility for planning and building policies and regulations in the OPT from the Israeli authorities to the local Palestinian communities.
- Immediately stop the construction or expansion of Israeli settlements and related infrastructure in the OPT as a first step towards removing Israeli civilians living in such settlements.

### Please write to:

#### Brigadier General Motti Elmoz

Head of Civil Administration  
Office of the Head of Civil Administration  
Yamal 1029, Military Post Number 01482  
Beit El, Israel  
Fax: +972 2 997 7341

#### Major General Eitan Dangot

Coordinator of Government Activities in the Territories  
Hakirya, Ministry of Defense  
Military Post Number 01104  
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#### Ehud Barak

Minister of Defense  
Ministry of Defense  
37 Kaplan Street, Hakirya  
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We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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# AMNESTY INTERNATIONAL PUBLIC STATEMENT



Index: MDE 15/005/2013

7 June 2013

## Israel: Deportations of asylum-seekers must stop

In the light of new information emerging over the last week on the extent of the Israeli government's deportation of asylum-seekers, in violation of international law, Amnesty International urges the Israeli government to end all removals of asylum-seekers to their home or third countries

The new information, which was revealed by the State Prosecutor's Office in the context of a High Court of Justice hearing, on 2 June 2013, of a petition challenging the legality of the Prevention of Infiltration Law, 2012, shed light on the numbers of Eritrean and Sudanese asylum-seekers deported in violation of the international law principle of *non-refoulement*, as well as new plans to deport Eritrean asylum-seekers to an unspecified third country.

International law, including the 1951 Convention relating to the Status of Refugees, which Israel has ratified, prohibits states from returning anyone to a country where they would be at real risk of persecution or other serious human rights violations or abuses, or to a country where they would not be protected against such return (the principle of *non-refoulement*). The prohibition on *refoulement* covers all forms of forced return, including legal or other measures such as extradition, deportation, returns at the border and collective expulsion.

Although Israeli government officials have frequently spoken of plans to deport asylum-seekers and other foreign nationals to third countries, at the court hearing on 2 June 2013 the state representative claimed for the first time that the government had already reached an agreement with one such country to receive Eritrean nationals, and possibly nationals of other countries, currently detained under the Prevention of Infiltration Law, 2012. The State Prosecutor's representative also told the High Court of Justice that additional agreements for two other countries to receive Eritrean nationals had almost been completed. She stated that as the information was sensitive, she could not reveal the names of the countries involved. Later that day, Israel's Ministry of Foreign Affairs denied knowledge of any such agreements. The High Court of Justice ordered the state to submit an affidavit within a week providing information on these agreements.

Amnesty International emphasizes that agreements with third countries on the transfer of asylum-seekers are not sufficient to satisfy Israel's obligation of *non-refoulement*. Deportations in violation of the principle of *non-refoulement* are unlawful, whether or not they are conducted under such agreements.

During the same hearing, the State Prosecutor's representative also noted that in recent days the Minister of Interior had rejected the asylum claims of three Eritrean nationals and indicated that Israel is likely to reject almost all the remaining asylum applications by Eritreans. These decisions are reportedly based on the state's assumption that Eritreans fleeing forced conscription would not suffer persecution or other serious human rights violations upon return to Eritrea and thus would not qualify for refugee status.

National service conscription in Eritrea is mandatory for all adults, and though the policy provides for 18 months of conscription, in practice conscription is extended indefinitely in the majority of cases. Conscripts receive minimal pay and have no choice in their assigned role. The system of indefinite, involuntary conscription amounts to forced labour. The system also provides a context in which other human rights violations take place. Anyone caught evading or



deserting from national service is arrested and arbitrarily detained – without charge, trial or access to a lawyer. Many thousands of draft evaders and deserters have been detained without charge or trial since national service began in 1995. Amnesty International has also received information of cases in which people were arrested on the suspicion that they were intending to desert.

Anyone within the active national service age bracket of 18 to 40 years old who is forcibly returned to Eritrea will be suspected of national service evasion. Furthermore, the Eritrean government considers any request for asylum in other countries to be an act of treason. Other failed asylum-seekers, as well as suspected opponents of the government and adherents of a religion other than the four recognized by the state, face a significant risk of being subjected to detention without charge, trial or access to a lawyer, torture and other ill-treatment upon return to Eritrea.

Amnesty International thus opposes all returns of Eritrean nationals to Eritrea, or to third countries where they would not be protected against such return.

In a brief submitted by the State Prosecutor's Office to the High Court of Justice, the Israeli government also revealed that 534 Sudanese nationals detained under the Prevention of Infiltration Law, 2012, had been deported from Israel to Sudan via a third country since the law took effect one year ago. Although these individuals signed forms consenting to deportation, Amnesty International believes that these deportations cannot be considered voluntary. As Sudanese nationals, the individuals in question could be detained indefinitely under the Prevention of Infiltration Law, since Israel considers Sudan an "enemy state". In recent months Amnesty International has received numerous reports that Sudanese and Eritrean detainees were pressured to sign such forms and told by Israeli officials that "consenting" to deportation was their only way out of indefinite detention. New reports of Population and Immigration Authority officials pressuring detainees to sign forms consenting to "voluntary" deportation emerged this week.

The brief also confirmed that more than 1,500 other Sudanese nationals who were not in detention were deported to Sudan via a third country over the last year. Even though these individuals were not in detention when they signed forms authorizing their deportation, Amnesty International has serious concerns that their consent may not have been free and informed, given their lack of access to fair and effective asylum procedures in Israel, the myriad punitive measures against "infiltrators" either passed or pending in the Knesset, racist and xenophobic statements by public officials against asylum-seekers, and the growing number of attacks on individual asylum-seekers and their communities.

Sudanese asylum-seekers are at risk of harassment, detention, torture and other ill-treatment by the Sudanese security services upon return to Sudan from countries in which they have sought asylum. Sudanese nationals who are returned to Sudan from Israel face even greater risks, because Sudanese legislation imposes severe penalties on nationals who enter Israel or have contacts with Israelis.

Amnesty International opposes all returns of Sudanese nationals from Israel to Sudan, including via third countries. Since Sudan and Israel each consider the other an "enemy state," the organization believes that all Sudanese nationals in Israel are at risk of serious human rights violations upon return and are therefore in need of international protection.

The new information revealed by the State Prosecutor's Office appears to contrast with statements made by senior Israeli officials over the last three months indicating that the authorities were suspending deportations of Eritrean and Sudanese detainees. On 4 March 2013 Attorney General Yehuda Weinstein ordered Israel's Population and Immigration Authority to halt deportations of Eritrean nationals in Israeli custody to any destination outside Israel until the relevant legal issues had been clarified. Minister of Justice Tzipi Livni,

responding to an inquiry from Knesset member Dov Khenin on 19 May 2013, said this suspension of deportations also included Sudanese nationals.

Amnesty International urges the Israeli government to change course. The Knesset (Israeli parliament) should repeal the Prevention of Infiltration Law, 2012. Until that happens, the Israeli government should cease to implement the law and grant all asylum-seekers access to fair, effective and transparent asylum proceedings, outside of detention. Those found to be in need of international protection must be granted asylum in Israel.

### **Background**

One year ago, Israel began implementing the Prevention of Infiltration Law, 2012, adopted in January 2012. This law allows for the automatic administrative detention of anyone, including asylum-seekers, entering Israel without permission, and allows detainees to be held without charge or trial for three or more years.

The law was aimed at those entering irregularly from Egypt, who are considered to be “illegal infiltrators” by the Israeli government, regardless of their potential asylum claims and the abuses that many have suffered at the hands of criminal gangs in Sinai and elsewhere.

Amnesty International opposes the Prevention of Infiltration Law, 2012 on the grounds that the automatic and prolonged detention it envisages contravenes international law and that immigration detention should never be used as a punitive or deterrent measure.

About 1,800 people are currently detained under the Law, including numerous victims of trafficking and abuse during the journey to Israel, as well as about a dozen children. The majority of these detainees are Eritreans or Sudanese who entered Israel via the Egyptian border between June and December 2012 and were detained on arrival. About 1,600 of them are held in the Saharonim detention centre in the Negev, many in tents and temporary structures despite the harsh desert conditions.

Amnesty International has long-standing concerns that Israel's asylum system lacks transparency, does not offer asylum-seekers access to fair proceedings, and is ineffective in ensuring protection. The state's brief to the High Court of Justice submitted in May 2013 admitted that it had not finished examining any of the more than 1,400 asylum applications filed by detainees held under the Prevention of Infiltration Law, 2012, despite the fact that under the law, such examinations must be completed within nine months of the asylum claim being filed.

For several years, Israel categorically denied Eritreans and Sudanese access to refugee status determination procedures, in violation of its obligations under the 1951 Refugee Convention, instead granting them temporary collective protection while simultaneously implementing a growing number of punitive measures against “infiltrators” in an effort to pressure them to leave. Although the Israeli authorities have begun to register asylum claims submitted by Eritrean and Sudanese detainees, Israel's ongoing attempts to deport Eritreans and Sudanese or transfer them to a third country prove that their temporary protection status is not enough to protect them from *refoulement*.

Concerns about Israel's asylum procedures are particularly acute for those in detention. Israeli authorities have not consistently informed detainees how they can request asylum, even when detainees have told prison authorities that they face danger if returned to their home countries. Ministry of Interior officials have denied that such declarations mark the beginning of an asylum process and instead demanded that those wishing to claim asylum fill out specific forms which were generally not provided to the detainees.

According to data released by Israel's Ministry of Interior, at the end of March 2013 there were more than 54,700 people in Israel who had irregularly entered via the Egyptian border. Of these, 66 per cent are Eritreans, and 25 per cent are Sudanese.

**Further information**

Amnesty International, *Israel: Knesset should reject draft law imposing prolonged detention on asylum-seekers* (Index: MDE 15/043/2011), 23 December 2011 (<http://www.amnesty.org/en/library/info/MDE15/043/2011/en>)

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## Press releases

3 December 2013

### Israel: Reject indefinite detention of asylum-seekers once and for all

Israeli lawmakers must reject proposed amendments to the country's Prevention of Infiltration Law, which would allow thousands of refugees, asylum-seekers and migrants to be held indefinitely in a remote desert detention centre, Amnesty International urged ahead of a 4 December vote in the Internal Affairs Committee of the Knesset, Israel's parliament.

Region [Middle East And North Africa](#)  
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The Committee has announced that it will bring the bill before the full Knesset for its final readings in the coming days.

According to government reports, the amendments will provide for detaining some 3,300 people indefinitely in a fenced-in facility operated by the Israel Prison Service in the Negev desert, which the government is calling an "open centre". The draft legislation states that the way for them to be released from the "open" centre is by being deported to their countries of origin – mainly Eritrea and Sudan.

"Detaining refugees, asylum-seekers and migrants indefinitely in what is essentially a prison in the desert is a flagrant violation of international human rights law. The Knesset must scrap the proposed amendments and begin a complete overhaul of Israel's asylum procedures to bring them in line with Israel's international obligations," said Philip Luther, Director for Middle East and North Africa at Amnesty International.

If passed, the amendments to the Prevention of Infiltration Law would contradict a 16 September 2013 ruling by Israel's High Court of Justice. A panel of nine judges unanimously overturned the amendments to the Law passed by the Knesset in January 2012, which had allowed for refugees, asylum-seekers and migrants to be detained for three or more years. The judges struck down the measure, deeming it unconstitutional and "a grave and disproportionate abuse of the right to personal freedom, which is a fundamental right of every human being, and deviates from the principles accepted in Israel and the enlightened world".

The Court ordered the state to review the cases of approximately 1,700 refugees, asylum-seekers and migrants detained in Israeli prisons. Those detained unlawfully were ordered to be released within 90 days of the ruling, by 15 December this year.

Instead of fully complying with that order, the Knesset has fast-tracked voting on new draft amendments to the Prevention of Infiltration Law, which are expected to be adopted this month.

While the proposed amendments would reduce the initial period of "closed" detention of refugees, asylum-seekers and migrants to one year, this would be followed by indefinite detention in an "open" detention centre. The proposed location is the Sadot facility, adjacent to Saharonim prison in a remote area of the Negev desert in southern Israel.

Asylum-seekers held at Sadot would be subjected to headcounts three times a day, which, together with the remote location and lack of sufficient public transportation, would effectively prevent them from leaving the vicinity. The "open" centre would also be closed at night.

The bill gives the staff of the centre the authority to demand identification as well as to search, prevent entry, apprehend and remove individuals. If an individual breaches or is accused of intending to breach a condition of the

"open" centre, or is found to endanger the "security of the state" or "public safety", he or she can be transferred to a prison for three months to a year. These stipulations are not well defined and open to abuse.

Amnesty International believes the new proposed amendments to the Law again fall far short of Israel's international legal obligations as a state party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of all Forms of Racial Discrimination.

Israel's Minister of Interior has stated that the objective of such a "centre" is to encourage "voluntary" repatriation to home countries, highlighting its punitive nature. Around 90 per cent of the asylum-seekers in Israel are from Eritrea or Sudan, and would be at real risk of serious human rights violations or abuses if returned there.

"Eritrean and Sudanese asylum-seekers may face torture and other ill-treatment or imprisonment upon their return, but that has not stopped the Israeli authorities from violating international refugee law by 'voluntarily' returning hundreds in the past. Deportation is not 'voluntary' when the only alternative is prolonged and indefinite detention," said Philip Luther.

Under international law, restrictions on the right to liberty of refugees, asylum-seekers and migrants must be exceptional measures, prescribed by law, necessary in the specific circumstances of the individual concerned and proportionate to the legitimate aim pursued. Amnesty International urges Knesset members to ensure that any immigration or national security provisions fully respect Israel's international human rights obligations.

#### Background

Amnesty International has long-standing concerns that Israel's asylum system lacks transparency, does not offer asylum-seekers access to fair proceedings, and fails to ensure their protection.

In June 2012, the government began implementing amendments to the Prevention of Infiltration Law, which had been passed in January of that year. The original law was enacted in 1954 under Israel's emergency legislation. The amendments allowed for the detention of refugees, asylum-seekers and migrants for three years or more. Amnesty International had urged Israeli legislators to reject the draft law.

International law prohibits states from returning anyone to a country where they would be at real risk of persecution or other serious human rights violations or abuses, or to a country where they would not be protected against such return (the principle of non-refoulement). Israel continues to pressure asylum-seekers to leave "voluntarily", in violation of the prohibition on refoulement.

#### Further information

Amnesty International, Israel: Deportations of asylum-seekers must stop (Index: MDE 15/005/2013), 7 June 2013  
(<http://www.amnesty.org/en/library/info/MDE15/005/2013/en>)

Amnesty International, Israel: New detention law violates rights of asylum-seekers, 10 January 2012 (<http://www.amnesty.org/en/news/new-israeli-detention-law-violates-asylum-seekers-rights-2012-01-10>)

Amnesty International, Israel: Knesset should reject draft law imposing prolonged detention on asylum-seekers (Index: MDE 15/043/2011), 23 December 2011  
(<http://www.amnesty.org/en/library/info/MDE15/043/2011/en>)  
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# AMNESTY INTERNATIONAL PUBLIC STATEMENT



Index: MDE 15/020/2012

10 April 2012

## **Israeli government should reverse decision to deport South Sudanese**

Amnesty International urges the Israeli government to reverse its decision to deport all individuals of South Sudanese origin living in Israel to South Sudan and to extend the temporary collective protection previously offered to this community.

The South Sudanese community in Israel estimates that about 700 individuals currently living in the country, the majority of them children, will be subjected to deportation orders. Amnesty International is concerned for the lives and safety of wrongly returned individuals.

International refugee law requires countries to carry out individual assessments of each person's need for international protection following any decision to cease group protection. Amnesty International, however, has longstanding concerns about the lack of fairness, consistency and transparency of the Refugee Status Determination (RSD) system in Israel. As a result of these failures, since the establishment of Israel in 1948, and despite the fact that there are over 50,000 asylum-seekers in the country today, less than 200 individuals have been granted refugee status, which is less than 1 per cent of all applicants.

Amnesty International is thus concerned that even if the Israeli government adheres to pledges to conduct individual assessments of South Sudanese asylum-seekers, the procedures used for these assessments will fail to meet international law and standards. The organization fears that these systemic failures of the Israeli asylum system will put South Sudanese individuals deserving of international protection at risk of being deported to South Sudan, in breach of Israel's international obligations, including those under the 1951 Refugee Convention and its 1967 Protocol.

Amnesty International is particularly concerned that on a regular basis, the Israeli Ministry of Interior summarily rejects, detains, and deports asylum applicants when they go to the Ministry of Interior to submit asylum applications. Article 4 of the *Procedure for Handling Political Asylum Seekers in Israel* allows the Ministry of Interior Registration Unit to summarily reject asylum applicants after a basic interview if the interviewer finds that the individual's asylum claims "do not constitute any of the elements set out in the refugee convention". Such a finding leads to immediate detention and deportation 72 hours later, making it nearly impossible for applicants rejected in this fashion to access the appeals process. Applying such a practice to South Sudanese could lead to summary deportations of individuals otherwise deserving of protection.

### **Background**

On 1 February 2012, the Israeli Ministry of Interior announced the pending end of collective protection for all South Sudanese, and stated that South Sudanese individuals would be subject to deportation procedures if they did not leave "voluntarily" by 1 April 2012. Prior to this decision, South Sudanese in Israel were granted renewable staying documents as part of the collective protection afforded to them, but these documents did not allow them to access public health and welfare services or obtain work permits.

On 4 March 2012, the Research and Information Center of the Israeli parliament (Knesset) published a report describing the deteriorating situation in South Sudan and questioning the timing of the government's decision to end collective protection for South Sudanese.

On 29 March 2012, it was reported that the Israeli Ministry of Foreign Affairs recommended that collective protection for South Sudanese be extended for an additional six months, but the government has yet to act on this recommendation. In addition, on 29 March, following a request by Israeli human rights groups, the Jerusalem District Court issued an interim order to prevent deportations of South Sudanese until the court rules on the petition. The government has requested a deadline of 6 May 2012 to respond to this decision, and a court date is expected to be assigned following the government's submission.

Despite these two developments, the government has yet to reverse the deportation decision, and South Sudanese have not received renewed staying documents covering the period after 1 April 2012.

From July 2009, when the Ministry of Interior took control of assessing asylum claims from the UNHCR, to the end of 2010, not a single new applicant was granted refugee status in Israel. During this time, the Ministry of Interior did grant refugee status to 8 individuals, all of whom had received positive recommendations from UNHCR prior to July 2009. No official statistics have been released for 2011.

The planned deportation of South Sudanese is part of a larger Israeli plan to deter the arrival of migrants and asylum-seekers. In December 2011, the Prime Minister's Office announced its ongoing efforts to "formulate a plan" for the deportation of Israel's asylum-seekers to third countries. In February 2012, the Israeli government began enforcing deportation orders against individuals from the Ivory Coast. Many are believed to have been subjected to arrest and deportation following unsatisfactory RSD procedures, although it is hard to determine exact numbers in the absence of official statistics.

On 10 January 2012, the Israeli parliament passed the "Prevention of Infiltration Law", which mandates the automatic detention of anyone, including asylum-seekers, who enters Israel without permission (all such people are labeled "infiltrators" under the law). The law allows for all such detainees to be held without charge or trial for three or more years. People from countries considered "hostile" to Israel, including asylum-seekers from Darfur in Sudan, could be detained indefinitely. Amnesty International urged Israeli legislators to reject the draft law (see Amnesty International, *Israel: Knesset should reject draft law imposing prolonged detention on asylum-seekers*, Index MDE 15/043/2011, 23 December 2011, <http://www.amnesty.org/en/library/info/MDE15/043/2011/en>).

In addition, the Israeli government is currently expanding its detention capacity for migrants and asylum-seekers to over 12,000 places, and the government has committed to levying heavy fines on employers hiring "infiltrators".





# STARVED OF JUSTICE

PALESTINIANS DETAINED WITHOUT TRIAL  
BY ISRAEL

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

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We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

**AMNESTY**  
**INTERNATIONAL**



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*Cover photo:* Former administrative detainee Hana Shalabi at a protest tent in the Gaza Strip, 7 May 2012. The Israeli authorities had transferred Shalabi to Gaza after her 43-day hunger strike against her detention.

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# 1. INTRODUCTION

**“You are destroying my life and I want to know why. As a human being I have my own mind and I am educated, and I want to know what I am detained for. The military prosecution talks of its professionalism, and meanwhile I have no rights?”**

Ahmad Qatamesh, prisoner of conscience held in administrative detention by the Israeli authorities, speaking at Ofer military court on 31 October 2011

For decades, the Israeli authorities have held Palestinians without charge or trial under renewable detention orders, denying them any semblance of justice. In the first half of 2012, detainees such as Khader Adnan and Hana Shalabi engaged in prolonged hunger strikes to



protest their incarceration without charge as well as ill-treatment during interrogation, denial of adequate medical care, and denial of family visits. Other detainees

Palestinians in the West Bank city of Nablus participate in a demonstration on 8 May 2012 in support of hunger-striking Palestinian prisoners and detainees. © Ahmad Al-Bazz/Activestills.org

began their own hunger strikes to highlight the plight of the hundreds of administrative detainees and the routine violations endured by Palestinian prisoners. The protest grew, and a mass hunger strike began on 17 April 2012, with an estimated 2,000 prisoners and detainees demanding improved detention conditions, an end to solitary confinement, family visits for all detainees, and an end to administrative detention.

Palestinians held by Israel have used hunger strikes over the years to protest detention conditions and demand respect for their human rights, but in the wake of the wider protests which have taken place since early 2011 across the Middle East and North Africa, this recent wave of hunger strikes have had a greater resonance. Their non-violent protests – which brought several detainees close to death – drew global attention to the fact that Palestinian prisoners held by Israel continue to be starved of justice. Whether the protests have secured greater respect for Palestinian prisoners' rights from the Israeli authorities remains to be seen, but the signs were not encouraging at the time of writing of this report in late May 2012.

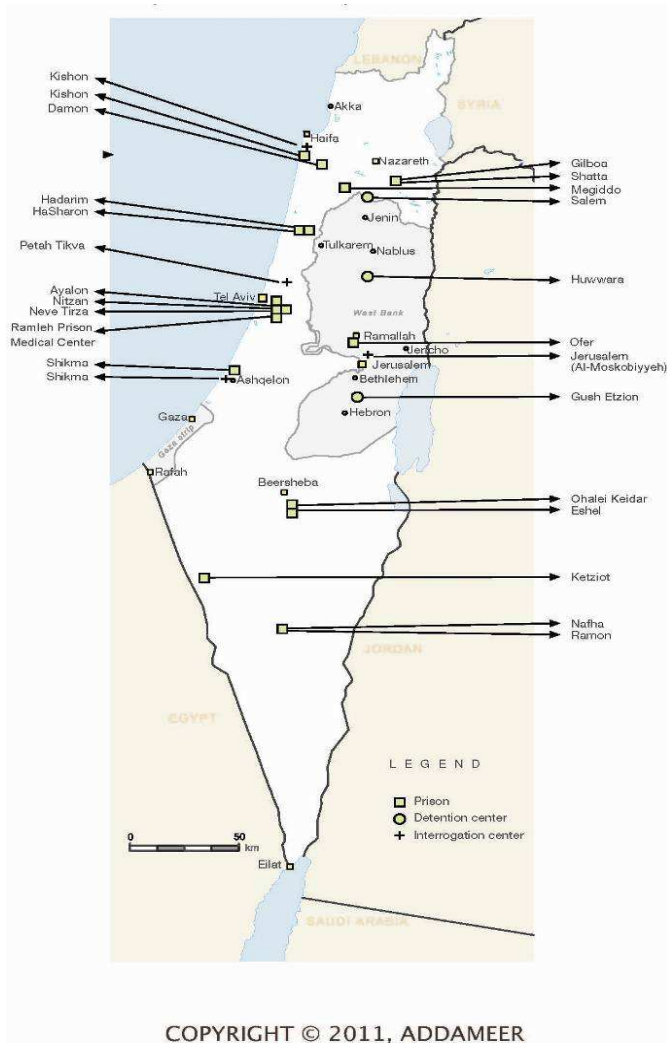
Administrative detention is a form of detention without charge or trial. Its use may result in arbitrary detention and if prolonged or repeated can amount to cruel, inhuman and degrading treatment or punishment. Other violations to which administrative detainees – as well as other Palestinian prisoners held by Israel – are routinely subjected include the use of torture and other ill-treatment during arrest and interrogation; poor prison conditions, including inadequate medical care; detention in prisons inside Israel rather than in the Occupied Palestinian Territories (OPT); and prohibitions on family visits. Since 1967, hundreds of thousands of Palestinians in the OPT have been arrested – some of them repeatedly – by the Israeli security forces.<sup>1</sup> At the time of writing, well over 4,000 – considered by the Israeli authorities to be “security prisoners” and thus held under harsher conditions than “criminal prisoners” – are detained or serving sentences in Israeli prisons.<sup>2</sup> Over 300 of these “security prisoners” are held under administrative detention orders, with no intention to try them for any criminal offence, a violation of their right to a fair trial.

As the hunger strikes escalated, the Israel Prison Service (IPS) took systematic measures to punish hunger-striking prisoners and detainees and pressure them to end their strikes, putting their lives at risk. These measures included solitary confinement; preventing the detainees from contact with family members and lawyers; refusing to transfer hunger strikers whose health was in danger to hospitals suitable for their condition; and preventing detainees from seeing independent physicians so that they could receive accurate medical information from doctors they trusted. Some hunger-striking detainees even reported physical assaults by IPS staff.<sup>3</sup>

Some of the administrative detainees on prolonged hunger strikes were, according to their lawyers, offered release on condition that they agree to be deported outside the OPT or transferred within them, but all refused. Hana Shalabi, an administrative detainee from the village of Burqin in the West Bank, was transferred to Gaza for at least three years on 1 April 2012, three days after a deal was reached that ended her 43-day hunger strike in what appears likely to have been a forcible transfer. She was isolated from her independent lawyers and family, and is reported to have subsequently claimed she had not been given full information about the conditions of the deal. Other administrative detainees have been forcibly deported from the OPT in the past – a grave breach of international humanitarian law. All should be allowed to return to their homes without delay.

On 14 May 2012, a deal was struck between prisoner representatives and the Israeli authorities, including the IPS and the Israel Security Agency (ISA),<sup>4</sup> brokered by intensive Egyptian mediation, leading to the suspension of the mass hunger strike. Under the deal, Israel reportedly agreed to end solitary confinement for 19 prisoners held in isolation for up

to 10 years; lift a five-year ban on family visits for prisoners from the Gaza Strip; and discuss prisoners' demands regarding improvements to prison conditions.<sup>5</sup> There were conflicting reports on whether the deal included a commitment by the Israeli authorities to restrict their use of administrative detention.<sup>6</sup> While most prisoners held in isolation had been returned to general prison wings, no family visits had been allowed from the Gaza Strip at the time of writing in late May.<sup>7</sup> Additionally, reports that the Israeli military had by the time of writing renewed at least 30 administrative detention orders and issued at least three new ones<sup>8</sup> since the deal was signed suggest that the Israeli authorities may have simply returned to "business as usual" as far as administrative detention is concerned.



Location of prisons, detention centres and interrogation centres in Israel and the Occupied Palestinian Territories, 2011. © Addameer Prisoner Support and Human Rights Association<sup>9</sup>

Israel's record following previous agreements over releases of Palestinian prisoners and detainees or the improvement of prison conditions does not provide grounds for optimism that the deal will lead to a reduction in the use of administrative detention. For example, Hana Shalabi was released on 18 October 2011 after spending 25 months in detention without trial, in a deal between Israel and Hamas that saw the staged release of 1,027 Palestinians prisoners and detainees in exchange for the release of Israeli soldier Gilad Shalit, who had been held captive for over five years by

Palestinian armed groups in the Gaza Strip.<sup>10</sup> At the time, Hamas officials claimed that Egypt, which helped broker the deal, had guaranteed that Israel would not re-arrest prisoners who were released. Hana Shalabi was arrested again four months later and once again placed in administrative detention.

Nor did the deal result in all individual detainees ending their hunger strikes, and at least two men – Akram Rikhawi and Mahmoud al-Sarsak – remained on hunger strike at the time of writing. The latter had been on hunger strike for more than 70 days in protest at his continuing prolonged detention without charge or trial, and both were in critical condition.

## CONTEXT

Israel has routinely detained Palestinians from the West Bank, including East Jerusalem, and the Gaza Strip for political reasons since its occupation of these territories in 1967. Palestinian residents of the OPT also continue to be subjected to multiple other human rights violations by Israeli forces, including grave breaches of international humanitarian law.

Ongoing Israeli violations include the expansion of illegal settlements and demolition of Palestinian homes and infrastructure in the OPT; the failure to protect Palestinian civilians from frequent attacks by Israeli settlers or prosecute those responsible for such attacks; arbitrary restrictions on movement which affect access to livelihoods and basic services such as water, education and medical care; and the indiscriminate and disproportionate use of force against demonstrators as well as during military operations. Stringent restrictions imposed by Israel on the movement of Palestinians within the OPT, and an ongoing military and economic blockade imposed on Gaza in June 2007, have stifled the Palestinian economy and caused high unemployment and poverty. Many Palestinians in the OPT – including most of the 1.6 million people living in the Gaza Strip – depend on international aid to meet at least some of their basic needs.

Palestinians have also suffered human rights violations at the hands of the Palestinian Authority's security forces. Beginning in 1993, Israel and the Palestine Liberation Organization signed a series of agreements known collectively as the Oslo Accords after lengthy negotiations with international mediation. The Oslo I agreement, signed in May 1994, stipulated that Israel would transfer administrative functions in some parts of the occupied West Bank and Gaza Strip to the Palestinian Authority (PA) for a five-year interim period as negotiations on a "final status agreement" continued. As no such agreement was ever reached, many aspects of the "interim arrangement" delineated by the Oslo Accords remain in place some 18 years later, and Israel's military occupation of the OPT continues.

Inter-factional tensions between the two main Palestinian political parties, Fatah and Hamas, increased after Hamas won the Palestinian parliamentary election in January 2006, leading to severe armed clashes during which hundreds of people were killed in the first half of 2007.<sup>11</sup> Since June 2007, Hamas has maintained a de facto administration in the Gaza Strip and the Fatah-led PA administers parts of the West Bank, while Israel retains overall control over both areas. Amnesty International has documented continuing human rights violations including arbitrary arrests and torture and other ill-treatment by both the Hamas de facto administration and PA forces.<sup>12</sup> Since 2010 the Hamas de facto administration has also executed 11 individuals for alleged offences including murder and passing sensitive information to the Israeli intelligence services.

Israeli civilians have also suffered human rights abuses at the hands of Palestinian armed groups, although Israeli civilian casualties have consistently been far lower than the numbers of Palestinians killed by the Israeli military, particularly since the outbreak of the second *intifada* (uprising) in September 2000. Though there have been no suicide bombings since



February 2008, Israeli civilians continue to be targeted by other armed attackers, and Palestinian armed groups continue to fire indiscriminate rockets from Gaza into southern Israel. Attacks which target civilians or use indiscriminate weaponry in civilian areas are war crimes, and Amnesty International condemns all such attacks unreservedly, regardless of the perpetrator.

Amnesty International, along with the UN Fact-Finding Mission on the Gaza Conflict headed by Justice Richard Goldstone, concluded that war crimes and possible crimes against humanity were committed by both Israeli forces and Palestinian armed groups during Operation "Cast Lead", the 22-day military assault on the Gaza Strip launched by Israel on 27 December 2008, during which hundreds of Palestinian civilians and three Israeli civilians were killed.<sup>13</sup> There has been no accountability for these crimes, as both Israel and the Hamas de facto administration have failed to conduct credible, independent investigations or prosecute perpetrators,<sup>14</sup> while the international community has failed to implement the recommendations of the UN Fact-Finding Mission.

## ABOUT THIS REPORT

This report aims to contribute to the ongoing efforts of Palestinian detainees held by Israel to obtain their human rights, and to build on Amnesty International's campaigning over many years for an end to detention without trial in Israel. It complements the work of many local Israeli and Palestinian human rights organizations, such as the Association for Civil Rights in Israel, Addameer, al-Haq, B'Tselem, HaMoked, the Palestinian Center for Human Rights and Physicians for Human Rights - Israel, which have also on numerous occasions reported on the injustice of the practice of administrative detention and campaigned for its use to be drastically curtailed or ended. The report reviews the history of the practice of administrative detention by the Israeli authorities, analyzes the development of relevant legislation, and documents the cases of individuals held under this measure, including other human rights violations to which they have been subjected.

The report is based on information collected from detainees, their families, and their lawyers through interviews by telephone and in the field, as well as Israeli and Palestinian human rights organizations and correspondence with the Israeli authorities. Some of the individuals referred to in this report have been followed closely by Amnesty International for many years while others have more recently come to the organization's attention. This report is not intended to address violations of detainees' and prisoners' rights by the Palestinian Authority, or the Hamas de facto administration, concerns which Amnesty International has addressed elsewhere and is continuing to research and document. It also does not address the situation of irregular migrants and asylum-seekers currently detained administratively by the Israeli authorities pending deportation under the Entry into Israel Law - 1952, or the recently-passed Prevention of Infiltration Law, both of which allow for the detention without trial of individuals who have entered the country in an irregular manner.<sup>15</sup>

## KEY RECOMMENDATIONS

In the final chapter of this report, Amnesty International makes several recommendations to the Israeli authorities and the international community. In particular, the organization is calling on the Israeli authorities to:

- release immediately and unconditionally all prisoners of conscience held solely for the non-violent exercise of their rights to freedom of expression, association and assembly;
- release all administrative detainees unless they are promptly charged with internationally recognizable criminal offences and tried in accordance with international fair trial standards;
- end the practice of administrative detention;
- end the practice of forcible deportation or transfer of Palestinians from the OPT or from the West Bank to Gaza, including in the context of deals to release individuals held under administrative detention orders;
- protect all those in Israeli custody from all forms of torture and other ill-treatment, including denial of appropriate medical care, at all times; investigate all allegations of torture or other ill-treatment promptly and impartially, and bring to justice anyone found responsible for abuses;
- ensure that no prisoner or detainee is punished in any way for non-violent protests such as hunger strikes, and that all prisoners and detainees are given access to their lawyers and families, as well as to independent doctors when necessary;
- ensure that Palestinian prisoners and detainees are held in prisons and detention centres inside the OPT, and that conditions in all such facilities fully meet international standards.

## 2. BACKGROUND ON ISRAEL'S USE OF ADMINISTRATIVE DETENTION

Administrative detention describes measures under which individuals are detained by order of state authorities – which can include the army – usually on security grounds, without intent to prosecute them in a criminal trial (even if there is some form of judicial review over the detention). While not completely prohibited under international law, its use is only permitted in exceptional circumstances, subject to stringent safeguards (see Section 5.1). Nevertheless, it has been – and continues to be – used by a variety of countries to circumvent the legal protections and due process that all detainees are entitled to under international law.<sup>16</sup>

During the British Mandate in Palestine, administrative detention under emergency laws<sup>17</sup> was used to hold both Arabs and Jews, including future Israeli leaders such as Golda Meir and Moshe Dayan, who voiced strong opposition to its use at the time.<sup>18</sup> After the establishment of the State of Israel in 1948, the Israeli authorities used these same emergency laws to detain Israeli citizens without charge or trial. The Israeli army issued military orders providing for the same practice after occupying the West Bank and Gaza Strip in 1967. The legal provisions and procedures governing administrative detention which are currently used by the Israeli authorities are detailed in Section 3.

The Israeli authorities justify the continuing use of administrative detention as a necessary preventative measure used “as the exception,” when evidence against an individual “engaged in illegal acts that endanger the security of the area and the lives of civilians” cannot be presented in ordinary criminal proceedings “for reasons of confidentiality and protection of intelligence sources.”<sup>19</sup> They stress that it is not a punitive measure, and the Israeli High Court of Justice (HCJ) has ruled that it may not be used as punishment for past actions or as a general deterrent, but only as a preventative measure against a person who poses an individual threat.<sup>20</sup> The High Court of Justice has also ruled that administrative detention is subject to the principle of proportionality, and may only be used if it is “not reasonably possible” to prevent the danger posed by an individual through criminal proceedings or a less severe administrative measure.<sup>21</sup>

However, Amnesty International has collected evidence over many years indicating that administrative detention is used regularly by the Israeli authorities as a form of political detention, enabling the authorities to arbitrarily detain political prisoners, including prisoners of conscience,<sup>22</sup> and that the practice is used to punish them for their views and suspected political affiliations when they have not committed any crime.<sup>23</sup>

People held as administrative detainees spend months and sometimes years in prison without being tried and without knowing the details of the allegations against them. No criminal charges are filed and there is no intention of bringing the detainee to trial. Because most or all of the material justifying the detention order is withheld from the detainee and his or her lawyer, it is impossible for detainees to defend themselves meaningfully or refute the

allegations against them. Since administrative detention orders are renewable an unlimited number of times, no administrative detainee knows when they will be released. Nor does eventual release provide any guarantee that the same person will not be detained administratively again or be subject to further harsh measures. Amnesty International has documented cases of Palestinians such as **Ali 'Awad al-Jamal** who spent over six consecutive years in administrative detention. Over two decades, **Saleh Mohammed Suleiman al-'Aroui** received 20 administrative detention orders and two prison sentences; he spent more than nine years in detention without charge or trial, before he was released in March 2010 in a deal which saw him forcibly deported from his home in the West Bank to Syria for a minimum of three years (see Section 4.7 for further details on his deportation).

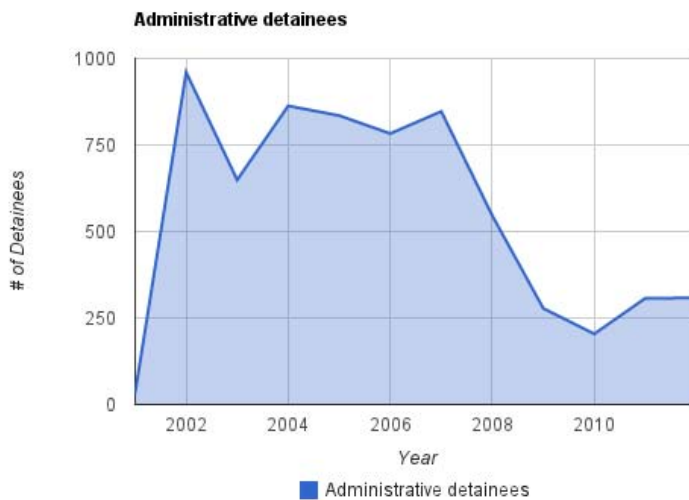
Thousands of people, the vast majority of them Palestinians, have been detained under administrative detention orders in Israel and the OPT, but the numbers have varied greatly over the years. From 1948 to 1966, administrative detention was one of many harsh measures which Israel's Palestinian Arab citizens were subjected to under military rule, but statistics regarding the extent of its use are not readily available. After 1967, the measure was extensively deployed against Palestinians from the West Bank and Gaza Strip in the first years of the Israeli occupation; for example, more than 1,100 administrative detainees were reported in 1970.<sup>24</sup> During the 1970s, the number fell to dozens, as Israel came under increasing domestic and international pressure – including from Amnesty International – over the practice.

For approximately three years after March 1982, when Ali 'Awad al-Jamal was released after spending six years and nine months in administrative detention, no administrative detainees from the West Bank or Gaza Strip were held,<sup>25</sup> although the military order authorizing administrative detention was not repealed and there was an increasing resort to administrative control orders confining individuals to their towns or villages. In August 1985, the Israeli authorities announced that they would reintroduce administrative detention and deportations in order to “clamp down on terrorism and incitement” in the OPT. Dozens of new orders had been issued by the end of the year. Amnesty International documented 144 Palestinians detained administratively during 1986.<sup>26</sup>

A new phase began with the outbreak of the first *intifada* in December 1987. By June 1989, more than 5,000 Palestinians had been administratively detained, including students, labourers, human rights workers, journalists, trade unionists and teachers.<sup>27</sup> Following the peace agreements between Israel and the Palestine Liberation Organization in 1993 and 1994, many administrative detainees were released, but hundreds remained in detention, including prominent Palestinians opposed to the Oslo process. Between 1993 and 1997, the number of administrative detainees fluctuated from about 100 to over 400, according to data collected by the Israeli human rights organization B'Tselem, with some 350 detained at the end of 1997.<sup>28</sup>

After many administrative detainees were released in early 1998, the number decreased to dozens and remained at that level or lower until the end of 2001, despite the eruption of the second *intifada* in September 2000. Following the large-scale Israeli military incursions known as Operation “Defensive Shield” into major West Bank cities, which began in March 2002, during which Israeli forces arrested thousands of Palestinians,<sup>29</sup> the number of Palestinians detained administratively spiralled again, reaching 1,140 by April 2003. After

that date, numbers declined somewhat: monthly statistics collected by B'Tselem ranged from 628 to 863 during 2004. From 2005 to 2007, the number of administrative detainees continued to vary on a monthly basis but averaged 765.<sup>30</sup> Following the capture of Israeli soldier Gilad Shalit by Palestinian armed groups in the Gaza Strip in June 2006, dozens of Palestinian parliamentarians affiliated with Hamas were arrested and placed in administrative detention, in an effort to pressure Hamas for his release.



Graph showing numbers of Palestinians held under administrative detention orders since 2000, produced by Israeli human rights organization B'Tselem.<sup>31</sup> © B'Tselem

From November 2007, however, the number of administrative detainees began to decrease again, to a low of 189 in August 2010. Since then, numbers have again increased steadily to over 300 administrative detainees held at the time of writing in May 2012, a trend which Amnesty International views with concern.

According to data provided by the IPS to B'Tselem, at the end of April 2012, around 31 per cent of the 308 known administrative detainees had been held for six months to one year, and another 34 per cent for one to two years. Thirteen Palestinians had been in administrative detention continuously for two to four-and-a-half years, and two had been held for over four-and-a-half years.<sup>32</sup> At least four Palestinian journalists were being held as administrative detainees.<sup>33</sup> There are no Palestinian children currently held as administrative detainees, but dozens of Palestinians under the age of 18 were detained administratively between 2004 and 2008, after which numbers dropped to a single child administrative detainee at the end of 2010.<sup>34</sup>

Although the vast majority of administrative detainees since 1967 have been Palestinians from the OPT, smaller numbers of Israeli citizens (both Jewish and Palestinian) and foreign nationals have also been detained administratively under the different laws and procedures detailed in Section 3.

### **3. LAW IN THE SERVICE OF INJUSTICE: LEGAL PROVISIONS FOR ADMINISTRATIVE DETENTION IN ISRAEL AND THE OPT**

**“We examined the secret evidence, ex parte. It is not possible to reveal it. Considering the materials that we saw, we cannot say that there is a reason to intervene in the military commander’s decision to prolong the administrative detention.”**

The entire text of a 2010 decision by Israeli Supreme Court justices upholding the extension of an administrative detention order, HCJ 2021/10 Abu-Sneina v. Military Court of Appeals

The legal mechanisms for administrative detention in Israel and the OPT have evolved over the years, as Israel has sought to use the measure against its own citizens – whether Arabs or Jews – Palestinians in the OPT, and a relatively small number of foreign nationals. For many years after 1948, Israel resisted introducing its own laws providing for administrative detention, instead relying on Articles 108 and 111 of the Defence (Emergency) Regulations, inherited from the British Mandate. These provisions authorized a military commander to issue administrative detention orders without specifying the maximum duration of such orders, and provided for only minimal review by an advisory committee whose opinion was not binding.<sup>35</sup> Israel applied these Regulations to the West Bank and Gaza Strip following its occupation of these territories in 1967, and then incorporated the relevant provisions into Military Order 378 in April 1970.<sup>36</sup> The Regulations, enacted by the British colonial administration in 1945, have never been fully repealed.

In 1979 Israel stopped using the Defence (Emergency) Regulations to hold certain categories of detainees – mainly Israeli citizens, residents of East Jerusalem and foreign nationals – without charge or trial after the Israeli Knesset (parliament) enacted the Emergency Powers (Detention) Law (see Section 3.2 below).

Military Order 815, issued in January 1980, amended Military Order 378 to reflect some provisions in the Emergency Powers (Detention) Law, introducing a new judicial review procedure for administrative detainees from the OPT.<sup>37</sup> Although subsequent military orders making further amendments were issued over the years, key provisions – including those allowing detention orders to be based on secret information withheld from the detainee and his or her lawyer and allowing orders to be renewed an unlimited number of times – have remained.

The Internment of Unlawful Combatants Law was introduced in 2002, mainly to provide for the administrative detention of foreign nationals, although it has since been used to detain individuals from Gaza (see Section 3.3 below).

Thus, at the time of writing, a consolidated military order and two pieces of legislation enable the Israeli authorities to hold individuals in administrative detention: Military Order 1651, the Emergency Powers (Detention) Law, and the Internment of Unlawful Combatants Law. The effect of these legal provisions is clear: indefinite detention without charge or trial is permitted by law in both Israel and the OPT.

### 3.1 MILITARY ORDER 1651

The Order Regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651),<sup>38</sup> hereafter referred to as Military Order 1651, went into effect on 2 May 2010, and replaced a number of military orders, including Military Order 378. In theory, it applies to everyone in the occupied West Bank, including Palestinian residents, Israeli citizens (Jewish settlers and Palestinian citizens of Israel living in the West Bank), and foreigners. However, Amnesty International is unaware of any cases in which paragraphs 284 to 294 Military Order 1651, which provide for administrative detention, have been invoked against Jewish citizens of Israel. Instead, since the late 1970s, Jewish settlers in the occupied West Bank have been brought before Israeli civilian courts as a matter of policy, rather than the Israeli military courts established to judge Palestinians, on the basis of the Emergency Regulations Law (West Bank and Gaza - Criminal Jurisdiction and Legal Assistance) 1967, which extended Israeli civil law over Israeli citizens residing in or travelling through the OPT.<sup>39</sup> This enabled the Israeli authorities to exempt Israeli citizens from the military orders governing Palestinians. A similar military order applicable to the Gaza Strip was repealed upon implementation of the “disengagement” plan in September 2005.

Administrative detainees are held under individual temporary administrative detention orders of up to six months issued by a military commander pursuant to Chapter I, Article B of Military Order 1651. An order can be issued if there are “reasonable grounds” to presume that an individual presents a risk to “the security of the area” or to “public security”. These terms are not defined and their interpretation is left to the discretion of military commanders. On or before the expiry of the detention order, a military commander can extend it for up to six months, and this can be done an unlimited number of times. Hence the administrative detention order can be extended indefinitely.

Chapter I, Article B of Military Order 1651 requires an administrative detainee to be brought before a military judge within eight days of issue or renewal of the detention order. According to paragraph 287 B of Military Order 1651, “if a detainee is not brought before the judge and a hearing is not initiated within eight days as noted, the detainee shall be released,

unless there is another reason to detain him under any law or security legislation”.

This procedure is known as judicial review and is conducted in a closed court session. It is generally a routine confirmation of the administrative detention order, although the military judge can also cancel the order or reduce the period of detention. Decisions by the military judge to cancel the detention order are extremely rare, and decisions to reduce it are usually “insubstantial”, which means that a military commander may still extend the order when it expires. In rare cases the reduction is “substantial”, stipulating that the detention order cannot be renewed upon its expiry unless there is significant new intelligence material against the detainee.<sup>40</sup>

Although administrative detainees have the right to appeal every detention order and are entitled to legal counsel of their choice, neither the lawyer nor the detainee is informed of the details of the evidence against him or her. In most cases they are not even told the specific allegations against the detainee, which are presented by the military prosecution to the military judge, together with the evidence provided by interrogators from the ISA, in meetings at which they are not present. The military judge can withhold any information or evidence if he or she deems that disclosing it would “harm the security of the region or public security.” There is therefore no possibility for the defence lawyer to cross-examine witnesses or even to inquire about their existence.

Both the detainee and the military commander can appeal the judge’s decision to the Military Court of Appeals. The appeal hearing generally takes place within a few weeks from the date of appeal. It is also held in closed session, and the same provisions allowing the allegations and evidence to be withheld from the detainee and his or her lawyer apply. In most cases, detainees’ appeals are rejected and the administrative detention order is again confirmed, although in some cases the military judge shortens the order. However, since the evidence on which the administrative detention order is based is not disclosed, some detainees feel that there is no point in going through the appeal procedure.

The Israeli authorities stress that Palestinians in the OPT can contest decisions of the military courts, including on administrative detention, by petitioning the Israeli Supreme Court. The Supreme Court has issued some key rulings emphasizing the importance of judicial review,<sup>41</sup> and that administrative detention may only be used as a preventative measure against an individual posing a danger to security which no other means will prevent.<sup>42</sup> However, it has not set clear substantive standards for reviewing administrative detention, has rarely examined whether military judges decisions’ conform to its own rulings, and has been very reluctant to intervene in specific cases or question the privileged intelligence information on which detention orders are based.<sup>43</sup>

Moreover, the Supreme Court virtually always accepts the arguments of the state attorney and the classified evidence presented (once again, in a separate closed session without the detainee or his or her lawyer) by the ISA and denies the appeal. In fact, there is only one recorded case in which the Supreme Court ordered the release of an administrative detainee from the OPT held under a military order.<sup>44</sup> A comprehensive review of the 322 administrative detention cases heard by the Supreme Court between January 2000 and December 2010 – the vast majority of which were petitions to the HCJ by detainees from the OPT held under military orders – found that not a single case resulted in a judicial decision



for the detainee's release.<sup>45</sup>

On the other hand, petitioning the Supreme Court can sometimes help defence lawyers learn something about the nature and strength of the secret evidence against the detainee, or prompt the ISA to reassess the necessity of the detention, resulting in a "bargaining process" in which a settlement is negotiated and the petition is withdrawn. Frequently, the Supreme Court participates either formally or informally in this "bargaining process", in some cases approving settlements reached between the defence and the state attorney, or issuing non-binding recommendations to the state in its decision.<sup>46</sup> In some negotiated settlements, the state agrees to release the detainee at the end of his or her current detention order unless "significant new intelligence information emerges". Without knowing the evidence against them, detainees and their lawyers are at a significant disadvantage in negotiating such settlements, which must ultimately be approved by the ISA.

Given these dynamics, it is understandable that many detainees and defence lawyers feel that overall, the Israeli Supreme Court does not effectively place any limits on the Israeli authorities extensive use of administrative detention – supposedly a measure to be used only in extremely limited circumstances – but instead functions only to make its use seem more legitimate and proportionate to the Israeli public and the international community. Some detainees and lawyers have told Amnesty International that they prefer not to petition the Supreme Court in administrative detention cases. Even for detainees who do wish to exercise this option, there is often not enough time to petition the Supreme Court before the administrative detention order expires. If the administrative detention order is extended, it is considered as a new detention order and the detainee must go through the appeal procedure anew.

At the end of April 2012, 308 Palestinians from the occupied West Bank were held as administrative detainees according to data provided by the IPS to B'Tselem. All are presumed to be held under Military Order 1651.

Detention is not the only administrative measure permitted on the basis of classified material under Military Order 1651 if a military commander deems it necessary for "imperative reasons of security". Chapter I, Article C allows military commanders to impose various types of administrative control or restraining orders that limit freedom of movement or amount to deprivation of liberty, such as restricting someone to a defined area, prohibiting him or her from entering a particular area, or house arrest.<sup>47</sup> An appeals committee appointed by the President of the Military Court of Appeals can cancel or reduce an order, or change its conditions, but its proceedings are also based on material that is not disclosed to the suspect or his or her lawyer.

### 3.2 THE EMERGENCY POWERS (DETENTION) LAW - 1979

This law applies to citizens and residents of Israel, to residents of territories occupied by Israel, and to residents of other countries. Although it has been used at times to detain citizens of Arab states and residents of the OPT, it has more often been used to detain Israeli citizens and Palestinian residents of occupied East Jerusalem.

The Emergency Powers (Detention) Law<sup>48</sup> replaced the provisions for administrative detention in the Defence (Emergency) Regulations from the British Mandate. Like various other Israeli

laws and ordinances, it is only valid when an official state of emergency has been declared under the Law and Administration Ordinance - 1948, but such a declaration has been renewed continuously since 1948.<sup>49</sup> The Basic Law: The Government, passed by the Knesset in 1992 and revised in 2001,<sup>50</sup> limited each declaration to one year but allowed for unlimited renewals, and the Knesset has renewed the state of emergency on a yearly basis since. The Basic Law specified that emergency regulations “shall not be enacted...except to the extent warranted by the state of emergency”, and “may not prevent recourse to legal action, or prescribe retroactive punishment, or allow infringement on human dignity”.

In 1999, the Association for Civil Rights in Israel (ACRI) petitioned the Israeli Supreme Court, sitting as the HCJ, to cancel the state of emergency. The HCJ instructed the government to specify a timetable for ending the state of emergency, and the Ministry of Justice to prepare alternative legislation for the various laws and ordinances valid under it.<sup>51</sup> Some 13 years later, on 8 May 2012, the HCJ dismissed ACRI's petition, ruling that “the appeal has exhausted itself, although the work has not been finished.”<sup>52</sup> The Israeli government seems intent on continuing the state of emergency, and the accompanying legislation including the Emergency Powers (Detention) Law, for the foreseeable future.

Administrative detention orders under the Emergency Powers (Detention) Law can be issued by the Minister of Defence for up to six months if there are “reasonable grounds to presume that the security of the state or public security require the detention.” No further criteria are given in the law and the orders are renewable indefinitely. The detention order must be reviewed within 48 hours by a civilian judge – the President of a District Court – who has the power to uphold, shorten or cancel the order. The District Court is also required to automatically review the order no later than three months after the first judicial review. The detainee can appeal the decision of the District Court to the Supreme Court. Once again, proceedings at both the District and Supreme Courts are held behind closed doors and evidence justifying the order can be withheld from the detainee and his or her lawyer.

Amnesty International is unaware of how many detainees are currently held under the Emergency Powers (Detention) Law. According to the Israeli authorities, 14 administrative detention orders were issued against Israeli citizens in 2011, but Amnesty International has not been able to verify this figure or ascertain which law the orders were issued under.<sup>53</sup> Administrative control orders were issued against Israeli settlers during 2011.<sup>54</sup>

### 3.3 THE INTERNMENT OF UNLAWFUL COMBATANTS LAW

This law was enacted by the Knesset in 2002 and was originally intended to enable the holding of Lebanese citizens. Its impetus was an Israeli Supreme Court ruling in 2000 that the state could not continue to hold people in administrative detention who did not personally pose a security threat.<sup>55</sup> The petition concerned Lebanese nationals who had been held for years under the Emergency Powers (Detention) Law as “bargaining chips” for information about Ron Arad and other Israeli soldiers who went missing in action in Lebanon during the 1980s. Following this decision, 13 Lebanese nationals were released, but Israeli government officials made clear that two Lebanese men – Mustafa al-Dirani and Sheikh ‘Abd al-Karim ‘Ubayd, abducted by Israeli soldiers from their homes in Lebanon in 1994 and 1989 respectively – would not be released.<sup>56</sup> Instead, they set about drafting a new law, despite the fact that the Emergency Powers (Detention) Law of 1979 already enabled the administrative detention of foreign nationals.<sup>57</sup>

The law provides for the detention of those who carry out hostilities against Israel and are not entitled to prisoner-of-war status under Article 4 of the Third Geneva Convention.<sup>58</sup> According to the law, an “unlawful combatant” is a person who has taken part in hostilities against Israel, directly or indirectly, or who is a member of a force carrying out hostilities against Israel. The term “hostilities” is not defined under the law. The law allows the Chief of Staff, or an officer holding the rank of major-general designated by him, to issue an indefinite incarceration order if he has “reasonable cause to believe that a person being held by the state authorities is an unlawful combatant and that his release will harm state security.” The internment ends only when the Chief of Staff decides that one of these two conditions ceases to exist or that there are special grounds justifying release of the detainee.

The law presumes that the release of someone defined as an “unlawful combatant” – in other words, a detainee who is a member of a force carrying out hostilities against Israel, or who has directly or indirectly participated in such hostilities – would “harm state security as long as the hostile acts of that force against the State of Israel have not ceased, unless proven otherwise.” This puts the burden of proof on the detainee and his or her lawyer, rather than the state, and is a violation of the fundamental legal principle of presumption of innocence. However, as with the other forms of administrative detention, evidence justifying the detention is withheld from both the lawyer and detainee. Furthermore, the law states that “[t]he determination of the Minister of Defence... that a particular force is perpetrating hostile acts against the State of Israel or that hostile acts of such force against the State of Israel have ceased or have not yet ceased, shall serve as proof in any legal proceedings, unless proven otherwise.”

Although judicial review takes place before a civil court, rather than a military court, the procedural safeguards under the law are weaker than those of Military Order 1651. The detainee must be brought before a District Court judge within 14 days of the date of the detention order. The judge can only cancel the order if he finds that the (very malleable) conditions for it are not satisfied, and as the order is of indefinite duration, there is no provision for the judge to shorten it. Once an order is approved, the detainee is brought before a District Court judge every six months, but the judge can only annul the order if he finds that release of the detainee will not harm state security (contrary to the presumption under the law), or that there are special (unspecified) grounds for release. Decisions of the District Court may be appealed to the Supreme Court, but such cases are heard by a single Supreme Court judge who reviews the case according to the same stipulations as the District Court.

According to an Israeli Supreme Court ruling from 2008,<sup>59</sup> detention under this law is a form of administrative detention, and therefore restrictions that apply to the use of administrative detention under Military Order 1651 or the Emergency Powers (Detention) Law also apply to internment under this law. The Court held that the status of “unlawful combatant” does not exist in international humanitarian law, that such persons are civilians entitled to the protections of the Fourth Geneva Convention, and that the state must prove that the individual poses a danger or a threat. Nevertheless, the justices did not discuss the presumptions specified in the law. In effect, the law enables the state to hold detainees indefinitely under presumptions of guilt that render the judicial review almost meaningless.

Since the law was passed in 2002, some 15 Lebanese nationals have been held under the

law, of whom 11 were detained during the Second Lebanon War in 2006. The last Lebanese detainees were released in July 2008, and no foreign nationals are currently held under the law.<sup>60</sup> More recently, the law has been used to detain Palestinians from the Gaza Strip without charge or trial. At least 39 people from Gaza have been interned under the law, with 34 of them detained during or after Operation “Cast Lead”, Israel’s 22-day military assault on the Gaza Strip that began on 27 December 2008. All but one have since been released: as of May 2012, Israel is holding Mahmoud al-Sarsak, from Rafah in the Gaza Strip, under this law. The fact that only a single detainee is currently held as an “unlawful combatant” does not lessen Amnesty International’s concerns about this law, particularly following its amendment in 2008 to provide for expanded internment powers if and when the government declares the “existence of wide-scale hostilities”.<sup>61</sup>

## 4. ONGOING INJUSTICE: ADMINISTRATIVE DETENTION AND OTHER HUMAN RIGHTS VIOLATIONS

At the end of April 2012, 308 Palestinians were held in administrative detention: a slight decline on the 320 held in February and March, almost twice as many as were held in August 2010, the most recent low point.<sup>62</sup> Palestinians currently held under administrative detention include 24 members of the Palestinian Legislative Council (PLC), the Palestinian parliament, human rights defenders, at least four journalists, university students, graduates, and lecturers. Some are prisoners of conscience, such as **Ahmad Qatamesh**.

### RESPONSES TO AMNESTY INTERNATIONAL MEMBERS FROM THE ISRAELI MINISTRY OF JUSTICE

The Israeli Ministry of Justice regularly responds to Amnesty International's appeals for the rights of administrative detainees. Some of the responses are made public on the Ministry's website and several are reproduced in Appendix 1 of this report.

In these responses, the Israeli authorities generally state that the administrative detainee in question is a member of a terrorist organisation, as defined by a government-issued list of organisations, including the Popular Front for the Liberation of Palestine, Hamas and Islamic Jihad. They claim that the evidence for criminal activity relating to such membership cannot be presented in court due to reasons of confidentiality and because the information is classified, but that on the basis of this secret "evidence", the military has assessed that the detainee poses a "danger to public security" or a "danger to the region". They also describe the Israeli authorities' view of administrative detention.

These responses do nothing to allay Amnesty International's concerns that the system of administrative detention as practised by Israel violates the human rights of those held under it. These concerns, and the relevant international law, are detailed in Section 5.

In the early months of 2012, Palestinians held under administrative detention began a series of different non-violent protests against their detention without charge or trial. Some administrative detainees began prolonged hunger strikes, risking their lives to protest at their ill-treatment and poor conditions of detention.<sup>63</sup>

The protests began with one detainee's hunger strike, which he began on 18 December 2011 and which lasted for 66 days. **Khader Adnan** went on an open-ended hunger strike to protest against his administrative detention and the ill-treatment he was subjected to by Israeli forces during his arrest and interrogation. His protest was followed by other administrative detainees including **Hana Shalabi**, **Bilal Diab**, **Tha'er Halahleh**, **Mahmoud al-Sarsak** and others.

By March 2012, there were over 30 administrative detainees on hunger strike. The majority of them conducted limited solidarity strikes with others who were on open-ended hunger strikes. By April 2012, there were six administrative detainees on open-ended hunger strike, all of whom were eventually moved to the IPS Medical Centre at Nitzan prison in Ramleh, in central Israel. Their protest inspired hundreds of other detainees and prisoners to join them, culminating in the mass hunger strike which began on 17 April 2012 and ended with the 14 May deal.

Other administrative detainees such as **Ahmad Qatamesh** and **Waleed Hanatsheh**, along with others, began to boycott the administrative detention procedures at the military courts.

The stories of these individuals and others are emblematic of the human rights violations that Palestinian administrative detainees are subjected to. The protest of the hunger strikers helped bring international attention once more to the injustice inherent in the practice of administrative detention, as well as the Israeli authorities' systemic ill-treatment of Palestinian detainees and prisoners.

However, the information received by Amnesty International that the Israeli authorities have continued to renew administrative detention orders since the 14 May deal causes grave concern that their protest has done little to bring about a much-needed end to this practice. At the time of writing, Amnesty International had received the names of 30 individuals whose orders had been renewed since 14 May. Three detainees had new administrative detention orders issued. Their names may be found in Appendix 2.

#### 4.1 ARREST AND INTERROGATION

Some Palestinians are served with an administrative detention order directly upon their arrest. Others have alleged that they were interrogated after arrest, subjected to torture or other ill-treatment during their interrogation, and then given an administrative detention order rather than being charged and tried. Some have suggested that this was because they refused to "confess" during their interrogation.

For decades, many, if not most Palestinian detainees have experienced torture or other ill-treatment, particularly during interrogations by the ISA, a practice well-documented by Amnesty International and other human rights organizations. Methods reported to Amnesty International and other organizations include painful shackling and binding, immobilisation in stress positions, sleep deprivation, the use of threats against family members, threats and verbal abuse. Interrogations under torture can last for weeks, with the detainee denied access to a lawyer. According to reports, torture and other ill-treatment are frequently inflicted with and the complicity of medical professionals.<sup>64</sup>

**Khader Adnan** began his hunger strike initially to protest against his ill-treatment during arrest and interrogation in December 2011. The 33-year-old baker, post-graduate student, and political activist told lawyers and human rights organizations that masked soldiers broke into his house, where his mother and children were present. He said that the soldiers cuffed his hands behind his back, threw him onto the floor of their jeep and kicked and slapped him while they took him to the settlement of Mevo Dotan. When he arrived at the settlement, his hands were swollen from the handcuffs and his lower lip was bleeding. He was then transferred to Kishon detention centre in Israel for interrogation by ISA officials.



Khader Adnan at home with his daughters in Arabeh, near Jenin in the West Bank, on 18 April 2012. He had just been released from an Israeli prison. © Oren Ziv/Activestills.org

Khader Adnan told lawyers that he went on hunger strike on the second day of his arrest to protest his ill-treatment by ISA officials. According to the ISA briefing that his lawyers received, Khader Adnan was interrogated almost every day from 18 until 29 December 2011; on some days he was interrogated twice. There were seven regular interrogators; other security officials were also present at some points. During interrogations, he was shackled to a crooked chair with his hands tied behind his back in a stress position that caused him back pain. He said that interrogators threatened him constantly and verbally abused him and his family. On 10 January 2012 Khader Adnan was taken to a military court in Ofer and given a four-month administrative detention order signed by the military commander in advance.

In responses to Amnesty International members who sent urgent appeals regarding Khader Adnan, the Israeli authorities alleged that Khader Adnan “is a senior activist in the ... (West Bank) branch of Palestinian Islamic Jihad (PIJ). In the past, he was a spokesman for the terrorist organization. He is not suspected of direct involvement with terrorist attacks. However, he has taken an active role in the organization’s activities, including the transfer of money to the group. Additionally, he has been in contact with elements of Islamic Jihad in Syria and the Gaza Strip” (see Appendix 1). However, no evidence regarding these allegations, which would constitute criminal offences under Israeli military orders applicable in the West Bank, was ever provided to Khader Adnan or his lawyer, so he was unable to effectively exercise his right to challenge his detention.

Khader Adnan ended his hunger strike on 21 February after a deal was reached between the Israeli authorities and his lawyer from the Palestinian Prisoners Club.<sup>65</sup> The deal allowed for the release of Khader Adnan on 17 April 2012 if he ended his hunger strike immediately, unless “significant new intelligence information” was presented. Khader Adnan was released as scheduled on 17 April.<sup>66</sup>

Israeli law allows the right rights of all persons to protection of their life, body and dignity to be restricted during a state of emergency, which, as stated above, has been in place in Israel since 1948. Israel’s existing legislation does not contain an absolute prohibition on torture.

More specifically, a Supreme Court ruling of 1999,<sup>67</sup> while prohibiting the use of torture and other ill-treatment generally, ruled that exceptionally, interrogators using “physical interrogation methods” in “ticking time-bomb” situations may escape criminal liability under the “defence of necessity” found in Israel’s Penal Law. This justification for torture has – far from being a mere theoretical construct – resulted in total impunity for alleged torturers during the past 12 years, and is a clear breach of Israel’s international human rights obligations.



Football players carry a banner bearing a photo of Mahmoud al-Sarsak, detained without charge since July 2009. The photo was taken in late April 2012 at a football match between local Gazan teams Khadamat Rafah and Shabab Rafah. © Atlas Sports

Twenty-five-year-old **Mahmoud al-Sarsak** from Rafah refugee camp in the Gaza Strip was arrested on 22 July 2009 at the Erez crossing between Israel and the Gaza Strip when he went there to receive a permit to travel to the West Bank to play professional football for the Balata Football club in Nablus. Before his arrest, he was the youngest player for the Palestinian National Football Team, for which he played as centre forward, and was in his third year of Information Technology studies at al-Quds Open University in Rafah.

When Mahmoud al-Sarsak arrived at the checkpoint to ask for the permit, he was called in by ISA officials and taken for interrogation. According to his lawyer, during interrogation Mahmoud al-Sarsak was tied to a chair and kept sitting for long hours at a time in a stress position with his arms tied behind his back and to a pole in the floor - a practice known as *shabeh*. Mahmoud al-Sarsak’s family were not notified of their son’s arrest and whereabouts until two days after his arrest. The family has not been able to see their son since his arrest, as Gazan prisoners and detainees have been denied family visits since June 2007. Mahmoud al-Sarsak, like other “security” prisoners, is not allowed phone calls to his family unless there is an emergency.

Upon learning of his arrest, the family appointed a lawyer who was unable to see Mahmoud al-Sarsak for the first ten days because the ISA prevented him from doing so.



Mahmoud al-Sarsak was interrogated for 40 days by the ISA after which he was handed a military order issued under the Internment of Unlawful Combatants Law (see Section 3.3 above) for his indefinite detention without charge or trial. The Israeli authorities have alleged that he has links with Islamic Jihad, a Palestinian armed group and political party which oppose negotiations with Israel, although the evidence on which his detention order is based has never been provided to him or his lawyer. At the time of writing, he had been administratively detained for almost three years. His detention order is reviewed every six months, and he has appealed his case to the Israeli Supreme Court four times, but his appeals have been rejected each time. The next review of his detention is due to take place on 22 August 2012.

Mahmoud al-Sarsak began an open-ended hunger strike on or before 24 March 2012 in protest against his detention without charge or trial. He was moved to the IPS Medical Centre in Ramleh on 13 April 2012 due to the deterioration of his health as a result of the hunger strike. In verbal negotiations, the Israeli authorities reportedly offered to release him on 1 July 2012, but subsequently withdrew the offer, and told him that his detention order would only be considered at his next judicial review.

He remained on hunger strike and in critical condition at the time of writing reporting late May 2012. Despite the grave danger to his life after more than 70 days on hunger strike, the IPS were continuing to deny him access to independent doctors, and refusing to transfer him to a civilian hospital where he could receive specialized medical care.

Amnesty International has documented numerous cases of detainees who received administrative detention orders shortly before or just after the end of their prison sentences. Many detainees also report that the Israeli authorities offer to release them from detention or reduce their detention periods if they agree to “collaborate” with the Israeli security authorities upon release by, for example, providing information.

**Hassan Hasnin Hassan Shuka**, from Bethlehem in the occupied West Bank, was first arrested on 7 July 2004 when he was 16 years old. He was sentenced to just over four years in prison. He was released on the 29 June 2008 and arrested again only 20 days after his release. On 4 August 2008, he received an administrative detention order for six months, which was repeatedly renewed until his release on 25 May 2010, after a military judge ruled that his detention order could no longer be renewed. He was arrested again on 17 September 2010, and given another administrative detention order 10 days later.

According to his testimony before the military judge in his judicial review, he was transferred to the interrogation centre in Jerusalem on 7 February 2011 and interrogated for 40 days. He was subsequently charged and sentenced to six months’ imprisonment. At the end of his sentence, on 1 August 2011, he was handed another administrative detention order for six months. His detention order was extended on 31 January and 31 May 2012, both times for another four months.

Hassan Shuka, told his lawyer and testified before judges that the ISA made many attempts to draft him as a “collaborator” and that his repeated administrative detention orders were intended to “convince” him to agree. As the above description indicates, the judges who heard his testimony have simply confirmed and renewed his detention orders.

## 4.2 INDEFINITE DETENTION

All three forms of administrative detention orders allow for the possibility of indefinite political detention. The administrative detainee spends months and sometimes years in

prison without having been tried and without knowing the details of the allegations against him or her. This may reflect a failure of the ISA to obtain evidence or “confessions” by the detainee which would make possible the conviction of suspects by a military court. Others who were charged, tried and served prison terms have been placed in administrative detention immediately or very shortly after the expiry of their prison sentence. Still others have been taken for interrogation by the ISA during the time that they were serving an administrative detention order, and were returned to administrative detention afterwards.

**Waleed Hanatsheh**, 43, the father of two girls, works as the Finance and Administration Manager for the Health Work Committees, a Palestinian charity that provides health services in the West Bank and Gaza. He was arrested without being given any reason for his arrest on 22 November 2011 when a large group of masked Israeli soldiers and ISA officials raided his house in Ramallah at 1.30am.

He was given a military order for his administrative detention on 30 November 2011. A military judge confirmed his administrative detention order on 1 December 2011. An appeal to the Military Courts of Appeal was rejected on 15 January 2012. The administrative detention order was renewed on 22 March 2012, despite a ruling by the Supreme Court on 22 February 2012 which reduced his detention period by two months.

Waleed Hanatsheh has never been charged or tried for any offence. This is his fourth arrest and the third time he has been placed under administrative detention. He was first arrested in 1994 and interrogated for 30 days before being released without charge. On 18 May 2002, he was arrested for the second time and held for three years in administrative detention. He was finally released on 21 December 2005. Waleed Hanatsheh was arrested for the third time and held in administrative detention from 12 January 2009 to 10 January 2010. Waleed Hanatsheh is currently held in the Ofer detention centre near the West Bank city of Ramallah and his current administrative detention order is due to expire on 22 July 2012.



Waleed Hanatsheh with his daughters Malak, 4 years old and Mais, 13 years old, October 2010.

© ePalestine.com<sup>68</sup>

### 4.3 PUNISHMENT AND ILL-TREATMENT OF HUNGER STRIKERS

Throughout the past few months, detainees and prisoners who have embarked on hunger strikes in protest at prison conditions or their administrative detention have been punished by being placed in solitary confinement, fined, and prevented from receiving family visits. Hunger strikers whose health has deteriorated as a result of their hunger strike have not been provided with adequate medical care and have been prevented from seeing independent doctors and medical professionals and denied transfer to properly-equipped civilian hospitals, even when their lives were at risk. Many of the hunger strikers have been denied access to independent lawyers.

Some hunger-striking detainees have reported that Israeli Prison Services (IPS) officials placed them in solitary confinement as punishment for their hunger strikes, on the basis that launching a hunger strike is against prison regulations. IPS officials have also delayed the hunger strikers' access to medical examinations and treatment, apparently to further pressure them to end their strikes. Some hunger strikers have also reported physical assaults and verbal abuse by the IPS, while others have reported that IPS personnel forcibly administered treatment such as injections against their will. Since the beginning of the hunger strikes in



A demonstration in Ramallah in the West Bank on 3 October 2011 in support of Palestinian prisoners and detainees held in Israeli prisons and detention centres. © Elo B/Activestills.org

late 2011, the IPS has limited hunger-striking detainees' access to independent lawyers of their choice.

Detainees whose health deteriorates substantially due to hunger strike are usually transferred eventually to the IPS Medical Centre in Ramleh. Hunger-striking detainees have described ill-

treatment by staff there, all of whom are IPS staff with medical training. Independent doctors have told Amnesty International that this facility is unfit for hunger strikers. As a hunger striker's health deteriorates, the detainee requires specialist medical care, which is only available in civilian hospitals. On no account should hunger-striking detainees be subjected to ill-treatment such as shackling to their bed.

**Khader Adnan**, for example, was put in a solitary confinement cell on the fourth day of interrogation, as punishment for the hunger strike which he had begun the day after his arrest. He remained in solitary confinement for 10 days before he was moved to the IPS Medical Centre on 30 December 2011, after his health deteriorated as a result of his hunger strike. On 10 January 2012, Khader Adnan was taken to a military court in nearby Ofer where he was given a four-month administrative detention order signed in advance by the military commander of the West Bank. On 31 January 2012, IPS officials moved him to a civilian hospital, and proceeded to move him to four other hospitals and medical centres in a period of a week. Khader Adnan's lawyers told Amnesty International that this was intended to add further pressure on him to stop his strike, including by making it harder for his lawyers and family to visit him. He remained shackled to his hospital bed at all times – a form of cruel, inhuman and degrading treatment, given his condition – and under constant armed guard. Khader Adnan's wife, Randa, was allowed to visit her husband in hospital for the first time on 7 February, 52 days since his detention, after she received a one-day permit from the Israeli authorities.

On or before 24 March 2012, **Mahmoud al-Sarsak** began a hunger strike to protest against his continued detention without charge or trial. His lawyer told Amnesty International that upon starting his hunger strike Mahmoud al-Sarsak was placed in solitary confinement by the IPS as a form of punishment. He was moved to the IPS Medical Centre on 13 April 2012 after his health deteriorated as a result of his hunger strike. At the time of writing in May 2012, after more than 70 days on hunger strike, he continued to be denied access to independent doctors, despite numerous court petitions by local NGO Physicians for Human Rights - Israel on his behalf.

**Hana Shalabi**, aged 30 and from the village of Burqin near Jenin, went on hunger strike to protest at her arrest and ill-treatment immediately upon her arrest from her home on 16 February 2012. She remained in interrogation until 23 February, when she was given a four-month administrative detention order, which prompted her to extend her hunger strike to demand her release from administrative detention. Hana Shalabi was previously arrested by the Israeli authorities on 14 September 2009 and spent 25 months in administrative detention without charge or trial before her release on 18 October 2011 as part of a prisoner exchange deal negotiated between Israel and Hamas for the release of captive Israeli soldier Gilad Shalit.

The Israeli authorities allege that Hana Shalabi is affiliated with the Islamic Jihad movement, but she has never been charged with a criminal offence. After her arrest, media reports quoting an army spokesperson alleged that she was "a global jihad-affiliated operative" and that she "violently attacked the soldiers who arrested her."<sup>69</sup> Hana Shalabi, in contrast, told her lawyers that she was ill-treated by Israel security forces during her arrest. The Israeli authorities subsequently told Amnesty International members who wrote urgent appeals on behalf of Hana Shalabi that "[o]n 29 September 2009, an administrative detention order was issued based upon intelligence information regarding her involvement in dangerous activities including planning to commit a terrorist suicide attack." The response alleged that the reason for subsequent extensions of the order were "that Ms. Shalabi remained ready to commit a suicide attack". However, the evidence on which these allegations were based has never been revealed to Hana Shalabi or her lawyer and she has not been able to challenge it (for further details of the Israeli authorities' response, see Appendix 1).

Hana Shalabi's lawyer said that she began the hunger strike to protest at being strip-searched by male Israeli soldiers after her arrest. Her lawyer also stated that she was kept in solitary confinement from 23 until 27 February 2012 as punishment for her hunger strike. She was transferred to the IPS Medical Centre after her lawyer filed a request to the IPS to transfer her there from HaSharon detention centre, which lacked the facilities required to treat her deteriorating state of health. After further deterioration to her health, she was moved to Meir hospital in Israel where she remained until 28 March, when she ended her hunger strike after a deal was reached between the Israeli authorities and one of her lawyers from the Palestinian Prisoners' Club which led to her transfer three days later to the Gaza Strip, which Amnesty International believes is very likely to have amounted to a forcible transfer, a breach of international humanitarian law.

#### 4.4 PREVENTING FAMILY CONTACT

All but one of the Israeli prisons where Palestinian administrative detainees are held are located inside Israel, in violation of international law. The majority of administrative detainees are held in one of three prisons: Ofer, in the occupied West Bank near Ramallah; Ketziot/Ansar 3, in the Negev desert; and Megiddo, in northern Israel, near Haifa. All three facilities were previously controlled by the Israel Defense Forces (IDF) but are now managed by the IPS. Conditions for detainees in Ofer, Ketziot/Ansar 3, Megiddo and other prisons and detention centres are poor, with inadequate food, sanitation and medical care, which in many cases may amount to cruel, inhuman or degrading treatment or punishment.

One particular grievance of Palestinian families, whether living in the West Bank or Gaza, is the restrictions placed on visiting their detained or imprisoned relatives. Families from the West Bank cannot visit unless they are granted a permit from Israel. Many family members are denied permits to visit their detained relatives on unspecified "security" grounds. Palestinian families in Gaza have been completely banned from visiting their detained relatives since June 2007 and visits envisaged under the 14 May deal had not begun by the time of writing in late May 2012. Most detainees are not even allowed telephone contact unless there is a death in the family. This violates Israel's obligations under international humanitarian law.

In many cases, the Israeli authorities claim that the relatives of detainees who are refused visiting permits are a "security threat" and as such cannot be allowed to enter Israel. According to the IPS prison regulations, family visits for detainees are a privilege and not a right: they stipulate that after three months' detention prisoners "may" receive visits from close family members.

In 2008, the HCJ rejected a petition by ten human rights organizations to reinstate family visits for prisoners from the Gaza Strip. The petitioners argued that the deprivation amounted to collective punishment.<sup>70</sup>

For **Hassan Shuka** who is held in Hadarim prison, north of Tel Aviv, it is only his sister, Rujan, who is allowed to visit him. At 14 years old, she is the only member of his family young enough not to need a permit. She last saw him on 24 April 2012. This was her fourth visit to see him at Hadarim, which entails a journey that takes an eight-hour round trip facilitated by International Committee of the Red Cross (ICRC) officials. She began visiting him when she was eight years old.

**"[My four-year-old sister] starts kissing the glass between us and my dad. Between me and my dad are only a few centimetres. I can't touch him or hug him. We pick up the phones that allow us to talk to him. There is no voice. The phones are still turned off. The stopwatch on the wall is at 00:00:00. Then the timer starts, we can start talking for 45 minutes, exactly.**

Mais Hanatsheh, Excerpt from a blog titled "*No permission for the blanket.*"<sup>71</sup>

**Waleed Hanatsheh's** wife, Bayan, and daughters have been able to visit him twice since his detention. His mother has never been allowed to visit him in prison during any of his periods of detention for "security reasons". As with all other family visits for "security" prisoners, Waleed Hanatsheh's family can only visit for 45 minutes and must speak with him by phone through a glass barrier. Part of the family visit is always taken up with discussion of work at the Health Works Committee where Waleed is the financial and administrative director.

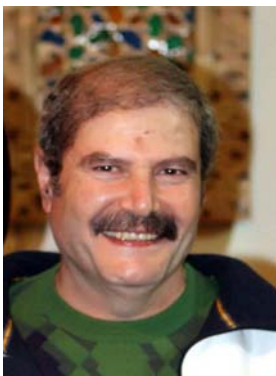
**Hana Shalabi** was not allowed family visits during the period of her most recent detention. Her father was prevented from attending the military court hearing on 7 March 2012, and was thus unable to see her. She was able to see her family for one hour on 1 April at the Erez Crossing as she was being transferred to the Gaza Strip. Subsequently, her parents managed to obtain permits or visas from the Israeli, Jordanian, and Egyptian authorities in order to travel to Gaza via Jordan and Egypt to visit her there, but she will be unable to see her extended family in Burqin for at least three years.

**Mahmoud al-Sarsak's** family who live in Gaza knew nothing about his arrest and whereabouts until two days after he had left to go to the Erez crossing. His immediate relatives have not been able to see him since his arrest as Gazan families have been banned from visiting detainees and prisoners held by Israel since June 2007. He, like others, is not allowed phone calls unless there is an emergency.

After he was moved to the IPS Medical Centre because of his hunger strike, Mahmoud al-Sarsak was cut off from any direct communication with his family. By late May 2012, he had been able to exchange messages with his family on a few occasions, with the help of the ICRC after officials visited him at the IPS Medical Centre.

An Israeli commitment to resume family visits for Gazan prisoners and detainees was reportedly part of the deal reached on 14 May 2012 ending the mass hunger strike. However, by 31 May 2012, no Gazan detainees had received family visits.

## 4.5 PRISONERS OF CONSCIENCE



Ahmad Qatamash, prisoner of conscience, has been detained without charge or trial since April 2011. © Private

Amnesty International believes that some of those held in administrative detention in Israel and the Occupied Territories are prisoners of conscience, held solely for the non-violent exercise of their right to freedom of expression and association. This has been facilitated by the broad and vague grounds for administrative detention, as laid down in Israeli law, which provide the authorities a wide margin of latitude and are open to abuse. Ostensibly introduced as an exceptional measure to detain people who pose an extreme and imminent danger to security, administrative detention has for years been used to detain a much wider range of people who should have been arrested, charged and tried in accordance with the international fair trial standards, or against individuals who should not have been arrested at all.

Palestinian academic **Ahmad Qatamesh**, a left-wing commentator on Palestinian political and cultural affairs, has been held in prison by the Israeli authorities since 21 April 2011. Amnesty International considers him to be a prisoner of conscience, detained solely for the peaceful expression of his non-violent political beliefs, and apparently held to deter political activities of other Palestinian left-wing political activists. He says he is not a member of any Palestinian political party.

Ahmad Qatamesh was arrested by Israeli security forces on 21 April 2011, at 2am, at his brother's home in Ramallah's al-Bireh district, in the occupied West Bank. He was taken to Ofer detention centre in the West Bank, and imprisoned there after around 10 minutes' questioning by the ISA, who alleged that he was a member of the political bureau of a leftist Palestinian political party which has an armed wing, the

Popular Front for the Liberation of Palestine (PFLP). He has been held since then under a series of military administrative detention orders, without charge or trial. While Ahmad Qatamesh was a political and intellectual supporter of the PFLP in the 1990s, he says he has not been involved with them for 13 years. To Amnesty International's knowledge, he has never been involved with PFLP-affiliated armed groups nor has he advocated violence. His latest work focuses on political solutions that put an end to the violent conflict between Israelis and Palestinians, which he calls a "nightmare".

On the day he was arrested, the security forces had first gone to his family's home to arrest him. When they did not find him there they broke down the door of the house next door, to search for him. According to his daughter, they then ordered her at gunpoint to telephone him. His wife told Amnesty International that Ahmad Qatamesh answered the phone and gave the security forces directions to his brother's house where he was staying, so they could arrest him. She said that when they arrested him, the security forces made no attempt to search either their home or the house where they arrested him.

At a hearing on 28 April 2011, a military judge agreed to extend his detention by six days for further questioning, although he was not actually questioned during these six days. At another hearing on 2 May, the ISA made a request to extend his detention for a second time in order, according to his wife, to question him about his association with the PFLP. Ahmad Qatamesh denied being active in the PFLP and the military judge refused the ISA's request.

A military court official told Ahmad Qatamesh's lawyer on 3 May that he would be released at 5pm that day, and a prison officer gave him the same message. However, at 8.30pm on 3 May 2011, Ahmad Qatamesh was handed a six-month administrative detention order signed by the West Bank military commander of the Israel Defense Forces (IDF). The order appeared to have been produced for another detainee, since Ahmad Qatamesh's name was written over another name, which had been obscured with correction fluid. The order was for an "extension" of administrative detention even though Ahmad Qatamesh had not been issued an administrative detention order since the 1990s. The order also stated that he was an activist in Hamas, a political party with very different political views from those of the PFLP.

On 19 May 2011, a military judge confirmed his detention order though she reduced it to four months. While acknowledging that the 3 May order contained factual errors and was produced for another detainee, she justified her decision on security grounds.

On 2 September 2011 the administrative detention order was renewed for six months, to expire on 1 March 2012. An appeal against the renewal was rejected on 8 November 2011. On 1 March 2012, a military commander issued another six-month detention order. At the judicial review of the order, which took place on 5 March 2012, the military prosecutor sought the confirmation of the order by the military judge. The military judge confirmed the detention order a few days later.

Ahmad Qatamesh, together with other administrative detainees at Ofer prison, has declared that he does not recognize the legitimacy of the military courts and administrative detention procedures, and have refused to attend judicial hearings. Because the judicial review normally takes place in the presence of the detainee, the prosecution insisted that Ahmad Qatamesh be brought to the court room on 5 March 2012. He reiterated his rejection of the military court process and immediately returned to his cell.

Following his detention in April 2011, his wife, Suha Barghouti, a board member of local human rights NGO Addameer, called his arrest "an attempt to silence his critical voice". Ahmad Qatamesh has voiced his criticism both of Israeli policies and practices of the PA in articles, art reviews, television debates and in his academic lectures. His position is independent of any party-political line. He espouses the gradual formation of a single democratic state in the area of Israel and the OPT, which he sees as an inevitable development, not to be achieved by violent conflict. His analysis is based on his Marxist understanding of history and society and his aim is to garner popular support for the establishment of a "humanist fraternity" of Palestinians and Israelis by giving each person and family equal rights and material means. He has criticized Palestinian military actions because they have killed and injured Israeli civilians, as well as Israeli military operations and discriminatory practices.

Ahmad Qatamesh's arrest coincided with a sweep of arrests of Palestinians associated with the PFLP that took place in March and April 2011. The sweep took place in the aftermath of the killing of a family of Israeli settlers in the West Bank.<sup>72</sup> The Israeli army reported at the time that a new cell of the PFLP armed wing had been uncovered. However since then the perpetrators of the attack, whose family relations were members of the PFLP, have been charged convicted and sentenced. The PFLP distanced itself from the attack.



At that time, when PFLP activists were put under pressure by the Israeli authorities, Ahmad Qatamesh's arrest took place and he was put under administrative detention, despite his denial of any involvement with political parties or activities. It appears that his known political stance identifies him as a mentor to left-wing activists, in particular his university students who have been in close contact with him personally. This is supported by his lawyers' stating to Amnesty International that the basis for the extension of his administrative detention in September 2011 was a number retrieved from the mobile telephone of a student of his. His detention appears to be part of a strategy to put pressure on the PFLP.

It is Amnesty International's assessment that the reasons for Ahmad Qatamesh's arrest and continued administrative detention are his peaceful expression, in his writing and teaching, of non-violent political views and the fact that he is considered a mentor for leftwing students and political activists, including some who sympathize with the PFLP. Therefore, the organization considers him to be a prisoner of conscience and has called for his immediate and unconditional release.

In a response to Amnesty International members who wrote expressing concerns about Ahmad Qatamesh's continuing administrative detention, the Israeli authorities have responded that he was arrested "on 10 June 2011 [sic]" and was issued with an administrative detention order on 3 May 2011 (see Appendix 1). The response acknowledged that the military judge who reviewed his detention reduced it from six to four months as a result of a technical error" in issuing it, and stated that it has since been renewed after "the court was presented with new intelligence in addition to the previous data already accumulated. This material confirmed that Mr Qatamesh's involvement with the PFLP poses a security threat and therefore, his administrative detention was renewed". That "new intelligence" has never been revealed to Ahmad Qatamesh and his lawyer.

#### 4.6 ADMINISTRATIVE DETENTION OF PALESTINIAN LEGISLATORS

At least 24 Palestinian legislators are currently held in administrative detention, raising concerns that they may have been targeted for arrest on account of their political activities. As with other administrative detainees, Amnesty International is calling for them to be released unless they are to be charged with a recognizable criminal offence and tried in conformity with international fair trial standards.

Among the 24 Palestinian legislators held is 63-year-old **Aziz Dweik**, the Speaker of the PLC. He was arrested on 19 January 2012 and given a six-month administrative detention order on 24 January 2012. The detention order expires on 24 July 2012.<sup>73</sup>

In responses to urgent appeals by Amnesty International members, the Israeli authorities have stated:

"Mr Dweik works in the organisational structure of Hamas in the West Bank, whose aim is to strengthen the movement's presence and influence in the West Bank and Hebron in particular.

"In addition to his functions in the organisational structure of Hamas, Mr Dweik is an active member of the Legislative Council. His dual functions have the potential to result in a situation where Mr Dweik takes advantage of his status and position in order to push the agenda of Hamas.

"The arrest was decided as an outcome of a thorough investigation based on large number of information accumulated in the past few years about his involvement in Hamas infrastructure rehabilitation in the West Bank."

Despite the claim that Aziz Dweik's dual function allows him to "take advantage of his status and position", the Israeli responses have gone on to state that, "[t]he arrest of Mr Dweik has no relation whatsoever with his position or activities in the Legislative Council" (see Appendix 1 for further details of the Israeli response). Neither Aziz Dweik nor his lawyer has ever been provided with the evidence on which his administrative detention order was based.

In 1992, Aziz Dweik was one of 415 Palestinian men, mostly associated with Hamas, who were rounded up by Israeli forces in one day and deported to the "no-man's land" at Marj Zuhoor, between southern Lebanon, occupied by Israel at the time, and Israel.<sup>74</sup> The mass deportation followed the killing of Sergeant-Major Nissim Toledano, an Israeli Border Policeman, the previous week, which had been claimed by Hamas. The men spent a year in tents in the no-man's land, before being allowed to return to the OPT.

In June 2006, Aziz Dweik was detained along with dozens of other Hamas-affiliated members of the PLC after the capture of the Israeli soldier Gilad Shalit, who had been taken to the Hamas-controlled Gaza Strip. Aziz Dweik had been elected Speaker just six months before his arrest, shortly after he was elected into the PLC as a representative from the Hamas-affiliated Change and Reform bloc. Aziz Dweik was subsequently convicted of "belonging to an illegal organization [Hamas]" and sentenced to three years in prison. He was released two months early in 2009, apparently in connection with his poor health. He was never accused of any involvement in violent acts. Since his release from prison in 2009, he has been involved in reconciliation talks between Hamas and Fatah, Hamas' main political rival. He suffers from diabetes and high blood pressure.

## 4.7 FORCIBLE DEPORTATIONS AND TRANSFERS

"I have been in prison for 18 years, most of that under administrative detention - the authorities have no charge against me and they don't intend to try me. On what basis am I forced into exile? I want to live in my country, but since I was given the difficult choice between staying in prison and living in exile with my wife, I am forced, despite all my wishes, to choose the latter. I will try to make what I can of it; I plan to continue my higher education."

Saleh al-'Aroui, speaking to Amnesty International in March 2010



Saleh Mohammed Suleiman al-'Aroui. He was released in March 2010 after spending almost three years in administrative detention, and deported outside the OPT. He had previously spent over six years in administrative detention. © Private

Some administrative detainees have been released if they have agreed to leave the OPT and go into exile abroad. While the West Bank, including East Jerusalem, and the Gaza Strip are internationally recognized as a single territorial unit under the Oslo Accords and international humanitarian law, the Israeli authorities do not allow Palestinians living in the Gaza Strip access to the West Bank via Israel or vice versa, and residents of both areas are denied access to East Jerusalem. The Fourth Geneva Convention prohibits an occupying power from forcibly transferring or deporting people from an occupied territory.

For example, after a petition to the Israeli HCJ against the order to detain him without charge or trial, the State Attorney suggested that **Waleed Hanatsheh** be deported for two years as an alternative to his detention, but not released. Waleed Hanatsheh and his family strongly opposed this proposal, so the petition was dismissed by the HCJ and Waleed Hanatsheh remained in detention.

**Saleh Mohammed Suleiman al-'Arouri**, widely held to be one of the founders of the armed wing of Hamas, was released from nearly three years in administrative detention on 16 March 2010. He had previously spent over six years in administrative detention. The Israeli Supreme Court ruled in March 2010 that he would no longer be held in administrative detention, and instead accepted the Israeli authorities' proposal to deport him outside the OPT for a period of three years.

On 23 March 2010, the ISA told Saleh al-'Arouri that if he were not out of the country by 28 March, he would be rearrested. He eventually left for Syria on 30 March after the Jordanian authorities initially refused permission for him to enter the country and his wife, Hana' al-'Arouri, whom he had married during a brief period of liberty, joined him about a month later. They have since had a daughter, and have moved to Turkey following the outbreak of unrest in Syria.

Hana' al-'Arouri's sister, Taqwa al-Khasib, and mother, Fathiye al-Khasib left their home on 12 June 2011 intending to visit Hana' in Syria to help with the care of the newborn. At Allenby Bridge, which is the border crossing between the West Bank and Jordan, they were detained by Israeli border officials and told they could not cross the border for security reasons. They were informed that they could obtain further details in a meeting with the ISA. On 2 July 2011, ISA officials came to their home in Aroura village to inform them that the meeting was set for the next day in Ofer military base. Taqwa al-Khasib attended the meeting, in which officials asked her about her sister Hana', the baby and their life in Damascus. Though the official reason for the travel ban was that such travel would pose a "danger to the security of the State", the questioning left no doubt in Taqwa al-Khasib's mind that the real reason was related to her sister and brother-in-law.

The Israeli authorities have asserted that Saleh al-'Arouri was a senior Hamas figure in the West Bank, but during his lengthy periods of administrative detention, they never revealed specific information so that he and his lawyer could contest the allegations against him. Like all other Palestinian political organizations, both the political and military wings of Hamas are banned under Israeli military orders, and membership in either is thus a criminal offence. Saleh al-'Arouri was in fact charged and convicted of membership in Hamas and "participating in illegal activities" by Israeli military courts in 1992 and 1998, so concerns for protection of intelligence sources did not prevent the Israeli authorities from sentencing him twice. However, upon completion of both of his sentences, he was given administrative detention orders which were repeatedly renewed, rather than being released. It is hard to understand how these administrative detention orders, issued while he was still in prison, were preventative rather than simply a further punitive measure, or why, if he did indeed present a genuine threat, it could not have been addressed again through criminal proceedings.

Saleh al-'Arouri has confirmed to Amnesty International that he considers he had no choice but to accept the deportation deal offered to him in order for him to be able to continue his family life. His deportation constitutes forcible deportation, and the organization is campaigning for him to be allowed to return to his home in the West Bank immediately.

**Hana Shalabi** was eventually released in exchange for ending her hunger strike in a deal brokered by a lawyer for the Palestinian Prisoners' Society which stipulated that she would be released and transferred to the Gaza Strip, where she would have to remain for at least three years before the Israeli authorities would consider allowing her to return back to her home in the West Bank.

Although Hana Shalabi's initial statements after her release suggested that she had entered into the agreement voluntarily, after she arrived in the Gaza Strip she publicly requested

clarification of contradictory statements made by the lawyer who negotiated the deal. Her brother, Imad Shalabi, told Amnesty International that when his sister was brought to meet them at the Erez Crossing as she was being transferred to Gaza, she was surprised to see her family as she had not been informed of the meeting. He said that she told them she thought she was being transferred to another detention facility, and that her family was the first to inform her that she was being transferred to Gaza. In light of these reports, Amnesty International believes that Hana Shalabi's transfer to the Gaza Strip is very likely to amount to forcible transfer.

On previous occasions the Israeli authorities have not always honoured agreements to allow Palestinians deported from the West Bank to Gaza for a specified time period to return once that period has elapsed.

## 5. INTERNATIONAL STANDARDS AND AMNESTY INTERNATIONAL CONCERNS

Israel has ratified the major universal human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).<sup>75</sup> Its conduct as the occupying power in the West Bank (including East Jerusalem) and the Gaza Strip must comply with the provisions of international human rights law, including these treaties, as well as international humanitarian law applicable to belligerent occupation.

Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention), but does not recognize its applicability to the OPT (the West Bank, including East Jerusalem, and the Gaza Strip).<sup>76</sup> The government of Israel has frequently stated that it abides by what it has termed the “humanitarian provisions” of the Geneva Conventions, without enumerating which provisions it considers “humanitarian”. However, all relevant bodies, including the High Contracting Parties to the Geneva Conventions, the UN Security Council and the General Assembly, and the International Court of Justice have reaffirmed on numerous occasions the applicability of the Fourth Geneva Convention to the OPT.<sup>77</sup>

Israel has also argued that its obligations under the international human rights treaties it has ratified are not applicable in the OPT. This position has also been rejected by all the UN bodies monitoring adherence to these treaties and by the International Court of Justice.<sup>78</sup>

As an occupying power, Israel is required by international law to ensure the protection of the fundamental rights of the Palestinian population in the OPT, and to treat them humanely at all times. Any measures of control or security must be “necessary as a result of the war” (Article 27, Fourth Geneva Convention). However, “regulations concerning occupation... are based on the idea of the personal freedom of civilians remaining in general unimpaired... What is essential is that the measures of constraint they adopt should not affect the fundamental rights of the persons concerned... those rights must be respected even when measures of constraint are justified.”<sup>79</sup>

### 5.1 ADMINISTRATIVE DETENTION

Amnesty International opposes all systems of administrative detention because they are used by states throughout the world to circumvent the fair trial safeguards of criminal proceedings. The organization considers that all political prisoners, including those held in administrative detention, must be charged with a recognizably criminal offence and given a fair trial within a reasonable time, or else released. Amnesty International believes that the practice of administrative detention in Israel and the OPT violates human rights. The government of Israel has routinely used it to punish without charge or trial individuals, including prisoners of conscience, who it suspects have acted against its interests, rather than as an

extraordinary and selectively used preventative measure. Such safeguards that exist have failed to prevent violations of detainees' human rights, including the right to be informed promptly and fully of the reasons for their detention, the right to defence, the right to a fair and public hearing, the right to call and examine witnesses, the right to an appeal, and the presumption of innocence.

Article 9 of the ICCPR makes clear that no one should be subjected to arbitrary detention and that deprivation of liberty must be based on grounds and procedures established by law (para. 1). Detainees must be informed at the time of arrest of the reasons for their arrest (para. 2). They must also have access to a court empowered to rule without delay on the lawfulness of their detention and order their release if the detention is unlawful (para. 4). All these requirements apply to "anyone who is deprived of his liberty by arrest or detention", and therefore apply fully to administrative detainees.

Although Israel ratified the ICCPR in 1991, it has derogated from its obligations under Article 9. The authorities cite the fact that the country has been in a declared state of emergency since its formation in 1948 as the reason for this.<sup>80</sup> In the context of both non-international and international armed conflict, the ultimate crisis a nation can face, the right to a fair trial is non-derogable under the Geneva Conventions, as well as under the Additional Protocols to those Conventions. Amnesty International considers the right to a fair trial to be fundamental; it should therefore be guaranteed at all times, even in an emergency.

Article 4 of the ICCPR allows governments to take measures derogating from the provisions of Article 9 when they face a "public emergency which threatens the life of the nation". Such measures can only be "to the extent strictly required", may not discriminate against a particular group, and may not be inconsistent with other obligations under international law. Furthermore, Article 4(2) prohibits derogation from certain rights in the ICCPR even during a state of emergency, including the right not to be subjected to torture or cruel, inhuman or degrading treatment (Article 7).

A state of emergency is, by definition, a temporary legal response to an exceptional and grave threat to the nation. The Human Rights Committee, which monitors and interprets the ICCPR, has emphasized that "[m]easures derogating from the provisions of the Covenant must be of an exceptional and temporary nature."<sup>81</sup> A perpetual state of emergency is a contradiction in terms. The Committee further notes: "States parties may in no circumstances invoke article 4 of the Covenant as justification for acting in violation of humanitarian law or peremptory norms of international law, for instance by taking hostages, by imposing collective punishments, through arbitrary deprivations of liberty or by deviating from fundamental principles of fair trial, including the presumption of innocence."<sup>82</sup>

It is, therefore, extremely disturbing when a state of emergency becomes de facto permanent, as in Israel, since it means that human rights violations may also become a permanent state of affairs. The Human Rights Committee has repeatedly expressed concern at Israel's perpetual state of emergency, its prolonged process of review regarding the need for it, its frequent and extensive use of administrative detention and the resulting violations of detainees' rights.<sup>83</sup> While recognizing Israel's security concerns, the Committee has stated that the restrictions on detainees' access to lawyers and the failure to disclose the reasons for their detention "limit the effectiveness of the judicial review, thus endangering the protection

against torture and other inhuman treatment under article 7 and derogating from article 9 more extensively than what in the Committee's view is permissible pursuant to article 4."<sup>84</sup> In its most recent Concluding Observations, the Committee recommended that Israel "refrain from using administrative detention...and ensure that detainees' rights to fair trial are upheld at all times", and repeal the Internment of Unlawful Combatants Law.<sup>85</sup> Amnesty International does not dispute the duty of a government to safeguard the security of those under its jurisdiction, but concurs with the Committee that this must be done in a way that does not violate the human rights of any person.

Administrative detention – ostensibly introduced as an exceptional measure to detain people who pose an extreme and imminent danger to security – has been and continues to be used against a much wider range of people, including individuals who should have been arrested, charged and tried in accordance with normal laws and under the criminal justice system, or against individuals who should not have been arrested at all and are held as prisoners of conscience.

Despite the fact, as noted above, that the Israeli authorities have consistently rejected the applicability of the Fourth Geneva Convention to the OPT, they maintain that the use of administrative detention in the OPT is consistent with Article 78 of the Fourth Geneva Convention,<sup>86</sup> which states that, "If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment." According to the commentary of Dr. Jean Pictet, the leading authority on the Geneva Convention, "such measures can only be ordered for real and imperative reasons of security; their exceptional character must be preserved." Furthermore, "in occupied territories the internment of protected persons should be even more exceptional than it is inside the territory of the Parties to the conflict", and detainees can only be interned within the occupied territory, not inside the occupying state.<sup>87</sup> Israel's practice of administrative detention over many years clearly violates these provisions.

The Israeli authorities have said that administrative detention "may be used as the exception only when the evidence in existence is clear, concrete and trustworthy, but for reasons of confidentiality and protection of intelligence sources, cannot be presented as evidence in ordinary criminal proceedings." However, Amnesty International believes it is the duty of a government to find ways to deal with confidential or sensitive information in a way which does not compromise an individual's right to a fair trial, particularly when it results in deprivation of liberty. No one should be deprived of his or her liberty because a state is incapable of dealing appropriately with evidence.

The requirement that the government use the institutions and procedures of ordinary criminal justice, including the presumption of innocence, whenever it seeks to deprive a person of liberty based on allegations of essentially criminal conduct is a fundamental bulwark of liberty and security of the person, and an underlying principle of international human rights law.

Among the countries in which Amnesty International has, in recent years, documented abusive systems of administrative detention – and called for an end to administrative detention – are Sri Lanka, Egypt, China, and India (Jammu and Kashmir). In Amnesty



International's long and global experience, creating a system of indefinite or prolonged detention without trial, regardless of any supposed "substitute" safeguards, inevitably results in the long-term imprisonment of individuals who in fact have not planned or perpetrated acts of violence or other serious crimes and facilitates other violations, including torture and other ill-treatment.

Finally, the Committee against Torture concluded in 2001 that administrative detention as practised by Israel did not conform to the prohibition on cruel, inhuman and degrading treatment or punishment under Article 16 of the Convention against Torture.<sup>88</sup> It repeated this assessment in 2009, noting that administrative detention was sometimes used for "inordinately lengthy periods", and that "the detainee may be de facto in incommunicado detention for an extended period, subject to renewal."<sup>89</sup>

Amnesty International also considers that Israel's use of administrative detention, including under the Internment of Unlawful Combatants Law, may amount to cruel, inhuman and degrading treatment.<sup>90</sup> Administrative detainees do not know when they will be released and cannot mount a proper defence due to the secret evidence deployed against them. Thus, they and their families hope that each order will be the last, that each judicial review will somehow be different from those before, and that the HCJ will challenge the secret evidence and order their release, despite all the evidence that it consistently fails to do so. In the vast majority of cases these hopes are dashed, and the detainees and their families are left in a seemingly unending cycle of vain hope and despair. Even when no physical ill-treatment is involved, the perpetual uncertainty of indefinite detention without charge or trial can amount to cruel, inhuman and degrading treatment or punishment.<sup>91</sup>

## 5.2 ISRAELI DETENTION CENTRES AND FAMILY VISITS

All but one of the Israeli prisons where Palestinian administrative detainees are held is located inside Israel. The detention of Palestinians inside Israel violates international law. Articles 49 and 76 of Fourth Geneva Convention stipulate that detainees from occupied territories must be detained in the occupied territory, not in the territory of the occupying power. If all Palestinian detainees were held in the OPT, their families would not need to enter Israel to visit them and the issue of permits would not arise.

The Israeli authorities' refusal to grant permits to thousands of relatives of Palestinian detainees is a punitive policy that penalizes both Palestinian detainees, by denying them regular visits or any visits at all, and their relatives. No such prohibition exists for relatives of Israeli prisoners.

Although under international human rights standards and international humanitarian law, Israel is responsible for ensuring that Palestinian detainees receive family visits, the international community, via the ICRC, has been shouldering the cost of the family visit programme for decades. The ICRC not only arranges family visits for Palestinian detainees but also provides transport.

The Israeli authorities' failure to ensure that Palestinian detainees receive family visits breaches international standards, including:

- Article 116 of the Fourth Geneva Convention;
- Principle 5 of the UN Basic Principles for the Treatment of Prisoners;

- Rules 37 and 92 of the UN Standard Minimum Rules for the Treatment of Prisoners;
- Principle 19 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- Rules 60 and 67 of the UN Rules for the Protection of Juveniles Deprived of their Liberty.

Conditions in Israeli prisons and detention centres vary but frequently violate other provisions of the UN Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), including those concerning food, accommodation, sanitation and medical services. Persons arrested or detained without charge are supposed to benefit from the “special regime” outlined in Part II.C of the Standard Minimum Rules, which includes holding them separately from convicted prisoners. The IPS does not generally abide by this provision, and continues to hold administrative detainees in wards for sentenced prisoners, despite the fact that this also violates the IPS’ own regulations.<sup>92</sup>

### 5.3 TORTURE AND OTHER ILL-TREATMENT, INCLUDING OF DETAINEES AND PRISONERS ON HUNGER STRIKE

Amnesty International is extremely concerned at continuing reports that Palestinians arrested by the Israeli security forces are tortured or otherwise ill-treated during arrest and interrogation. The organization is also concerned that the Israeli authorities’ treatment of administrative detainees and other prisoners on hunger strike often amounts to cruel, inhuman or degrading treatment or punishment, including solitary confinement as a punishment; prohibitions on family visits; restricting lawyers’ access to detainees; verbal abuse, violent handling and other forms of pressure to end the hunger strike; and restrictions on access of detainees to independent doctors to examine the hunger striker.

Such treatment is strictly prohibited under the ICCPR, and the Convention against Torture, to which Israel is a state party. It is also a violation of the requirement under international humanitarian law of humane treatment.<sup>93</sup>

### 5.4 FORCIBLE TRANSFER OR EXILE

Amnesty International opposes forcible exile – when a government forces individuals to leave their own country on account of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour, language, national or social origin, economic status, birth, or other status, and then prohibits their return. Amnesty International also opposes deportation from territories under military occupation in all cases.

Article 49 of the Fourth Geneva Convention prohibits an occupying power from forcibly transferring or deporting people from an occupied territory. Deals under which Palestinian detainees are pressured to “agree” to be transferred into either the Gaza Strip or the West Bank, or to leave the OPT completely, violate this prohibition.

## 6. RECOMMENDATIONS

In light of the ongoing violations highlighted in this report, Amnesty International is making recommendations to both the Israeli authorities and the international community.

### TO THE ISRAELI AUTHORITIES

- Release immediately and unconditionally all prisoners of conscience.
- Release all administrative detainees unless they are to be promptly charged with internationally recognizable criminal offences and tried in accordance with international fair trial standards.
- End the practice of administrative detention.
- Repeal the Internment of Unlawful Combatants Law and rescind paragraphs 284 to 294 of Military Order 1651, which provide for administrative detention.
- Protect all those held by Israeli authorities from all forms of torture and other ill-treatment at all times.
- Ensure that hunger strikers are treated humanely at all times. Provide them with adequate medical care, including in civilian hospitals with specialized facilities if necessary, and by granting them access to independent doctors of their choice.
- Ensure that no prisoner or detainee is punished for their being on hunger strike. Any artificial feeding should be only for medical reasons, under medical supervision, by suitably trained personnel, and must never be done in a manner that amounts to cruel, inhuman or degrading treatment.
- Ensure prompt, effective investigation by an independent and impartial body into complaints and reports that detainees and prisoners have been tortured or otherwise ill-treated, including into alleged violations by Israel Prison Service and Israel Security Agency staff against prisoners and detainees on hunger strike since December 2011. Suspend from active duty personnel suspected of torture or other ill-treatment during the investigation.
- Prosecute, wherever there is sufficient admissible evidence, those responsible for torture or other ill-treatment in fair trials.
- Provide victims of torture and other ill-treatment with prompt reparation, including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation.
- Ensure that detainees and prisoners are held in prisons and detention centres in the Occupied Palestinian Territories.
- Allow all Palestinian detainees and prisoners – including those from the Gaza Strip – to

have family visits, including from close relatives who have been barred on “security” grounds.

- End all forced deportations of Palestinians from the OPT into exile, or forcible transfers from the West Bank to Gaza, including in the context of deals to release individuals held under administrative detention orders.

## TO THE INTERNATIONAL COMMUNITY

All states, as High Contracting Parties to the Geneva Conventions, have an obligation under Article 1 of the Fourth Geneva Convention to “respect and ensure respect for” the Convention. In this regard the organization is also calling on the international community to:

- Ensure that Israel, as the occupying power, fulfils its obligations to treat Palestinians humanely and refrains from forcible transfer and deportation.
- Exercise universal jurisdiction to prosecute grave breaches of the Geneva Conventions.
- Pressure the Israeli authorities to end the practice of administrative detention.

# APPENDIX 1

Verbatim responses from the Israeli authorities to Amnesty International members' urgent appeals regarding various Palestinian administrative detainees:

**From:** Embassy of Israel - Assistant to the Director of Public Affairs

**Sent:** Tuesday, April 10, 2012 2:29 PM

**Subject:** Mr Qatamish

**Re: Ahmad Qatamish**

Dear Sir/Madam

I would like to acknowledge receipt of your letter regarding the detention of Mr Ahmad Qatamish. Please find below some background information with the timeline of Mr Ahmad Qatamish judicial antecedents and the latest update on his detention.

1. Mr Qatamish was arrested on 10 June 2011 on the grounds of his involvement with the Popular Front for the Liberation of Palestine (PFLP).
2. A criminal investigation took place against Mr Qatamish, and an arrest warrant was issued against him on 3 May 2011. Following extensive intelligence gathered from several sources, he was considered to pose a threat to regional security and therefore, the IDF Commander of the West Bank ordered his arrest according to the customary procedure as appearing of the security legislation.
3. A preliminary judicial hearing regarding the administrative detention of Mr Qatamish took place on 8 May 2011 in the presence of him and his lawyer at the military court for administrative detentions. It was decided that further investigation and analysis of the evidence was required and therefore after this done, a second hearing took place.
4. On 19 May 2011 the order for his administrative detention was approved and the court reduced it from 6 months to 4 months ending 2 September 2011. The judge stated that: *"I was convinced that the defendant poses a severe and immediate danger to the public and regional security. I found the material that was brought before me to be reliable, up to date and verified by several sources. It coherently established the imminent risk posed by the defendant if he were to be released. I believe that in the case before us, the intelligence and evidence gathered demonstrates the great and unusual danger posed by the defendant."*
5. Note: the reduction of the detention time was due partially to technical procedural errors that took place during the issuing of arrest warrant. The court ruled that due to the risk that Mr Qatamish poses, they were unable to decide on the annulment of the arrest warrant though errors were made. The balance between the public interest and the rights of the detainee will manifest itself in the reduction the detention time. The military advocate appealed against this decision before the military court of appeals and was rejected.
6. Furthermore, on the 3<sup>rd</sup> of October 2011, the court approved the renewal of his arrest warrant for a further 6 months (starting 2<sup>nd</sup> September 2011). This was due to the court's

concerns following the reading of classified intelligence that was presented to it.

7. We would like to also mention that the court was presented with new intelligence in addition to the previous data already accumulated. This material confirmed that Mr Qatamish's involvement with the PFLP poses a security threat and therefore, his administrative detention was renewed.

Latest information received from the Judicial department responsible for administrative detentions in the West Bank and from the High Court of Justice:

A. An administrative detention order (the third) against the above was issued on 1.03.12 by the military commander, and whose validity is extended until 31.08, i.e. for a period of six months (the maximum period for administrative detention).

B. During the Judicial review held on 05/03, a judge heard the prosecution's position and the position of the detainee who was present at the hearing.

The detainee was not legally represented, and when the Court asked why, Mr Qatamish said he was boycotting the Court and does not recognize its authority. Shortly after, the detainee asked to go back to his cell and to not participate in the discussion (as Mr Qatamish already did in the past).

C. On that same day, 05/03, the Judge confirmed the detention order for the specified period (in light of additional information provided by the security agencies and the assessment of the level of threat).

Note that the prisoner filed a petition against the detention order before the High Court in November 2011. On 02/02/12 a representative of the Mr Qatamish came to the Court and asked for the petition to be cancelled, without specifying the reasons behind his demand.

Thank you for contacting us,

**Re: Mr Khader Adnan**

Dear Sir/Madam,

I would like to acknowledge the receipt of your letter regarding Mr Khader Adnan. You will find below the last update published by the Justice Ministry Spokesman's office. In addition, please find some more information about Mr Khader Adnan.

**Justice Ministry Statement Regarding Khader Adnan**

(Communicated by the Justice Ministry Spokesman's Office)

Following is a translation of a request submitted by the State Attorney and the attorney of the appellant (Khader Adnan) to the Supreme Court:

1. This petition regards the appellant's request for an order to revoke the administrative detention order that was issued against him, and is in force until 8.5.12.
  2. The State would like to announce – after the issue had been brought before the Attorney General – that it agrees to offset the days in which the appellant was detained for the purpose of a criminal investigation prior to his administrative detention from the period of the current administrative detention order, and also announces that as long as no new significant and substantive material is added regarding the appellant, there is no intention to extend the administrative detention.
- Therefore, as long as no new significant and substantive material is added regarding the appellant, his administrative detention will end on 17.4.12.
3. In light of State's foregoing announcement, the appellant states – via his attorney – that he is halting his hunger strike effective immediately.
  4. In light of the foregoing, the State and the appellant ask that the honorable Court order that the petition be dismissed without an order regarding costs, and that the discussion scheduled for today (Tuesday), 21.2.12, be cancelled."

**The Hunger Strike**

**Background Facts**

**Introduction:**

Khader Adnan has been on hunger strike since his arrest on 17 December 2011, protesting his administrative detention. It should be noted that administrative detention is conducted under judicial supervision. He is under medical supervision and is receiving appropriate medical care.

**Terrorist Activities:**

Adnan has been jailed a number of times for his involvement in terrorist activities.

Adnan is a senior activist in the northern Samarian (West Bank) branch of Palestinian Islamic Jihad (PIJ). In the past, he was a spokesman for the terrorist organization. He is not suspected of direct involvement with terrorist attacks. However, he has taken an active role in the organization's activities, including the transfer of money to the group. Additionally, he has been in contact with elements of Islamic Jihad in Syria and the Gaza Strip.

Adnan's involvement in PIJ is ongoing and he was involved in the recent renaissance of the

Islamic Jihad in the northern Gaza Strip.

**History of Arrests:**

A military court has extended his current detention until 8 May 2012.

Adnan was arrested in December 2011, but already in the previous May, Israel tried to detain him. He ran away from the arresting officers and spent seven months in hiding in the area of his village, Araba, in northern Samaria. During the May event, materials connecting him to PIJ activities were found in his house.

Adnan has been arrested eight times by Israel. Each time, upon his release, he immediately returned to terrorism and therefore eventually was arrested again. In his previous arrest, he was held for 6 months, from March to September 2008. Then, as now, the reason for his arrest was his involvement in the Islamic Jihad.

**In the past, he has also been arrested for interrogation purposes by the Palestinian Authority.**

**History of Hunger Strikes:**

Adnan claims that he is striking because of the "humiliation" he suffered during his questioning. However, he started his hunger strike a few hours after being arrested, while questioning began only a day later.

**It should be noted that when he was arrested in September 2010 for a month by the Palestinian Authority for his involvement in PIJ, he also conducted a hunger strike, leading to his release. It is apparent that he is using the same technique in the hope that it will work again, this time with the Israeli authorities.**

**Medical Care:**

Adnan was originally held in the Megiddo prison. He was transferred to the medical center of the Nitzan detention center in order to receive close medical supervision. During this period he was sent to Assaf Harofeh Hospital for tests. On the advice of his doctors, he was sent to Ziv Hospital in Safed, where he was hospitalized under the supervision of the Israel Prison Service.

Adnan was treated by Prof. Weingarten, of Physicians for Human Rights – Israel. He received intravenous fluids and was under constant medical supervision.

**Living Conditions:**

The detainee has been given the opportunity to make phone calls, as well as visit with his lawyer, family, a religious figure and the Red Cross. At his request, a visit with Jamal Zahalka, a member of the Knesset, has been approved.

**Background on Palestinian Islamic Jihad (PIJ)**

The PIJ is a fundamentalist Islamic terrorist organization, striving to establish "an Islamic caliphate under Shariah Law" through terrorism. According to the organization, "freedom of Palestine" (a geographical and political definition that denies the right for Israel to exist) is the first step to "Redemption of Islam", and the only way achieve it is through "Jihad" and uncompromising terrorist activities against Israel.



The organization operates from Damascus where the organization's leadership enjoys freedom of action. In addition, there is clear evidence that the organization receives direct support from Iran. The PIJ is considered as an Iranian proxy, as it receives the vast majority of its financial support. The PIJ is listed as a terrorist organization by the U.S., UK, EU, Australia, Canada, and Japan.

During the 80s, the PIJ was the most active terrorist organization and carried out terror attacks against Israeli targets. After the signature of Oslo agreements, the organization immediately expressed its opposition to any form of dialogue. Consequently, the organizations shifted its tactical agenda to suicide bombings and carried out several terror attacks inside Israel. During the second Intifada (September 2000) prominent PIJ activists (from the West Bank in particular), carried out a series of suicide bombing attacks, which killed dozens of Israelis and wounded hundreds (For instance, the suicide attack in Eilat on January, 29<sup>th</sup>, 2007).

Following Israel's counterterrorism operations on the West Bank, and the establishment of "buffer zone" in northern West Bank, there was a dramatic decline in the number of terrorist attacks. The organization maintains its agenda and continues its efforts to carry out suicide bombings in Israel. However, its activity is now mainly located in the Gaza Strip, from where it carries out another type of terrorist activity: launching of rockets and mortars against Israel, including rockets of the type "Grad" that can reach indiscriminately highly populated cities in the heart of Israel.

Thank you for contacting us,

**Re: Mr Aziz Dweik**

Dear Sir/Madam,

I would like to acknowledge the receipt of your letter concerning Mr Aziz Dweik. Please find updated information regarding his case. Moreover, please find some background information about Hamas ideology and facts about administrative detention.

Mr Dweik is a leading figure in the West Bank division of Hamas. He was elected in 2006 as chairman of the parliament on behalf of Hamas. His last imprisonment in Israel was between 2006 and 2009.

Mr Dweik works in the organisational structure of Hamas in the West Bank, whose aim is to strengthen the movement's presence and influence in the West Bank and Hebron in particular.

In addition to his functions in the organisational structure of Hamas, Mr Dweik is an active member of the Legislative Council. His dual functions have the potential to result in a situation where Mr Dweik takes advantage of his status and position in order to push the agenda of Hamas.

The arrest was decided as an outcome of a thorough investigation based on large number of information accumulated in the past few years about his involvement in Hamas infrastructure rehabilitation in the West Bank. The arrest of Mr Dweik has no relation whatsoever with his position or activities in the Legislative Council.

**Hamas**

Hamas organisation is ideologically committed to destroy the State of Israel through a long-term holy war (jihad):

The main points of the Hamas charter:

- The conflict with Israeli is religious and political: The Palestinian problem is a religious-political Muslim problem and the conflict with Israel is between Muslims and the Jewish "infidels."
- All Palestine is Muslim land and no one has the right to give it up: The land of Palestine is sacred Muslim land and no one, including Arab rulers, has the authority to give up any of it.
- The importance of jihad (holy war) as the main means for the Islamic Resistance Movement (Hamas) to achieve its goals: An uncompromising jihad must be waged against Israel and any agreement recognizing its right to exist must be totally opposed. Jihad is the personal duty of every Muslim.
- The importance of fostering the Islamic consciousness: Much effort must be invested fostering and spreading Islamic consciousness by means of education [i.e., religious-political indoctrination] in the spirit of radical Islam, based on the ideology of the Muslim brotherhood.
- The importance of Muslim solidarity: A great deal of importance is given to Muslim solidarity, one of whose manifestations is aid to the needy through the

establishment of a network of various “charitable societies.”

- In addition, the charter is rife with overt anti-Semitism: According to the charter, the Jewish people have only negative traits and are presented as planning to take over the world. The charter uses myths taken from classical European and Islamic-based anti-Semitism.

### **Administrative Detention**

- 1) Since 2000, Israelis have been the victims of a relentless and ongoing campaign by Palestinian terrorists to spread death and destruction, condemning our region to ongoing turmoil.
- 2) In light of this lethal threat, Israeli security forces have sought to find new effective and lawful counter-measures.
- 3) These measures may be used as the exception only when the evidence in existence is clear, concrete and trustworthy but for reasons of confidentiality and protection of intelligence sources, cannot be presented as evidence in ordinary criminal proceedings.
- 4) Issuance of administrative detention orders against detainees who pose a danger to public security in the West Bank or the Gaza Strip, in those cases outlined above, is recognized by international law and is in full conformity with Article 78 of the Fourth Geneva Convention 1949.
- 5) Furthermore, the measure is used only in cases where there is corroborating evidence that an individual is engaged in illegal acts that endanger the security of the state and the lives of civilians, and each order is subject to judicial review with right of appeal to the Military Court of Appeals, and also a subsequent petition to the Israeli High Court of Justice for a repeal of the order. Petitioners may be represented by counsel of their choice at every stage of these proceedings and have a right to examine the unclassified evidence against them. Note that an administrative detention order is limited to six months and its extension requires reevaluation of the relevant intelligence, as well as further judicial review and appeal.

### **Israel**

Administrative detention is when intelligence and security information is brought to the Judge about a particular defendant. On the basis of this information the defendant is put to prison. This procedure occurs without due process of law as normally regulated. The legality of the procedure comes from the fact that an appeal is automatically given and its relevance checked every three months. Details of the case and reasons behind the defendant’s detention cannot be revealed as their contents are subject to a high classification.

### **In the World:**

A. Administrative detention exists in other parts of the world, and even in other democratic countries fighting terrorism, primarily the United States and Britain. A terror suspect can be held in detention without trial indefinitely according to the US-Patriot Act passed after the attacks 9/11. The Patriot act also allows for the government to hold terrorism suspects without bringing them before a judge for a period of 6 months. This period might be unlimited when the Ministry of Justice concludes that it is necessary.

- B. UK law allows to hold terrorism suspects without an arrest warrant for 28 days.
- C. Other countries coping with widespread illegal immigration, such as Australia and Ireland, also have forms of administrative detention.
- D. One should also compare this situation with the regulations of undemocratic governments surrounding Israel (Including Gaza) where administrative detention is not only systematically adopted on the suspicion of involvement in activities threatening the regime but often resumes in the execution of the defendant. In this case, the alternative to administrative detention is also often execution.

**From Amnesty international:**

In the West Bank, the security forces of the Fatah-controlled Palestinian Authority (PA) arbitrarily detained people connected with Hamas, while in the Gaza Strip the Hamas de facto administration arbitrarily detained people connected with Fatah. In both areas, detainees were tortured and otherwise ill-treated with virtual impunity. Both the PA and Hamas restricted freedom of expression and association. In Gaza, at least 11 people were sentenced to death and five executions were carried out, the first since 2005.

**Arbitrary arrests and detentions**

PA security forces in the West Bank arbitrarily arrested and detained suspected Hamas supporters, and Hamas security forces in Gaza arbitrarily arrested and detained suspected Fatah supporters. In both areas, the authorities gave the security forces wide powers of discretion, including to arrest and detain suspects in breach of the law and to torture and otherwise ill-treat them with impunity. The Independent Commission for Human Rights (ICHR) reported receiving complaints of more than 1,400 arbitrary arrests in the West Bank and more than 300 in Gaza.

Thank you for contacting us.

Sincerely,

**From:** Embassy of Israel – Assistant to the Director of Public Affairs  
[mailto:public@london.mfa.gov.il]

**Sent:** Wed 4/11/2012 1:14 PM

**To:**

**Subject:** RE: Please release Hana Shalabi

**Re: Ms Hanna Shalabi – update April 2012**

Dear Sir/Madam,

I would like to acknowledge the receipt of your letter regarding Ms Hanna Shalabi. You will find below the last update published by the Justice Ministry Spokesman's office. In addition, please find some more information about Ms Hanna Shalabi.

**Last update:**

Ms Hana Shalabi stopped her hunger strike after more than 40 days and was transferred from Israel to the Gaza Strip.

According to the media (Haaretz newspaper this morning), Ms Hana Shalabi agreed with the conditions of her release from administrative detention and her transfer to the Gaza Strip for a period of three years. During this three-year period, she agreed to avoid any engagement in activities that are directly or indirectly threatening the security of the state of Israel. After the three years, Ms Hana Shalabi will be entitled to return to her family home near Jenin.

Assisted by the Red Cross, Hana Shalabi was able to meet with her family before being transferred to Gaza via Erez crossing point. There, Ms Hana Shalabi was welcomed by supporters from all political sides.

**Justice Ministry statement regarding Ms. Hanna Yehyeh Tzabbar Albazor Shalabi**

Ms. Shalabi was released from administrative detention on 18 October 2011, despite significant security concerns about her (and many other individuals), as part of the Shalit prisoner exchange agreement.

On 16 February 2012, due to the unique circumstances of her behavior in the weeks and months following her release, Ms. Shalabi was arrested again and a new administrative detention order was issued. This decision, the only one of its kind of an administered detainee included in the Shalit agreement, was taken in light of her renewed involvement in planning terrorist action. Due to the graveness of these concerns, the order was given for six months, until 16 August 2012.

A judicial review of the order with the presence of Ms. Shalabi and her seven legal representatives was held last week, on 29 February, in the Military Court for Administrative Affairs. On 4 March, a judicial decision was given to shorten the current Administrative order to four months, until 23 June 2012.

This decision was given due to concerns regarding Ms. Shalabi's current psychological state and was not related to the significant security concerns regarding her. The judge determined that a closer judicial review was necessary in the circumstances and ordered a review in four months.

\* \*

Ms. Shalabi began a hunger strike on 20 February 2012. In this regard, the judge said that no medical document was presented by either side indicating a threat to Ms. Shalabi's health. She ordered that in an event of a deterioration in Ms. Shalabi's health, a review of the decision will be allowed.

Ms. Shalabi was detained in Hasharon prison. For some time she was held in a separate cell and over the last couple of days has shared a cell with another female prisoner. Since her declaration of a hunger strike, she has received routine visits by prison medical personnel, though she refused to allow them to examine her. Ms. Shalabi receives regular visits by her attorneys and Red Cross doctors. A family visit was also approved and took place before her transfer to Gaza.

\* \*

One of the unique aspects of the case of Ms. Shalabi is that there have been significant security concerns about her for quite some time. Ms. Shalabi was initially arrested on 14 September 2009. On 29 September 2009, an administrative detention order was issued based upon intelligence information regarding her involvement in dangerous activities including planning to commit a terrorist suicide attack. The original order was given for six

months.

In a judicial review of the order in the presence of Ms. Shalabi, the Military Court for Administrative Affairs stated that "credible and high quality intelligence information was presented, which point towards danger to the safety of the Area if the detainee is released. The Court was persuaded that a detention period shorter than six months will not suffice, and this period is proportionate to the danger posed by the detainee as indicated by intelligence information." The Court also stated that "there is well founded and varied intelligence information, from several sources of information and from several kinds of information sources, according to which the detainee has high motivation to carry out a terrorist act, has initiated and requested to carry out murderous terrorist activities, and even took initial steps to implement her initiative." The Court affirmed the order for its entire duration minus the number of days Ms. Shalabi was detained prior to the issue of the order.

On 3 November 2009, Ms. Shalabi's counsel filed an appeal against the decision. The appeal was rejected by the Military Court of Appeals which determined that "the Military Commander had reasonable grounds to assume [...] that the safety of the Area or the safety of the public obligates that the appellant will be held in detention. The length of the detention is proportionate to the estimated threat inflicted of the appellant."

Upon the expiration of the first order against her, an additional order was issued against Ms. Shalabi until 12 September 2010. The second order was affirmed by the Military Court for Administrative Affairs for its entire duration. On 7 September 2010, an additional order was issued against Ms. Shalabi for a further period of six months. That order was also affirmed by the Military Court for administrative affairs.

Following an appeal filed by Ms. Shalabi's attorney, the Military Court of Appeals again affirmed the order for its entire duration, emphasizing its concern that Ms. Shalabi remained ready to commit a suicide attack. The order was renewed again in March 2011. It should be noted that Ms. Shalabi was represented by counsel throughout all of these proceedings.

\* \*

Two petitions have been submitted to the High Court of Justice by Ms. Shalabi with regards to her administrative detention during the last two years. In the first petition, no. 8761/10, which was heard on 24 January 2011, the judge stated that after hearing the arguments and reviewing confidential information, she recommended that Ms. Shalabi's counsel withdraw the petition, and Ms. Shalabi's attorney closed the case. In the second petition no. 5823/11, heard on 27 September 2011, both sides agreed to withdraw the petition since agreeing that if no additional information would be discovered, she would be released in three months.

\* \*

Thank you for contacting us,

Sincerely,

## APPENDIX 2

### PALESTINIANS WHOSE ADMINISTRATIVE DETENTION ORDERS HAVE BEEN RENEWED OR ISSUED BETWEEN 14 AND 31 MAY 2012

Amnesty International has received the names of 30 Palestinian administrative detainees whose detention orders have been renewed and three who had been issued with new orders since the deal ending the mass hunger strike was signed on 14 May.

#### **New orders:**

- 1) Sameeh Elewi
- 2) 'Ala Fahmi Za'qeeq
- 3) Mohammed Saeed Ali Ba'aran

#### **Renewed orders:**

- 1) Mohammed Maher Bader (PLC member)
- 2) Abdel Rahman Zidan (PLC member)
- 3) Ahmed al-Haj Ali (PLC member)
- 4) Mohammed Jamal Natsha (PLC member)
- 5) Nayef Mohammed al-Rajoob (PLC member)
- 6) Khalid Tafish (PLC member)
- 7) Hasan Youssef (PLC member)
- 8) Samir Qadi (PLC member)
- 9) Mohammed Ghazal (university lecturer)
- 10) Hussam Mohsen al-Raza
- 11) Samer al-Barq
- 12) Mohammed Karam al-Qadi
- 13) Rashad Ahmad Abd al-Rahman
- 14) Falah Taher Nada
- 15) Aziz Haroon Kayed
- 16) Shafiq Qawasmi
- 17) Khalil Abu Matar
- 18) Ahmad Assida
- 19) Mohamed Ali Abu al-Rob
- 20) Salah Nada
- 21) Hassan Shtayyeh
- 22) Sajed Militaat
- 23) Rida Khaled
- 24) Hussam Harb
- 25) Abdel Basset al-Hajj
- 26) Yassir Badrasawi
- 27) Farouq Tawfiq Musa
- 28) Hussam Khader
- 29) Hussein Abu Kweik
- 30) Tareq al-Sheikh

## ENDNOTES

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<sup>1</sup> See, for example, Sharon Weill, "The judicial arm of the occupation: the Israeli military courts in the occupied territories", *International Review of the Red Cross*, Vol. 89, No. 866, June 2007, p. 396.

<sup>2</sup> See B'Tselem, "Statistics on Administrative Detention", accessed on 31 May 2012, [http://www.btselem.org/administrative\\_detention/statistics](http://www.btselem.org/administrative_detention/statistics).

<sup>3</sup> Amnesty International, "Accountability for violations needed despite Palestinian prisoner deal", 16 May 2012, <http://www.amnesty.org/en/news/palestinian-prisoner-deal-provides-relief-accountability-violations-needed-2012-05-16>.

<sup>4</sup> The Israel Security Agency is also known as the General Security Services, which is a direct translation of its Hebrew name (*Sherut HaBitakhon HaK'lali*, abbreviated as Shabak, and sometimes referred to by its first two initials as the Shin Bet). Its website is [www.shabak.gov.il/Pages/default.aspx](http://www.shabak.gov.il/Pages/default.aspx) (Hebrew) and [www.shabak.gov.il/english/Pages/default.aspx](http://www.shabak.gov.il/english/Pages/default.aspx) (English).

<sup>5</sup> See Israel Ministry of Foreign Affairs, "End of hunger strike by security prisoners", 14 May 2012, [http://www.mfa.gov.il/MFA/Government/Communiques/2012/End\\_hunger\\_strike\\_security\\_prisoners\\_14-May-2012.htm](http://www.mfa.gov.il/MFA/Government/Communiques/2012/End_hunger_strike_security_prisoners_14-May-2012.htm).

<sup>6</sup> See for example Addameer, "Progress for Prisoners' Movement: Palestinian Prisoners' Mass Hunger Strike Concludes After Agreement is Reached", 15 May 2012, <http://www.addameer.org/etemplate.php?id=481>.

<sup>7</sup> Some media reports suggested that family visits to Gazan prisoners would resume within a month; there is no date set in the official Israeli account of the deal.

<sup>8</sup> For the names of those reported to have had their administrative detention orders renewed, please refer to Appendix 2.

<sup>9</sup> See <http://www.addameer.org/etemplate.php?id=302>.

<sup>10</sup> See Amnesty International, "Israel-Hamas prisoner swap casts harsh light on detention practices of all sides", 18 October 2011 (Index: PRE01/524/2011).

<sup>11</sup> See Amnesty International, *Occupied Palestinian Territories: Torn apart by factional strife*, Index: MDE 21/020/2007, October 2007, <http://www.amnesty.org/en/library/info/MDE21/020/2007/en>.

<sup>12</sup> See Amnesty International, *Palestinian Authority Annual Report entry*, May 2012, <http://www.amnesty.org/en/region/palestinian-authority/report-2012>.

<sup>13</sup> See Amnesty International, *Operation 'Cast Lead': 22 Days of Death and Destruction*, July 2009 (Index: MDE 15/015/2009).

<sup>14</sup> See, for example, "Amnesty International's updated assessment of Israeli and Palestinian investigations into the Gaza conflict", 18 March 2011 (Index: MDE 15/018/2011); "Amnesty International's assessment of Israeli and Palestinian investigations into the Gaza conflict", 27 September 2010 (Index: MDE 15/022/2010).

<sup>15</sup> For a brief review of some of Amnesty International's concerns about Israel's detention of irregular migrants and asylum seekers, see Amnesty International, *Israel: Briefing to the Committee on the*



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*Elimination of Discrimination against Women*, June 2005 (Index: MDE 15/037/2005); *Amnesty International Memorandum Concerning the Proposed "Prevention of Infiltration Law - 2008"*, 20 June 2008 (Index: MDE 15/024/2008); and "*Israel: New detention law violates rights of asylum seekers*", 10 January 2012.

<sup>16</sup> Amnesty International has documented the use and abuse of administrative detention in many different countries, and campaigns against detention without charge or trial in many different contexts. For recent Amnesty International reports focusing on administrative detention, see: *Locked away: Sri Lanka's security detainees*, 13 March 2012 (Index: ASA 37/003/2012); *Guantánamo: A decade of damage to human rights and 10 anti-human rights messages Guantánamo still sends*, 16 December 2011 (Index: AMR 51/103/2011); *The spring that never blossomed: Freedoms suppressed in Azerbaijan*, 16 November 2011 (Index: EUR 55/011/2011); *Time for justice: Egypt's corrosive system of detention*, 20 April 2011 (Index: MDE 12/029/2011); *A 'lawless law': Detentions under the Jammu and Kashmir Public Safety Act*, 21 March 2011 (Index: ASA 20/001/2011); and *New order, same abuses: Unlawful detentions and torture in Iraq*, 13 September 2010 (Index: MDE 14/006/2010).

<sup>17</sup> Articles 108 and 111 of the Defence (Emergency) Regulations, enacted in September 1945, available at <http://nolegalfrontiers.org/en/military-orders/mil02>.

<sup>18</sup> Emma Playfair, al-Haq: *Law in the Service of Man, Administrative Detention in the occupied West Bank*, 1986, p. 3 (Playfair, *Administrative Detention in the occupied West Bank*); Amnesty International, *Administrative Detention during the Palestinian Intifada*, 1 June 1989 (Index: MDE 15/006/1989).

<sup>19</sup> Taken from responses from the Israeli Ministry of Justice to urgent appeals from Amnesty International members regarding individuals held under administrative detention. See Appendix 1 for some of these responses.

<sup>20</sup> See, for example, HCJ 814/88, *Nasrallah v. Commander of Military Forces in the West Bank, Piskei Din* 43 (2) 271; HCJ 7015/02, *Ajuri v. Commander of Military Forces in the West Bank, Piskei Din* 56 (6) 352, par. 24.

<sup>21</sup> HCJ 253/88, *Sajadiya v. Minister of Defense, Piskei Din* 42 (3) 801, 821.

<sup>22</sup> Amnesty International calls for the immediate and unconditional release of prisoners of conscience – people imprisoned solely because of their political, religious or other conscientiously held beliefs, ethnic origin, sex, colour, language, national or social origin, economic status, birth, sexual orientation or other status, who have not used violence or advocated violence or hatred.

<sup>23</sup> See, for example, Amnesty International, *Administrative Detention during the Palestinian Intifada*, 1 June 1989 (Index: MDE 15/006/1989); *Israel and the Occupied Territories: Administrative detention: Despair, uncertainty and lack of due process*, 30 April 1997 (MDE 15/003/1997); *Israel and the Occupied Territories: Mass detention in cruel, inhuman and degrading conditions*, May 2002 (Index: MDE 15/074/2002); *Israel and the Occupied Palestinian Territories: Briefing to the Committee Against Torture*, September 2008 (Index: MDE 15/040/2008); "*Palestinian writer detained without charge by Israeli authorities*", 10 May 2011.

<sup>24</sup> Playfair, *Administrative Detention in the occupied West Bank*, p. 3-4; Amnesty International, *Administrative detention during the Palestinian intifada*, 1 June 1989, p. 3 (Index: MDE 15/006/1989).

<sup>25</sup> Playfair, *Administrative Detention in the occupied West Bank*, p. 4-5; *Administrative detention during the Palestinian intifada*, June 1989, p. 4.

<sup>26</sup> Amnesty International Report 1987, p. 350 (Index: POL 01/02/1987).

<sup>27</sup> Amnesty International, *Administrative detention during the Palestinian intifada*, June 1989, p. 1.

<sup>28</sup> B'Tselem, *Prisoners of Peace: Administrative Detention during the Oslo Process*, July 1997, p. 90, and [http://www.btselem.org/administrative\\_detention/statistics](http://www.btselem.org/administrative_detention/statistics).

<sup>29</sup> Amnesty International, *Israel and the Occupied Territories: Mass detention in cruel, inhuman and degrading conditions*, May 2002 (Index: MDE 15/074/2002).

<sup>30</sup> See B'Tselem and HaMoked, *Without Trial, Administrative Detention of Palestinians by Israel and the Internment of Unlawful Combatants Law*, October 2009, p. 13 (B'Tselem and HaMoked, *Without Trial*).

<sup>31</sup> See <http://www.btselem.org/>.

<sup>32</sup> See B'Tselem, "Administrative detainees Bilal Diab and Thaer Halahlah are near death after 70 days of their hunger strike" 7 May 2012, [www.btselem.org/administrative\\_detention/diab\\_and\\_thaer](http://www.btselem.org/administrative_detention/diab_and_thaer).

<sup>33</sup> Reporters without Borders, "Palestinian journalists at the mercy of arbitrary Israeli justice", 19 April 2012, <http://en.rsf.org/israel-palestinian-journalists-at-the-19-04-2012,42331.html>.

<sup>34</sup> See [www.btselem.org/statistics/minors\\_in\\_custody](http://www.btselem.org/statistics/minors_in_custody), [www.dci-palestine.org/content/child-detainees](http://www.dci-palestine.org/content/child-detainees), and B'Tselem and HaMoked, *Without Trial*, p. 22. In recent years Amnesty International has campaigned on behalf of child administrative detainees such as Salwa Salah, Sara Siureh, and Hamdi Mohammed Shehadeh al-Ta'mari.

<sup>35</sup> See the Defence (Emergency) Regulations, available at <http://nolegalfrontiers.org/en/military-orders/mil02>.

<sup>36</sup> The full name of this military order was the Order Regarding Security Provisions (Judea and Samaria) (No. 378). See: Playfair, *Administrative Detention in the occupied West Bank*, p. 10-11; Amnesty International, *Administrative detention during the Palestinian intifada*, June 1989, p. 3-4.

<sup>37</sup> Playfair, *Administrative Detention in the occupied West Bank*, p. 10-11; Amnesty International, *Administrative detention during the Palestinian intifada*, June 1989, p. 3-4.

<sup>38</sup> A full English translation of this military order is available at <http://nolegalfrontiers.org/en/military-orders/mil01>.

<sup>39</sup> Sharon Weill, "Reframing the Legality of the Israeli Military Courts in the West Bank: Military Occupation or Apartheid?" in *Threat: Palestinian Political Prisoners in Israel*, Pluto Press, 2011, p. 140-141. This is not the case for Palestinians citizens of Israel or residents of East Jerusalem, who are brought before military courts for alleged offences committed within the OPT.

<sup>40</sup> B'Tselem, HaMoked, *Administrative Detention of Palestinians by Israel and the Internment of Unlawful Combatants Law*, October 2009, [http://www.btselem.org/sites/default/files2/publication/200910\\_without\\_trial\\_eng.pdf](http://www.btselem.org/sites/default/files2/publication/200910_without_trial_eng.pdf).

<sup>41</sup> For a good summary of these rulings, see Shiri Krebs, "Lifting the Veil of Secrecy: Judicial Review of Administrative Detentions in the Israeli Supreme Court", *Vanderbilt Journal of Transnational Law*, Vol. 45, No. 3, p. 668-669 (Krebs, "Lifting the Veil of Secrecy").

<sup>42</sup> See, for example: HCJ 814/88, *Nasrallah v. Commander of Military Forces in the West Bank, Piskei Din* 43 (2) 271; HCJ 7015/02, *Ajuri v. Commander of Military Forces in the West Bank, Piskei Din*

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56 (6) 352, par. 24; HCJ 253/88, *Sajadiya v. Minister of Defense*, *Piskei Din* 42 (3) 801, 821.

<sup>43</sup> David Kretzmer, *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories*, 2002, SUNY Press, p. 132-135.

<sup>44</sup> Krebs, “*Lifting the Veil of Secrecy*”, p. 670. The case was HCJ 907/90, *Zayad v. Military Commander in the W. Bank* (1990),

<sup>45</sup> Krebs, “*Lifting the Veil of Secrecy*”, p. 672.

<sup>46</sup> Krebs, “*Lifting the Veil of Secrecy*”, p. 688-691. Some 36 per cent of petitions submitted to the HCJ between 2000 and 2010 by administrative detainees being held under military orders were withdrawn by the detainee as a result of this “bargaining process” (p. 675).

<sup>47</sup> [http://nolegalfrontiers.org/en/military-orders/mil01/67-security-provisions-chapter9-271-315#Article\\_C\\_-\\_Restraining\\_orders\\_and\\_supervision](http://nolegalfrontiers.org/en/military-orders/mil01/67-security-provisions-chapter9-271-315#Article_C_-_Restraining_orders_and_supervision).

<sup>48</sup> An unofficial English translation of this law is available at [http://www.btselem.org/sites/default/files/1979\\_emergency\\_powers\\_law\\_detention.pdf](http://www.btselem.org/sites/default/files/1979_emergency_powers_law_detention.pdf).

<sup>49</sup> The Law and Administration Ordinance was enacted on 19 May 1948. On the same day, a state of emergency was declared under Section 9(a) of the Ordinance, which permits any “Minister to make such emergency regulations as may seem to him to be expedient in the interests of the defence of the state, public security, and the maintenance of supplies and essential services.” Hundreds of emergency regulations have since been enacted, many of which compromise civil, political, and labour rights. See Adam Mizock, “*The Legality of the Fifty-Two Year State of Emergency in Israel*”, *U.C. Davis Journal of International Law and Policy*, Spring 2001, p. 226-227 (Mizock, “*Legality of the Fifty-Two Year State of Emergency*”).

<sup>50</sup> See *Basic Law: The Government* (1999), Articles 49 and 50, available at [www.knesset.gov.il/laws/special/eng/basic7\\_eng.htm](http://www.knesset.gov.il/laws/special/eng/basic7_eng.htm), and *Basic Law: The Government* (2001), Articles 38 and 39, available at [www.knesset.gov.il/laws/special/eng/basic14\\_eng.htm](http://www.knesset.gov.il/laws/special/eng/basic14_eng.htm).

<sup>51</sup> Mizock, “*Legality of the Fifty-Two Year State of Emergency*”, p. 229.

<sup>52</sup> ACRI, “*Supreme Court Rejects Petition to End Continual State of Emergency*”, 8 May 2012, [www.acri.org.il/en/2012/05/08/state-of-emergency-petition-rejected/](http://www.acri.org.il/en/2012/05/08/state-of-emergency-petition-rejected/).

<sup>53</sup> Email response sent by the Public Affairs Department, Israeli Embassy, London to Amnesty International members on 11 May 2012.

<sup>54</sup> See B’Tselem, “*Restraining orders issued to settlers are unacceptable*”, 3 August 2011, [www.btselem.org/administrative-detention/3-aug-11-restraining-orders-issued-settlers-are-unacceptable](http://www.btselem.org/administrative-detention/3-aug-11-restraining-orders-issued-settlers-are-unacceptable).

<sup>55</sup> CrimReh 7048/97, A. and B. v. Minister of Defense.

<sup>56</sup> See Amnesty International, *Detention as hostages – Mustafa al-Dirani and Shaykh Abd al-Karim Ubayd*, 21 June 2000 (Index: MDE 15/029/2000).

<sup>57</sup> In January 2004, in a German-mediated prisoner swap, Mustafa al-Dirani and Sheikh ‘Abd al-Karim ‘Ubayd, along with some 20 other Lebanese detainees, about 400 Palestinian prisoners from the OPT, and 12 Palestinian citizens of Israel were released in exchange for the bodies of three Israeli soldiers and Israeli businessman and ex- soldier Elhanan Tannenbaum.

<sup>58</sup> See Amnesty International, *Israel: Draft law before the Knesset today will undermine humanitarian law*, 19 June 2000, (Index: MDE 15/028/2000). An English translation of the law is available on the Israeli Ministry of Justice website at <http://www.justice.gov.il/MOJHeb/HeskeminVeKishreiHutz/KishreiChutz/HukimEnglish/>.

<sup>59</sup> CrimA 6659/06, CrimA 1757/07, CrimA 8228/07, CrimA 3261/08, A. and B. v. State of Israel.

<sup>60</sup> B'Tselem and HaMoked, *Without Trial*, p. 54.

<sup>61</sup> See Amnesty International, *Israel/OPT: Briefing to the Committee Against Torture*, 30 September 2008 (Index: MDE 15/040/2008); B'Tselem and HaMoked, *Without Trial*, p. 55.

<sup>62</sup> Israel Prison Service statistics available at [http://www.btselem.org/administrative\\_detention/statistics](http://www.btselem.org/administrative_detention/statistics).

<sup>63</sup> Other detainees also boycotted the military courts, refusing to attend judicial review or appeal sessions, while some chose not to file appeals to the Supreme Court.

<sup>64</sup> Physicians for Human Rights – Israel and The Public Committee against Torture in Israel, *Doctoring the Evidence, Abandoning the Victim: The involvement of medical professionals in torture and ill-treatment in Israel*, October 2011.

<sup>65</sup> See Amnesty International, *Israeli decision to release Palestinian detainee in April 'insufficient'*, 21 February 2012, <http://www.amnesty.org/en/for-media/press-releases/israeli-decision-release-palestinian-detainee-april-insufficient-2012-02-21>.

<sup>66</sup> See Amnesty International, *Palestinian detainee freed: Khader Adnan*, Index: MDE 15/021/2012, 18 April 2012, <http://www.amnesty.org/en/library/info/MDE15/021/2012/en>

<sup>67</sup> HCJ 5100/94 *Public Committee against Torture in Israel v. the State of Israel*, 6 September 1999.

<sup>68</sup> See [www.ePalestine.com](http://www.ePalestine.com).

<sup>69</sup> See Agence France Press, *Israeli troops re-arrest Palestinian woman prisoner*, 16 February 2012, <http://www.google.com/hostednews/afp/article/ALeqM5gMXd9Kv9dZqlPQlvfW-fFSryUzSQ?docId=CNG.3b6af75a730047c02c96f63e3f5ab348.561> .

<sup>70</sup> See HaMoked, "Visits to prisoners by relatives from Gaza: HCJ petition 5268/08", <http://www.hamoked.org/Case.aspx?cID=Cases0073> .

<sup>71</sup> See ePalestine, "No permission for the blanket!", <http://epalestine.blogspot.co.uk/2012/02/epalestine-no-permission-for-blanket.html>

<sup>72</sup> See Amnesty International, "Spike in West Bank violence condemned", 14 March 2011, <http://www.amnesty.org/en/news-and-updates/spike-west-bank-violence-condemned-2011-03-14>

<sup>73</sup> See Amnesty International, "Palestinian legislator held without charge: Aziz Dweik", 25 January 2012, (Index: MDE 15/002/2012) <http://amnesty.org/en/library/info/MDE15/002/2012/en> .

<sup>74</sup> See Amnesty International, *Israel / South Lebanon: deportation / fear for safety: over 400 Palestinians*, 21 December 1992, (Index: MDE 15/032/1992) <http://www.amnesty.org/en/library/info/MDE15/032/1992/en> and later updates.

<sup>75</sup> These are of greatest relevance to the concerns raised in this report, but Israel is also bound by its obligations as a state party to the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the International

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Convention on the Elimination of All Forms of Racial Discrimination; and the Convention on the Rights of the Child.

<sup>76</sup> Israel has argued that the Fourth Geneva Convention only applies to the sovereign territory of a High Contracting Party, and that as Jordan and Egypt never had legal sovereignty over the West Bank and Gaza Strip, these areas should not be considered as occupied territories under international law. This contention is not accepted by relevant international bodies.

<sup>77</sup> See, for example, Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention, 5 December 2001, para. 3, <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/5FLDPJ>; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, International Court of Justice, 9 July 2004, para. 101, available at [www.icj-cij.org/homepage/index.php](http://www.icj-cij.org/homepage/index.php) (ICJ Advisory Opinion).

<sup>78</sup> For recent examples see: Concluding Observations of the Human Rights Committee: Israel, 3 September 2010, CCPR/C/ISR/CO/3, para.5; Concluding Observations of the Committee against Torture: Israel, 23 June 2009, CAT/C/ISR/4, para. 11; Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel, 16 December 2011, E/C.12/ISR/CO/3, para. 8; ICJ Advisory Opinion, paras 111-113.

<sup>79</sup> ICRC Commentary on Article 27 of the Fourth Geneva Convention, available at [www.icrc.org/ihl.nsf/COM/380-600032?OpenDocument](http://www.icrc.org/ihl.nsf/COM/380-600032?OpenDocument) .

<sup>80</sup> Israel's derogation, submitted when it ratified the ICCPR on 3 October 1991, is available at [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en#EndDec](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en#EndDec).

<sup>81</sup> Human Rights Committee, General Comment 29: States of Emergency (Article 4), 31 August 2001, CCPR/C/21/Rev.1/Add.11, para. 2.

<sup>82</sup> Human Rights Committee, General Comment 29, para. 11.

<sup>83</sup> See: Concluding Observations of the Human Rights Committee: Israel, 3 September 2010, CCPR/C/ISR/CO/3, para. 7; Concluding Observations of the Human Rights Committee: Israel, 21 August 2003, CCPR/CO/78/ISR/, para. 12; Concluding Observations of the Human Rights Committee: Israel, 18 August 1998, CCPR/C/79/Add.93, paras 11 and 21.

<sup>84</sup> Concluding Observations of the Human Rights Committee: Israel, 21 August 2003, CCPR/CO/78/ISR/, para. 12. Previously, with reference to Lebanese detainees held as "bargaining chips", the Committee found Israel's application of administrative detention "incompatible with articles 7 and 16 of the Covenant, neither of which allows for derogation". See Concluding Observations of the Human Rights Committee: Israel, 18 August 1998, CCPR/C/79/Add.93, para. 21.

<sup>85</sup> Concluding Observations of the Human Rights Committee: Israel, 3 September 2010, CCPR/C/ISR/CO/3, paras 7 and 13.

<sup>86</sup> See Appendix 1.

<sup>87</sup> ICRC Commentary on Article 78 of the Fourth Geneva Convention, available at <http://www.icrc.org/ihl.nsf/COM/380-600085?OpenDocument> .

<sup>88</sup> Conclusions and Recommendations of the Committee against Torture: Israel, 23 November 2001,

CAT/C/XXVII/Concl.5, para. 6(e).

<sup>89</sup> Concluding Observations of the Committee against Torture: Israel, 23 June 2009, CAT/C/ISR/4, para. 17.

<sup>90</sup> Amnesty International, "*Israel and the Occupied Palestinian Territories: Briefing to the Committee against Torture*" (Index: MDE 15/040/2008); "*Israel and the Occupied Palestinian Territories: Update of the Briefing to the Committee against Torture*" (Index: MDE 15/014/2009).

<sup>91</sup> See Tamar Pelleg-Syrck, "*The Mysteries of Administrative Detention*", in "*Threat: Palestinian Political Prisoners in Israel*", Pluto Press, 2011, p. 125-126.

<sup>92</sup> IPS Order No. 04/02/00, "*Holding Conditions for Administrative Detainees*". See: Addameer, "*Administrative Detention in the Occupied Palestinian Territory: Between Law and Practice*", December 2010, p. 15-16. This report lists the various provisions of IPS Order No. 04/02/00, argues that IPS treatment of administrative detainees often fails to comply with them in practice (see p. 24-37).

<sup>93</sup> See Geneva Conventions, common Article 3; Fourth Geneva Convention, Articles 5 and 27; Additional Protocol I, Article 75.



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## **STARVED OF JUSTICE**

### **PALESTINIANS DETAINED WITHOUT TRIAL BY ISRAEL**

More than 300 Palestinians are held by Israel as administrative detainees, without prospect of a trial for any criminal offence. This is a violation of the detainees' right to fair trial.

In early 2012, several Palestinian detainees began prolonged hunger strikes to protest their incarceration without charge or trial, as well as the torture and other ill-treatment, denial of adequate medical care and of family visits and other human rights violations that affect Palestinian detainees and prisoners. On 17 April, an estimated 2,000 prisoners and detainees – almost half of more than 4,000 “security” prisoners – started a month-long hunger strike, which was suspended following a deal in which the Israeli authorities promised to address some of the prisoners' demands.

Detention without trial continues as it has for decades. The Israeli authorities have claimed that administrative detention is used exceptionally against people who pose a great danger to security. In practice, they have employed it against thousands of people, including some who should never have been arrested. This report examines the violations associated with administrative detention, and calls on the Israeli authorities to stop detention without trial and to fully respect the rights of Palestinians in Israeli prisons.

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June 2012

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## Press releases

1 July 2014

### Israel: Collective punishment will not bring the justice that murdered teens deserve

The murder of three abducted Israeli teens deserves justice, something ill-served by the Israeli authorities' actions overnight and their ongoing practices that amount to collective punishment of Palestinians in the West Bank, which are blatant violations of international humanitarian and human rights law, Amnesty International said.

On 30 June, the bodies of three Israeli teens abducted on 12 June were found north of the city of Hebron in the Israeli-occupied West Bank. The Israeli authorities have vowed revenge against the Palestinian armed group Hamas, alleging that it was behind the abduction.

"Nothing can justify these abductions and murders, which we again condemn. Those responsible must be brought to justice," said Philip Luther, Middle East and North Africa Programme Director at Amnesty International.

"But justice will not be served by Israel seeking revenge by imposing collective punishment, or committing other violations of Palestinians' rights. Rather, the Israeli authorities must conduct a full, thorough and impartial investigation that leads to the prosecution of those suspected of being responsible in fair trials."

Upon the Israel security forces' discovery on 30 June of the bodies of Eyal Yifrah, 19, Gilad Shaar, 16, and Naftali Fraenkel, 16, Israel's security cabinet met and vowed revenge against Hamas.

The apartments of the families of the two men the Israeli authorities have said are suspects in the teens' abduction – Marwan al-Qawasmeh and Amer Abu Aisheh, both residents of Hebron – were demolished by the Israeli military overnight, causing significant damage to the larger family buildings in which they were located. The men's whereabouts is unknown.

The Israeli authorities have not presented any evidence to back their assertion that Hamas or the two named suspects were responsible for the teens' abductions and murders.

Following the security cabinet meeting, Israel launched at least 34 air strikes on locations across Gaza on the morning of 1 July. There have been reports of Palestinian injuries.

Militant groups in Gaza have also fired at least 18 rockets into southern Israel; so far no injuries have been reported.

In the West Bank, Yousef Abu Zagha, 20, was shot dead by Israeli soldiers during an arrest raid in Jenin refugee camp on the morning of 1 July 2014, after he allegedly hurled a grenade at them. This brings to at least six the number of Palestinians – including at least one child – killed by Israeli forces in the West Bank since the beginning of the military operation to search for the Israeli teens.

"The logic of tit-for-tat retaliation will only increase the likelihood for further human rights violations and abuses and suffering by Palestinians and Israelis; it needs to stop immediately," said Philip Luther.

The escalation of Israel's military response comes amid continued practices which amount to collective punishment against civilians in the Occupied Palestinian Territories and the unlawful policy of settling civilians in the occupied West Bank.

These include arbitrary arrests and detention – with at least 364 Palestinians currently under administrative detention, the highest number in years – as well as an increased number of checkpoint closures and arbitrary restrictions on Palestinians' right to freedom of movement.

Meanwhile, Israeli settlers have attacked Palestinians in the Hebron and Bethlehem areas, with a nine-year-old girl reportedly injured after a settler ran her over with his car. Settlers have set up three new outposts in the occupied West Bank since the Israeli teens' bodies were found.

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# AMNESTY INTERNATIONAL PUBLIC STATEMENT



Index: MDE 15/013/2014

17 June 2014

## **Abducted Israeli teens must be released, Israel must cease collective punishment of Palestinians**

Amnesty International calls for the immediate and unconditional release of three Israeli teenagers abducted in the occupied West Bank on the evening of 12 June 2014. Additionally, Amnesty International calls on the Israeli authorities to cease all measures amounting to collective punishment which have been imposed on the Palestinian population in the West Bank and elsewhere since the abduction.

Eyal Yifrah, 19, Gilad Sha'er, 16, and Naftali Frenkel, 16, all students at yeshivas (religious schools) in Israeli settlements in the occupied West Bank, were last seen late on 12 June in the settlement bloc of Gush Etzion, between the cities of Bethlehem and Hebron in the southern West Bank. One of the three reportedly called the Israeli police at about 10:25pm on 12 June and said, "We've been kidnapped," before all contact was lost with the teenagers.

Since the morning of 15 June, Israeli Prime Minister Benjamin Netanyahu and other senior Israeli officials have claimed that Hamas members were responsible for the abduction. They have not provided concrete reasons for this, instead stressing that Hamas' military wing has been responsible for abductions in the past. On the same day, Hamas spokesperson Sami Abu Zuhri denied involvement, although other officials from Hamas, as well as spokespeople and members of other Palestinian factions, have reportedly voiced support for the abduction.

At least three different statements claiming responsibility for abducting the teenagers have reportedly been issued by different groups, one claiming to be affiliated with the Islamic State in Iraq and al-Sham, one calling itself Ahrar al-Khalil, and one claiming to be the Al-Aqsa Martyrs' Brigades; this last statement was reported to have been subsequently denied. It is entirely unclear whether any of these claims are credible.

The abduction of civilians and the taking of hostages, whether by state forces or non-state armed groups, are prohibited under international humanitarian law at all times.

Amnesty International has repeatedly condemned the establishment of Israeli settlements in the Occupied Palestinian Territories as violations of the Fourth Geneva Convention. However, the unlawful status of Israeli settlements does not affect the civilian status of those who live, work or study in them, who only lose their protected status if and for such time as they take a direct part in hostilities. All three teenagers abducted on 12 June were civilians.

Amnesty International calls on those holding the abducted teenagers to release them immediately and unconditionally. Until their release, those holding the teenagers must treat them humanely and ensure that they are not ill-treated in any way, are able to contact their families, and have access to any medical attention they need.

The International Committee of the Red Cross (ICRC) has also called for their humane treatment and immediate and unconditional release and has offered to act as a neutral intermediary.

In the days since the teenagers were abducted, Israeli forces have arrested some 200 Palestinians from across the West Bank. Many of the arrests have been in the Hebron region, where Israeli forces have been conducting house-to-house searches in numerous areas. Those arrested, most of whom are reportedly affiliated with Hamas, have included at least seven members of the Palestinian Legislative Council (PLC), including its Speaker, Aziz Dweik, as well as other senior Hamas politicians.

Some of those arrested, including Aziz Dweik, have previously been held by the Israeli authorities without charge or trial as administrative detainees. Amnesty International has repeatedly condemned the practice of administrative detention, and urged the Israeli authorities to release them unless they are promptly charged with internationally recognizable criminal offences. According to the Palestinian human rights NGO Addameer, 18 Palestinian parliamentarians, including those arrested in recent days, are currently detained by Israel. Ten of them are held as administrative detainees, including two – Hassan Yousef and Muhammed Totah – who have been detained since 12 June. Israeli military courts have reportedly issued administrative detention orders to at least 16 other Palestinians arrested since 12 June.

Amnesty International calls on the Israeli authorities to ensure that all those arrested are allowed prompt access to lawyers and contact with their families, are not subjected to any kind of torture or other ill-treatment, and are either charged promptly with a recognizable criminal offence or released. In the absence of concrete grounds to substantiate the Israeli authorities' claim that Hamas or those affiliated with it were responsible for the abductions, Amnesty International considers the arrest of individuals in connection with the recent abduction solely on the basis of their alleged affiliation with the Hamas movement to be arbitrary and in breach of international human rights law.

In the course of an arrest raid in the Jalazun refugee camp in the early hours of 16 June, believed to be part of the Israeli operation responding to the abduction, Ahmad al-Sabareen, a 20-year-old Palestinian who had reportedly been released from Israeli detention less than two weeks ago, was killed by Israeli forces. Amnesty International has previously documented the use of excessive force by Israeli troops against youth in and around this refugee camp, including the killing of 15-year-old Wajih al-Ramahi, who was shot in the back by an Israeli soldier on 9 December 2013. Several other Palestinians, including children, have been injured during Israeli arrest operations over the last several days elsewhere in the West Bank. Additionally, on Monday evening, 17-year-old Yazan Ya'qoub was critically injured by Israeli forces near the Qalandia checkpoint when Palestinian youth marched towards the checkpoint to protest the killing of Ahmad al-Sabareen.

In addition, since the abduction, Israeli authorities have imposed a number of measures that clearly constitute collective punishment on Palestinians in the Occupied Palestinian Territories. These include the imposition of a complete closure on the Hebron district of the West Bank, which prevents some 680,000 Palestinians from moving between villages and the city of Hebron, as well as within the city. Thousands of residents of the Hebron district who have permits to work inside Israel or in Israeli settlements cannot reach their places of employment. Residents of the Hebron district under the age of 50 have also been prevented from leaving the West Bank via the Allenby Crossing to Jordan.

The Israel Prison Service has cancelled family visits for Palestinian prisoners and detainees. More than 100 Palestinian administrative detainees have now been on hunger strike for over 50 days in protest against Israel's continuing use of administrative detention. Their lives are in danger, and contact between them and their family members is particularly critical for all concerned during this time.

The Israeli authorities are also considering transferring Hamas officials or prisoners who are residents of the West Bank to the Gaza Strip. The Fourth Geneva Convention explicitly prohibits an occupying power from forcibly transferring or deporting people from an occupied territory.

The Israeli authorities have also closed the Erez Crossing, the only crossing for people between the Gaza Strip and Israel, to the limited categories of people who have permits to use it, except for patients needing urgent medical assistance. The Kerem Shalom Crossing, the only entry point for goods, has also been closed except for the transfer of limited amounts of fuel.

These latest measures of collective punishment come on top of many prolonged punitive measures against Palestinian civilians imposed by the Israeli authorities, including Israel's seven-year blockade of the Gaza Strip, which Amnesty International and many other organizations have repeatedly condemned as a flagrant violation of the Fourth Geneva Convention.

The use of collective punishment cannot be justified for any reason whatsoever, including violations by another party. Over the past several days, Palestinian armed groups have again fired indiscriminate rockets from the Gaza Strip into Israel, though no injuries have been reported. Amnesty International has repeatedly condemned the firing of these rockets as a war crime. The rocket attacks, however, cannot in any way justify further measures of collective punishment against the 1.7 million Palestinians of the Gaza Strip. Furthermore, Israel must ensure that any military operations in Gaza, as elsewhere, comply with international humanitarian law, which requires that all feasible precautions are taken to avoid civilian casualties. In recent days, 10-year-old Ali al-'Awour died on Saturday from injuries sustained during an Israeli missile strike on 11 June, and several other civilians in the Gaza Strip have been injured by Israeli air strikes.

Amnesty International urges the Israeli authorities to immediately lift all measures which constitute collective punishment of civilians, both those that are long-standing and the specific measures imposed since 12 June. Collective punishment of civilians is prohibited by the Fourth Geneva Convention as well as customary international humanitarian law.

# AMNESTY INTERNATIONAL PUBLIC STATEMENT



Index: MDE 15/009/2013

23 April 2013

## **Israel/Occupied Palestinian Territories – Israel: release Palestinian prisoner of conscience and end the arbitrary detention of hundreds of other Palestinians**

On 21 April 2013, Palestinian Ahmed Qatamesh marked his second year in Israeli detention, without ever having been charged with a recognizable criminal offence or brought to trial. Amnesty International is calling for his immediate and unconditional release as it believes he is a prisoner of conscience, detained solely for the peaceful expression of his non-violent political beliefs.

He is one of some 160 Palestinians currently held by Israel under administrative detention orders<sup>1</sup> which allow for indefinite detention, on the basis of secret evidence which the military prosecution withholds from the detainee and his or her lawyer, thus denying detainees the basic right to defend themselves. Amnesty International is once again urging the Israeli government to stop the use of administrative detention and release all administrative detainees unless they are promptly charged with internationally recognizable criminal offences and tried in accordance with international fair trial standards.

Ahmad Qatamesh is an academic, a public speaker and a writer on political and cultural affairs who has called for a one state solution to the Israeli-Palestinian conflict. There is no apparent reason to hold him. Amnesty International believes he is being held to suppress his views and to deter political activities by other Palestinian left-wing activists.

His current administrative detention expires on 28 April but could be renewed an indefinite number of times. An appeal against the current order was dismissed by a military court following a hearing on 13 February. His lawyer appealed the refusal to the Israel High Court of Justice but this was also rejected in April. No reason for refusal was given in either appeal.

His ordeal began on 21 April 2011 when he was arrested from his brother's house in Ramallah by Israeli security forces, at 2.00 am. When they did not find him at his family's home, they broke down the neighbour's searching for him. His daughter said they ordered her at gunpoint to telephone him. He apparently gave the officers directions to his brother's house. At no point did they attempt to search contents of either house.

Since then he has been questioned for a mere 10 minutes, by the Israel Security Agency (ISA). They claim that he is a member of the political wing of the Popular Front for the Liberation of Palestine (PFLP) and poses a security threat. He says he has not been involved with PFLP for 14 years though in the 1990s he was a political and intellectual supporter. In June 2011 during an appeal against his detention before the military court he asked to be "give[n] ... any information" they had against him. He said, "I am under arrest now and don't know why ... I do not pose a security risk. Do you think I am your enemy? What do you care if I think one democratic state is the solution? Would you like me to present you with a 100 Israelis that support this idea?"

His wife told Amnesty International that it would be easier for the family if her husband had been sentenced to three years' imprisonment. The nature of administrative detention means

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<sup>1</sup> [According to Israeli NGO B'tselem there were 164 administrative detainees held by end of March 2013](#)

that detainees and their families live in a constant state of uncertainty: as each order expires their hopes for release are frequently dashed as they are handed a fresh order.

In addition to being held without charge, Ahmad Qatamash, like other Palestinian detainees and prisoners, is subject to other punitive measures. For example, only his daughter is able to visit him regularly - relatives who are residents of the occupied West Bank experience immense obstacles in obtaining visiting permits to see their family members in detention. In early 2013 he was transferred from Ofer prison in the occupied West Bank to Ramon prison in southern Israel. His daughter spent about 13 hours getting to and from Ramon prison on 22 April 2013 in order to spend just 45 minutes with him. His wife told Amnesty International that he was transferred after protests broke out in prisons and detention centres in Israel when a 30-year-old Palestinian detainee - Arafat Jaradat - died in custody in suspicious circumstances in Megiddo prison on 23 February 2013.<sup>2</sup> Furthermore, Ahmad Qatamesh's detention in Israel violates the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which stipulates that detainees from the population of an occupied territory must be detained within that territory.

Ahmad Qatamesh is now 62 years old and his health is deteriorating – he is suffering from undiagnosed ailments causing nausea and faintness, according to his wife. His request to see an independent doctor has not been allowed by the prison authorities though the UN Standard Minimum Rules for the Treatment of Prisoners state that untried prisoners should within reason be allowed a visit and treatment by their own doctor while the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment say that detainees “have the right to request or petition a judicial or other authority for a second medical examination or opinion.”

### **Background**

Ahmad Qatamesh was arrested by the IDF in 1992. Over a year later he was placed under administrative detention, after a judge had ordered his release on bail and was eventually released in April 1998. After his release, he wrote about his experiences, including torture or other ill-treatment he said he was subjected to, in a book entitled “I shall not wear your tarboosh [fez]” .

Since 2012, hundreds of Palestinian administrative detainees as well as sentenced prisoners have held prolonged hunger-strikes, in protest at detention without charge and other punitive measures taken by the authorities against them including solitary confinement, denial of family visits and access to independent physicians. At the same time, Palestinians have held regular protests in the West Bank calling for the release of Palestinian detainees and prisoners and an improvement in their conditions.

[A mass hunger strike of around 2,000 Palestinian prisoners and detainees](#) protesting poor prison conditions, solitary confinement, denial of family visits and administrative detention ended on 14 May 2012 following an Egyptian-brokered deal with the Israeli authorities. Although some Palestinian administrative detainees were eventually released, others were not.

[Samer al-Barq](#), 38 began a fourth hunger strike in February 2013 but remains in administrative detention despite the authorities' assurances they would release him to Egypt, from where he could travel to Pakistan to join his wife. During one hunger strike he was shackled to a hospital bed periodically, and told lawyers that he was beaten and verbally abused by prison guards. He has consistently been denied access to independent doctors and specialist medical care appropriate for his condition.

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<sup>2</sup> Statements made to Amnesty International by Arafat Jaradat's family and lawyer, lawyers who saw him in the military court before his death, and the report of the Palestinian forensic specialist present at his autopsy all raise serious concerns that his death may have been due to torture or other ill-treatment in Israeli custody.

Prisoner [Samer Issawi](#) has been held by the Israeli authorities since 7 July 2012 who allege – without specifying how – that he broke the conditions on which he was released from prison as part of a prisoner exchange in October 2011. He was serving a 30-year prison sentence for possession of weapons and forming military groups in Jerusalem. He went on hunger strike on 1 August 2012 in protest at an Israeli military committee's refusal to explain to him or his lawyer the reasons why he remains held; he has been repeatedly denied medical care appropriate for hunger strikers at an advanced stage of their strike. Media reports say that he has ended his hunger strike following an agreement with the authorities signed on 23 April 2013 that he would be released on 23 December 2013.

Public Document

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: [press@amnesty.org](mailto:press@amnesty.org)

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# URGENT ACTION

## HUNGER STRIKER'S HEALTH IN DANGER

**Abdul Razeq Farraj, a Palestinian detained without charge is on hunger strike and his health, as well as that of around 100 other administrative detainees on hunger strike, is deteriorating rapidly. The Israeli authorities are punishing them for their protest and are denying them access to their lawyers and families, and doctors of their choice.**

**Abdul Razeq Farraj** was arrested on 25 February at around 2am at his home in Ramallah in the Occupied Palestinian Territories (OPT). Without having been questioned he was handed a six-month administrative detention order the next day, issued by a military commander. It will expire on 24 August. A military judge confirmed the order on 4 March on the basis of "secret information" that neither Abdul Razeq Farraj nor his lawyers were allowed to see. Abdul Razeq Farraj's appeal against his administrative detention was submitted to a military court on 20 May and was rejected six days later. His lawyer petitioned the Israeli Supreme Court on 29 May and awaits a decision.

On 30 April Abdul Razeq Farraj joined a hunger strike begun six days earlier by more than 125 detainees, demanding Israel stop the use of administrative detention. According to his lawyers from the human rights organization Addameer, when he joined the strike the Israel Prison Service moved Abdul Razeq Farraj to solitary confinement and denied him salt to add to his water, apparently as punitive measures.

His wife, Lamees, has told Amnesty International that she has only been allowed to visit him once, in April, before he began his hunger strike, and his family have since been prevented from visiting him. She said that Abdul Razeq has been prevented from seeing a lawyer and independent doctors, making it very hard for the family to get information about his whereabouts and the state of his health.

### **Please write immediately in Hebrew or your own language:**

- Calling on the Israeli authorities to release Abdul Razeq Farraj and all other Palestinian administrative detainees immediately, unless they are promptly charged with internationally recognizable criminal offences;
- Calling on them to ensure that Abdul Razeq Farraj, and other hunger striking administrative detainees, have ongoing access to doctors of their choice for any specialized medical treatment they require, which must only be given with their informed consent; the authorities must not put pressure on health professionals treating them to act in a manner contrary to medical ethics;
- Urging them to ensure that Abdul Razeq Farraj and other hunger strikers are treated humanely and with dignity at all times, are allowed access to lawyers and to their families, and are not subjected to denial of such access, or any other punitive measures on account of their hunger strike.

### **PLEASE SEND APPEALS BEFORE 25 JULY 2014 TO:**

Prime Minister  
Benjamin Netanyahu  
Office of the Prime Minister  
3 Kaplan St., PO Box 187  
Kiryat Ben-Gurion  
Jerusalem 91950, Israel  
Email: b.netanyahu@pmo.gov.il  
pm\_eng@pmo.gov.il

**Salutation: Dear Prime Minister**  
Israel Prison Service Commissioner  
Lieutenant-General Aharon Franco  
Israel Prison Service, PO Box 81  
Ramleh 72100, Israel  
Fax: +972 8 919 3800  
**Salutation: Dear Lieutenant-General**

**And copies to:**  
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Dr. Roni Gamzo  
Ministry of Health  
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**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## HUNGER STRIKER'S HEALTH IN DANGER

### ADDITIONAL INFORMATION

Abdul Razeq Farraj, 51, a father of two, is the Director of Finance and Administration at the Union of Agricultural Work Committees, based in Ramallah in the OPT, where he has worked for 28 years. He holds a BA in Economics and a Diploma in Management from Birzeit University in the OPT.

From 1985 to 1991, he served a six-year sentence imposed by an Israeli court. Since his release he has been arrested five times, and each time placed in administrative detention: between 30 May 1994 and 1 February 1996, 9 April 2002 and 28 July 2006, 12 January 2009 and 9 October 2009, 27 November 2011 and 20 July 2012, and most recently since 25 February 2014. He has spent more than 92 months in detention without charge or trial.

In 2012 he went on hunger strike for around 24 days in protest at his detention conditions, along with other administrative detainees. At the time, a mass hunger strike of some 2,000 Palestinian prisoners and detainees was underway in protest at poor prison conditions, solitary confinement, denial of family visits and detention without charge. The strike ended on 14 May 2012 following an Egyptian-brokered deal with the Israeli authorities. Despite media reports suggesting that Israel had agreed that administrative detention orders would not be renewed unless significant new intelligence was presented, the Israeli authorities continued renewing the orders and issuing new ones. According to the IPS, there were 191 Palestinians in administrative detention on 30 April 2014, though the number may have increased since. Nine Palestinian Legislative Council members are in administrative detention.

On 24 April 2014 around 125 administrative detainees announced the beginning of a hunger strike to protest against administrative detention. According to lawyers and human rights organizations, the Israeli authorities have subjected detainees to punishment including putting them in solitary confinement, refusing them salt to add to their water, and preventing them access to lawyers, family visits, and independent doctors. According to Addameer, Abdul Razeq and around 40 other administrative detainees were moved to hospitals on 28 May, and have been repeatedly transferred between prisons and hospitals since then, in what seems like another punitive measure. Physicians for Human Rights – Israel (PHR-I) has confirmed that its doctors and other health professionals are being denied access to the hunger striking administrative detainees. It is awaiting an answer from the IPS to their request to visit Abdul Razeq. Staff members of Addameer, which provides legal advice and representation, have also been denied access to hunger strikers, including Abdul Razeq Farraj.

Amnesty International opposes the practice of administrative detention in Israel and the OPT because it violates the internationally recognized right to a fair trial. Administrative detainees should be released unless they are promptly charged with internationally recognizable criminal offences and brought to trial in proceedings which comply with international fair trial standards. Amnesty International believes that some of those held in administrative detention by the Israeli authorities are very likely to be prisoners of conscience, held solely for the non-violent exercise of their right to freedom of expression and association. All but one of the Israeli prisons where Palestinian administrative detainees are held are located inside Israel. The detention of Palestinians from the OPT inside Israel violates international law.

On 9 June a government-proposed bill which allows for the force-feeding of detainees and prisoners on hunger strike passed through its first reading in the Knesset (parliament). As it stands, it would allow the head of the Israel Prison Service to start force-feeding after obtaining permission from the district court. The bill is due to have passed through the two additional readings required to make it into law by 20 June.

Any decision regarding non-consensual feeding of a hunger striker should be made only by qualified health professionals. Medical ethics essentially preclude compulsorily feeding of mentally competent hunger strikers. A medical decision whether to feed a hunger striker must take account of their mental competence and wishes, as ascertained by health professionals in confidential consultations with the hunger striker. The authorities must never pressure health professionals to act in a manner contrary to medical ethics.

Name: Abdul Razeq Farraj

Gender m/f: m

UA: 152/14 Index: MDE 15/012/2014 Issue Date: 13 June 2014

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# News

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9 August 2012

## Palestinian hunger strikers detained in Israel must be treated humanely



A Palestinian woman protests against the Israeli practice of detention without trial or charge © ABBAS MOMANI/AFP/GettyImages

The Israeli authorities must investigate allegations that two Palestinian prisoners on hunger strike in protest at their continued administrative detention have been ill-treated while in detention, Amnesty International said today.

Hassan Safadi and Samer al-Barq have been on hunger strike since 21 June and 22 May respectively. Independent medical examinations conducted last week found that both men were weak and that they risk death if the hunger strikes continue.

According to their lawyer, while the men are barely able to stand and use wheelchairs for their daily needs, guards have repeatedly beaten and verbally abused them while in detention at the Israel Prison Service Medical Centre in the central city of Ramleh.

Hassan Safadi's health deteriorated on 6 August and he was transferred to Assaf Harofeh hospital, where he remains shackled to his bed – which constitutes degrading treatment prohibited under international human rights law.

"The Israeli authorities must release Hassan Safadi, Samer al-Barq and all other administrative detainees, unless they are promptly charged with recognizable criminal offences and tried in accordance with international fair trial standards," said Ann Harrison, Amnesty International's Deputy Director for the Middle East and North Africa.

"They must also investigate allegations that Hassan Safadi and Samer al-Barq have been ill-treated while in detention and ensure they are treated humanely, and not punished in any way for their hunger strike."

Detainees can be held in administrative detention without charge or trial for periods of up to six months which can be renewed indefinitely. Israel has used the measure against its citizens since 1948. Thousands of Palestinians from the occupied Palestinian territories have been subjected to it since 1967.

Hassan Safadi has been detained since 29 June 2011. He ended a previous 70-day hunger strike in May. Then when his administrative detention order which expired in June was renewed for another six months, he restarted his hunger strike on 21 June.

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### Background

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 Report, 6 June 2012

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“ The Israeli authorities must release Hassan Safadi, Samer al-Barq and all other administrative detainees, unless they are promptly charged with recognizable criminal offences and tried in accordance with international fair trial standards ”

**Ann Harrison, Amnesty International's Deputy Director for the Middle East and North Africa**  
 Thu, 09/08/2012

Samer al-Barq has been held in administrative detention since 2010. He ended a hunger strike after 50 days in the middle of May 2012, only to resume it days later after his detention order was renewed for a further three months.

Administrative detainees – like many other Palestinian prisoners – have been subjected to violations such as the use of torture and other ill-treatment during interrogation, as well as cruel and degrading treatment during their detention, sometimes as punishment for hunger strikes or other protests.

In addition, administrative detainees and their families must live with the uncertainty of not knowing how long they will be deprived of their liberty and the injustice of not knowing exactly why they are being detained.

Like other Palestinian prisoners in Israeli custody, they have also faced bans on family visits, forcible transfer or exile and solitary confinement.

These practices contravene Israel's international human rights obligations.

A mass hunger strike involving some 2,000 Palestinian prisoners and detainees protesting poor prison conditions, including solitary confinement, denial of family visits and detention without charge came to an end on 14 May following an Egyptian-brokered deal with the Israeli authorities.

Despite media reports suggesting that Israel had agreed that administrative detention orders of current detainees would not be renewed unless significant new intelligence information was presented, the Israeli authorities have continued to renew orders and to issue new ones.

As of the end of June 2012 there were at least 285 Palestinian administrative detainees, among them members of the Palestinian Legislative Council (PLC). Human rights defenders such as Walid Hanatsheh and at least four journalists, in addition to university students and academic staff, were also among those behind bars without charge or trial.

In June 2012, Amnesty International's report, *Starved of justice: Palestinians detained without trial by Israel* documented human rights violations associated with administrative detention in Israel.

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More than 300 Palestinians are held by Israel as administrative detainees, without prospect of a trial for any criminal offence. Detention without trial continues as it has for decades. The Israeli authorities have claimed that administrative detention is used exceptionally against people who pose a great danger to security. In practice, they have employed it against thousands of people, including some who should never have been arrested. This report examines the violations associated with administrative detention.

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# TRIGGER-HAPPY

ISRAEL'S USE OF EXCESSIVE FORCE IN  
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*Cover photo:* Palestinian protester Mustafa Tamimi was killed after being hit in the head by a tear gas canister fired at close range by an Israeli soldier from a military jeep, December 2011. © Haim Schwarczenberg

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# 1. INTRODUCTION

**“Out of nowhere many soldiers jumped out and ambushed Samir. They shot him first in the leg, yet he managed to run away towards the village. But how far can an injured child run? Twenty, maybe 30, metres? They could have easily arrested him, especially when he was injured, but instead they shot him in the back with live ammunition... To me this is premeditated murder.”**

Malek Murrar, 16, interviewed on 20 September 2013 at the site where he had witnessed his friend Samir Awad being shot earlier in the year.

Samir Awad was just 16 years old when Israeli soldiers shot and killed him in January 2013 as he fled from the place where a number of Israeli soldiers ambushed a group of Palestinian children who were protesting against the construction of Israel's fence/wall, which cuts across the village of Bodrus, near Ramallah in the Occupied Palestinian Territories (OPT), where they lived. Eyewitnesses attested that Samir Awad and the other children were posing no serious threat to the soldiers who fired at them, or to others. Yet, more than one year later, the Israeli authorities have failed to ensure any accountability for his death or for their soldiers' use of live fire against Samir Awad and the other children.

The circumstances of the killing of Samir Awad were reminiscent of other killings of Palestinians during demonstrations against Israel's continued military occupation in the West Bank that have occurred in recent years. According to Amnesty International's research, he was among the first of at least 22 Palestinian civilians to be killed by Israeli forces in the occupied West Bank in 2013, four of whom were children. Thousands of other Palestinians were wounded by Israeli forces in the same year.

Recent years have seen a mounting toll of deaths and injuries of Palestinians as a result of shooting or other violence by Israeli soldiers outside the context of armed conflict. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 27 Palestinians were



*Nariman Tamimi suffering effects of tear gas fired by Israeli forces at a protest in Nabi Saleh in May 2013. © Haim Schwarzenberg*

killed in 2013 by Israeli forces (25 by live ammunition and two by rubber-coated metal bullets). This was 1.5 times the number of those killed in 2011 and 2012 combined; 10 were killed in 2011 (eight by live ammunition, one by a tear gas canister and one following tear gas inhalation) and another eight in 2012 (all by live ammunition), a total of 18.

The shooting of Samir Awad followed a familiar

pattern in which groups of Palestinians, usually comprising mostly children and young adults, gather to protest against Israeli occupation, as well as the policies and practices that underpin it, including the creation and expansion of illegal settlements, land seizures, closures, arrests and detentions and other violations of the rights of Palestinians. Often, these groups resort to low-level violence, throwing stones and rocks at Israeli soldiers but without posing any serious risk to them due to the distance and the heavily protected nature of their positions. In return, Israeli soldiers use a wide variety of measures against the protesters; these include less-lethal means such as various chemical irritants (commonly called tear gas), pepper spray, stun grenades (sound bombs), maloderants (foul-smelling “skunk water”) and hand-held batons, but on frequent occasions Israeli forces have also resorted to lethal means and have fired rubber-coated metal bullets and live firearms ammunition at protesters, causing deaths and injuries. In some cases, they have also killed or injured demonstrators by firing tear gas directly at them from close range or by using tear gas in enclosed spaces causing asphyxiation. Often, the force used by Israeli forces against protesters seems to be unnecessary, arbitrary and abusive.

### **THE OCCUPIED PALESTINIAN TERRITORIES**

The area comprising the OPT is made up of the West Bank, including East Jerusalem, and the Gaza Strip – areas that Israel occupied in 1967 and has continued to control during the more than four decades since then. In 1994 the Oslo Accords agreed between Israel and the Palestine Liberation Organization (PLO) led to the establishment of the Palestinian Authority (PA), with limited jurisdiction over parts of the West Bank, excluding East Jerusalem, and the Gaza Strip. The establishment of the PA and the admission of Palestine as a non-member observer state at the UN General Assembly in 2012 did not change the status of the OPT under international law; they remained territories under Israeli military occupation. Israel retains effective control over them, including their population, their natural resources and, with the exception of Gaza’s short southern border with Egypt, their land and sea borders and airspace.

Both the Israeli army and the police, including the Border Police, have authority to police

Palestinian public assemblies, including protests, in the West Bank; in East Jerusalem, however, only the police exercise such authority. The police, but not the army, have policing powers in relation to Israeli settlers.

Within the West Bank, the Oslo Accords gave the PA jurisdiction over civil affairs (such as health, education and internal security) in approximately 40 per cent of the land area, comprising some 230 separate enclaves each surrounded by other areas of the West Bank that remain under full Israeli military administration. Only in these areas do the PA security forces have authority to, among things, police demonstrations.

The PA also exercised similar, limited powers in the densely populated Gaza Strip until June 2007, when escalating armed clashes between security forces and armed groups loyal to the two main Palestinian political parties, Fatah and Hamas, culminated in Hamas seizing control of PA institutions in the Gaza Strip. Since then, Hamas has acted as the de facto government of Gaza while Fatah remains the dominant party comprising the PA government in the West Bank.<sup>1</sup>

All three authorities – Israel, the PA and the Hamas de facto administration in Gaza – have responsibilities to respect international human rights law and international humanitarian law, while Israel also has specific obligations under international humanitarian law relevant to its status as an occupying power, in particular towards Palestinian civilians in the OPT who are “protected persons” under the Fourth Geneva Convention.

In recent years, the West Bank has seen continuing protests against the prolonged Israeli occupation and the repressive policies, practices and outcomes to which it has given rise, including the ever-expanding unlawful Israeli settlements established within the occupied West Bank, the approximately 700km-long fence/wall built mostly on Palestinian land, forcible house demolitions, Israeli military checkpoints, roads reserved for use by Israeli settlers from which Palestinians are excluded, and other restrictions on the movement of Palestinians in the OPT. More than a dozen Palestinian villages and communities in the West Bank that are most directly affected either by the location of the fence/wall and/or by the location of Jewish-only settlements built on Palestinian lands hold weekly demonstrations to protest against Israeli policies and their impact; they include the villages of Nabi Saleh, Bil'in, Ni'lin and Kufr Qadum, and urban centres such as Hebron and East Jerusalem. Protests are also held against the imprisonment and detention of thousands of Palestinian activists and their treatment in Israeli prisons and in response to other developments such as Israeli military strikes in Gaza and the killing or injury of Palestinians in protests or during arrest raids.

The right to peaceful protest is of particular importance for Palestinians in the OPT, as they have no opportunity to influence the policy of the occupying power through voting or other such means. To an extent, exercising the right to protest in full view of well-armed Israeli troops, despite the evident dangers that this presents, has also become a mark of defiance by Palestinians, especially youth, against the continuing occupation and its daily humiliations. In villages such as Nabi Saleh, where demonstrations are held on a weekly basis, the repressive response of Israeli forces may amount to collective punishment. Israeli forces frequently declare Nabi Saleh a closed military zone, block access roads into it, and use

excessive force against protesters and bystanders and damage residents' property. Israeli forces have used tear gas against homes, sometimes injuring people inside – mainly by the asphyxiating effects of tear gas – and have deliberately damaged property such as residents' water storage tanks located on rooftops. Israeli forces have also frequently attacked medics seeking to assist people wounded, human rights defenders and journalists who are present to monitor their behaviour or report on protests, including by firing tear gas canisters and rubber-coated metal bullets at them. The approach appears intended to intimidate people into not attending the protests.

Some protests are organized by local activists and community groups and are held regularly, often at a set time each week, while others develop spontaneously in response to actions such as Israeli army incursions into Palestinian communities in the West Bank, raids on Palestinian homes leading to arrests or the deaths of Palestinian prisoners held by Israel. When these happen, protesters have tended to gather near the main points of regular friction between Palestinians and the army, such as the military towers and checkpoints that Israel maintains near the Qalandia, Aida, Fawwar, Aroub and other refugee camps for Palestinians displaced by Israel in 1948.

Both types of protests frequently begin peacefully but descend into violence when a minority of the protesters, often younger ones, start throwing stones in the direction of Israeli soldiers either at their own initiative or in response to aggressive actions by the Israeli forces. Even when catapults are used, in practice such stone-throwing poses little or no serious risk to Israeli soldiers, who are generally too far away for the stone-throwers to have any chance of hitting them and are well protected, and has no more than an irritant value. Often, the stone-throwers are seeking to hit inanimate targets – such as the fence/wall, which is up to around eight metres high, or the military observation towers that overlook it and local Palestinian villages, or Israeli military vehicles – that stand as the most tangible symbols of continuing Israeli military occupation. Yet, as the cases documented in this report show, Israeli forces frequently respond to such stone-throwing protests using grossly excessive force, including the use of live fire against protesters, causing unnecessary – and unlawful – deaths and injuries. On occasions, the army has claimed that protesters used petrol bombs but if such cases did occur they were departures from the norm, and even then may have posed little risk to Israeli soldiers due to the distance from which they were thrown. Reports alleging the use of firearms by protesters are rare; on two occasions in 2013 the army alleged that Israeli soldiers had come under fire from Palestinians in the context of protests but without disclosing whether any soldiers were injured as a result.<sup>2</sup>

The army has also used excessive force against Palestinians protesting against or responding to violence by Israeli settlers, such as in Qusra, Burin, Silwad and other villages. At times, Israeli soldiers have stood by and allowed settlers to attack Palestinians and/or their property or have added to the violence by using excessive force against Palestinians who responded to such settler attacks. As a result of this and the complete lack of effective investigations into settler violence against Palestinians, many settlers appear to believe they can attack Palestinians and their property without fearing that the Israeli authorities will stop them or that they will face justice for the crimes they commit. In practice, settlers who commit such attacks do so with near total impunity.

Israeli forces have a long record of using excessive force against Palestinian demonstrators in the West Bank. Since the beginning of the first Intifada<sup>3</sup> in 1987, Amnesty International and

other local and international human rights organizations have documented a pattern of excessive force by the Israeli army and Border Police against Palestinian civilians, including men, women and children, which has resulted in hundreds of deaths and the wounding of thousands more.<sup>4</sup> Israeli forces perpetrating these human rights violations have enjoyed widespread impunity.

### **RESTRICTIONS ON THE RIGHT TO FREEDOM OF ASSEMBLY AND EXPRESSION**

The Israeli military authorities govern the occupied West Bank, including the areas under PA administration but excluding East Jerusalem, using a regime of military orders that have the force of law. They have issued more than 1,600 such military orders since the occupation began in 1967. Israel annexed East Jerusalem after it seized the OPT in 1967, in contravention of international law, which prohibits the annexation of territory by an occupying force, and East Jerusalem continues to be recognized as an occupied territory under international law. Since annexing it, however, Israel applies its own civil law to East Jerusalem and accords Palestinians who reside there the status of residents of the State of Israel.

Military Order 101 “Regarding the Prohibition of Acts of Incitement and Hostile Propaganda”,<sup>5</sup> issued by the Israeli army commander in the West Bank region on 27 August 1967, has remained in force since that time and is a key instrument regulating the right of Palestinians in the West Bank to demonstrate. It prohibits all gatherings of 10 or more persons “for a political purpose or for a matter that could be interpreted as political” or even “to discuss such a topic” unless they have received authorization in advance under a permit issued by the Israeli military commander in the area. Anyone breaching the order faces imprisonment for up to 10 years and/or a hefty fine.

Military Order 1651 (Order Regarding Security Provisions, Consolidated Version)<sup>6</sup> also contains many articles which allow the security forces to stifle freedom of expression including Article 318, which allows for the imposition of a closed military zone, thereby declaring a certain area off limits for certain periods of time. This order is many times used to deny the right to peacefully demonstrate, or as a pretext to use violence to disperse demonstrators.

The implementation of these orders violates Israel’s obligation, under the International Covenant on Civil and Political Rights (ICCPR), to respect and uphold the rights to freedom of expression and peaceful assembly.

Israel has no written constitution and the rights to freedom of expression and assembly are not codified in its Basic Laws. Through case law, the Israeli Supreme Court has emphasized the constitutional nature of the rights to freedom of expression and assembly, allowing assemblies of up to 50 people to be held without obtaining a police permit, but it has also afforded the police power to restrict these rights if their exercise threatens or endangers national security or public order. This is only applicable to Israel and occupied East Jerusalem.

Since April 2011, Israel has adopted a policy on military investigations that requires the Military Advocate General (MAG) Corps to instruct the Military Police to investigate every case

in which a Palestinian in the West Bank who is not taking part in hostilities is killed by Israeli forces. This is a step in the right direction, but it falls far short of what is required by international human rights standards. These require that government authorities conduct prompt, independent, impartial, thorough, effective, and transparent investigations into all such deaths; the current Israeli system is neither independent nor impartial.<sup>7</sup>

Since the policy came into force, Israeli forces have killed at least 35 Palestinian civilians in the West Bank outside situations of armed conflict. The Military Police Criminal Investigation Division (MPCID) has opened investigations into 24 Palestinians killed in 20 different incidents. Only one of these investigations has led to an Israeli soldier being prosecuted and convicted of wrongfully causing the death of a Palestinian. Three investigations were closed without indictments being filed, five were closed but their findings not announced yet, and 11 investigations remain open. Up to now, the new policy on investigations appears not to have had any real impact in denting, let alone breaking, the long-standing pattern of impunity for Israeli soldiers and Border Police who kill or maim civilians in the West Bank through the use of excessive force.

This report shows how Israeli forces have repeatedly violated their obligations under international human rights law by using excessive force to stifle dissent and freedom of expression, resulting in a pattern of unlawful killings and injuries to civilians, including children, and have been permitted to do so with virtual impunity due, in no small part, to the authorities' failure to conduct thorough, impartial and independent investigations. Such arbitrary and abusive use of force contravenes policing standards that protect the right to life and other human rights and they also violate international humanitarian law applicable in territories under foreign military occupation, including the West Bank. In some cases that Amnesty International has examined and documents below, it appears that Palestinians killed by Israeli soldiers were victims of wilful killings; if so, such killings would amount to war crimes.

This pattern of killings and injuries of civilians needs urgently to be addressed and remedied. Towards this end, Amnesty International is calling on the government of Israel to open independent, impartial, transparent and prompt investigations into all reports of Palestinian civilians killed or seriously injured by the actions of Israeli forces in the OPT. Where sufficient admissible evidence exists, they should prosecute Israeli personnel responsible for unlawful killings or injuries according to fair trial standards. As a first step towards bringing Israeli accountability mechanisms closer to international standards, they should implement all the recommendations of the Israeli-appointed Public Commission to Examine the Maritime Incident of 31 May 2010 (known as the Turkel Commission) concerning investigations conducted by the Israel Defense Forces (IDF), as published in the Commission's second report of February 2013.

## ABOUT THIS REPORT

This report focuses on the use of excessive force by Israeli forces in the West Bank since the beginning of 2011. In doing so, it details cases of killings and injuries by Israeli forces of Palestinian civilians in the context of protests in the West Bank against Israel's continuing military occupation of the Palestinian territories, illegal Israeli settlements and the fence/wall, as well as Israel's treatment of Palestinian prisoners and detainees and violence against Palestinians by Israeli settlers. Israel's policy of settling its civilians on occupied land

violates the Fourth Geneva Convention and is considered a war crime according to the statute of the International Criminal Court. The International Court of Justice has concluded that construction of the fence/wall inside the occupied West Bank, including in and around East Jerusalem, violates international human rights and humanitarian law.

The report also includes one case from 2009 in which a Palestinian peaceful protester was killed following the use of excessive force by Israeli forces and for which no one has been held accountable. It does not include cases of killings or injuries in other contexts such as search-and-arrest operations. The report also does not cover Israel's use of excessive force against Palestinians protesters in the Gaza Strip, such as in the "buffer zone" bordering Israel.

Amnesty International has reported elsewhere on events in the West Bank and beyond involving the use of excessive force, including lethal, force by Israeli forces earlier in 2011 – such as the shooting of protesters who gathered on 15 May 2011 to mark the Nakba (catastrophe) anniversary of Israel's dispossession of Palestinians in 1948 and the killing and wounding of demonstrators who sought to cross from Syria into the Israeli-occupied Golan Heights on 5 June 2011.<sup>8</sup> Amnesty International does not address these matters in this particular report.

During the last two years, Amnesty International has documented elsewhere the use of excessive force by the PA in areas under its control in the West Bank,<sup>9</sup> by the de facto Hamas administration in the Gaza Strip<sup>10</sup> and by Israeli forces inside Israel.<sup>11</sup>

Amnesty International conducted much of the research on which this report is based during visits to the West Bank in July 2012, March 2013, June 2013, September 2013 and December 2013. In investigating the alleged abuses by Israeli forces Amnesty International researchers observed demonstrations, interviewed wounded protesters and bystanders, victims' relatives, eyewitnesses, medical workers, local human rights activists, lawyers, journalists and others and inspected locations in which protesters had been killed or injured. They also obtained corroborative documentation including medical reports and video film footage, and received valuable assistance from Israeli and Palestinian organizations, including Al-Haq, B'Tselem, Yesh Din, Addameer, Breaking the Silence, the Human Rights Clinic at Al-Quds University and Physicians for Human Rights-Israel (PHR-Israel), and from local human rights activists and defenders in Nabi Saleh, Hebron and other areas of the West Bank, as well as from Human Rights Watch and UN agencies.

Amnesty International requested meetings with the Central Command of the IDF and with the office of the MAG in order to seek information on specific cases and to discuss its concerns but neither agreed to meet Amnesty International. Amnesty International has also sent two letters to the Military Advocate General copying other authorities to request information about investigations into the cases included in this report, but no response was received at the time of writing in February 2014. It did, however, receive a reply from the Israeli army which was sent to Amnesty International Israel in response to a letter concerning the use of excessive force in the village of Nabi Saleh. The full names of some individuals interviewed or featured in this report have been withheld at their request out of concern for their or their families' safety.

## 2. KILLINGS AND INJURIES DUE TO THE USE OF LIVE AMMUNITION

**“I demand that the Minister of Defence himself is put on trial as well as all those who give the orders to shoot and kill kids. It is not only the soldier who should go on trial. The soldier does not take the decision by himself. There are orders and there must be some kind of way to prevent this from happening again and again.”**

Ahmad Amarin, whose 15-year-old son, Saleh, was shot dead by an Israeli soldier on 18 January 2013.

At least 41 Palestinians were killed as a result of the shooting of live ammunition by Israeli soldiers between January 2011 and December 2013, while hundreds of others were injured, some seriously, according to data from the UN Office for the Coordination of Humanitarian Affairs (OCHA). Twenty-five Palestinians were killed in 2013 by live ammunition, a figure more than 1.5 times the number of those killed in 2011 and 2012 combined; eight were killed in 2011 and another eight in 2012, a total of 16. Those killed included both protesters and bystanders and at least four children. Amnesty International presents in this chapter details it has documented regarding 14 of the cases of killings and seven of the cases of injuries.

The UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials stipulate that the intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life in self-defence or defence of others against the imminent threat of death or serious injury, and only when less extreme means are insufficient to achieve these objectives.<sup>12</sup> However, in all of the cases of killings described below, Israeli forces opened fire with live ammunition on Palestinians who, the available evidence indicates, were posing no imminent threat to the lives of the soldiers or others. Although some of the victims were engaged in stone-throwing, the circumstances of all their deaths point to them having been victims of unlawful killings, including – in some cases – possible wilful killings.

The high incidence of killings and wounding of Palestinians by Israeli soldiers in the West Bank has inevitably prompted questions as to the content of the “rules of engagement” that the Israeli military authorities issue to their soldiers and Border Police to advise and instruct them as to when and in what circumstances they may resort to force, including lethal force, and what actions, if any, they must take beforehand – for example to issue warnings – and



following any resort to lethal force. The Israeli authorities, however, consider these rules classified information and have declined to make them public, citing security reasons.<sup>13</sup> It remains unclear, therefore, to what extent the rules comply with relevant international standards, notably the UN Basic Principles on the Use of Force and Firearms.

In a rare departure, some details of the rules of engagement issued to soldiers and Border Police were disclosed in a recent Military District Court judgement. This concerned the killing of Odai Darwish, 21, on 12 January 2013 as he sought to cross the wall/fence to seek employment in Israel. On 18 March 2013 the court convicted the soldier who shot him of “causing death by negligence... by carrying out firing against the rules of engagement” after a plea bargain.<sup>14</sup> The soldier, whose identity was not revealed, was sentenced to 12 months’ imprisonment, five months of which were suspended, and demoted from staff sergeant to sergeant. In delivering its verdict, the court incorporated extracts of a document entitled *Operation Directorate, Operation Division Rules of Engagement & Directive “rules of engagement for soldiers in Judea and Samaria and the Seam Zone – Uniform Directive September 2011”*, which was in force at the time of the shooting of Odai Darwish. This directive set out rules to be followed by all army soldiers deployed in the West Bank and in the zone around the fence/wall. These specify that soldiers must avoid and refrain from harming “non-combatant” Palestinian civilians, particularly women and children, and instruct soldiers that they must use their weapons only as a last resort; the directive states that the “necessity of firing” is to be examined at every stage, and, as far as possible, directly by the commander who is in charge or according to his order. The directive sets out a three-stage procedure in relation to “suspect apprehension”, according to which a soldier seeking to apprehend a suspect must first shout to him or her in Arabic, then may fire one or more warning shots in the air if the suspect fails to yield, and finally may shoot directly at the suspect if the suspect continues to resist, in which eventuality the soldier must take aim with the intention to hit the suspect below the knee. According to the rules, the soldier is not to shoot if he is unable to see the suspect’s legs or is unable to shoot with accuracy at the suspect’s legs without severely injuring or killing the suspect. This directive contradicts the UN Basic Principles on the Use of Force and Firearms, which require that law enforcement officials must not use firearms against persons resisting authority unless to prevent the perpetration of a particularly serious crime involving grave threat to life and only when less extreme means are insufficient to achieve that objective,<sup>15</sup>

The “suspect” can be any Palestinian citizen who appears to be engaged in any form of activity that is considered unlawful under Israeli military orders applicable to the West Bank and the area around the fence/wall; this includes leading or participating in demonstrations, and approaching or attempting to cross the area around the fence/wall. According to the directive, soldiers must follow the three-stage “suspect apprehension” procedure even when the individual to be apprehended is identified as a dangerous criminal suspect. The introduction to the directive, parts of which were also cited in the military court judgement relating to the death of Odai Darwish, makes clear that the rules of engagement, in practice, allow soldiers “a large extent of discretion” based on their understanding of “the threat he is dealing with”. However, it specifically prohibits the use of firearms, in all cases, against individuals who have been identified as “innocent” persons posing no threat to Israel forces: “At any time of the day or night, it is prohibited to open fire at or to carry out a suspect apprehension procedure of a person who has been identified as an innocent person who is

not threatening our forces.”

Earlier, the Israeli human rights organization B'Tselem publicized details of some of the official rules and procedures issued to Israeli soldiers and Border Police for use during crowd control operations in a report that it published in December 2012.<sup>16</sup> The Israeli army, however, denied their authenticity, while asserting that the army “exerts tremendous effort in trying to minimize harm done” to protesters including rock throwers and “places great emphasis on making sure senior commanders are present during” demonstrations and protests. An army spokesperson said that soldiers received instructions that were regularly updated and passed down from army headquarters to the field, where they were adapted for the use of soldiers there in order to ensure that they “understand what is permitted with regards to the use of force and the use of riot control measures.” According to the army spokesperson, soldiers were instructed that live fire was “only allowed under very specific operational circumstances”, including to “negate an actual or immediate threat to life, as the last option in the procedure for stopping a suspect, as well as in certain circumstances to contend with the threat to life posed during violent riots.”

The information available regarding the rules of engagement issued to Israeli soldiers and Border Police involved in crowd control operations points to some serious problems, with some provisions appearing to contravene the UN Basic Principles on the Use of Force and Firearms and other international human rights law and standards. According to the UN Basic Principles, the intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. However, the few details that have been disclosed about the rules of engagement, notably in the recent military court judgement arising from the killing of Odai Darwish, indicate that Israeli soldiers are permitted by their superiors to resort to live ammunition gunfire in circumstances when their lives are not at imminent risk – for example, against a suspect who fails to surrender when ordered to do so, albeit with the intention of wounding and not killing the suspect. This is a lower threshold than that permitted under the Basic Principles. In practice, however, as the cases described below illustrate, Israeli soldiers engaged in policing and crowd control operations in the West Bank have repeatedly used live fire against Palestinian protesters and others in circumstances that not only violate international law but also appear to contravene the Israeli army's own code of conduct, and have been allowed to do so with impunity.

## 2.1 KILLINGS

**Samir Awad**, 16, sat a school exam on the morning of 15 January 2013 but did not live to hear the results. Later that morning, at around 10.30am, Israeli soldiers fired three bullets into him, killing him. One bullet struck his left leg, a second penetrated his left shoulder and exited through the right side of his chest, and a third struck him in the back of the head, exiting through his forehead. Samir Awad was not armed or posing any threat to anyone at the time of his death. After finishing the last exam of the term, he and a group of his schoolmates decided to go towards the fence/wall which is located about 200 metres away from their school in the village of Bodrus, near Ramallah. The fence/wall separates the village from its farmlands and acts as a serious barrier to the freedom of movement of local people; it has been the focus of frequent, regular protests by villagers since 2003.

It appears that Samir Awad and his friends wished to stage their own protest against the fence/wall on 15 January. In doing so, Samir Awad entered the area between the two parallel

fences that form part of the separation barrier. With another boy, he first passed through a gap in the barbed wire between the path on which he and his friends had been walking and the first fence, but they were then ambushed by several Israeli soldiers. Samir Awad's companion managed to make his escape but Samir Awad was caught between the two fences, one of which was electrified. The soldiers shouted at Samir Awad and then fired warning shots in the air, but he continued to elude them and climbed over the fence through which he had entered, despite being shot in the leg by one of the soldiers. Then, as he continued to try and run away, the soldiers fired further shots, fatally wounding him. The soldiers sought to give him first aid but allowed local people who came out from Bodrus to carry Samir Awad away. They took him to Ramallah Hospital, where he was pronounced dead 40 minutes after arrival.

One of the boys who accompanied Samir Awad as they walked home from school told Amnesty International what he witnessed after Samir Awad and his friend entered the area between the two fences:

*Four soldiers jumped out of the ditches along the way of the wall... and yelled at Samir to stop while shooting in the air. Samir freaked out and, instead of coming towards us, went to the other side and was trapped further inside. He was running around, and the others escaped outside. He was the only one there.*

*Samir tried to climb the fence but one of the soldiers shot him. He fell, and then got up again and started running. Two soldiers ran up to him to try to catch him but Samir managed to escape. The two other soldiers stood next to the opening and so Samir could not go back from there, and while he was running away from them, about 10 steps away, a soldier threw a sound bomb at him, and then the same soldier who shot him the first time shot him again.<sup>17</sup>*

The boy who had accompanied Samir Awad when they entered the area between the two fences told Amnesty International that he had been fortunate to escape unhurt:

*I was inside at the time but close to the opening and managed to leave before the soldiers reached me or the place of the opening. They shot a lot; there were bullets hitting the rocks near us. I was running away and could not see the shooting of Samir, but saw when he was killed. They were shooting at us, directly targeting us while we were running away.<sup>18</sup>*

Another friend of Samir Awad who also witnessed the shooting told Amnesty international:

*We finished the science exam and went down to the area of the wall, as we usually do. I walked along with Samir and other boys but stayed a bit back when Samir and another boy entered the area between the two fences. When the boy left and as Samir was there on his own, many soldiers jumped out of their places of hiding. Two were in the area between the two fences where Samir was; they tried to capture him, and then shot him in the leg. Samir was able to jump over the fence and run towards us, but, after he was out of the area of the fences, he fell. When he got up again, they shot and killed him.<sup>19</sup>*

A fourth witness who spoke to Amnesty International also corroborated the accounts of the other witnesses.

Following the shooting, the Israeli *Haaretz* newspaper reported a statement by military spokesperson Captain Eytan Buchman that soldiers had opened fire at protesters after some cut through a section of the "barrier fence"; the spokesperson said that troops had "initiated standard rules of engagement, which included live fire". He said too that an investigation had been ordered following the shooting.<sup>20</sup> The Israeli online news network *Ynet News* published a similar report, citing an army Spokesperson's Office statement that "An army force securing the fence" had "carried out the procedure for arresting suspects, which included gunfire" in response to an "infiltration attempt".<sup>21</sup>

An initial investigation conducted by the army at the operational level reportedly concluded that the soldier who shot Samir Awad had contravened official regulations on the use of live fire. The MAG Corps announced that it had opened an investigation on the day of the shooting, but one year on its findings have still to be revealed and no soldier is known to have faced prosecution or disciplinary sanctions as a result of Samir Awad's death. On 13 May 2013, the MAG Corps was reported to have returned the case file to the Military Police with an instruction that they carry out further inquiries.<sup>22</sup>

The fact that Samir Awad, a child who was posing no threat to life, was shot and killed as he attempted to flee, is deeply disturbing. It is difficult to see how the soldiers involved could reasonably have perceived him as posing an imminent threat to life. The information available to Amnesty International suggests that Samir Awad was shot twice in the back and that he was killed unlawfully. This killing may even constitute an extrajudicial execution and war crime of wilful killing, a grave breach of the Fourth Geneva Convention, by which Israel must abide as the occupying power. At the very least, such a serious incident must be independently, impartially and thoroughly investigated in accordance with international standards, and the findings should be promptly disclosed.

Four months after the death by shooting of Samir Awad, Israeli soldiers carried out an early morning raid on the Awad family home in Bodrus and detained Abed al-Rahim Awad, Samir Awad's elder brother. They reportedly used stun grenades and pepper spray and also beat members of the family who tried to intercede as they dragged Abed al-Rahim Awad away.<sup>23</sup> They took him first to Hadassah hospital in Jerusalem with his arms and legs shackled before taking him away for detention and interrogation. In January 2014, he was still held awaiting trial before a military court on charges of participating in protests and throwing stones at soldiers.

Ahmad Awad, 45, Samir Awad's father, told Amnesty International:

*After the occupation army killed my son, they had not had enough, and they came to terrorize me and my whole family. That day when they raided the house and arrested Abed al-Rahim, we were all sleeping in the house. I was woken by the sound of a blast, which was them blowing the door of the house open. I suddenly found soldiers in my bedroom. My son was sleeping on the third floor of the house; some soldiers went up and threw him down the stairs. He was badly wounded, and bleeding, but they kept kicking him. I said that he needed an ambulance. They did not listen, and when I called one,*

they did not allow it to come. They stayed from 2am until 4.30am in the house. They were punishing us. I wanted to drink water, and when my daughter brought me a glass a soldier took it and threw it away. They sprayed us with gas in the house. I was sprayed with pepper spray on my face and the pain remained for 10 days. They broke one of my wife's arms, as well as one of my daughter's, who also received a big wound in the head and needed 10 stitches. They dragged my son on the floor like a dog, and did not even allow him to wear shoes. They broke many windows and threw 14 sound grenades inside the house; we counted them all the next morning.

After about an hour of this extreme violence, an officer from the intelligence came into the house. He identified himself as 'Captain Elias'. When he arrived the soldiers started behaving and none of them said or did anything. He then asked me which soldier was causing the trouble in the house; he said to point him out so he could punish him. I told him that you never punish any soldiers for crimes they commit. A soldier killed my son, and nothing happened to him; he is still running free, not in prison.<sup>24</sup>

**Saleh Amarin**, 15, died on 23 January 2013, five days after he was struck in the head by a bullet fired by an Israeli soldier during a protest at Aida refugee camp, Bethlehem. At the time – around 4.20pm on 18 January – he was approaching the nine-metre-high security wall, reportedly holding a catapult when a soldier shot him from a range of about 65-75 metres. The bullet hit Saleh Amarin in the forehead penetrating a few centimetres inside



*Saleh Amarin, 15, died on 23 January 2013, five days after being struck in the head with a bullet fired by an Israeli soldier during a protest. © Private*

after it had disintegrated. Even if he had intended to throw, or in fact had succeeded in throwing, a stone, he would have posed no threat to the lives of the Israeli soldiers who were inside a fortified military base with observation towers.

Almost two hours earlier, according to eyewitnesses, soldiers had emerged from their base and passed through the large metal gate in the wall to fire tear gas and rubber-coated bullets at children and young men who had gathered in the street, to which some of the Palestinians had responded by

throwing stones at or towards the soldiers. During this time Saleh Amarin arrived in Aida refugee camp; he had intended to play football in the playground close to Lajee Center around which the small protest was taking place. Around 4pm, the soldiers withdrew into their base and went up the watchtowers and began firing live ammunition in the direction of the refugee camp while youths continued, but with much lower frequency, to throw stones in the direction of the wall. Saleh Amarin was with a few other children and young men standing behind a short wall next to the Lajee Center, which was sheltering them from the shooting. When Saleh Amarin stepped into the street, apparently to throw rocks using a

catapult, a soldier shot at him and the bullet hit him in the head.

Following the shooting, the army stated:

*Around 30 Palestinians threw stones and explosives at Israeli security personnel in the area. A preliminary army investigation revealed that during the riot the security personnel fired upon a Palestinian that approached the force while slinging stones. The Palestinian was hit and was evacuated by the Palestinian Red Crescent Society to a nearby hospital.<sup>25</sup>*

The statement made no reference to any soldier having sustained injuries and it seems clear that none did. They were too distant and well protected for Saleh Amarin and other protesters to pose any serious threat to them.

Eyewitnesses also dispute the statement's allegation that Palestinians threw explosives as well as stones, and contend that if the stone-throwing did constitute a "riot" it was one that the Israeli soldiers directly provoked by their initial aggression. Ahed Amira, one of those present, told Amnesty International:

*The soldiers came out without any reason and they started shooting tear gas and rubber-coated metal bullets at the youths. When they started shooting, more youths came.<sup>26</sup>*

S. A., 19, another witness, told Amnesty International:

*There was no throwing of rocks when the soldiers came out of their base through the gate; that was about 2pm. We were just a bunch of guys standing around the corner. When they saw us they started firing tear gas at us. We ran away from the gas but when it went away we came back and went onto the main street and we started throwing rocks. Then the army started pulling back, trying to draw us closer.<sup>27</sup>*

Journalist Mohammad Walid al-Azzah, was finishing off some work at the Lajee Center in Aida refugee camp, before leaving to attend a friend's wedding, when the altercation that led to Saleh Amarin's killing began. He told Amnesty International:

*The area surrounding the centre was very quiet and then at around 2.30 or 3pm I saw around 10 army soldiers come out of the gate and start shooting tear gas and rubber-coated metal bullets at the kids who were playing around on the street and in the surrounding area. This is very common behaviour from the army. We are used to it. The kids started throwing rocks and more kids joined them. Then the soldiers disappeared back into their camp. This was around 4pm. It is when I had to leave the centre for the wedding.<sup>28</sup>*

He said that the situation appeared to have become calm by the time that he departed, so he was shocked to receive a phone message with the news that a child had been shot when he arrived at his friend's wedding.

S. A. said he was standing only metres away from Saleh Amarin when the 15-year-old was shot as he and others continued to throw stones towards the wall and the metal gate through

which the soldiers had withdrawn into their military base, but without posing any serious threat as the stones fell short:

*There was no soldier in sight, and then they started shooting live fire from the small openings in the wall. They fired around 30 rounds. We stopped rock throwing and we were hiding away. Then right when Saleh stepped on the main street he was hit... I was only two metres or so away from him. There was a sound of one bullet fired, and Saleh fell on his knees, and fell onto his side. We carried him and took him to the ambulance.*

G. W., 13, another eyewitness, said he had been watching from the vantage point of the Key Sculpture, located close to the Lajee Center and the wall, when he saw the soldiers withdraw through the gate in the security wall. He told Amnesty International:

*They went back in and went up the sniper towers. But when I was standing there near the Key there was nothing much happening. Then I heard a single gunshot and I saw Saleh Amarin fall. Then I saw young men run towards him and try to carry him. He fell out of their hands the first time, then they got a grip of him and took him away.<sup>29</sup>*

Saleh Amarin was taken first to al-Hussein Hospital in Bethlehem but then moved immediately to the Bethlehem Arab Society for Rehabilitation hospital, where scans were conducted, and thereafter to Hadassah Hospital in Jerusalem, where he died five days after his shooting.

Four days later, according to the army, the MPCID opened an investigation into his death. At the time of writing, one year later, its findings have yet to be disclosed. On 3 October 2013 the MAG Corps responded to an inquiry from B'Tselem stating that the investigation into Saleh Amarin's death was still continuing.

Ahmad Amarin, 45, told Amnesty International of his family's grief at the death of their only son, who had been a good student at school and a promising footballer tipped for future success.<sup>30</sup> On the day of his death, he said, his son had left home intending to play football near the Lajee Center and, when he heard an ambulance as he arrived back from his work, he had not been concerned. "It never occurred to me that it was my child that ambulance was going for," he told Amnesty International. He saw people running; "someone told me that my son was injured," he said. However, when he got to al-Hussein Hospital, Saleh Amarin was already in the coma from which he never recovered.

Ahmad Amarin submitted a formal complaint to the Israeli authorities through B'Tselem and they then called him to say that the Military Police wished to obtain his son's body in order to carry out an autopsy. "But I refused and said they should rely on the hospital reports which make it clear what happened," he told Amnesty International. He expressed his bitterness at the death of his only son:

*I demand that the Minister of Defence himself is put on trial as well as all those who give the orders to shoot and kill kids. It is not only the soldier who should go on trial. The soldier does not take the decision by himself. There are orders and there must be some kind of way to prevent this from happening again and again.*

Adding to his grief, he lost his job, where he was formerly employed as a manager of sanitation workers at the Bitar Elit settlement, as the Israeli authorities refused to renew his work permit when it lapsed several days after Saleh Amarin's death, cancelling it for unspecified "security reasons".

**Lubna Hanash**, 21, and her relative **Suad Ji'ara**, were walking along a path leading out of the Palestine Agricultural College near Hebron at around 1.30pm on 23 January 2013 when an Israeli soldier fired what Suad Ji'ara remembers as four shots in their direction from a distance of about 100 metres. They had just visited the college, where no students were present that day because of a strike; they were not participating in a protest or posing a threat to anyone or anything. Lubna Hanash, who lived in Bethlehem, was in her second year as a law student at al-Quds University and appeared to have a bright future before her until the moment when one bullet struck the left side of her face. It penetrated her skull, ending her life. She was rushed to al-Ahli Hospital in Hebron but died within an hour. Suad Ji'ara was also hit. She had turned and begun running back towards the college when she saw the Israeli soldier pointing his gun at them. She was shot in her left hand, causing her continuing disability. At first, she thought Lubna Hanash must have escaped unhurt and only learnt of her death later that day. The two women were shot by one of two Israeli soldiers who stopped and got out of their car as they drove along the road known as Route 60 when a small group of Palestinian youths reportedly threw stones at it. The youths ran off into areas beside the road. The soldiers fired the shots that killed Lubna Hanash and injured Suad Ji'ara, although the two women were alone and standing 100 metres away and had played no part in the original incident.

Following the incident, the Israeli army said that the shooting had occurred after a car in which a senior officer and his driver were travelling came under attack from youths who threw stones and a petrol bomb. In accordance with normal procedures, however, the MPCID opened an investigation, whose outcome – at the time of writing, a year later – has yet to be disclosed. On 3 October 2013, the MAG Corps informed B'Tselem that the investigation had still to be completed.

Suad Ji'ara told Amnesty International:

*There was a strike at the college and there were no students there. We were walking there all alone. As we were walking on the pathway leading to the southern gate I saw a soldier, wearing green, standing in the street, looking in our direction and pointing his gun around, and a white car next to him. He was around 100 metres from us. I felt the danger and I held Lubna's hand and tried to run towards the college away from the street. Then I heard four gunshots. I lost Lubna's hand and did not look at her. I continued running, and I was injured. I was injured in the left hand, the bullet penetrated through. There was absolutely no one where we were standing or around us and certainly not any kids throwing rocks.<sup>31</sup>*

In February, 2013, Suad Ji'ara was called to give evidence to the MPCID investigation that was opened following the fatal shooting of Lubna Hanash. She arrived as instructed but was kept waiting for an hour before being called into a room in which three Israelis were present: one female and one male officer who questioned her for some 45 minutes and then obtained a signed testimony from her, and a soldier on guard holding a gun. She found it "a scary



experience... the gun in the room was very intimidating.”

Local human rights defenders who visited on the same day the place where Lubna Hanash was fatally shot questioned, the Israeli authorities' assertion that a petrol bomb, as well as stones, had been thrown at the two soldiers. They told Amnesty International that they had conducted a detailed inspection but could see no traces of a petrol bomb having been thrown.<sup>32</sup>

Even if the Israeli soldiers had been responding to an actual threat, the fact that their actions killed one bystander and wounded another suggests that they fired recklessly. It is a tragic example of why policing standards emphasize that firearms should only be used as a last resort and that intentional lethal force should not be used except where it is strictly unavoidable to protect life.

**Mahmoud Adel Fares al-Titi**, 22, was a media and journalism student at Al-Quds Open University in Hebron at the time of his death on 12 March 2013. According to eyewitnesses, he was filming a clash between several Israeli soldiers and a group of young Palestinians in the centre of Fawwar refugee camp, south of Hebron, when he was hit, apparently in the neck, by a bullet fired by one of the soldiers. The bullet then disintegrated, shattering his jaw. Local people rushed him to hospital but he was unconscious on arrival and within half an hour doctors pronounced him dead.

Mahmoud al-Titi appears to have been caught up in violence that developed spontaneously when Israeli soldiers in jeeps drove into Fawwar refugee camp on the evening of 12 March as hundreds of Palestinians, mostly young men and boys, gathered to watch a televised football match between leading European teams Barcelona and AC Milan. The incursion set off a bout of stone-throwing by some of the Palestinians who were present, and the incident escalated when one of the Israeli vehicles, a heavily armoured jeep containing a number of soldiers, broke down outside the Fawwar Popular Restaurant in the middle of the refugee camp. At first, the soldiers remained inside the vehicle, but when some stone-throwing protesters approached, they fired from within the vehicle and continued to fire as they got out of the vehicle injuring **Mahmoud Shudafan** in the back. The soldiers stationed themselves in the restaurant and began to fire recklessly into the street, killing Mahmoud al-Titi.

Mahmoud's brother, Faris al-Titi, who was in the main street at the time, told Amnesty International:

*At around 9.15pm, I was injured on my right arm by army fire. I was standing behind the jeep that broke down on the main street; I was about 50 metres from it.*

*Four military jeeps had driven through... then this long jeep came and stood near the restaurant, it was dripping oil and it broke down, so the clashes began. The young men were throwing stones, then the soldiers came down from the jeep and shot...<sup>33</sup>*

Jihad Muhammad Ahmad Abu Rabi', the owner of a computer parts shop who witnessed the shooting of Mahmoud al-Titi, told Amnesty International:

*We went out of the café to see what was happening. Mahmoud was with us in the café. He was studying journalism and photography was his hobby. He had a mobile or a camera with him. He started filming the jeep.*

*Then two soldiers came out of the jeep and stood on top of the stairs of Fawwar Popular Restaurant. Mahmoud al-Titi stood on the corner of a street joining the main street and was filming the broken-down jeep. The two soldiers on the stairs of the restaurant shot him without warning.*

*We took him in a private car to hospital because the army did not provide any assistance for him. Mahmoud's phone or camera used in the filming disappeared.<sup>34</sup>*

A distraught Adil Faris al-Titi, Mahmoud's father, told Amnesty International:

*When I arrived there I saw the army, three vehicles, one big transporter of soldiers and two Hummer vehicles. They were firing [weapons]... All the young people were in cafés watching the football match between AC Milan and Barcelona.*

*I asked where Mahmoud was... After about 10 minutes a number of youths arrived from the main street. They said that Mahmoud had been hit in the face with a rubber-coated bullet.<sup>35</sup>*

Adil Faris al-Titi rushed to Abu al-Hassan Hospital in the town of Yata, near Hebron, as soon as the army had withdrawn from the camp, but his son had died. He said the doctors told him that a live bullet had struck him in the face. Friends who had been present when Mahmoud was shot told his father that he had been filming the army's actions at the time.

Mahmoud al-Shudafan, who was injured during the shooting, spoke to Amnesty International from his hospital bed:

*There was rock throwing and the stores began to close their doors. One jeep stopped.... Then there was shooting, so I started running away, and I got hit in my back.<sup>36</sup>*

The chief surgeon at Hebron Public Hospital told Amnesty International delegates that a live bullet had penetrated Mahmoud al-Shudafan's back and then split, penetrating his pelvic area and seriously injuring him.

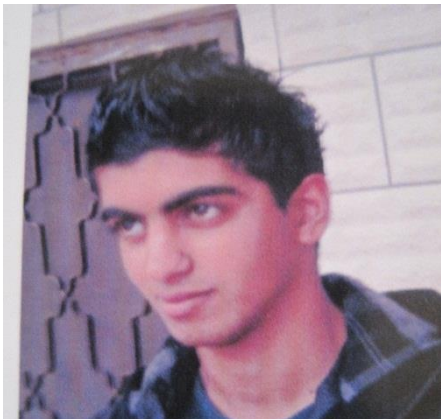
Mahmoud al-Titi's death occurred within weeks of at least six other killings of Palestinians by Israeli forces in January 2013 as they participated in demonstrations, five in the West Bank and one in the Gaza Strip.<sup>37</sup>

Following the death, the MPCID opened an investigation but as of January 2014 the Israeli authorities had yet to disclose its findings.

**Naji Balbesi**, 19, and **Amer Nassar**, 18, were shot and killed by Israeli soldiers on the night of 3-4 April 2013 when they and two other residents of Anabta, Tulkarm, approached the Einav military checkpoint, about three kilometres outside the town. At the time, many protests were being held across the West Bank in response to the death of Maysara Abu Hamdieh, 64, a Palestinian prisoner who was serving a life sentence in an Israeli prison and had contracted cancer and other ailments. Israeli soldiers in the observation and guard tower at the checkpoint were alerted to the approach of the four young men and set an ambush, which they sprung when the young men arrived and began to stone the checkpoint, and one reportedly sought to throw a petrol bomb. The soldiers opened fire with live ammunition and then gave chase as the four young men tried to flee. According to witnesses, including medics, the soldiers shot Amer Nassar twice with live bullets as he ran; he was pronounced dead by the time a Palestinian Red Crescent Society ambulance arrived to pick him up and transport his body to Thabet Hospital in Tulkarm. There, a medical examination revealed that one



*Naji Balbesi, 19, killed after being shot by Israeli soldiers in April 2013. © Private*



*Amer Nassar, 18, killed after being shot by Israeli soldiers in April 2013. © Private*

bullet had hit him in the chest, breaking one of his ribs, and another bullet had hit him in his left wrist.

T. K., a medic from Anabta who was the first to arrive at the scene of the shooting, told Amnesty International:

*I took my medic vest and took a car along with two others and went to the checkpoint... When we arrived near the checkpoint we found the road closed by the army. We got out of the car but the soldiers prevented us from going forward. One soldier pushed me and I yelled at him. He eventually agreed to take me to where the body was. The body of Amer Nassar was in the middle*

*of the road about 150 metres away from the checkpoint. There was a rock beside him but nothing else around. I saw that there was blood from his mouth, nose, and ears, I shone my torch at him; I knew he was dead. I told the soldier that the boy was dead. He nodded, and so I called the ambulance and told them there was a martyr. I then called*

*the mayor and his deputy to inform them.*<sup>38</sup>

**Fadi Abu Asal**, one of the three other young men accompanying Amer Nassar, was hit by a bullet in the arm moments after Amer Nassar was shot and fell, but he continued to run from the scene and managed to evade arrest. Local people took him to a hospital later. He told a journalist that he and Naji Balbesi had run away together initially as they fled the soldiers' ambush but that they became separated when Naji Balbesi headed towards a leather factory about 500 metres from the Einav checkpoint, at which point he did not appear to have been injured.<sup>39</sup> Meanwhile, the fourth member of the group, Di'aa Nassar, took cover behind some bricks opposite the military observation tower, where soldiers subsequently arrested him.

When the medic from Anabta and his colleagues collected Amer Nassar's body, a soldier at the scene told him that soldiers had arrested one man who was not injured, that another had been wounded but had run away, and "that they shot another person". Several hours then elapsed before the soldiers again summoned the medic, this time to collect the body of Naji Balbesi. The medic told Amnesty International:

*When we arrived near the checkpoint we found only two soldiers on the street. They stopped us with a torch and asked us to come down and follow them. We walked behind them and reached the place where Naji's body was, behind the leather factory. He was lying on his back and beside him was a pair of used medic's gloves. There was also mud on his face. I think he was dragged to the location where we found him. His hands were up and behind his head were two cigarette packs. I felt his body. It was ice cold and very stiff. His shirt was ripped and drenched in blood. I saw the exit wound of the bullet in his chest. The soldiers left. It was about 4pm. We went back and got a stretcher and then went to carry the body to the ambulance. On the way I informed the PA security forces and the municipality that Naji was found dead and was now at the hospital.*<sup>40</sup>

The medical team took Naji Balbesi's body to Thabet Hospital, where a medical examination revealed that he had been shot with a bullet that entered his back to the right of his spine and exited through the right side of his chest after breaking one of his ribs.

Following the killings, the Israeli *Jerusalem Post* newspaper reported an army statement that soldiers had "opened fire after they felt their lives were in danger" after "a guard station was attacked with firebombs".<sup>41</sup> The *Haaretz* newspaper provided a more detailed account, citing the finding of "an initial army investigation" that the army unit commander from the Haredi Nahal Brigade at the "fortified guard post" had "decided to set up an ambush outside the fortification" after he received 30 minutes' advance notice that four Palestinians were approaching from the direction of Anabta. The commander and his men, according to this report, had given chase to the four young Palestinians and opened fire at them with live ammunition and rubber-coated metal bullets, killing two and wounding a third, in the mistaken belief that the four had fired live shots at them. The commander had pursued the four after one of them "threw an incendiary device" and "at a certain point felt his life was in danger, at which time he opened live fire." As Naji Balbesi was found to have been shot in the back, *Haaretz* reported: "The army is now investigating whether the rules of engagement were maintained."<sup>42</sup>

Although the "initial army investigation" cited by *Haaretz* must have been undertaken within

24 hours of the deaths, a MPCID investigation is reported to have been opened only on 7 April 2013. In contrast to the speed of the initial investigation, the findings of the MPCID investigation had yet to be disclosed in January 2014, more than nine months after the killings. The MAG Corps reportedly informed B'Tselem on 3 October 2013 that the killings remained "under investigation" but no other information has been forthcoming. It is not known whether the army unit commander who was present at the killings has been suspended from active duty pending the conclusion of the investigation.

The circumstances of the killing of Amer Nassar and Naji Balbesi remain unclear. There is no indication that the soldiers who ambushed the four Palestinians identified themselves and issued a warning before opening fire. It should have been possible to arrest the young Palestinians without anyone getting killed. The death of Naji Balbesi, who was shot in the back, and whose body was unaccounted for until several hours after the incident is especially troubling. Such use of lethal force was excessive and Naji Balbesi was almost certainly the victim of an unlawful killing, and possibly an extrajudicial execution or a wilful killing.

Fadi Abu Asal, who was the last person to see Naji Balbesi prior to his death apart from the soldier or soldiers who shot him, told *Haaretz* shortly after the killing:

*He was scared; he ran the other way and disappeared. I didn't see him getting hit. My concern is that he was shot while fleeing or that he was caught and shot, meaning that he was executed. There is no other way to explain why he disappeared and why his body was only discovered in the morning.<sup>43</sup>*



*Mu'taz Sharawnah, 19, was killed after being shot by an Israeli soldier on 2 July 2013 while returning home from a wedding. © Private*

**Mu'taz Sharawnah**, 19, and his nephew Baha' Sharawnah, 24, were walking home to Dura, Hebron, after attending a wedding in Tarousa, about three kilometres away, when Mu'taz Sharawnah was shot and killed by an Israeli soldier at about 1.30am on 2 July 2013. According to an army statement, his killing occurred "during a security operation in Dura" in which Israeli soldiers came under attack from Palestinians throwing rocks, to which they responded initially with "riot dispersal means" but then resorted to live ammunition gunfire when one or more Palestinians tried to climb onto a military vehicle. According to Baha' Sharawnah, however, Mu'taz Sharawnah was shot after the two of them walked past two Israeli military vehicles parked by Dura's main mosque and were confronted by a soldier who got out of one of the vehicles, aimed his gun at them and fired two shots from a distance of about three

metres, one of which fatally wounded Mu'taz Sharawnah in the back. He told Amnesty International that he then ran off and hid in a ditch for about 30 minutes until soldiers

discovered him when his phone rang and arrested him.<sup>44</sup> Local human rights defenders told Amnesty International that Mu'taz Sharawnah was shot after he and his nephew started throwing stones at the two parked military vehicles but then ran away as one soldier got out of the vehicle to shoot. An autopsy revealed that Mu'taz Sharawnah was killed by a bullet that entered the left side of his back and severed vital organs, including his spinal cord.

Following the killing, the army said it had opened an investigation; at the time of writing in February 2014, however, the Israeli authorities had yet to disclose any findings.

Even if Mu'taz Sharawnah did engage in stone-throwing at Israeli troops and military vehicles it should have been possible for the Israeli soldiers present to seize and arrest him rather than resort to the use of live ammunition gunfire and shoot him in his back. Such use of lethal force was excessive and Mu'taz Sharawnah was almost certainly the victim of an unlawful killing, and possibly an extrajudicial execution or a wilful killing.

**Majd Lahlouh**, 21, and **Karim Abu Sbeih**, 17, were both shot with live ammunition in the early hours of 20 August 2013, when Israeli soldiers and Border Police raided Jenin refugee camp in order to arrest Bassam al-Sadi, a senior member of the Palestinian armed group Islamic Jihad, who had been freed three months before after two years of detention without trial in Israel. The raid led to clashes between Israeli soldiers and Palestinian boys and young men, some of whom threw stones and reportedly at least one petrol bomb, causing damage to a military jeep. According to reports, at least one witness also saw a masked man appear and fire several shots at Israeli soldiers from a distance of around 50 metres, apparently without hitting any of them. One group of boys and young men threw stones at soldiers from a nearby rooftop. Israeli forces, which included army and Border Police, initially responded by firing



*Karim Abu Sbeih, 17, died in August 2013, 11 days after being shot by Israeli forces. © Private*

died in hospital in Nablus 11 days later.

tear gas but then resorted to live ammunition when the stone-throwing persisted. Two of those on the rooftop, Karim Abu Sbeih and Ala Jamal Abu Jabal, 20, were shot by army soldiers. They both sustained serious abdominal wounds, and were evacuated to hospital by the Palestinian Red Crescent Society. Karim Abu Sbeih's injury proved fatal; he

Majd Lahlouh was shot a short time after the other two. It appears that he was using a catapult to throw stones at soldiers when a soldier shot him in the chest using live ammunition. Following the shootings, *Ynet News* reported an army statement that, as soldiers searched the home of the person they intended to arrest, “residents opened fire at the soldiers and hurled Molotov cocktails in their direction” during clashes that continued for several hours. The report said that two Israeli soldiers were “lightly injured” during the incident.<sup>45</sup>



*Majd Lahlouh, 21, was killed on 20 August 2013 after he was shot by Israeli forces. © Private*

As of the writing of this report in February 2014, no investigation had been announced by the Israeli authorities. In responses to queries from B'Tselem concerning the lack of an investigation into the killing of two civilians, the MAG Corps said on 29 September 2013 that the incident was classified as occurring in a combat situation and that the policy implemented in April 2011 did not necessarily apply to it. On 14 November the MAG Corps informed B'Tselem that still no investigation had been opened.

The available evidence points to Karim Abu Sbeih and Majd Lahlouh having been shot and killed while they were throwing stones at Israeli soldiers; however, those soldiers were well armed and well protected, as indicated by the Israeli authorities' own acknowledgement that only two soldiers received light injuries despite the clashes with Palestinian residents lasting for several hours. The operation to carry out the arrest would have been planned in advance, and the likelihood that some residents would resist should have been anticipated by the army, so facilitating their ability to minimize the likelihood of bloodshed. The use of live ammunition gunfire in such circumstances appears, at the least, to have been excessive, and possibly resulted in the unlawful killing of two Palestinians.

**Jihad Aslan, 20, Yunes Jahjough, 22, and Rubin Abd al-Rahman Zayed, 34,** all died after they were shot with live ammunition on 26 August 2013 during an early morning raid that Israeli soldiers and Border Police conducted on Qalandia refugee camp and which began at around 5am. The soldiers and Border Police raided the home of Yusef al-Khatib, who Israeli authorities say was wanted, without initially finding him,<sup>46</sup> and clashes quickly developed as Palestinian residents, mostly boys and young men, came onto the streets to protest against the military operation. Some Palestinians jeered and threw stones; Israel forces fired tear gas and rubber-coated metal bullets in an effort to disperse them, then called in reinforcements who arrived in some 10 military vehicles at around 6.30am. As Palestinians threw stones and other objects, including furniture and other household items, Israeli forces began to use live ammunition as well as tear gas and rubber-coated bullets and shot two young Palestinians as they threw stones from nearby rooftops. One bullet hit Yunes Jahjough in the chest, exiting through his back; it appeared to have been fired by a soldier about 20 metres away. It proved fatal. Jihad Aslan was hit in the back by a bullet apparently fired by a soldier about 30 metres from him. He too was killed.

Rubin Abd al-Rahman Zayed was also shot dead by an Israeli soldier, but, in contrast to the cases of Jihad Aslan and Yunes Jahjouh, this happened reportedly as he sought to avoid the area of the clashes and hurry to his place of work. He was an employee of United Nations Relief and Works Agency (UNRWA).<sup>47</sup> His father, Abd al-Rahman Hussein Zayed, 74, said that his son, who lived next door, had visited him that morning as usual and then had set off to walk to his office with a friend who had come to meet him. He told Amnesty International:

*We knew at that time that there was trouble in the camp, but we did not know if it had ended or not. It is also a very regular occurrence. My son was going to work like on any other day, clashes or no clashes. We thought that the army had left by this time. Also, this is what we are used to.*

*I received news from neighbours and kids that he was injured. They said he was hit in his leg. I went immediately to the hospital. I arrived and found him dead.<sup>48</sup>*

In fact, according to Palestine Medical Complex hospital records, Rubin Abd al-Rahman Zayed had been struck in the chest by a bullet that exited through his back. He arrived at the hospital at 7.37am, brought in by a Palestine Red Crescent Society ambulance, but lacked any sign of life.

Mohammad Abd al-Nabi, 23, told Amnesty International that he met Rubin Abd al-Rahman Zayed, whom he knew, in the street and shortly after witnessed his killing:

*I went out to my daytime work at 6.30 in the morning. I work in Bir Nabala and have to go out through the main gate of the camp crossing through the main street. I heard the sound of shooting when I went out of my house. I did not know which direction it was coming from. I met with Rubin on the [Ma'ayneh] intersection of roads, where we both needed to take the same side road towards the main road to get to work. I know Rubin because I work with his brother during my night work at the carpenter's. So we spoke that morning. We remained hidden near the intersection until the sound of shooting stopped for some time and we gathered that it was safe to continue moving. Also, people were saying that the army was out [of the camp] because the kids were now on their way to schools. This is usually the time when the army withdraws from the camp. That was around 7am. Rubin walked in front of me. He was maybe 20 metres away from me, when suddenly soldiers appeared. They were close to the main road and shot. I immediately dived on the ground. I saw two or three soldiers who appeared suddenly, I saw their faces were covered. They shot towards us. Rubin fell on his back when he was hit by a bullet in his chest. He did not have anything in his hands.<sup>49</sup>*

A number of other Palestinians who were wounded by Israeli gunfire also appear to have been taking no part in the protests against the Israeli incursion into the camp. One, **Mohammad Abed Yousef Badran**, 20, told Amnesty International that he left home at about 6.20am to walk to his work at a cement factory, avoiding the area of clashes:



*I looked towards the centre of the camp and saw smoke rising, so I decided to take another route through the camp to get to work to avoid trouble. While I was walking people kept warning me that there were soldiers around. Then I saw the soldiers on the main road and I saw the rock throwing. I could not leave the camp as I needed to pass through the main street where the soldiers were. At about 6.40 I headed up there to see what was happening and I found around 15-20 soldiers on the ground and about four or five jeeps. I could hear the sound of shooting, but it was not very heavy. Then, there was a heavy barrage of fire. I got nervous and ran away and I found myself stuck in a small alleyway. I saw my neighbour trying to make a run to where I was standing and as he got near he fell down. His name is Mohammad Ghazawi. He is a young boy. When he fell I went to pull him up and I suddenly felt something very warm in the area of my ribs on the right. I lost consciousness soon after feeling that sensation and I woke up to find myself*



*Mohammad Abed Yousef Badran, 20, was shot in the stomach by Israeli forces while on his way to work on 26 August. © Amnesty International*

*in the hospital.*<sup>50</sup>

Mohammad Abed Yousef Badran was taken to Palestine Medical Complex hospital in Ramallah, where he was found to have sustained a wound to the stomach. Doctors extracted the bullet.

Following the incident, the army's Spokesperson's Unit said:

*During an overnight operation for the arrest of a suspect in Qalandia, a riot involving hundreds of Palestinians who attacked the security forces erupted. Early details suggest that an army force supporting the troops was trying to rescue them and that fire was opened at the assailants when the situation became life threatening.*<sup>51</sup>

The army said an initial investigation had found that soldiers opened fire, killing three Palestinians, because they felt, although no shots were fired at them, that their lives were being threatened,<sup>52</sup> and released aerial video footage of parts of the incident.<sup>53</sup> The army claimed that soldiers had entered Qalandia in order to arrest someone who was "a leading member of the Tanzim [a faction of the Palestinian Fatah movement], an arms dealer and an organizer of disturbances in the area" and that reinforcements were sent in after Palestinians youths began throwing rocks. Soldiers had then "fired live rounds at the disturbances' chief

instigators" after the protesters failed to heed warning shots and were seen to be "posing a threat" to soldiers, killing three Palestinians and wounding 15 others. The army said that one soldier sustained light injuries and was treated on the scene. In a statement to the *Jerusalem Post*, an army spokesperson alleged that Palestinians fired at the Israel forces' vehicles and that four bullet holes in vehicles were later discovered.<sup>54</sup> The Israeli army has not made public any evidence to support such claims.

Although the army stated that Palestinians were posing a danger to Israeli soldiers' lives when the latter opened fire, the fact that one soldier only was lightly injured in the incident inevitably raises the question whether the Israeli soldiers who used live ammunition gunfire against the Palestinians protesters acted proportionately or resorted to the use of lethal force when this was not justified.

As regards the killing of Rubin Abd al-Rahman Zayed and the wounding of Mohammad Abed Yousef Badran the available evidence suggests even more strongly that they were shot by soldiers when they were unarmed, uninvolved in the protests and posing no real or supposed threat. This suggests the manner in which the soldiers had used their firearms was at least reckless.

According to B'Tselem, the organization was informed by the army on 28 August 2013 that a MPCID investigation had been launched.

**Ahmad Tazazah**, 20, was shot and killed in Qabatiya, near Jenin, when Israeli soldiers opened fire at Palestinian protesters on 31 October 2013. He was working in the town's vegetable market when Israeli soldiers in several military vehicles passed by after conducting an arrest raid nearby and clashed with a group of about 12 Palestinian youths who threw stones at their vehicles. Some of the soldiers stopped, stepped out of their vehicles and commenced shooting at the youths using live ammunition. According to film footage obtained by B'Tselem, it appears that Ahmad Tazazah was not participating in the protest but was a bystander at work in the market when he was hit in the chest by a bullet that entered between his second and third ribs and exited through his back. He was rushed to the Jenin government hospital but found to be dead on arrival. Twelve days after the fatal shooting, on 11 November 2013, an army spokesperson informed B'Tselem that the MPCID had opened a "limited investigation" into the incident. The findings of this investigation had not been disclosed by January 2014.

**Wajih al-Ramahi**, 15, died at around 4.30pm on the afternoon of 9 December 2013 after he was shot in the back by an Israeli soldier close to the Jalazun refugee camp in Ramallah. Prior to the shooting, he had been playing football with other children at the school in the camp run by the UNRWA. He was shot from a distance of around 200 metres during a clash between several Israeli soldiers and Palestinian young men and children who threw rocks at them as they moved through the area between the school and the Israeli Beit El settlement. It is unclear whether Wajih al-Ramahi was participating in the stone-throwing when he was shot; even if he was, however, the use of live gunfire against him was clearly excessive and he appears to have been the victim of an unlawful killing. The bullet that killed him is reported to have struck him in the back, suggesting that he was taking no offensive action against the Israeli soldiers at the time he was shot and that he is unlikely, to say the least, to have been posing a serious or imminent risk to the lives of the soldiers. After the shooting, he

was taken to the Palestinian Medical Complex in Ramallah where he was pronounced dead shortly after arrival. Six days after his death, the MAG Corps informed B'Tselem that the MPCID had commenced an investigation, but no indication of its findings were available by February 2014.

## 2.2 INJURIES

In addition to those killed, at least 261 Palestinians, at least 67 of whom were children, were shot and seriously injured by live ammunition fired by Israeli soldiers in the West Bank between January 2011 and December 2013, according to OCHA data.

The UN Basic Principles of the Use of Force and Firearms require that all governments and law enforcement agencies establish effective reporting and review procedures for all incidents involving death and injury resulting from the use of force and firearms, and ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report must be sent promptly to the competent authorities responsible for administrative review and judicial control.<sup>55</sup> Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process.<sup>56</sup>

Unlike killings of unarmed Palestinian civilians in the West Bank, all of which must be investigated by the MPCID acting under the direction of the MAG Corps, following a change of Israeli policy implemented in April 2011, the MPCID do not investigate shootings of unarmed Palestinian civilians which result in non-fatal injuries, even serious injuries, unless the MAG Corps receives a formal complaint within 60 days of the shooting.

In many cases, Palestinians who receive injuries decline to submit formal complaints because they lack confidence in the investigation process, fear that submitting a complaint could lead the Israeli authorities to take retaliatory action against them (particularly if they were participating in illegal protests or stone-throwing at the time that they received their injury) or for other reasons. Palestinians who do wish to submit formal complaints also face serious obstacles; in particular, the offices of the MAG Corps at which such complaints can be received are hard for West Bank Palestinians to access as they are located either within Israel or within Israeli military bases located in the West Bank, which many Palestinians are afraid to approach. Consequently, Palestinian civilians who do submit complaints do so either through a lawyer, which can be costly, or through local human rights organizations, whose capacity to keep track of a large number of complaint cases is limited.

In several of the cases described below, unarmed Palestinian civilians sustained serious injuries as a result of being shot with live ammunition or other weapons by Israeli soldiers in circumstances which have not been investigated. Some were left with permanent or long-lasting disabilities. However, in all cases they have had no access to either justice or reparation.

**Mohammad Sa'id Ali Hassan Badan**, a 17-year-old student, sustained permanent injuries on 19 November 2012. He told Amnesty International that on that day he and around 500 other



*Mohammad Sa'id Ali Hassan Badan, 17, was disabled after being shot by Israeli soldiers after a demonstration on 19 November 2012. © Amnesty International*

students from Tuqu' boys' school started a protest against the Israeli military operation in Gaza, Operation "Pillar of Defense", at the time. The boys' sense of anger was further exacerbated that day after the death of a man from the village who had become ill while in Israeli detention.

*When I arrived, the clashes had already been taking place. The guys were on the sides of the road next to the school and the army on the ground in front of them with military jeeps in the back. There was about 100-150 metres between the guys, the rock-throwers and the army.*

*When I arrived tear gas was fired, and sound bombs were also thrown. The army targeted the kids with tear gas directly. They were shooting [the canisters] straight at us. At that time I was further away from the guys, standing to the back. And then the army pulled back. It was about 8am, and they fired tear gas while doing that. The*

*situation cooled down a little bit and the army was very far away, so we went down a little and stood to watch and see what the army was about to do.*

*Suddenly I felt sharp pain. A bullet had hit me from my left side. I heard the sound of two shots. One of them hit me.<sup>57</sup>*

Mohammad was taken to a hospital in Hebron where he was treated in intensive care for damage caused to his abdomen and bladder. He is now forced to use a wheelchair and cannot eat solids because of the injuries he sustained.

A video of the incident taken by a photographer working for the Palestinian Ma'an News Agency, shows soldiers initially responding to students who were throwing stones by firing tear gas and then withdrawing. Then, one of two soldiers standing on higher ground a short distance away is seen suddenly firing two live rounds of ammunition at the students; neither he nor other soldiers' lives appear to be under threat at the time of his firing. Immediately after the shots, the second soldier is seen running to his colleague and pushing him away.<sup>58</sup>

Mohammad Sa'id Ali Hassan Badan reported the incident to Israeli police in Etzion, but was frustrated by the approach taken by officers to whom he presented his testimony. He told Amnesty International:

*I was sent to the Israeli office, and I stayed there in interrogation until 6pm. When I had to enter the interrogation room... my grandfather had to pick me up from the wheelchair and put me on a chair in the room. There the interrogator did not allow my grandfather to enter and, when I was inside, he immediately accused me of throwing rocks, and what was supposed to be me giving testimony turned into an interrogation, and he accused me of throwing rocks and asked me to name other people I knew who threw rocks.<sup>59</sup>*

To date, to Amnesty International's knowledge, the soldier who shot and injured Mohammad Sa'id Ali Hassan Badan has not faced punishment or any disciplinary action.

Another Palestinian who suffered serious injuries was **Wasim Nidal Suliman Es'eed**, 25, an internet café manager and political activist. He told Amnesty International that he had participated each day in protests in Hebron against the Israeli military offensive in Gaza, Operation "Pillar of Defense", after it began on 14 November 2012, until he was shot and wounded on the fifth day of the eight-day conflict:

*On 19 November, the protest started in the morning, and as with all protests, it started peacefully. I joined at noon. At that time there was a lot of tear gas being fired as well as rubber-coated metal bullets and other metal bullets. I was alone and joined the protest, and took part in throwing rocks at the army which was firing weapons.*

*At around 4.30pm, I was behind the petrol station, and the army had started firing live bullets. I had run away from tear gas and I was shot at with live bullets.<sup>60</sup>*

As he tried to flee, he received a bullet wound to one leg and a second to the body. As a result, his bladder and intestines were damaged and he required treatment in intensive care in hospital.

Three months later, his brother **Wisam Nidal Suliman Es'eed**, an unemployed 17-year-old, was also injured when he joined in a protest with other Palestinians on 22 February 2013 to demand that Israel soldiers allow them access to a road in Hebron, Shuhada Street, which the army permits only Jewish settlers to use. He told Amnesty International that he was hurt at around 8.30pm as Israeli soldiers clashed with Palestinian protesters throwing stones:

*I was hiding behind a tree... I got scared that they were targeting me, and I knew they were firing live bullets, so I made a run for it. Just as I left my position a bullet hit me... Then as I was running another bullet hit my right foot, near the outer ankle. I was also hit with rubber bullets in my waist.<sup>61</sup>*

He said that the soldier who he believes was responsible for firing at him as he ran away did so from a distance of about 50 metres.

Amnesty International is not aware of any Israeli investigations into the separate incidents in which the two brothers were shot and injured by Israeli soldiers. Neither of the brothers complained to the Israeli authorities after they were shot and wounded; both told Amnesty International that they had no faith in the Israeli military justice system.

**Atta Mohammad Atta Musa Sabbah Sharaka**, 12, was seriously injured and rendered semi-paralysed when an Israeli soldier shot him with live ammunition on 20 May 2013 near his school in Jalazun refugee camp close to Ramallah. The day before in the school, one of his friends had thrown Atta's school bag over the school wall, towards the nearby Israeli settlement of Beit El, and into an area used by Israeli soldiers. He had been afraid of retrieving it but sought to do so the next day, after going into a shop and purchasing a soft drink. Then, as he walked along, he was shot. He told Amnesty International:

*I did not hear the bullet. There were other kids around; they were playing. There was no rock throwing. I saw the soldier after I got hit. I fell on the ground and then I saw more soldiers. I yelled for help so the kids came but they could not carry me. They called a young man and he took me. He put me in a car and took me to the al-Mustaqbal Hospital, but they transferred me immediately to Ramallah Hospital.<sup>62</sup>*

Atta Mohammad Atta Musa Sabbah Sharaka spent more than three months in hospital, and described his shooting to B'Tselem and other human rights organizations. No investigation into his shooting is known to have been opened by the MPCID. When Amnesty International interviewed him in September 2013, he said he had not been contacted by either the Israeli police or army.



*Soldiers watching while Israeli settlers attack Palestinians and their property in Qusra village, February 2013. © Private*

#### **SETTLER VIOLENCE AND EXCESSIVE FORCE BY THE ARMY**

Hundreds of Palestinians have been wounded during attacks by armed Jewish settlers on Palestinian homes, orchards and other property in recent years, sometimes in the presence of Israeli army soldiers who either stood by and failed to intervene or actively assisted the settlers. According to OCHA, 480 Palestinians, including 110 children, were injured as a result of settler violence in the West Bank between January 2011 and December 2013. In Qusra village, south of Nablus, for example, the village council has documented cases of settlers from Esh Kodesh and other nearby unlawful settlements and outposts carrying out dozens of violent attacks on the village and its inhabitants in recent years. According to OCHA, 14 Palestinians, including two children, were injured in settler attacks in the village between January 2011 and December 2013. These included attacks in which settlers carried guns and used live fire against Palestinians who sought to resist them.

On 10 January 2013, **Ammar Masamir**, 19, was shot when he and four of his cousins tried to prevent settlers from Esh Kodesh and other surrounding settlements from uprooting and destroying trees in Palestinian-owned orchards in Qusra. He told Amnesty International:

*As soon as I arrived I was hit by a bullet before I was able to do anything. There were maybe 30 metres between me and the settler who shot me... There were no soldiers when I arrived. When the bullet hit me... I fell, and the guys were not able to take me at first because there was a lot of shooting. I was hit in the upper right thigh from the front... My cousin and other guys eventually made it to me and carried me away towards the village centre.<sup>63</sup>*

Other villagers who were present when Ammar Masamir was shot said dozens of Israeli soldiers arrived soon after but failed to take any action against the settlers, although they were the aggressors; instead, the soldiers fired tear gas and rubber-coated bullets at the Palestinian villagers who had gathered to resist the settler violence.

The settler who shot and wounded Ammar Masamir did so with impunity. The Israeli authorities are not known to have carried out any investigation or taken any steps to identify him and bring him to justice.

The Qusra villagers have submitted dozens of complaints about settler attacks to the Israeli police, but without effective response, according to Abd al-Atheem Wadi, the head of the village council. He told Amnesty International:

*The attacks are imposed on us, and they do not stop. We do not demonstrate through marches or sit-ins, we go out to protect ourselves and our village. When an attack takes place, calls are made for people to go out and defend our fellow villagers, especially those on the margins of the village close to the settlements. We usually find the army on the hilltops watching while the settlers ravage through. When we start protesting, the army deals us a very heavy hand.<sup>64</sup>*

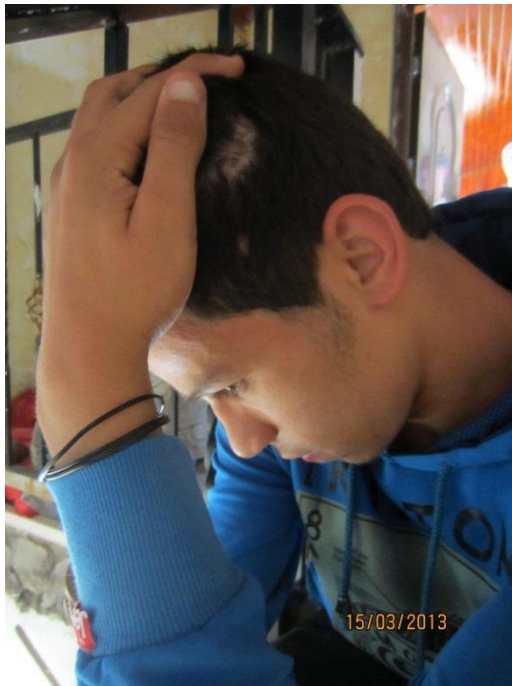
On 23 September 2011, Israeli soldiers shot dead Issam Badran, 37, during a protest by Qusra residents against settler attacks on Palestinian-owned land in the village. The MPCID opened an investigation following the killing but closed it on 5 February 2013 without revealing the findings or filing an indictment.

## 3. KILLINGS AND INJURIES RESULTING FROM OTHER WEAPONS

“I want the army officer who shot the gas canister directly at me... to be tried.”

We'am Burhum, 17, who was injured in the head from a tear gas canister fired by Israeli forces during a demonstration on 27 April 2012 in Kufr Qadum.

Several Palestinians have died in recent years and others have sustained serious injuries due



*We'am Burhum, 17, in March 2013. He suffered a serious head injury, after a tear gas canister fired by Israeli forces at close range hit him during a demonstration in Kufr Qadum in April 2012. © Amnesty International*

to the apparent misuse by Israeli forces of lethal force other than live firearms ammunition. The weapons used have included rubber-coated metal bullets, and “less lethal” means of crowd control, such as tear gas. In 2013, one demonstrator and one bystander were killed from rubber-coated metal bullets fired by Israeli forces. In December 2011, one Palestinian protester died as a result of being struck on the head by a tear gas canister that an Israeli soldier fired towards him at close range.

According to OCHA, at least 8,000 Palestinians were injured due to Israeli forces using weapons other than live ammunition between January 2011 and December 2013: of these at least 2,637 sustained injuries as a result of being hit with rubber-coated bullets; 503 were injured by being hit by tear gas canisters; 3,897 suffered injury due to tear gas inhalation and 90 due to the impact of a stun grenades; 680 received injuries due to physical assaults; and 35 were injured by shrapnel. At least 1,522 of those injured were children, according to the

OCHA data.

Amnesty International presents in this chapter details it has documented regarding three of the cases of killings and 11 of the cases of injuries.





*Bassem Tamimi, a human rights defender, holding rubber-coated bullets fired by Israeli forces after demonstrations in his village, Nabi Saleh. © Amnesty International*

Amnesty International considers the firing of rubber-coated metal bullets to be a type of lethal force and this should be prohibited unless fully consistent with the special provisions regarding lethal force with firearms set out in the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials. Thus, if it is strictly unavoidable to protect life in self-defence or defence of others, fully trained firearms officers under proper regulation, monitoring and control may be permitted to use lethal force to the minimum extent necessary against the imminent threat of death or serious injury, but only when less extreme means are insufficient to achieve this objective.<sup>65</sup>

On 2 September 2003, an official Israeli commission of inquiry, the “Commission of Inquiry into the Clashes between Security Forces and Israeli Citizens in October 2000”, headed by Supreme Court Justice Theodore Or, also concluded that rubber-coated metal bullets are lethal weapons and recommended that they are not used

by security forces for policing demonstrations.<sup>66</sup> On 30 July 2013, two Israeli human rights organizations, the Association for Civil Rights in Israel (ACRI) and B’Tselem, called on the Israeli authorities to stop the use of rubber-coated metal bullets when policing demonstrations the OPT.<sup>67</sup> Yet despite the evident lethal danger of using rubber-coated metal bullets in policing demonstrations, and the repeated calls on the Israeli authorities to stop this practice, Israeli forces continue to fire rubber-coated metal bullets against protesters in the West Bank. Two Palestinian protesters were killed in the West Bank in 2013, and many others were injured, from Israeli forces’ firing of rubber-coated metal bullets.

According to B’Tselem, the army’s January 2012 open-fire regulations, as well as police orders, acknowledge the lethal potential of rubber-coated metal bullets but only restrict, rather than prohibit, their use. The regulations reportedly set a minimum firing range of 50 to 60 metres and require the soldier opening fire to do so from a stationary position and when there is clear visibility, and then to aim only at the legs of individuals who are identified as posing a risk to security forces or others. The regulations reportedly prohibit the use of the rubber-coated metal bullets against women and children in all circumstances. Since 2003, the Israeli government has prohibited the use of rubber-coated metal bullets within Israel and against Israelis unless they are posing an imminent danger to the security forces.<sup>68</sup>

Regarding the use of chemical irritants, according to B’Tselem, the Israeli police “Procedure on the Employment of Means for Maintaining Public Order” restricts the use of tear gas to

the purpose of dispersing “serious disturbances that endanger public safety”. In addition, the army’s January 2012 open-fire regulations prohibit firing tear gas indoors and in densely populated areas, hence the use of tear-gas launchers that fire salvos of grenades are also prohibited under such circumstances. The regulations also prohibit the firing of aluminium tear-gas canisters directly at demonstrators, according to B’Tselem.<sup>69</sup>

Neither the army nor other Israeli authorities have confirmed B’Tselem’s account of the army’s January 2012 open fire regulations or directly disclosed details of the regulations. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that law enforcement authorities should “develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms”, including so-called “non-lethal incapacitating weapons for use in appropriate situations” but that their use should be carefully evaluated and restrained so as not to cause death or injury to persons through the use of arbitrary, abusive or excessive force. The Basic Principles also require that law enforcement officials are equipped with shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.<sup>70</sup> In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials are required to avoid the use of force or, where that is not practicable, to restrict such force to the minimum extent necessary. Officials have a positive obligation to facilitate peaceful assemblies and actively protect those participating in them.<sup>71</sup>

“Less lethal” projectiles and their launchers are used by Israeli forces in the OPT for policing protests and these have resulted in serious injuries and even death. Israeli authorities officially designates such weapons as “non-lethal”, but, whether the projectiles are made from metal, plastic, foam, fabric, or a mixture of materials, these weapons tend to share a number of dangerous features. At close range, many “less lethal” projectiles can “kill or seriously injure”,<sup>72</sup> and unburned propellant may cause serious burns. Medical studies have shown the increased risk of death or serious injury if projectiles hit the head and upper body region. Even if penetration does not occur, other “significant injuries”, including “contusions to the heart and lung”, can occur.<sup>73</sup> Furthermore, some evidence suggests that women face a greater injury risk from rubber projectiles than men, particularly to the skull, eyes, brain, lungs, liver, and spleen, with children and teenagers also facing heightened risk.<sup>74</sup> One study suggested that, in order to avoid serious injuries to the chest of a female, the speed of rubber projectiles fired from launchers should be “well below” that of many such weapon systems that are already on the market.<sup>75</sup>

Moreover, the likelihood of projectiles causing unwarranted injuries is increased by the general inaccuracy and unreliability of most weapons currently on the market. A joint study by the Applied Research Laboratory, Pennsylvania State University and the Los Angeles Sherriff’s Department of a range of kinetic impact projectiles found that, in over half of cases, the dispersion at a range of 23 metres was more than 45 centimetres, that is, more than the width of the average man across the front and back.<sup>76</sup> This level of inaccuracy significantly increases the risk of hitting uninvolved individuals, or hitting the intended target in areas likely to cause death or serious injury. Such concerns are exacerbated if cartridge rounds contain multiple projectiles as independent studies have shown these types to be “particularly inaccurate”.<sup>77</sup> Issues around inaccuracy and unreliability can be further exacerbated by “skip firing” the rounds (bouncing or ricocheting rounds off the ground,

instead of shooting at individuals directly). Whilst this does not significantly reduce the velocity of the rounds, it does make the trajectory of the rounds even more unpredictable,<sup>78</sup> presenting additional dangers to officers and especially the general public.

Thus, the launching of “less lethal” projectiles or baton rounds made purely from rubber or plastic can result in deaths and serious injuries, and their deployment and use by law enforcement officials should be very strictly regulated in a manner similar to that of firearms. Such projectiles should never be fired or launched unless strictly necessary by fully trained firearms officers subject to effective regulation, monitoring and control in order to avoid the use of lethal force so as to protect life in self-defence or defence of others against the imminent threat of death or serious injury, and then only used in a manner likely to decrease the risk of unnecessary harm when less extreme means are insufficient to achieve this objective. Similarly, the firing or launching of chemical irritant cartridges and grenades deployed to disperse a crowd should never be aimed and fired directly at any individual in the crowd.

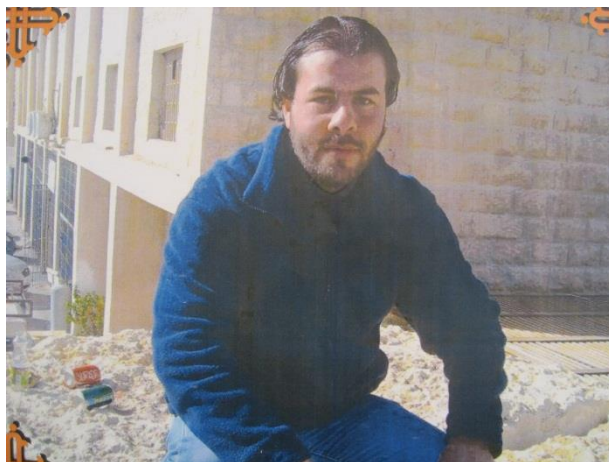
Furthermore, before using lethal or “less lethal” projectiles, law enforcement officials should be required to identify themselves as such and give a clear warning of their intent to use such weapons, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident. A system of monitoring reporting should be activated whenever law enforcement officials use such weapons in the performance of their duties.

Where hand-held batons are used, regular training and strict rules of use for law enforcement officers are also crucial in order to minimize unintentional injuries. This is particularly important because certain areas of the body are especially vulnerable to injury from baton strikes. Blows applied to the head, neck and throat, spine, lower back, and solar plexus could result in “significant injury with bruising and rupture of internal organs, including the heart, liver, spleen, or kidneys or a head injury”, whilst blows to bones and joints, including knees and ankles, can result in dislocation and fractures, as well as soft tissue injuries.<sup>79</sup>

### 3.1 KILLINGS

**Mahmoud Awad**, 26, died in hospital in Jerusalem on 28 November 2013 from wounds he received on 1 March 2013 when he was shot in the head by a rubber-coated metal bullet fired by an Israeli soldier during a demonstration near Qalandia military checkpoint.

Mahmoud Awad was at his uncle's restaurant, helping with its construction, when a clash developed at around 1pm between soldiers at a nearby army checkpoint and several dozen Palestinian protesters. The latter threw stones towards the soldiers who fired tear gas and rubber-coated metal bullets at them. This continued for over three hours. At about 4.15pm, Mahmoud Awad was standing on the rooftop of his uncle's restaurant with another person when he was struck in the back of the head by a rubber-coated bullet fired by an Israeli soldier. It is unclear whether he was simply observing the events as a bystander at the time of his shooting or participating in the stone-throwing or other protest action. An ambulance took him to the Palestine Medical Complex in Ramallah, from where he was transferred to Hadassah Hospital in Jerusalem. He died there almost nine months to the day after he



*Muhammad Asfur, 22, died on 7 March 2013 two weeks after he was hit in the head by a rubber-coated metal bullet fired by Israeli forces. © Private*

sustained his fatal injury. MAG Corps informed B'Tselem on 14 November 2013 that an investigation had been launched.<sup>80</sup>

**Muhammad Asfur**, 22, died in hospital on 7 March, 2013, two weeks after he was hit in the head by a rubber-coated metal bullet fired by an Israeli soldier during a protest in Aboud village, near Ramallah, where he lived.

Eyewitnesses to the shooting acknowledge that Muhammad Asfur was with a group of young men who were throwing stones in the direction of the soldiers

seeking to quell the protest, who were around 30-40 metres away when the fatal shot was fired. The protest had been called to express solidarity with Palestinian prisoners held by Israel, some of whom were on hunger strike, and took place following midday prayers. Marching Palestinian demonstrators were met by Israeli forces that entered the village and began to shoot tear gas and rubber-coated metal bullets at protesters. In response Palestinians began to throw stones at the Israeli forces, who continued to fire tear gas and rubber-coated metal bullets; it was one of the latter that hit Muhammad Asfur. No soldiers were hurt as a result of the stone-throwing – at least a subsequent army report of the incident, as cited by the *Jerusalem Post*, included no reference to any soldiers sustaining injuries.

Muti' Tayseer Mohammad Hussein, a plumber aged 25, told Amnesty International that he was present and only a few metres away from Muhammad Asfur when the latter sustained the wound that caused his death, although he did not realize initially that Muhammad Asfur had been shot:

*There were around seven soldiers standing around the electricity pole maybe 40 metres away from where Muhammad was standing. I was maybe five to seven metres away from Muhammad and could see him and the soldiers clearly. We, including Muhammad, were throwing rocks at them and they were firing tear gas and rubber-coated metal bullets. At some point there was a sound grenade also thrown in our direction. While they were firing rubber-coated metal bullets I saw Muhammad fall down, but I thought he was hiding. We were trying to run back and I saw that Muhammad did not move after he dropped, so I went with others to see him and found him wounded and bleeding from the head. I ran down to the house close to us and grabbed the keys of the owners' car and we took Muhammad in the car to the hospital in Salfit. There were no ambulances in the village at the time.<sup>81</sup>*

Muhammad Asfur's father, Samih Hussein Saleh Asfur, 54, a language teacher, received a

phone call alerting him to his son's injury and hurried to the hospital in Salfit, where he found him conscious. He told Amnesty International that his first impression was that his son was not dangerously injured but after doctors carried out scans the awful truth emerged:

*The doctors said that the bullet was still in his head and that we needed to take him to Rafidia [hospital in Nablus] to operate on him and remove it. They said it had reached the brain. During this time, Muhammad was getting worse and he started throwing up. In Rafidia, he entered the operation room immediately and when he came out [after an operation that lasted four and a half hours] he was unconscious.<sup>82</sup>*

After several days, doctors and the family arranged for Muhammad Asfur to be transferred to Tel Aviv Sourasky Medical Center, although it took several days for his relatives to obtain the necessary Israeli entry permits to enable them to visit him there. When they did so, they found him fevered and unconscious, as he remained until his death on 7 March. His father said he saw the bullet that doctors removed from Muhammad Asfur's head at Rafidia Hospital, describing it as "a metal marble coated with a thin layer of rubber".

Muhammad Asfur was not the only victim of shooting by Israeli soldiers during the 22 February protest in Aboud.

**Nijm al-Din Mahmoud Abed al-Majid**, 31, told Amnesty International that he had been present alongside Muhammad Asfur but did not see him being shot as by that time he had gone further into the village hoping to avoid the Israeli soldiers. However, as he stood in the main street he saw two soldiers coming towards him, one on each side of the street, one of whom shot him from about 30 metres away as he was about to turn and run.

*When they shot at me I was facing them. I was looking at them to see what they were doing but I was not carrying anything at all in my hands... It was a rubber-coated metal bullet with a screw tip. It hit the inside of my left knee. I saw it because it hit my leg and bounced off. The soldiers then picked up pace so that they could arrest me but I was yelling and some guys came to my help immediately and carried me away.<sup>83</sup>*

He required surgery and spent 13 days in hospital recovering from his wound.

On 8 March, the day after Muhammad Asfur's death, the *Jerusalem Post* reported that, according to the army, soldiers had "responded with riot dispersal means" on 22 February to a "violent and illegal demonstration" by scores of Palestinians who had thrown stones at security personnel.<sup>84</sup> The army said it had been unaware that Muhammad Asfur had been wounded until several days after his shooting, and had opened an investigation following his death. At the time of writing in February 2014 almost twelve months after the fatal shooting of Muhammad Asfur, the Israeli authorities have yet to disclose the findings of that investigation or the outcome of a complaint submitted by B'Tselem or any indication when the findings will be available. In the meantime, the family of Muhammad Asfur, who was in his fourth year as a physical education student at al-Quds University in Abu Dis, are left to grieve their loss and to question how and why it could be that a soldier could shoot their son when he was posing no serious threat to anyone's life or safety.

**Mustafa Tamimi**, 28, was killed by a tear gas canister fired at close range from an Israeli military jeep that hit him in the face on 9 December 2011 during a protest in Nabi Saleh. On



*Mustafa Tamimi, 28, after being hit in the face with a tear gas canister fired by an Israeli soldier from a military jeep at close range, December 2011. He died from his injuries the following day. © Haim Schwarzenberg*

that day Nabi Saleh residents were holding their weekly demonstration to protest the Israeli military occupation and illegal settlements. The peaceful demonstration was met with excessive use of force by Israeli forces. As the demonstration dispersed, a few young men began to throw stones. While an armoured military vehicle was moving away from the village, Mustafa Tamimi threw stones at it but his action was posing no serious threat to the lives of any soldiers or of others when a soldier fired a 40mm tear gas canister from a launcher through the open door in the rear of the army vehicle and hit Mustafa Tamimi, who was no more than a few metres away, directly in the face. The injury caused severe bleeding and Mustafa Tamimi was moved to Beilinson Hospital in Israel where he died the next day. The incident was captured by a sequence of photographers that show the moment of the shooting.<sup>85</sup>

After B'Tselem submitted a complaint to MPCID, an investigation was opened, only to be closed two years after on 5 December 2013 without an indictment being filed against the soldier who shot and killed Mustafa Tamimi. The MAG Corps said that a MPCID investigation collected testimonies from soldiers, examined photographs and video documentation of the incident, and received an "expert opinion" to reach the following conclusion:

*The shooting of the canister was done in accordance with the relevant rules and regulations, and did not involve any offence. As a result, the MAG decided to close the case without any disciplinary or criminal consequences to the IDF personnel involved.<sup>86</sup>*

The investigation did not seek testimonies from Palestinians, including witnesses. The MAG Corps said that “violent riots, which included throwing stones at MPCID investigators, repeatedly impeded the ability to perform a reconstruction at the scene of the incident.”

The unlawful killing of Mustafa Tamimi and the military investigations that followed show just how much members of the Israeli forces are allowed to commit crimes with absolute impunity. The lack of acknowledgement from the MAG Corps of any wrongdoing in the killing of Mustafa Tamimi sends a clear message to all Israeli forces who participate in policing demonstrations in the West Bank that they are free to misuse weapons causing deaths and injuries without being held to account.

**Bassem Abu Rahmeh**, 30, was killed by a high velocity tear gas canister fired by an Israeli soldier from close range that hit him in the chest on 17 April 2009. He was participating in a weekly peaceful protest against the fence/wall that divides the village of Bil'in from much of its agricultural lands. He was unarmed and posing no threat to soldiers or others when he was hit, as shown by video footage taken at the time. The Israeli military announced an investigation into his death in July 2010, more than a year after it occurred, following pressure from local human rights organizations. The MAG Corps closed the investigation in July 2013 citing lack of evidence.<sup>87</sup>

**Jawaher Abu Rahmeh**, 36, one of Bassem Abu Rameh's sisters, died on 1 January 2011 apparently as a result of inhaling tear gas that Israeli soldiers fired at demonstrators in Bil'in village.<sup>88</sup> A year later, the Israeli authorities announced an investigation into her death, following pressure from Israeli human rights groups, but they have yet to disclose its outcome.

**Mo'ayad Ghazawneh**, 35, died on 15 March 2013 apparently as a result of inhaling tear gas that Israeli soldiers fired during a protest near Qalandia on 22 February 2013. He worked as a taxi driver and was in his car when Israeli forces fired large quantities of tear gas at and around his car. He was moved to the Palestine Medical Complex in Ramallah where he remained until he died.

**Sa'id Jasir Ali**, 85, died on 2 January 2014 after inhaling tear gas that Israeli forces fired at his home in Kufr Qadum the previous day during a demonstration in the village. Amnesty International does not have further information on this case.

#### **USE OF EXCESSIVE FORCE AMOUNTING TO COLLECTIVE PUNISHMENT**

Israeli soldiers and Border Police frequently use excessive force against Palestinians and others who participate in the protests that are held on a weekly basis in villages most directly affected by the erection of the fence/wall and the presence of Jewish-only settlements in the West Bank, together with the road and other closures and the restrictions on their movement and other rights that are the daily experience of life for Palestinians living under Israeli military occupation.

In the village of Nabi Saleh, near Ramallah, for example, Israeli forces have repeatedly used both “less lethal” means, such as toxic chemical irritants (tear gas), stun grenades (sound bombs), pepper spray, maloderant (skunk) water canon spray, and hand-held batons against

largely peaceful demonstrators, and, on some occasions, lethal force, such as the gunfire of live ammunition and rubber-coated metal bullets. Their actions have, in recent years, caused the deaths of two protesters – Mustafa Tamimi, in December 2011, and Rushdie Tamimi, in November 2012 – and the wounding of hundreds of others.

The army's response to the protests also frequently impacts villagers who are uninvolved in the protests and seeking to pursue their everyday activities. According to local people, the army often fires large quantities of tear gas into residential areas of the village, causing people breathing difficulties and putting them at risk of suffocation, and, sometimes, house fires. Local residents also complain that they and children in the village face constant risks of serious injury and death due to Israeli forces' use of lethal force including rubber-coated metal bullets and live ammunition, and they point to extensive damage to vital water supplies due to bullets puncturing water tanks in the village. On several occasions Israeli forces have fired "skunk water" at homes, causing damage and leaving families with a sickening smell that remains for days afterwards. Firing tear gas at, or using "skunk water" on, Palestinian homes, cannot be justified as a "security measure" under any circumstances, and water tanks should never be targeted.

The Israeli authorities also frequently declare the area a closed military zone, particularly during demonstrations, and close roads into and out of the village, requiring residents and visitors to enter and leave the village via military checkpoints, where many complain that they are harassed by Israeli soldiers. The army maintains a military gate and a guarded watchtower overlooking the entrance to the village.

In response to a letter sent by Amnesty International Israel to the Israeli Defence Minister to express concern over the use of excessive force in Nabi Saleh sent in December 2013, the Israeli army responded on 20 January 2014 claiming that protests in Nabi Saleh are illegal since they do not have permission according to Military Order 101 and that the army has an obligation to disperse it. In the letter, the Israeli army said that according to an order from the military commander, which is valid for six months, but which can be renewed indefinitely, the village of Nabi Saleh is declared a closed military zone every Friday from 8am and until 7pm. The letter did not indicate specific dates.

The army frequently arrests local political activists and human rights defenders, and conducts night raids in the village, many times arresting children accused mostly of stone-throwing at Israeli troops.

The combined impact of the army's repressive and restrictive policies and practices in Nabi Saleh and other villages near illegal settlements or along the fence/wall appears to amount to collective punishment, whereby the population as a whole is penalized, including those who play no active part in the weekly demonstrations and other protests against Israeli rule. Collective punishment of the population of an occupied territory is prohibited under international humanitarian law, and when imposed constitutes a grave breach of that law. It is also a serious violation of international human rights law.



### 3.2 INJURIES TO PROTESTERS AND BYSTANDERS



*Osama Rami Yousef Hassan, 15, in March 2013. He was hit in the eye by a rubber-coated metal bullet fired by Israeli forces in February 2013. © Amnesty International*

**Osama Rami Yousef Hassan**, 15, sustained an injury to one eye when he was hit by a rubber-coated metal bullet fired by an Israeli soldier after Jewish settlers attacked Palestinian homes in Qusra village on 23 February 2013, leading to clashes when local people resisted the attack. He told Amnesty International that the Israeli soldiers who came in response to the violence took the side of the settlers and fired tear gas at the Palestinians, some of whom were throwing stones.<sup>89</sup> As the 15-year-old picked up some rocks to throw at the soldiers, one took aim at him and fired. The rubber-coated bullet did not hit him directly but ricocheted off a tree and a fence

before part of it struck him, causing him to fall to the ground. Local people took him to hospital. Osama Hassan had to miss school and stay at home for several months due to his injury, which caused serious damage to his eye.

Amnesty International is not aware of any investigation launched by the Israeli authorities into the injury of Osama Rami Yousef Hassan.

**Imad Abu Shamsiyeh**, 43, told Amnesty International that he and his 13-year-old son lost consciousness after inhaling tear gas that Israeli soldiers fired at peaceful protesters on 1 March 2013 in Hebron. They were demonstrating against the closure of Shuhada Street, a main thoroughfare, to Palestinians, and its reservation for exclusive use by Jewish settlers. He said:

*The protest began at about 12.30pm after the Friday midday prayers were over. We started walking from the mosque towards Shuhada Street. I had my son Awni with me, and we were peaceful, only walking with signs and singing slogans. There were a lot of soldiers around, and when we got close to them we lifted our arms up and some of us even lifted our shirts to show that we were peaceful. All of a sudden, when we were about 700 metres away from our entrance to [Shuhada] Street, the army started firing stun grenades at us and then immediately after they started firing a lot of tear gas. Some of us sat on the ground to stress that we were peaceful. But it was unbearable with the tear gas and the stun grenades, so I took my son and started walking back, but the soldiers who were on rooftops were also firing tear gas. I have never seen this quantity in my life. I was blinded and I lost consciousness and fell on the ground. I woke up in a car and found my son with me. He had also lost consciousness.*

*I always participate in protests calling for the opening of Shuhada Street. I myself suffer from this closure a lot. I can never reach my house by car and I always have to pass by checkpoints to reach or leave my house. I also see this as a demonstration to protest against the system of apartheid in Hebron, which favours the few right-wing settlers over us Palestinians and which allows them to carry out violent attacks against us freely. I have suffered a long time from settler attacks; I was even attacked by a settler when I was back from the protest that day.<sup>90</sup>*

**Mustafa Walid Saleh al-Absi**, 15, was hit in the face by a tear gas canister at around 2.30-3pm on 8 March 2013 while he was shopping in the Bab al-Zawiya area of Hebron, near where a protest was taking place. He told Amnesty International:

*After I bought some vegetables I stopped to watch what was happening. It was a protest in solidarity with [Palestinian] prisoners [held in Israel]. The army was shooting rubber-coated metal bullets and tear gas. I was standing far from the [protesters] and about 15 metres from the soldiers. Suddenly a tear gas canister... hit my shoulder and then my jaw ... When I woke up I found myself in the hospital. They told me that I had to undergo an operation to reconstruct my jaw because it was shattered.<sup>91</sup>*

Amnesty International is not aware of any investigation launched by the Israeli authorities into the injury of Mustafa Walid Saleh al-Absi.

**We'am Walid Kamel Burhum**, 17, told Amnesty International that he sustained serious head injuries when an Israeli soldier fired a tear gas canister directly at him from close range during a demonstration on 27 April 2012 in Kufr Qadum, a village in the northern West Bank:

*There was a demonstration against the closing of the road and the settlements near our village after midday prayer [on Friday]... We gathered at the start of the demonstration near the mosque and started walking... Eight soldiers came out from hidden positions from both sides of the road, four on each side. They were about 10-15 metres away from where I was. One of the soldiers who came out from the left side of the road got down on one knee and pointed the tear gas canister launcher directly at me and fired. The aluminium canister hit me directly on the left side of my head.<sup>92</sup>*

We'am Burhum was rushed to hospital and required an emergency operation. He was later transferred to a Jordanian hospital for specialized treatment. He was unable to speak for three months due to his injuries.

We'am Burhum submitted a complaint to MPCID through B'Tselem and was then summoned to give a testimony in Ma'ale Adumim police station. He was frustrated by his treatment and said that Israeli investigators were more interested in questioning him about the presence and identity of Palestinian stone-throwers at the time that he was wounded than about the actions of the Border Police officer who fired the tear gas canister that struck him:

*Instead of asking about what happened to me and my situation they asked about the guys who throw rocks and interrogated me about my participation in the demonstration...*

*I want accountability. I want the officer who shot the gas canister directly at me – he was from the Border Police, but I did not see his face because he was wearing a helmet and a mask – I want him to be tried.”<sup>93</sup>*

He said he was not aware of any disciplinary action or other sanctions by the Israeli authorities against the Border Police officer who caused his injury.

In other cases, Israeli soldiers and police have injured Palestinians by beating them with batons or setting dogs on them when dispersing demonstrations. For example, on 13 January 2013, Israeli police allegedly resorted to unnecessary and excessive force, including beating and kicking, to disperse some 130 Palestinians who had gathered at a protest camp opposite the Israeli settlement of Ma’ale Adumim, east of Jerusalem, to peacefully express their opposition to settlements. One protester, who preferred to remain anonymous, told Amnesty International the next day:

*I feel my body is one large bruise. They beat me hard... We did not resist the eviction, but we did not co-operate either. The soldiers began to remove us one by one. They kicked us to separate us... I was repeatedly kicked so hard on my left leg that I felt it had broken. Three soldiers dragged me away, and when I was out of the journalists' sight they started beating me with their elbows and kicking me on the back and then threw me on some rocks. Two of the soldiers kicked me while I was on the ground.<sup>94</sup>*

**Hazem Abu Hilal**, 29, told Amnesty International that several Israeli soldiers surrounded him, beat him with their guns and kicked him at a peaceful protest march in the village of Hizma, near a checkpoint north of East Jerusalem, on the afternoon of 9 March 2013. He said soldiers, including some in anti-riot gear, attacked the protesters by firing sound bombs and tear gas and beating them. They used a megaphone to tell them the demonstration was illegal and order them to disperse. He said:

*We tried to talk to them and explain what we were doing ... but they were yelling through the megaphone that we should leave the place and that it was an illegal protest that should immediately disperse. They announced this after the beating and the sound bombs. They hit me with rifle butts on my stomach and back. At one point I was surrounded by five soldiers who were all beating me with their guns and kicking me with their legs. They fired over 20 sound bombs and violently attacked girls. One girl holding a sign with a slogan against apartheid was hit hard.<sup>95</sup>*

Amnesty International is not aware of any complaints by Palestinians demonstrators being submitted or any investigation being opened by the Israeli authorities into the incident.

**Abed al-Rahim Barbar**, 14, told Amnesty International that he was singled out for assault by police and soldiers when he participated in a demonstration on 28 February, 2013, in Jerusalem's Old City:



*I was holding a Fatah flag and I saw a policeman point me out to other officers. I was worried they wanted to arrest me so I left the group but then two policemen started chasing after me so I ran away but I was caught by two soldiers. One of them held me and the other hit me with his rifle on my forehead so I lost consciousness. Some people came and put water on me so I woke up.*<sup>96</sup>

Amnesty International is not aware of any investigation that was opened by the Israeli authorities into the incident.

**Bilal Fathi Abd al-Halim Jum'a**, 24, was beaten on his head with stones when he attended a peaceful protest on 1 March 2013 in Kufr Qadum, according to a member of the village council, who told Amnesty International that he witnessed what occurred:

*Bilal Jum'a, along with a group of people from the village, went on a peaceful march in protest at the closure of the road which gives the population access to the main road to Nablus. When they found themselves facing a large group of the army, the demonstrators were surprised when the army fired tear gas and smoke bombs without warning. The smoke bombs separated the army from the marchers. We saw the army withdraw about 100 metres back.*

*Abed al-Rahim Barbar, 14, assaulted by Israeli forces when participating in a demonstration in February 2013. © Amnesty International*

*We then were surprised by about 12 soldiers who were hiding and came to attack the demonstration. They started beating Bilal with stones on his head.*<sup>97</sup>



*Bilal Jum'a being beaten by a soldier in a peaceful protest in Kufr Qadum, March 2013. © Private*

Amnesty International is not aware of any investigation by the Israeli authorities into the incident.

**M. D.**, 17, was still in a hospital bed in Ramallah when he told Amnesty International how he had been injured on the afternoon of 8 March 2013 during a demonstration near the Israeli military checkpoint close to Shu'fat refugee camp.

He had joined in stone-throwing with about 30 other young Palestinians but became cornered between the main body of Israeli soldiers and plain-clothes members of the Border Police – referred to by many Palestinians as the *musta'ribin*<sup>98</sup> – who had arrived to assist them:

*I was trapped; the army was in front of me, about 15 metres away, and the musta'ribin were behind me, around five metres away. It was already night-time and I was very scared... I had space to run away, so I did... but the army had followed me and... as I was climbing on a fence, they fired two sound bombs at me which hit me directly.*

*I fell but my leg was trapped on the wire... My leg was broken, maybe from the bombs...*

*I was crying from pain. After I was sure there were no soldiers around me, I called my father and told him where I was.*<sup>99</sup>

Amnesty International is not aware of any complaints submitted by the victim or any investigation that was opened by the Israeli authorities.

**Ahmad Shakir Mahmoud Shatiwi**, 22, a Palestinian police officer, told Amnesty International that Israeli soldiers set a dog on him in Kufr Qadum as he participated in a peaceful protest march from Kufr Qadum towards the Kadumim settlement on 16 March 2013:

*At the end of the village we found a large group of the army. We were not carrying any weapons or even stones.*

*They set a dog on me. Why? The dog grabbed my left foot. When I hit it, it grabbed my right hand... The dog dragged me while the army was watching. The soldier in charge of the dog did not make any attempt to rescue me.*<sup>100</sup>

According to *Haaretz*, following this incident the army opened an investigation after which it decided to stop the use of dogs in policing demonstrations.<sup>101</sup> Amnesty International is not aware of any criminal investigation being opened by the Israeli authorities into this incident.

**Muhammad Amin al-Bayed**, 50, told Amnesty International that he suffered a broken jaw when an Israeli soldier fired a tear gas canister directly at him from close range on 22 March, 2013. At the time, he was participating in a protest called by the Hebron Defense Committee to demand the opening of the road running between Hebron and Fawwar refugee camp for use by Palestinians who, due to its closure, are required to make a seven-kilometre diversion. As he and others gathered after Friday prayers, and began demonstrating more than 100 metres away from the military gate closing the road, he saw three Israeli soldiers standing about 25 metres away. He said:

*[One of them] pointed his launcher towards us and fired. The tear gas canister hit me straight in the face, in the right side. There was no warning or anything. He just shot straight at me.*<sup>102</sup>

A Palestinian Red Crescent Society ambulance transferred Muhammad al-Bayed to Al-Ahli Hospital in Hebron. The tear gas canister had broken his jaw bone and torn nerves in his face, and caused significant blood loss. He remained at the hospital for five days and subsequently filed a complaint with the Israeli authorities through B'Tselem. However, when the Israeli District Coordination Office (DCO) asked him to attend to discuss his complaint, he was afraid and refused to do so. He requested to submit his information through the PA police but this was not accepted and he heard no more.

#### **DECADES OF TEAR GAS MISUSE**

Various types of toxic chemical irritants, commonly known as tear gas, and their delivery systems or launchers are used by law enforcement agencies in many countries as a means of riot control to disperse violent gatherings that pose a threat to law and order. Toxic chemical irritants are often described as “non-lethal” but in fact can have lethal effects so are better

described as “less lethal” weapons. Serious and unwarranted injuries can also result from the use of toxic chemical irritants. The irritants rapidly produce “disabling physical effects” through sensory irritation of the eyes and upper respiratory tract which are supposed to usually disappear within a relatively short time. Physical effects of chemical irritants can include tearing of the eyes, breathing difficulties, coughing, choking sensations, chemical burns, vomiting, suffocation, severe allergic reaction and blistering of the skin depending on the chemical mixtures and concentrations.

Thus, toxic chemical irritants should not be used in very high concentrations. Such weapons can have indiscriminate effects when sprayed or fired in canisters over a wide area and can cause panic leading to stampeding so should not be used where people are confined in an area. There are certain contexts in which such weapons should never be used. These include as a means of dispersing a peaceful assembly, where there are older people, children or others who may have difficulty in moving away to avoid the chemicals, or in confined spaces including buildings, vehicles and sports stadiums where exits and ventilation points are restricted.

Such weapons should only ever be used in extreme circumstances when it is strictly unavoidable in order to protect life in self-defence or defence of others against the imminent threat of death or serious injury and only when less extreme means are insufficient to achieve these objectives and, moreover, only to the minimum extent necessary by fully trained firearms officers under strict regulation, monitoring and control. Furthermore, if chemical irritant cartridges and grenades are deployed to disperse participants in a crowd who are posing an imminent risk of serious injury the chemical irritant projectiles should never be launched in a manner likely to increase the risk of unnecessary harm to individuals. In any case, such weapons should not be designed or used in any ways that can cause serious or unwarranted injuries or death (such as when cartridges are fired from too close range, or directly aimed at people or if inhalation of chemical mixtures would cause serious burns or life-threatening suffocation). When used inappropriately, including in enclosed areas or on unarmed protesters who are simply exercising their rights to freedom of expression and assembly, deploying tear gas can constitute a serious human rights violation.

Amnesty International and other human rights organizations have documented and advocated against the Israeli forces' widespread and persistent misuse of tear gas in a manner that violates human rights. According to Amnesty International's research, Israeli forces have continuously and consistently misused tear gas in deliberate and reckless ways leading to the killing, injuring, and damaging of property in the OPT since 1988. In particular, Israeli forces have used tear gas excessively against protesters, many times in closed areas and close to residential homes; they have fired the tear gas from close distance and frequently in a manner that, as evidence shows, directly targets Palestinians and/or their properties with arbitrary uses of force.

According to official trade data, many of the chemical irritants, tear gas cartridges and grenades (canisters) and launching devices used for tear gas deployments have been supplied to Israel from the USA with US government approval. Many examples of spent cartridge cases and grenades fired by the IDF and collected in the field bear US manufacturers' markings. For example, US suppliers provided Israel with 40mm aluminium tear gas canisters, launched from a weapon singly or from a six-round launcher.<sup>103</sup> Israeli forces have frequently

fired such canisters in excess and many times directly at protesters and/or their properties. The Israeli forces' misuse of such weapons has resulted in deaths, serious injuries and damage to property. Mustafa Tamimi was killed when a US type of canister was fired at his head by a member of the Israeli forces from a close distance. Another type of 40mm long-range tear gas canister supplied from the USA<sup>104</sup> was reportedly what struck and killed Bassem Abu Rahmeh in 2009 (see case above). Tristan Anderson, a US solidarity activist, was critically injured in the head when a similar type of canister was fired by a member of the Israeli forces at his head. According to *Haaretz*, this type of long-range ammunition was banned from use and stocks removed after it led to the death of Bassem Abu Rahmeh. The newspaper reported that its use was documented again in July 2010 in Nabi Saleh, also leading to injuries.

The USA has also reportedly supplied a multi-shot weapon system to fire tear gas grenades that is usually mounted on Israeli military vehicles, and which has been used by Israeli forces to fire excessive amounts of tear gas in closed residential areas. In addition, the US has apparently supplied Israeli forces with stun grenades and other projectiles.<sup>105</sup>

To fire tear gas canisters Israeli forces have used a 40mm launcher mounted on assault rifles, which has reportedly been supplied by a US-based company.<sup>106</sup>

### 3.3 INJURIES TO JOURNALISTS, HUMAN RIGHTS DEFENDERS AND MEDICS

Journalists, human rights activists and medics present to report on the protests, document abuses or treat the wounded have also been injured on many occasions as a result of Israeli soldiers' use of excessive force. In some cases, they appear to have been directly targeted.

#### JOURNALISTS

Amnesty International has documented the following cases of journalists who have been injured.

**Mohammad al-Azzah**, 23, a freelance journalist and photographer, was shot in the face with a rubber-coated metal bullet by an Israeli soldier after he had been photographing troops firing at Palestinian youths throwing stones on the evening of 8 April 2013. He told Amnesty International that soldiers and Border Police had seen him taking photographs from the balcony of the Lajee Center in Aida refugee camp as they fired at the refugee camp, from where children and youths were throwing stones.

*It was clear to the Border Police that I was taking pictures. After a few minutes, army soldiers came down from the gate. There were eight or 10 of them. They had guns with live ammunition and tear gas launchers, and they started firing towards the camp. They passed by me and saw me taking pictures. Then one soldier came back to me and told me to go home. I said that I was only taking pictures; I was doing no harm or posing any danger. The commander came and took the soldier away. The commander... was talking to the soldiers and pointing at me. He also made phone calls. I got a little bit worried and went inside, but I kept the door open and continued to take pictures. The commander, who was 10 metres away from me, was still pointing at me and making calls. Then I saw him shooting rubber bullets, one bullet at a time, sniping, towards the camp. He would shoot a bullet every one to three minutes.*

*It was about 7.20pm, getting dark, but I continued to take pictures, especially of the commander, and the four soldiers around him now, who were always laughing. The commander called one of the soldiers. I decided to stop photographing and go home. I closed the window, then came back to close the door, and one soldier shot directly at me. I saw the shot leave his gun... The bullet hit me in the right of the face and penetrated inside. I screamed, and my colleague, who was also working late, came running to me. He took me down the stairs and called an ambulance and then tried to call someone to get a car. When he opened the door to take me out, the soldiers shot at the door. He yelled at the soldiers that they had killed me, and then decided to take me through. We ran out of the building and continued for 150 metres. Then a neighbour came and took me to al-Husseini hospital.<sup>107</sup>*

Mohammad al-Azzah was quickly transferred to the Arab Society for Rehabilitation hospital in Bethlehem and had the first of two operations an hour after his arrival. Doctors removed a "cylinder rubber-coated metal bullet" that was lodged in his face and undertook reconstructive surgery. He spent 17 days in hospital. The day after he went home, Israeli soldiers raided his house. He told Amnesty International:

*They blew up the door of my house and entered by force and got everyone out of the house. They were looking for me, but I was at my uncle's house. They asked about me and my mother said that I was still at the hospital. They searched the house and then left after they gave my father and brother summons to go to an interview with the Shabak.<sup>108</sup>*

*I stayed for two months sleeping in places of relatives and friends, but not going home. I was not scared of arrest, because I knew I had not done anything, but I was still suffering from the injury and needed treatment. After two months I decided to go home for one night, and that is when they came to arrest me. It was about 1am.*

*This time they searched all the houses of our family: my grandfather's house, my uncle's house, and everyone around. They beat my uncle and my cousins. One uncle, who is a US citizen, was trying to tell them that he is a US citizen, but they also beat him hard. After an hour of searching they found me, they took me in my shorts, and dragged me to the military base next to Rachel's Tomb.*

*They found me in the bedroom, and they beat me, including on my injury, when they found me. They beat me with their hands and rifle butts. They handcuffed me to the back with plastic bands and dragged me violently to the military base. They beat me on the way while I was also blindfolded.*

*In the military base they stopped the beating and took off the blindfold. They took me to Etzion and a doctor came to see me and I told him about my injury. I spent two days there and then I was transferred to Ofer where I was interrogated. They asked me about my work, the pictures I take, the people I take pictures of. They asked for the pictures I had taken but I refused to hand them over.*

*I was done with the questioning in Ofer at around 8pm. I thought they were taking me back to Atzion but they took me to a hospital [Sha'arei Tzedek] in Jerusalem. I waited*



*there until 12am. I was cuffed with metal chains on my hands and legs. A doctor examined me and then they took me back to Ofer. I was put in a small cell, three metres by three metres, with a small toilet and cameras inside.*

*The next day I was presented to court, with charges that had to do with incitement. The military judge ruled that I was innocent. The military prosecution appealed but the judge agreed to let me go with 1,500 shekels bail.*

Mohammad al-Azzah said he had instructed a lawyer to initiate a civil court action for damages against the soldier who shot and injured him. As far as Amnesty International is aware, the Israeli authorities have not investigated the shooting of Mohammad al-Azzah or taken any measures against the soldier who shot him.

**Mu'ath Mishal**, 28, is a cameraman for the Turkish news agency, Anadolu Agency. He told Amnesty International that he is assigned to cover demonstrations in the West Bank including the weekly ones in villages such as Nabi Saleh and Kufr Qadum, and is frequently targeted with violence by Israeli forces. In recent incidents, he said that he had been hit with a rubber-coated metal bullet while reporting on the demonstration in Nabi Saleh on 27 December 2013 and that, a few days later, a tear gas canister was fired directly at his face and missed him by a very short distance. The incidents were captured on his camera.<sup>109</sup> He told Amnesty international:

*I was covering the demonstration in Nabi Saleh on 27 December which celebrating Christmas. As always I wear a protective vest with 'Press' written on it, and I am of course always holding a camera. At one point the 'skunk water' truck came into the village and began spraying the houses, at the windows, and the cars. Some women from the village tried to stop the 'skunk water' truck by standing in front of it. At one point I was filming an activist protesting and a soldier shot a barrel of rubber-coated metal bullets at her leg from a very short distance. I was standing just a few metres away, and one bullet hit me under my left knee, and another hit my colleague Abbas Momani in the leg. I was given treatment by medics on the spot.*

*The second time, I was targeted directly with a tear gas canister, and it is captured on my camera. The canister missed my face by just a few millimetres. That was in Kufr Qadum, and I was covering the funeral of a man who was killed by tear gas while he was inside his home. The residents of the village went on a demonstration after the funeral. About 4-4.30 pm I was positioned in a place away from the protesters. I was holding my camera and I was wearing my protective press vest; it was very clear that I was a journalist. There were a number of soldiers who were 20 to 25 metres away from me. One of them stepped out; he was holding a tear gas launcher and, as you can see in the video, he pointed at me and the other journalists who were standing in that spot and shot directly towards my head. The canister just missed me and I ran away.<sup>110</sup>*

Amnesty International is not aware of any investigation being opened by the Israeli authorities into the incident.

In addition to the cases documented by Amnesty International, incidents in which journalists

reporting on demonstrations in the West Bank have been injured by Israeli soldiers, including cases in which they appear to have been specifically targeted, have been reported by a number of groups that advocate for the freedom and protection of press.

In late October 2013, the International Federation of Journalists (IFJ) condemned what it described as “the deliberate targeting of Palestinian journalists by Israeli troops” as they sought to report on clashes between soldiers and protesters, including on 22 October 2013 in Bil'in, where Israeli soldiers attacked **Ayser Barghouti** and **Amjad Shuman**, two Wattan TV journalists, with rubber-coated bullets and sound grenades.<sup>111</sup> One rubber-coated bullet struck Amjad Shuman in the head; he was rushed to the Palestine Medical Complex in Ramallah for treatment and survived.

Another international NGO, the Committee to Protect Journalists, expressed concern in December 2013 that “Israeli forces continued sporadic attacks on Palestinian journalists covering anti-settlement demonstrations in the West Bank and East Jerusalem”. As well as citing attacks on 8 April 2013, when Israeli forces

shot journalist Mohammad al-Azzah in the face with a rubber-coated metal bullet in Aida refugee camp (see case above), it referred to a case in which Israeli forces fired rubber-coated metal bullets and threw stun grenades at journalists reporting on a protest at Qalandia checkpoint on 29 November 2013.<sup>112</sup>

In the first half of 2013, the Ramallah-based Palestinian Centre for Development and Media Freedom (MADA) said it had documented 43 cases in which Israeli forces were alleged to have attacked journalists in the OPT.<sup>113</sup> In one case, a soldier shot photojournalist **Jihad al-Qadi** with live ammunition as he took pictures at a demonstration beside the Ofer military complex in Ramallah on 1 March.<sup>114</sup> Jihad al-Qadi was struck in the chest by the bullet, which then exited through his back, causing him serious injury. MADA also reported that two journalists working for Palestine TV, **Ahmad Shawar** and **Bashar Nazzal**, were reported to have



*Israeli army spray residential area in Nabi Saleh with "skunk" water, March 2013. © Haim Schwarzenberg*

been kicked and assaulted by Israeli soldiers who arrested them on 21 June 2013 as they were covering the weekly demonstration against Israeli occupation held in Kufr Qadum village near Nablus.<sup>115</sup> Both journalists were later released on bail. In addition, MADA reported that Israeli soldiers attacked journalists who were present to report on a demonstration in East Jerusalem on 24

September 2013, beating some of them with batons, spraying them with “skunk water” and damaging their equipment.<sup>116</sup>

The Tel Aviv-based Foreign Press Association (FPA), which assists international journalists covering events in Israel and the OPT, has also repeatedly complained to the Israeli authorities about “inappropriate” violence by Israeli soldiers against journalists during demonstrations in the West Bank, and about the failure of the authorities to investigate specific cases that the FPA has brought to their attention. The FPA reported a number of attacks by soldiers on journalists in 2013, including physical assaults such as at Bab al-Shams protest camp in Jerusalem on 15 January; the throwing of stun grenades at reporters, such as at Hizma near Jerusalem on 9 March and at a demonstration near Qalandia on 30 March; the firing of a tear gas canister directly at a female journalist on 4 July at a demonstration near Ramallah, causing her to sustain burns to her legs; and an incident on 29 November, when Israeli soldiers attacked a group of photojournalists – clearly identifiable by their press vests – from behind, using stun grenades, as they left the site of a demonstration near Qalandia military checkpoint, and a rubber-coated bullet fired by an Israeli soldier hit the camera of one of the photojournalists.<sup>117</sup>

#### **REPEATED ATTACKS ON AL-QUDS UNIVERSITY STUDENTS AND STAFF**

Students and staff at the Abu Dis campus of al-Quds University, a higher education institution in the West Bank, have come under repeated attack by Israeli forces using tear gas and rubber-coated metal bullets. Israeli forces in military vehicles make frequent incursions to the area of the university to conduct search-and-arrest operations, or for the construction of the fence/wall, and on one occasion for the demolition of a house,<sup>118</sup> or as a form of harassment leading to clashes with local youths and others who throw stones at them or in their direction, and to which they respond generally by firing tear gas and rubber-coated bullets.

According to the Human Rights Clinic at al-Quds University, Israeli forces made at least 12 incursions into and around the university campus during the period from 2 September 2013, when the first term of the academic year started, to 31 December 2013, frequently firing tear gas and rubber-coated bullets at students and staff while they were in the university. During this period 420 students and staff received medical treatment from the Palestinian Red Crescent Society for injuries they sustained as a result of the Israeli forces' actions; 408 required treatment for asphyxiation from tear gas and 12 for injuries from rubber-coated metal bullets.

An Amnesty International researcher witnessed one such incursion on the afternoon of 22 September 2013, during which four Israeli soldiers emerged from a military vehicle and began firing rubber-coated bullets into the university campus, apparently unprovoked. Within a few minutes, a group of young people gathered and began to throw stones towards the soldiers, who continued to fire rubber-coated bullets and also fired tear gas including at bystanders who were not participating in the rock throwing. One soldier threw a sound grenade while others fired rubber-coated metal bullets.

A more recent attack took place on 22 January 2014, when Israeli forces fired tear gas and rubber-coated metal bullets into the university before entering the campus and continuing to shoot at students and staff injuring many and damaging university property. According to the Palestinian Red Crescent Society, medical care was given to 430 students and staff on site and in nearby clinics; 410 of the injured were treated for the asphyxiating effect of tear gas

and the 20 others for injuries from rubber-coated metal bullets.

#### HUMAN RIGHTS DEFENDERS

Israeli forces have regularly injured Palestinian activists who carry out video and other documentation during demonstrations and report on abuses. This pattern of apparently targeted abuse is common in villages such as Nabi Saleh where there are weekly peaceful demonstrations.

**Manal Tamimi**, 40, is a member of the Popular Struggle Coordination Committee and works to promote human rights in villages where weekly demonstrations against the Israeli military occupation are held. She is also active in her village of Nabi Saleh and involved in reporting about the weekly demonstrations there. She said that on 27 December 2013 she was shot with four rubber-coated metal bullets in her legs by a Border Police officer standing at a distance of about one metre from her.



*Manal Tamimi standing in front of Israeli forces during a weekly protest in May 2013. © Tamimi Press*

She told Amnesty International:

*We organized a small and short demonstration that day because we were worried that the army violence would ruin the celebrations we were preparing to receive Sa'id Tamimi, who we were expecting Israel to release very shortly. We did a small peaceful demonstration in the spirit of Christmas; children were dressed up in Santa Claus hats and masks. They immediately started firing fire tear gas canisters at us – they fired a lot*

*of tear gas – and at one point vehicles with tear gas launchers, which can fire more than 60 at a time, entered and fired in between the houses. I went to Sa'id Tamimi's house to help his mother, along with others from the village, with preparations, at that point two Border Police jeeps and the 'skunk water' truck drove into the village and came straight towards us. The 'skunk water' truck started spraying the houses around it, specifically targeting the house of Bassem and Nariman Tamimi and that of Sa'id. The truck sprayed people on the street directly. I saw it targeted Orsolla Tamimi, who was lifted into the air and thrown on the ground by the power of the water. She was severely bruised.*

*The 'skunk water' truck was followed by two Border Police jeeps with soldiers on the ground as well who were firing tear gas all around, pushing people around, and throwing sound grenades. Nariman and I went out to them to protest this arbitrary and extreme violence. We were also worried that they would fire tear gas towards Sa'id's house; his old mother was inside and she would have suffocated.*

*We approached two soldiers who were standing next to their jeep and at the moment*



*Bilal Tamimi being assaulted by a member of the Israeli forces at a protest in Nabi Saleh in May 2013. © Tamimi Press*

*when I got close to them, maybe just a metre away, one of the soldiers fired a bunch of rubber-coated metal bullets that came out from a barrel mounted on his gun. Four hit me, two in my left knee and another two on my right ankle. Others bounced off and hit others, including two journalists.*

*I fell and Nariman helped me. I was taken away and given first aid. I was then taken to the hospital in Ramallah in an ambulance*

*where I received more treatment. I was lucky to be wearing leather boots that day. My ankle injury is not very bad, but my knee was really damaged and it is very painful. I went home that night.*<sup>119</sup>

**Bilal Tamimi**, 47, is Manal's husband and a member of the Popular Resistance Committee in Nabi Saleh; he carries out video documentation during every demonstration. Although he wears a distinguishable vest and is obviously carrying a camera Israeli forces frequently attack him using stun grenades, and sometimes tear gas or rubber-coated metal bullets. He told Amnesty International that on the day his wife was injured he was physically assaulted and Israeli forces threw sound grenades directly at him a number of times:

*I was injured on 10 May when a soldier fired a rubber-coated metal bullet directly at me. A week later, I was directly targeted with a tear gas canister fired by Israeli forces; I escaped a direct hit but was severely affected by the chemicals. Throughout 2013 I was physically assaulted a number of times – I think at least three. They always try to beat me and take or destroy my camera. One time I was sprayed with pepper spray.*<sup>120</sup>

Bilal and Manal told Amnesty International that they and their children had been attacked numerous times since the weekly demonstration began to take place in the village in 2009. They told Amnesty international that their house had been hit at least 10 times with tear gas canisters or “skunk water”, many times damaging the water tanks and causing water to leak out of them or breaking solar water heating panels.

Manal Tamimi said:

*Many times they fired tear gas into the houses. One time they fired 60 something canisters at the house; that was in 2011... When this happens, everyone in the house gets affected, and it is really bad for the children; we once brought specialized psychiatrists to work with them.*

She said that Israeli forces raided her family's house four times between 2011 and 2012. She told Amnesty International what she witnessed on 12 January 2011:

*A large number of Israeli soldiers raided the house at around 2am. A few of them entered inside and demanded the ID cards of my children and that they be woken up so that they could take pictures of them. Then they went to other houses and did the same.*

*On 10 June 2011 they raided the house and arrested my son Osama; he was 14 at the time. He was kept for a few hours and then released without charge. On 26 February 2012, around 15 soldiers raided the house and demanded that we wake up the children. They then ordered us to remain the kitchen and they searched the house and then left. The last time was on 9 April 2012, when again a number of soldiers raided and searched the house at night.<sup>121</sup>*

On 22 April 2011, Manal and Bilal's son Mohammad, 14, was injured when a tear gas canister hit him directly in the waist. He suffered from internal bleeding and damage to the liver and kidney. Manal Tamimi recalls:

*The scariest moment for me was when Mohammad was in a very critical condition. I was scared I had lost him, but thank God he got his good health back.<sup>122</sup>*

Manal and Bilal have never submitted complaints regarding the violations they face. Manal said:

*Look at what happened in the case of Mustafa Tamimi. They killed him and no one was held accountable. We do not trust a justice system that is found in the same military occupation that inflicts all this injustice.*

Other human rights defenders in other areas where weekly or regular protests are held face the same pattern of abuse. Recently, on 27 November **Abu Ahmad**, a B'Tselem volunteer who carries out video documentation of violations by Israeli forces in his village of Beit Ummar, near Hebron, was hit in the chest by a tear gas canister fired by Israeli forces. He was shot while he was recording Israeli forces firing tear gas at protesters in the village; the incident was captured on his video camera. Amnesty International has examined the footage, which appears to indicate that Abu Ahmad was directly targeted with the tear gas canister.<sup>123</sup>

B'Tselem sent the footage to the MAG Corps and requested an investigation into the shooting. Amnesty International is not aware of any response received by B'Tselem from the MAG Corps or that the latter ordered any investigation into the incident.

Earlier in the year, on 19 July 2013, B'Tselem spokesperson **Sarit Michaeli** was injured in the leg from a rubber-coated metal bullet shot at her by a Border Policeman from a range of around 20 metres while she was filming a demonstration in Nabi Salah. Sarit Michaeli was evacuated to hospital, where she required surgery.

B'Tselem sent documentation of the shooting and the injury to the Israeli Border Police. According to *+972 Magazine*, a Border Police spokesperson said that the documentation was sent to the relevant authorities for further examination.<sup>124</sup> Amnesty International is not aware

of any investigation being ordered by the Israeli authorities.

#### MEDICS

Amnesty International has documented the following case of a medic injured in demonstrations.

**Murad al-Aroui**, 18, an Al-Quds University law student who works as a volunteer medic, told Amnesty International that he was shot in the leg with a foam-tipped bullet fired by an Israeli soldier on 21 February 2013 when he went to the assistance of a blind girl during a demonstration near the Ofer military complex near Ramallah in the occupied West Bank.<sup>125</sup> He told Amnesty International:

*At around 1pm, I was keeping an eye on a group of girls who were walking slowly, marching while singing slogans about the army. There was a blind girl among the group. [The army] fired dozens of tear gas bombs and all the area was filled with gas. The girls ran away and the blind girl was trapped... so I ran to her.*

*The army had moved forward and [soldiers] were firing rubber bullets and live bullets right next to me. I could hear the firing very close. Then, while we were still on the ground someone pulled me up violently. I looked and saw a soldier; he yelled at me but I couldn't understand what he was saying. I was trying to tell him that I was a medic, which was apparent from my vest.*

*The same soldier took a few steps back and called me over. When I looked he was pointing his gun at me and then he shot at me. It was a foam-tipped bullet and it hit my right knee.*

Amnesty International is not aware of any investigation being opened by the Israeli authorities into the incident.

According to PHR-Israel, medics are frequently targeted by Israeli forces during demonstrations and are sometimes prevented from carrying out their duties. PHR-Israel documented eight cases where Israeli forces targeted medics and injured them and one case where medics were prevented from providing medical assistance to injured protesters during demonstrations in East Jerusalem between April and December 2013. PHR-Israel submitted two complaints regarding the injury of medics but have not received a response from the Israeli authorities.

## 4. IMPUNITY

UN agencies, local and international human rights groups and others have documented a pattern of war crimes and other serious violations of international law – both international humanitarian law and international human rights law – committed by Israeli military and security forces since they occupied the West Bank, including East Jerusalem, and the Gaza Strip in 1967. Throughout this 47-year period, however, the Israeli authorities have signally failed to carry out independent investigations that meet international standards into alleged crimes, including war crimes, committed by soldiers against Palestinians and their properties. Moreover, Palestinians affected by the apparently arbitrary or abusive use of force and firearms or their legal representatives have been denied meaningful access to an independent process, including judicial process, contrary to UN standards of law enforcement. This failure to conduct independent and effective investigations and take corrective action has undermined the rule of law and denied justice to the victims. Furthermore, extending impunity to the perpetrators has served to encourage further abuses.

Amnesty International is not aware of any case in which an Israeli army soldier or member of another security force has been convicted of wilfully causing the death of a Palestinian in the OPT since the first Intifada in 1987. Indeed, soldiers and other security force personnel have rarely been prosecuted at all in connection with the killings of Palestinians in the OPT, although many appear to have amounted to unlawful killings, and convictions have been even rarer. When they have occurred, soldiers have been convicted of manslaughter or of lesser offences.

According to the Israeli human rights organization Yesh Din, from September 2000 until June 2013 only 16 MPCID investigations into killings of Palestinian civilians by Israeli forces in the OPT led to indictments; 21 soldiers were indicted for killing 18 Palestinians and one person of British nationality. Out of the 21 soldiers, military courts convicted seven for offences relating to the killing of five of the Palestinians and the British national. Four soldiers were convicted of negligent manslaughter, one soldier was convicted of manslaughter (in the case of the British national) and another was convicted of negligence. None of the convicted soldiers was discharged from the army and all served very short prison sentences ranging from 30 days to seven months. Another two soldiers were convicted in military courts of offences relating to the obstruction of justice in cases related to the killing of Palestinian civilians.<sup>126</sup>

As reported above, on 18 March 2013 the MAG Corps announced that a military court had convicted an unnamed army staff sergeant on a charge of “causing death by negligence” in connection with the shooting to death of Odai Darwish on 12 January 2013. A Palestinian, Odai Darwish died after a soldier shot him with live ammunition as he attempted to make his way towards Israel to find work through a gap in the fence/wall at Dura, near Hebron. The prosecution followed a MPCID investigation that was opened on the day of the shooting and the trial involved a plea bargain, in which the soldier agreed to plead guilty to the charge of negligent homicide rather than the charge of manslaughter, which he might otherwise have expected to face. The unnamed soldier received a strikingly lenient sentence considering that his action had led directly to the loss of another man's life; he received a prison term of one



year, five months of which were suspended, and he was demoted but allowed to remain in the army with the rank of sergeant.

The high degree of impunity afforded to Israeli soldiers is mirrored by the Israeli authorities' failure to ensure that Israeli settlers responsible for attacking Palestinians, their property and Israeli and international human rights monitors are held to account in criminal prosecutions. There has been a rising incidence of violence by Israeli settlers against Palestinians in recent years, including physical attacks and the destruction of olive trees and other means of livelihood. Sometimes, these have occurred within full view of Israeli soldiers and police, who have taken no action to protect Palestinians or their property, or to arrest the settlers responsible. In some cases, soldiers are alleged to have intervened to assist settlers when their actions have been forcibly resisted by Palestinians.

#### 4.1 FLAWED INVESTIGATIONS

The deficiencies of the Israeli system for investigating alleged violations by their forces and determining whether or not prosecutions are merited have been analysed and documented in the reports of several organizations.<sup>127</sup>

In essence, the Israeli military conducts two types of inquiries: "operational debriefings" or "command investigations", which are conducted internally by military officers within their units under the army's chain of command, and criminal investigations, which are undertaken by the MPCID. The main aim of "operational debriefings" is to assess what occurred in a particular incident, primarily in order that the military command structure can assess specific military operations and identify lessons to be learnt for the future. MPCID investigations, by contrast, are primarily criminal investigations intended to determine whether an offence has been committed and, if so, whether anyone should face prosecution. The MPCID investigates many different alleged crimes involving military personnel, in both Israel and the OPT, such as alleged drugs offences, property theft, unlawful use of firearms or other acts of violence, as well as alleged human rights violations, such as shootings of Palestinian protesters in the West Bank. Only some six per cent of the more than 35,000 investigations conducted by the MPCID between 2000 and 2010 concerned alleged offences committed against Palestinians in the OPT.<sup>128</sup>

Years ago, the army routinely opened a criminal investigation whenever it received a notice or complaint that a Palestinian civilian had been killed by its forces in the OPT, including throughout the first Intifada (1987-1991).<sup>129</sup> Following the outbreak of the second Intifada in 2000, however, this practice was discontinued. On the advice of the MAG, who contended that the army was engaged in an "armed conflict short of war" in the OPT, the military authorities changed their policy and made criminal investigations into alleged offences committed by soldiers during military operations (other than offences such as looting) conditional on the findings of a preliminary "inquiry" conducted by the MAG Corps using information provided mostly through operational debriefings within army units.<sup>130</sup> Consequently, killings of Palestinian civilians by Israeli soldiers in the OPT would only be made the subject of a criminal investigation if the internal operational debriefing pointed towards the likelihood that one or more soldiers had committed a crime.

This system then prevailed until April 2011. In the framework of a petition that two Israeli human

rights organizations had submitted more than seven years earlier, the MAG announced that, in future, the MPCID would initiate criminal investigations into all cases in which Palestinian civilians were killed by the army in the West Bank, other than those which involved “clear elements of combat”. The change did not apply to cases of Palestinian civilians killed by Israeli forces in the Gaza Strip, nor did it alter the army’s general characterization of the situation in the OPT as one of armed conflict, or the argument that the army put forward that international law does not require automatic investigations into the deaths of civilians when an armed conflict prevails.<sup>131</sup>

Operational debriefings are clearly inadequate and unsatisfactory as a basis for assessing potential criminal liability, as they are usually carried out by military unit commanders who cannot be considered independent and who lack the necessary training and expertise in international human rights and humanitarian law. They are essentially internal inquiries, undertaken within the military chain of command. They do not involve the collection of evidence from victims or witnesses to alleged crimes or violations by Israeli forces but draw conclusions based on information received from soldiers within the military unit involved in the incident under investigation, opening the possibility that soldiers may conspire together to co-ordinate their accounts or destroy or conceal physical or other evidence. The findings of operational debriefings are not made public or even communicated to the victims of the alleged violations concerned, and no information obtained through the process of operational debriefing may be used in any subsequent prosecution. Once completed, the findings of operational debriefings are passed to the MAG Corps. This is the “inquiry” stage during which the MAG Corps decides whether or not to institute a criminal investigation. There is no time limit for this stage and, in practice, it frequently takes more than one year to complete,<sup>132</sup> consequently causing a prolonged delay which is likely to hamper the criminal investigation process and reduce the prospects of obtaining a criminal conviction. When the MAG Corps decides against opening a criminal investigation, it does not communicate detailed reasons for its decision to the individuals or families of victims of alleged violations by Israeli forces or to the human rights organizations who submitted their complaints.

If the MAG Corps does determine that a criminal investigation is warranted, this is carried out by the MPCID, which also cannot be considered independent as it operates under the authority of the MAG, a serving military officer. MPCID investigations are frequently long and drawn out and it may be months or even years after the incident under investigation before they are completed. Often, even when investigating alleged violations against Palestinians by Israeli soldiers in the West Bank, MPCID investigators fail to collect evidence from victims and their families and Palestinian witnesses, visit and examine the scene of the incident, or conduct searches of the military bases of the soldiers involved, preferring to rely on the military unit in question to submit documents and other information.<sup>133</sup>

Once an investigation is complete, it is transmitted to the Military Advocate for Operational Affairs (MAOA), a unit within the MAG Corps that was created in 2007. This unit has the responsibility to review the investigation and its findings and decide the next steps: it can decide to close the case; determine that further investigation is required; order that particular soldiers are subjected to disciplinary measures; or recommend that the military prosecution issue an indictment against one or more soldiers. This decision-making process also may take many months to complete; the MAOA does not provide any detailed explanation or reasons for its decision to the individuals or organizations that submitted the original complaint.<sup>134</sup>

All of the issues described above apply to army investigations of alleged violations throughout the OPT, but there are additional difficulties for investigations relating to alleged violations in Gaza.<sup>135</sup>

## 4.2 THE TURKEL COMMISSION

Major changes to Israel's system for investigating alleged violations by its military and security forces were proposed in February 2013 by the commission of inquiry that the government established following an Israeli military raid in the Mediterranean in May 2010 which caused the deaths of nine Turkish civilians, prompting wide international criticism and a serious rift in relations between Israel and Turkey. The deaths occurred when Israeli troops boarded a Turkish ship that formed part of a flotilla of vessels taking humanitarian assistance to Gaza in defiance of Israel's blockade, and prevented the ships from continuing to their planned destination. In the aftermath of the incident, the Israeli government sought to deflect pressure for an international investigation by convening a domestic investigation, the Public Commission to Examine the Maritime Incident of 31 May 2010. The government appointed a retired Supreme Court Judge, Jacob Turkel, to head the Commission (which consequently became known generally as the Turkel Commission). The government mandated the Commission to investigate and report on two main issues: the legality of the Israeli forces' armed intervention to prevent the flotilla breaking the Gaza blockade and the adequacy of Israel's system for investigating allegations of war crimes or other breaches of international humanitarian law by its own military and security forces. The Commission subsequently issued two reports: the first addressed the legality of the Israeli action on 31 May 2010 while the second, a report of almost 500 pages published on 6 February 2013, focused on the question of whether Israel's legal mechanisms for examining and investigating complaints and allegations of violations of international humanitarian law complied with relevant international standards and Israel's obligations under international law.

While declaring that Israel's investigative system was generally in conformity with relevant international standards, the Turkel Commission's second report included 18 recommendations the government should take to improve the system and make it more robust. These included recommendations that legislation should be enacted "to impose direct criminal liability on military commanders and civilian superiors for offenses committed by their subordinates" and to reinforce and safeguard the authority of the (civilian) Attorney General over the MAG, although the latter would continue to be appointed by the Minister of Defence. As well, the Commission called for the army's Supreme Command Orders to require field commanders to comply with a prescribed Reporting Procedure following any incident involving a death or injury caused by the action of Israeli forces, including the seizure of "all exhibits and documents that may assist the examination and investigation" and their storage and preservation "for proper examination at a later date." It also called for speedier assessment and decision-making as to whether an incident merits investigation, declaring that operational debriefings are inadequate as a basis on which to make such determinations, and said that the MAG should not have to consult the commanding officer responsible before ordering an investigation, and that it should "state the reasons" whenever it ruled against an investigation. The Commission recommended too that the MAG should set a time limit, in consultation with the Attorney General, for concluding an investigation and deciding whether to adopt legal or disciplinary measures or close the case, and should implement a strict

documentation procedure for all examination and investigation actions, as well as for all decisions made, especially in cases involving investigations of alleged violations of the laws of armed conflict.

The government said in response to the Turkel Commission's second report that it would give careful consideration to its recommendations. One year on, however, it is unclear to what extent, if at all, the Israeli authorities have implemented any of the 18 recommendations relating to Israel's military investigations and whether this has led to improvements in the process for investigating allegations of serious human rights violations or breaches of the laws of armed conflict by Israeli forces in the OPT. Amnesty International has seen no evidence of any improvement and is concerned that even full implementation of the Turkel recommendations would be insufficient to guarantee prompt, thorough, impartial and independent investigations, as international standards demand. Without such investigations, full accountability will be impossible to achieve and victims whose rights have been violated will continue to be denied justice.

## 5. ISRAEL'S OBLIGATIONS UNDER INTERNATIONAL LAW

Several bodies of international law apply to Israel's conduct in the West Bank, including East Jerusalem:

- International humanitarian law, specifically the law of occupation, which includes rules imposing obligations on any power occupying a territory.
- International human rights law, which applies to all states and their armed forces and other agents, including in territories they occupy. It includes treaties guaranteeing civil and political rights, and economic, social, and cultural rights. A fundamental principle of international human rights law is that victims of serious human rights violations have the right to remedies, including justice, truth and reparations.
- International criminal law, which establishes individual criminal responsibility for certain violations and abuses of international human rights law and international humanitarian law, such as war crimes, crimes against humanity and genocide, as well as torture, extrajudicial executions and enforced disappearance.

### 5.1 INTERNATIONAL HUMANITARIAN LAW AND THE LAW OF OCCUPATION

Although there is currently no armed conflict in the West Bank, certain provisions of international humanitarian law apply because this territory is subject to belligerent occupation, a status which resulted from an international armed conflict (the June 1967 War). As the occupying power in the West Bank and the Gaza Strip, Israel has obligations under international humanitarian law applicable to belligerent occupation, including:

- Specific provisions of the Hague Convention (IV) respecting the Laws and Customs of War on Land, and its annexed Regulations respecting the Laws and Customs of War on Land, of 18 October 1907 (Hague Regulations).
- Convention IV relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention).
- Customary rules of international humanitarian law applicable to belligerent occupation, including the fundamental guarantees protecting persons in the power of a party to a conflict, detailed in Article 75 of Additional Protocol I.

Despite having ratified the Geneva Conventions, the Israeli government has argued that the Fourth Geneva Convention is not applicable in the OPT on the basis that the territories in question are "disputed" rather than occupied.<sup>136</sup> The Israeli authorities have stated previously that Israel "voluntarily" observes the "humanitarian provisions" of the Geneva Conventions, without enumerating which provisions Israel considers "humanitarian". However, all relevant bodies,

including the High Contracting Parties to the Geneva Conventions, the UN Security Council and General Assembly, and the International Court of Justice, have reaffirmed on numerous occasions the full de jure applicability of the Fourth Geneva Convention to the OPT.<sup>137</sup> Amnesty International has long called on Israel to recognize the de jure applicability of the Fourth Geneva Convention to the OPT and comply fully with all its provisions.

The Fourth Geneva Convention imposes obligations on an occupying power in relation to the inhabitants of the occupied territory, all of whom are “protected persons” entitled to special protection and humane treatment at all times. The Convention prohibits the occupying power from committing acts including wilful killings, torture and other cruel, inhuman or degrading treatment, which are considered grave breaches of the convention under Article 147, or war crimes. The occupying power is responsible for the welfare of the population under its control, which means that it must ensure that public order and safety are maintained “while respecting, unless absolutely prevented, the laws in force in the country” (Hague Regulations, Article 43).

The occupying power may take certain measures of control or security that are “necessary as a result of the war” (Article 27, Fourth Geneva Convention). However, the International Committee of the Red Cross (ICRC) has emphasized that “regulations concerning occupation... are based on the idea of the personal freedom of civilians remaining in general unimpaired... What is essential is that the measures of constraint they adopt should not affect the fundamental rights of the persons concerned... those rights must be respected even when measures of constraint are justified.”<sup>138</sup>

The Fourth Geneva Convention specifically prohibits collective punishment. Its Article 33 provides:

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

As explained in the authoritative commentary of the ICRC:

*This paragraph then lays a prohibition on collective penalties... penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that these persons have not committed.*<sup>139</sup>

## 5.2 INTERNATIONAL HUMAN RIGHTS LAW

Israel's actions in the OPT are bound by its obligations under the international human rights treaties that it has ratified, as well as customary rules of international human rights law. Treaties ratified by Israel include: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention on the Rights of the Child (CRC). Although Israel has argued that its obligations under the international human rights treaties it has ratified are not applicable in the OPT, this position has been rejected by all the UN bodies monitoring adherence to these treaties and by the International Court of Justice.<sup>140</sup> Specific treaty bodies have also clarified that the treaty provisions apply extraterritorially in general; for example, the UN Human Rights Committee has stated, with respect to the ICCPR, that “a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party.”<sup>141</sup>

### 5.3 THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

The Universal Declaration of Human Rights (UDHR) guarantees the rights to freedom of opinion and expression (Article 19) and freedom of peaceful assembly and association (Article 20). These rights are also codified in Articles 19 and 21 of the ICCPR. Article 21 stipulates that no restrictions may be placed on the right to peaceful assembly “other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.”

The UN Special Rapporteur on the right to freedom of peaceful assembly and of association has emphasized that officials have a positive obligation to facilitate peaceful assemblies and actively protect those participating in them, including from “agents provocateurs and counter-demonstrators, who aim at disrupting or dispersing such assemblies... [including] those belonging to the State apparatus or working on its behalf.” Officials also have an obligation not to unduly interfere with the right to peaceful assembly, and the exercise of this right “should not be subject to previous authorization by the authorities... but at the most to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly.” Finally, human rights defenders – including members of civil society organizations, journalists, bloggers, and representatives of national human rights institutions – must be allowed to operate freely during public assemblies and demonstrations.<sup>142</sup>

Military Order 101 “Regarding the Prohibition of Acts of Incitement and Hostile Propaganda” (the Order), issued by the IDF Commander in the West Bank region on 27 August 1967, prohibits all gatherings of 10 or more persons “for a political purpose or for a matter that could be interpreted as political” or even to “to discuss such a topic” unless they have received authorization in advance under a permit issued by the Israeli military commander in the area. Anyone breaching the order faces imprisonment for up to 10 years and/or a hefty fine. This Order, which remains in force, is clearly contrary to Israel's obligation to respect and ensure the right to freedom of peaceful assembly. In addition, some provisions of Military Order 1651, which can be used to arbitrarily restrict the right to peaceful assembly or to punish peaceful demonstrators are also in breach of Israel's obligations under international law.

### 5.4 POLICING PROTESTS AND THE RIGHT TO LIFE

Even when a restriction on the right to protest is justifiable under international law, the policing of demonstrations (whether or not they have been prohibited) must be carried out in accordance with international standards, which prohibit the use of force by law enforcement officials unless strictly necessary and to the extent required for the performance of their duty, and prohibit the use of firearms except when their use is strictly unavoidable in order to protect life.

The policing of assemblies (including those that are not completely peaceful or are regarded by a government as illegal) must respect human rights, in particular the rights to life, liberty and security of the person, and the right to be free from torture or other ill-treatment.

Under the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, police may use force only when strictly necessary and only to the extent required for the performance of their duty. Firearms should not be used except to defend people against the imminent threat of death or serious injury or to prevent a grave threat to life, and only when less extreme means are insufficient. Intentional lethal force should not be used except when strictly unavoidable in order to protect life (Principle 9). Force should never be used to punish the presumed or alleged non-compliance with an order, nor against those who are simply participating in the assembly. Law enforcement officials should be clearly identifiable when policing demonstrations, which means they should be uniformed and wearing clearly visible name or number tags.

International standards require that firearms may only be used as a last resort – when strictly necessary for army or police to protect themselves or others against the imminent threat of death or serious injury. The intentional lethal use of firearms is only permissible if strictly unavoidable in order to protect life. The use of firearms, ammunition, or any other means or method likely to cause unwarranted injury or to present unwarranted risk should be prohibited (Principle 11 (c)). Before using firearms, police should always identify themselves as such and issue a clear warning of their use – with sufficient time for the warning to be observed, “unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident” (Principle 10).

Any arbitrary or abusive use of force by security forces must be punished as a criminal offence. The authorities have a duty to conduct prompt, thorough, independent and impartial investigations into killings by security forces and bring the perpetrators to justice. In addition, they must impartially uphold the right to peaceful assembly and to protect protesters from any violent attack on them possible. In some cases, disciplinary measures may be an appropriate means of holding police or security personnel responsible for the unnecessary or excessive use of force accountable; however, arbitrary or abusive use of force must be punished as a criminal offence (Principle 7). Furthermore, the Basic Principles emphasize that superior officers should be held responsible if they give unlawful orders (for example, orders to use force against peaceful demonstrators), or if they knew, or should have known, that law enforcement officials under their command were using force unlawfully and failed to take all measures within their power to prevent, suppress, or report such abuse (Principle 24). Allegations of killings by law enforcement officials must be investigated independently, promptly and thoroughly, in a manner that conforms to the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. These principles specify that complainants and witnesses (and their families) should be protected from violence or any other forms of intimidation.

Article 6(1) of the ICCPR states that “Every human being has the inherent right to life... No one shall be arbitrarily deprived of his life.” Killings that result from unnecessary or excessive use of force by state agents constitute arbitrary deprivation of the right to life. For example, using lethal force against a protester who is not posing an imminent threat of death or serious injury constitutes arbitrary deprivation of life. Unlawful and deliberate killings carried out by order of government officials or with their complicity or acquiescence amount to extrajudicial executions; they are prohibited at all times and constitute crimes under international law.<sup>143</sup>



The authorities have a duty to conduct prompt, thorough, independent and impartial investigations into all possible unlawful killings by security forces and to bring the perpetrators of any such killings to justice.<sup>144</sup>

## 5.5 INTERNATIONAL CRIMINAL LAW

Individuals, including military personnel and law enforcement officers, can be held criminally responsible for certain violations of international human rights law and international humanitarian law.

Under the principle of universal jurisdiction, all states have an obligation to investigate and, where enough admissible evidence is gathered, prosecute crimes under international law, including genocide, crimes against humanity, war crimes, torture, extrajudicial executions and enforced disappearances.

Grave breaches of the Geneva Conventions and Additional Protocol I and most other serious violations of international humanitarian law are war crimes. Definitions of these crimes are included in the Rome Statute of the International Criminal Court. The list of war crimes in Article 8 of the Rome Statute basically reflected customary international law at the time of its adoption, although they are not complete and a number of important war crimes are not included.

Grave breaches of the Fourth Geneva Convention are listed in Article 147. Among the grave breaches relevant to this report are wilful killings of protected persons and wilfully causing great suffering or serious injury to protected persons.

Article 86(1) of Additional Protocol I requires the following:

*High Contracting Parties and the Parties to the conflict shall repress grave breaches and parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches of the [1949 Geneva] Conventions or of this Protocol which result from a failure to act when under a duty to do so.*

Military commanders and civilian superiors can be held responsible for the acts of their subordinates. Article 86(2) of Additional Protocol I, which imposes a single standard for military commanders and civilian superiors, reflects customary international law. It states:

*The fact that a breach of the [1949 Geneva] Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.*

## 6. CONCLUSIONS AND RECOMMENDATIONS

Israeli soldiers have repeatedly committed serious human rights and humanitarian law violations, including unlawful killings, in response to Palestinian opposition and protests in the West Bank, including East Jerusalem. The cases documented in this report represent only a minority of the cases that have occurred over recent years and which follow a general pattern, in which Israeli forces use excessive, often lethal, force against Palestinians who pose no threat to their lives or the lives of others. Soldiers are permitted to do so effectively with impunity – inasmuch as the official system established to investigate alleged human rights violations or other abuses by Israeli soldiers is neither independent nor impartial. This creates a situation of absolute absence of justice and the growing environment of impunity which the Israeli army and police enjoy. As the occupying power in the West Bank, including East Jerusalem, Israel is responsible for the welfare of the inhabitants of the occupied territories, all of whom are protected persons. It must respect and protect the rights of Palestinians. Instead, Israeli forces routinely violate their obligations under international human rights law and the law of occupation by unlawfully killing and injuring civilians, including children, who are posing no threat to their lives or those of others. This has carried on for decades with the full knowledge of the Israeli government and military command.

Authorities appear unwilling to send a strong signal to their forces that serious violations of the rights of Palestinians are not acceptable and will no longer be tolerated. They should do so – by ensuring that all alleged violations of the rights of Palestinians by Israeli forces are investigated promptly, thoroughly and independently, and that those responsible for committing unlawful killings or other violations are brought to justice according to the standards set by international law and, if found guilty, receive punishments commensurate with the gravity of the crimes. As long as Israeli soldiers and police are not held to account for abusing their powers and committing such serious abuses, the pattern of unlawful killings of protesters will continue, and Palestinians will be denied their right to peaceful protest without fear of injury or death.

Accordingly, Amnesty International calls on the **Israeli authorities** to do the following:

- Rescind Military Order 101 and relevant articles in Military Order 1651 and fully respect the right of Palestinians in the West Bank to freedom of expression and peaceful assembly.
- Ensure that the Israeli army, Border Police and other security forces policing demonstrations or performing other law enforcement duties at all times comply fully with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The UN Code of Conduct stipulates that in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.<sup>145</sup> The term “law enforcement official” includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. In countries where police powers are exercised by military authorities, whether uniformed or not, or by state security

forces, the definition of law enforcement officials includes officers of such services.<sup>146</sup>

- Ensure that law enforcement officials apply non-violent means before resorting to the use of force (including use of handcuffs or other restraints), which should be used only if non-violent means have proven to be, or are likely not to be, effective.<sup>147</sup> If the use of force is unavoidable, they must always exercise restraint in its use.<sup>148</sup> The use of any force by law enforcement should be strictly limited to those situations where it is absolutely necessary and strictly proportional to the legitimate aim pursued and to minimize damage and injury. In any use of force, the police must at all times respect human rights, including the right to life and the prohibition of torture and other ill-treatment. The risk of injury and death should therefore always be minimized.<sup>149</sup> In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.<sup>150</sup> All governments must ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.<sup>151</sup>
- Prohibit the firing of live ammunition and rubber/plastic-coated metal bullets unless it is strictly unavoidable for fully trained firearms officers under effective regulation, monitoring and control to use lethal means of force to the minimum extent necessary to protect life in self-defence or defence of others against the imminent threat of death or serious injury, and only when less extreme means are insufficient to achieve this objective.
- Prohibit the discharge of “less lethal” projectiles or baton rounds, such as those made purely from rubber or plastic, unless the projectiles are sufficiently accurate not to cause unwarranted injury and, as an alternative to the use of lethal force, it is strictly necessary for fully trained firearms officers who are subject to effective regulation, monitoring and control to discharge such projectiles in order to protect life in self-defence or defence of others against the imminent threat of death or serious injury – and only permit the discharge of such projectiles in a manner likely to decrease the risk of unnecessary harm when less extreme means are insufficient to achieve this objective.
- Prohibit the deployment and use of toxic chemical irritants likely to increase the risk of unnecessary harm or unwarranted injury and death to persons, such as firing a metal cartridge of irritant directly at an individual, using toxic chemicals in very high concentrations, using irritants in a manner likely to have indiscriminate effects such as when sprayed or fired over a wide area or into drinking water or food, launching such chemicals at or near people who are in confined spaces where exits and ventilation points are restricted, or launching the irritants near elderly people, children or others who may have difficulty in moving away to avoid the dangerous effects of toxic chemicals.
- Establish strict rules and training for the use of hand-held batons by law enforcement officers in order to minimize the use of force and to prevent unwarranted injuries, including the prohibition of baton blows aimed at a person's head, neck and throat, spine, lower back, solar plexus, knees and ankles.
- Establish a transparent system open to public scrutiny including an independent body of medical, scientific, and judicial experts to review and report on the safe development and dangers of non-lethal incapacitating weapons and “less lethal” weapons in order to establish

effective regulations and appropriate specialist capacity for the lawful deployment and use of such weapons in appropriate situations by fully trained and accountable law enforcement officials, with a view to increasingly restraining the application of means capable of causing death or injury, as well as arbitrary, abusive and excessive force.

- Ensure that all officers required to carry out law enforcement duties are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional human rights based training. Their continued fitness to perform these functions should be subject to periodic review.
- Sign, ratify and strictly implement the Arms Trade Treaty without delay giving particular attention to implementing measures for the strict control of all imports, exports, transits, transshipments and brokering of all types of conventional arms and additional measures to prevent diversion and illicit trafficking of conventional arms. Pending the Treaty's entry into force, state authorities should declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.
- Initiate a review of policing of demonstrations without delay to ensure that, in the future, the practices of Israel's security forces in policing demonstrations are consistent with international human rights standards especially the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the recommendations above. Such measures should include the issuing of unequivocal orders and rules of engagement for policing demonstrations as a situation of law enforcement as opposed to a situation of military imperative, conducting training of forces, and ensuring accountability inside the army, Border Police and other security forces through appropriate disciplinary procedures.
- Publicly disclose all existing use of force regulations and any other rules relevant to policing demonstrations in the West Bank, including East Jerusalem.
- Review existing legislation to ensure that all war crimes and serious human rights violations are crimes under national law.
- Conduct independent, impartial and prompt investigations into all reports of Palestinian civilians killed or seriously injured by the actions of Israeli forces in the OPT. Where sufficient admissible evidence exists, prosecute Israeli personnel responsible for unlawful killings or injuries according to fair trial standards. As a first step towards bringing Israeli accountability mechanisms closer to international standards, implement all the recommendations of the Israeli-appointed Public Commission to Examine the Maritime Incident of 31 May 2010 (known as the Turkel Commission) concerning investigations conducted by the IDF, as published in the Commission's second report of February 2013.
- Provide all victims of crimes under international law committed by Israeli forces in the OPT with full reparations, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Financial compensation and other forms of reparation should be appropriate and proportional to the gravity of the violation, the harm suffered and the

circumstances of the case. Facilitate access for Palestinians in the OPT to all judicial proceedings, including those which are initiated in Israel.

- Ensure that Israeli forces protect Palestinian civilians and their property against violence by Israeli settlers by instructing them to arrest Israeli settlers who assault Palestinians or destroy their property, by carrying out prompt, detailed and thorough investigations of complaints of settler violence submitted to them, and by deploying patrols to protect Palestinian schoolchildren and other civilians in areas where there is a danger of settler violence.
- Invite the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Israel and the OPT.

Amnesty International calls on the **PA** and the **PLO** (on behalf of the State of Palestine) to do the following:

- Sign and ratify, without reservations, international human rights treaties including the Rome Statute of the International Criminal Court, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and international humanitarian law treaties including the Geneva Conventions.
- Ensure that the bodies of individuals who have been killed by security forces in the West Bank receive autopsies.

Amnesty International calls on the authorities of the **United States of America (USA)**, **European Union (EU)**, **EU member states and other countries** to do the following:

- Suspend transfers to Israel of munitions, weapons, and related equipment including crowd control weapons and devices, training and techniques until substantive steps have been taken by Israel to achieve accountability for previous violations and effective mechanisms are in place to ensure that items will not be used to commit or facilitate serious violations of international human rights law or international humanitarian law. The suspension should include all indirect exports via other countries, the transfer of military components and technologies, and any brokering, financial or logistical activities that would facilitate such transfers. This recommendation is particularly relevant to the USA, as the largest foreign source of supply of weapons, munitions, police equipment and military aid to Israel.
- States should ensure that any co-operation with Israel in the areas of law enforcement, security and justice does not contribute to the commission of human rights violations or violations of international humanitarian law.
- Sign, ratify and strictly implement the Arms Trade Treaty without delay giving particular attention to implementing measures for the strict control of all imports, exports, transits, trans-shipments and brokering of all types of conventional arms and additional measures to prevent diversion and illicit trafficking of conventional arms including lethal and "less lethal"

weapons and munitions. Pending the Treaty's entry into force, state authorities should declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of conventional arms that would be used to commit or facilitate serious violations of international human rights law or international humanitarian law.

- Exercise their obligations under the principle of universal jurisdiction to conduct prompt, thorough, independent and impartial criminal investigations of anyone suspected of crimes under international law. If there is sufficient admissible evidence, states should prosecute the suspect or extradite him or her to another state willing and able to do so in fair proceedings which do not result in the imposition of the death penalty, or surrender him or her to an international criminal court which has jurisdiction. In addition to being obliged to exercise universal jurisdiction for grave breaches of the Geneva Conventions and of Additional Protocol I, as well as over torture, enforced disappearance and extrajudicial executions states are permitted to exercise universal jurisdiction for all other crimes under international law.
- Urge the State of Palestine, represented at the UN by the Palestine Liberation Organization, to sign and ratify international human rights and humanitarian treaties without reservations, including the Rome Statute of the International Criminal Court. Oppose any type of sanctions or pressure seeking to prevent the PA from signing or ratifying any international treaties. Ensure that the threat of withholding assistance essential to fulfilling the human rights of Palestinians in the Occupied Palestinian Territories is never used as a bargaining tool to further political goals, such as obstructing access to international justice through the International Criminal Court.

## ENDNOTES

<sup>1</sup> See Amnesty International, *Occupied Palestinian Territories: Torn apart by factional strife* (Index: MDE 21/020/2007), October 2007 ([www.amnesty.org/en/library/info/MDE21/020/2007/en](http://www.amnesty.org/en/library/info/MDE21/020/2007/en)).

<sup>2</sup> An Israeli army spokesperson claimed that forces were shot at by Palestinians during protests in two separate incidents in 2013: on 20 August 2013 in Jenin refugee camp when two Palestinian civilians were killed by Israeli fire, and on 26 August in Qalandia refugee camp when three Palestinian civilians were killed by Israeli fire. No member of the Israeli forces was announced to have been injured by the alleged shootings.

<sup>3</sup> A popular uprising by Palestinians in the OPT against Israeli military occupation.

<sup>4</sup> See Amnesty International reports, *Israel/Occupied Territories and the Palestinian Authority: Five years after the Oslo Agreement: Human rights sacrificed for security* (Index: MDE 02/004/1998), 31 August 1998 (<http://www.amnesty.org/en/library/info/MDE02/004/1998/en>); *Israel and the Occupied Territories: Excessive use of lethal force* (Index: MDE 15/041/2000), 18 October 2000 (<http://www.amnesty.org/en/library/info/MDE15/041/2000/en>); *Israel and the Occupied Territories: State assassinations and other unlawful killings* (Index: MDE 15/005/2001), 21 February 2001 (<http://www.amnesty.org/en/library/info/MDE15/005/2001/en>); *Israel and the Occupied Territories: Broken lives - a year of intifada* (Index: MDE 15/083/2001), 13 November 2001 (<http://www.amnesty.org/en/library/info/MDE15/083/2001/en>); *Israel and the Occupied Territories and the Palestinian Authority: Killing the future: Children in the line of fire* (Index: MDE 02/005/2002), 29 September 2002 (<http://www.amnesty.org/en/library/info/MDE15/147/2002/en>); *Israel and the Occupied Territories: Israel must put an immediate end to the policy and practice of assassinations* (Index: MDE 15/056/2003), 3 July 2003 (<http://www.amnesty.org/en/library/info/MDE15/056/2003/en>); and *Israel and the Occupied Palestinian Territories: Enduring occupation. Palestinians under siege in the West Bank* (Index: MDE 15/033/2007), 4 June 2007 (<http://www.amnesty.org/en/library/info/MDE15/033/2007/en>).

<sup>5</sup> The text of the military order can be found here: [http://www.btselem.org/download/19670827\\_order\\_regarding\\_prohibition\\_of\\_incitement\\_and\\_hostile\\_propaganda.pdf](http://www.btselem.org/download/19670827_order_regarding_prohibition_of_incitement_and_hostile_propaganda.pdf)

<sup>6</sup> No Legal Frontiers, *Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009* (<http://nolegalfrontiers.org/military-orders/mil01?lang=en>).

<sup>7</sup> For more information on Israeli military investigations see: Amnesty International, *Israel/Occupied Palestinian Territories: Amnesty International's updated assessment of Israeli and Palestinian investigations into the Gaza conflict* (Index: MDE 15/018/2011), 18 March 2011 (<http://www.amnesty.org/en/library/info/MDE15/018/2011>).

<sup>8</sup> See Amnesty International, *Israeli military's killing of Nakba protesters must be investigated* (Index: MDE 15/025/2011), 16 May 2011 (<http://www.amnesty.org/en/library/info/MDE15/025/2011/en>).

<sup>9</sup> See Amnesty International, *Palestinian Authority: 'Shut up we are the police': Use of excessive force by Palestinian Authority in the Occupied West Bank* (Index: MDE 21/006/2013), 23 September 2013 (<http://www.amnesty.org/en/library/info/MDE21/006/2013/en>).

<sup>10</sup>. See Amnesty International, *Land Day protests: stop excessive force against demonstrators* (Index: MDE 15/037/2012), March 2012 (<http://www.amnesty.org/en/for-media/press-releases/land-day-protests-stop-excessive-force-against-demonstrators-2012-03-30>); and *Hamas authorities must guarantee safety of human rights activist*, January 2012 (<http://www.amnesty.org/en/news/hamas-authorities-must-investigate-attacks-human-rights-defender-gaza-2012-01-18-0>).

<sup>11</sup> See Amnesty International, *Israel must not use excessive force against 'Day of Rage' Negev protesters tomorrow*, 31 July 2013 (<http://www.amnesty.org/en/news/israel-protect-citizens-rights-protest-peacefully-against-forced-evictions-2013-07-31>); and *Israel: Demolition of Bedouin homes in the Negev desert must end immediately*, 18 July 2013 (<http://www.amnesty.org/en/news/israel-demolitions-bedouin-homes-negev-desert-must-end-immediately-2013-07-18>).

<sup>12</sup> UN Basic Principles, Special Provision 9.

<sup>13</sup> See, for example, B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>14</sup> Military Court District, Home Front District, *The Military Prosecution vs. Staff Sergeant MM*, 18 March 2013 verdict in the case of the killing of Odai Darwish. See (in Hebrew): ([http://www.takdin.co.il/search/%D7%A2%D7%95%D7%A8%D7%A3%20%D7%9E%D7%97%D7%95%D7%96%D7%99%2037%2013%20%D7%94%D7%AA%D7%95%D7%91%D7%A2%20%D7%94%D7%A6%D7%91%D7%90%D7%99%20%D7%A0%20%D7%A1%D7%9E%20%D7%A8%20%D7%9E%20%D7%9E\\_hd\\_4275456.html](http://www.takdin.co.il/search/%D7%A2%D7%95%D7%A8%D7%A3%20%D7%9E%D7%97%D7%95%D7%96%D7%99%2037%2013%20%D7%94%D7%AA%D7%95%D7%91%D7%A2%20%D7%94%D7%A6%D7%91%D7%90%D7%99%20%D7%A0%20%D7%A1%D7%9E%20%D7%A8%20%D7%9E%20%D7%9E_hd_4275456.html)).

<sup>15</sup> UN Basic Principles, Special Provisions 9, 10 and 11.

<sup>16</sup> B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>17</sup> Interviewed by Amnesty International on 10 March 2013 in Bodrus; name withheld by Amnesty International for reasons of security and his age.

<sup>18</sup> Interviewed by Amnesty International on 10 March 2013 in Bodrus; name withheld by Amnesty International on account of his age.

<sup>19</sup> Interviewed by Amnesty International on 20 September 2013 in Bodrus; name withheld by Amnesty International on account of his age.

<sup>20</sup> Haaretz, *IDF kills teenager in West Bank, fourth Palestinian death in a week*, 15 January 2013 (<http://www.haaretz.com/news/diplomacy-defense/idf-kills-teenager-in-west-bank-fourth-palestinian-death-in-a-week-1.494135>).

<sup>21</sup> Ynet News, *West Bank: Palestinian youth killed in clash with IDF*, 15 January 2013 (<http://www.ynetnews.com/articles/0,7340,L-4332719,00.html>).



<sup>22</sup> B'Tselem, *B'Tselem inquiry: No justification for shooting and killing Samir 'Awad, 16. Budrus, 15 Jan 2013*, 21 February 2013 ([http://www.btselem.org/firearm/20130221\\_killing\\_of\\_samir\\_awad\\_budrus](http://www.btselem.org/firearm/20130221_killing_of_samir_awad_budrus)).

<sup>23</sup> +972 Magazine, *Soldiers beat family members, damage home while arresting Palestinian teen*, 28 May 2013 (<http://972mag.com/soldiers-beat-family-members-damage-home-while-arresting-palestinian-teen/72309/>); and +972 Magazine, *IDF releases video clip from violent arrest of Budrus teen*, 30 May 2013 (<http://972mag.com/Army-releases-clip-from-violent-budrus-arrest/72499>).

<sup>24</sup> Interviewed by Amnesty International on 20 September 2013 in Bodrus.

<sup>25</sup> *Jerusalem Post*, *IDF shoots, injures 2 Palestinians in W. Bank, Gaza*, 18 January 2013 (<http://www.jpost.com/Defense/IDF-shoots-injures-2-Palestinians-in-W-Bank-Gaza>).

<sup>26</sup> Interviewed by Amnesty International on 13 March 2013 in Aida refugee camp.

<sup>27</sup> Interviewed by Amnesty International on 13 March 2013 in Aida refugee camp.

<sup>28</sup> Interviewed by Amnesty International on 13 March 2013 in Aida refugee camp.

<sup>29</sup> Interviewed by Amnesty International on 10 September 2013 in Aida refugee camp.

<sup>30</sup> Interviewed by Amnesty International on 10 September 2013 in Azaa refugee camp.

<sup>31</sup> Interviewed by Amnesty International on 10 September 2013 in Aida refugee camp.

<sup>32</sup> Interviewed by Amnesty International on 10 September 2013 in Hebron.

<sup>33</sup> Interviewed by Amnesty International on 17 March 2013 in Fawwar refugee camp.

<sup>34</sup> Interviewed by Amnesty International on 17 March 2013 in Fawwar refugee camp.

<sup>35</sup> Interviewed by Amnesty International on 17 March 2013 in Fawwar refugee camp.

<sup>36</sup> Interviewed by Amnesty International on 17 March 2013 in Hebron.

<sup>37</sup> Al-Haq, *Six Palestinians Killed by Israeli Military in January*, 31 January 2013 (<http://www.alhaq.org/documentation/weekly-focuses/669-six-palestinians-killed-by-israeli-military-in-january>).

<sup>38</sup> Interviewed by Amnesty International on 12 September 2013 in Anabta.

<sup>39</sup> The Electronic Intifada, *Witness accounts of two Tulkarem teens' killings contradict Israel's version*, 10 April 2013 (<http://electronicintifada.net/content/witness-accounts-two-tulkarem-teens-killings-contradict-israels-version/12357>).

<sup>40</sup> Interviewed by Amnesty International on 12 September 2013 in Anabta.

- <sup>41</sup> *Jerusalem Post*, *Palestinian killed, another hurt by IDF fire in West Bank*, 4 April 2013 (<http://www.jpost.com/Diplomacy-and-Politics/Palestinian-killed-another-hurt-by-IDF-fire-in-West-Bank-308589>).
- <sup>42</sup> *Haaretz*, *IDF probe into death of two Palestinians in West Bank: No shots fired at army post*, 5 April 2013 (<http://www.haaretz.com/news/diplomacy-defense/idf-probe-into-death-of-two-palestinians-in-west-bank-no-shots-fired-at-army-post.premium-1.513582>).
- <sup>43</sup> *Haaretz*, *IDF probe into death of two Palestinians in West Bank: No shots fired at army post*, 5 April 2013 (<http://www.haaretz.com/news/diplomacy-defense/idf-probe-into-death-of-two-palestinians-in-west-bank-no-shots-fired-at-army-post.premium-1.513582>).
- <sup>44</sup> Interviewed by Amnesty International on 21 September 2013 in Dura.
- <sup>45</sup> *Ynet News*, *Palestinian killed, 2 IDF soldiers hurt during Jenin clashes*, 20 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4419944,00.html>).
- <sup>46</sup> He was arrested at around 7am while sheltering at a neighbour's house.
- <sup>47</sup> The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).
- <sup>48</sup> Interviewed by Amnesty International on 9 September 2013 in Qalandia refugee camp.
- <sup>49</sup> Interviewed by Amnesty International on 9 September 2013 in Qalandia refugee camp.
- <sup>50</sup> Interviewed by Amnesty International on 9 September 2013 in Qalandia refugee camp.
- <sup>51</sup> *Ynet Net*, *3 Palestinians killed in Qalandiya*, 26 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4422259,00.htm>).
- <sup>52</sup> *Ynet News*, *IDF on Qalandiya: Soldiers fired after feeling threatened*, 26 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4422487,00.html>).
- <sup>53</sup> *Ynet News*, *UNRWA: One employee was killed in Qalandiya clashes*, 26 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4422568,00.html>).
- <sup>54</sup> *Jerusalem Post*, *3 Palestinians killed as IDF, Border Police come under attack making arrest in Kalandya*, 26 August 2013 (<http://www.jpost.com/Defense/Report-2-Palestinians-killed-by-Israeli-security-forces-in-Kalandya-324261>).
- <sup>55</sup> UN Basic Principles, General Provision 6, Special Provision 11 and Reporting and Review Procedures 22.
- <sup>56</sup> UN Basic Principles, Reporting and Review Procedures 23.
- <sup>57</sup> Interviewed by Amnesty International on 13 March 2013 in Tuqu'.
- <sup>58</sup> B'Tselem video, *Soldier fires at stone-throwing teens who posed no threat, injuring one: Tuqu'*, November 2012 ([http://www.btselem.org/firearms/20130106\\_muhammad\\_al\\_badan\\_injured\\_by\\_live\\_ammunition](http://www.btselem.org/firearms/20130106_muhammad_al_badan_injured_by_live_ammunition)).

B'Tselem makes clear that it does not have complete footage of the incident.

<sup>59</sup> Interviewed by Amnesty International on 12 March in Tuqu'.

<sup>60</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.

<sup>61</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.

<sup>62</sup> Interviewed by Amnesty International on 16 September 2013 in Jalazun refugee camp.

<sup>63</sup> Interviewed by Amnesty International on 16 March 2013 in Qusra.

<sup>64</sup> Interviewed by Amnesty International on 16 March 2013 in Qusra.

<sup>65</sup> See UN Basic Principles, Special Provisions 9, 10 and 11, as well as safeguards set out in other parts of the Basic Principles.

<sup>66</sup> For an official summary of the report of the *Commission of Inquiry into the Clashes between the Trenches' Security and Israeli Citizens in October 2000* see:  
<http://adalah.org/features/commission/orreport-en.pdf>

<sup>67</sup> Association for Civil Rights in Israel, *Stop Firing Rubber Bullets at West Bank Protesters, ACRI and B'Tselem Urge Israel*, 2 August 2013 (<http://www.acri.org.il/en/2013/08/02/acri-btselem-rubber-bullets>).

<sup>68</sup> B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, pp 21-25, January 2013 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>69</sup> B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, January 2013, pp 7-20 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>70</sup> UN Basic Principles, General Provision 2, 3 and 4.

<sup>71</sup> UN Basic Principles, Policing Unlawful Assemblies, 12, 13 and 14.

<sup>72</sup> Amnesty International, *The Pain Merchants: Security equipment and its use in torture and other ill-treatment* (Index: ACT 40/008/2003), p. 27. Amnesty International is grateful to the Omega Research Foundation for contributing this and other joint reports on the subject of law enforcement technologies and human rights, as well as for drawing attention to the scientific studies in endnotes 73 to 79.

<sup>73</sup> Rezende-Neto, J; Silva, F; Porto, L; Teixeira, L; Rizoli, H, "Penetrating injury to the chest by an attenuated energy projectile: a case report and literature review of thoracic injuries caused by 'less-lethal munitions'", *World Journal of Emergency Surgery* 2009, 4:26.

<sup>74</sup> 'Wani, M; Sultan, A; Wani, M; Malik, M; Baba, M; Masrat, N, "Pattern of injuries due to rubber bullets in a conflict zone", *The Internet Journal of Orthopedic Surgery*" (2010) Volume 17, Number 2.

<sup>75</sup> Joao Rezende-Neto, Fabriccio D F Silva, Leonardo B O Porto, Luiz C Teixeira, Homer Tien, Sandro B Rizoli, "Penetrating injury to the chest by an attenuated energy projectile: a case report and literature

review of thoracic injuries caused by 'less lethal' munitions", *World Journal of Emergency Surgery* 2009, 4:26.

<sup>76</sup> The Applied Research Laboratory, The Pennsylvania State University and the Los Angeles Sheriff's Department, *The Attribute Based Evaluation of Less than Lethal, Extended Range, Impact Munitions* (2001).

<sup>77</sup> Home Office Scientific Development branch, *Less Lethal Technologies Review of Commercially Available and Near-Market Products for the Association of Chief Police Officers Publication No. 49/08* (2008), p. 10. In addition, see Los Angeles Sheriff's Department (LASD) and Penn State University's Applied Research Laboratory, *The Attribute-Based Evaluation (ABE) of Less-Than-Lethal, Extended-Range, Impact Munitions* (2001). This found that rounds with small pellets had a "large range of dispersions", with pellets dispersing over an area of 45 inches (1.1 metres) at a range of 21 feet and had large variations in their imparted momentum. Another article found that "single-projectile munitions are... inherently more accurate than their multiple-projectile cousins and thus provide officers with the capacity to direct their shots to specific localized areas of a subject's body". Klinger, D, "Impact munitions: a discussion of key information", *Policing: An International Journal of Police Strategies & Management*, Volume 30, No. 3, 2007, p. 389.

<sup>78</sup> Home Office Scientific Development branch (2008), op. cit., p. 10.

<sup>79</sup> Stark, M, *Clinical Forensic Medicine: A Physician's Guide*, p. 198. Note that this focuses mainly on batons in use in the UK and USA.

<sup>80</sup> B'Tselem, *Follow Up: Military Police and MAG Corps investigations of civilian Palestinian fatalities in West Bank since new policy imposed*, updated on 30 December 2013 ([http://www.btselem.org/accountability/military\\_police\\_investigations\\_followup](http://www.btselem.org/accountability/military_police_investigations_followup)).

<sup>81</sup> Interviewed by Amnesty International on 13 September 2013 in Aboud.

<sup>82</sup> Interviewed by Amnesty International on 13 September 2013 in Aboud.

<sup>83</sup> Interviewed by Amnesty International on 16 March 2013 in Aboud.

<sup>84</sup> *Jerusalem Post*, *Palestinians clash with IDF at funeral of activist*, 8 March 2013 (<http://www.jpost.com/Middle-East/Palestinians-clash-with-IDF-at-funeral-of-activist>).

<sup>85</sup> B'Tselem, *Soldier kills Palestinian demonstrator Mustafa Tamimi, 28, by shooting tear-gas canister at him*, 11 December 2011 ([http://www.btselem.org/firearms/20111209\\_killing\\_of\\_mustafa\\_tamimi](http://www.btselem.org/firearms/20111209_killing_of_mustafa_tamimi)).

<sup>86</sup> Israeli Military Advocate General (MAG) Corps statement on the closing of the investigation into the killing of Mustafa Tamimi, 8 December 2013 (<http://www.law.idf.il/163-6459-en/Patzar.aspx?pos=5>).

<sup>87</sup> Yesh Din, *MAG closes file in 2009 killing of Bassem Abu Rahmeh*, 12 September 2013 (<http://www.yesh-din.org/infoitem.asp?infocatid=443>).

<sup>88</sup> BBC, *Palestinian dies after inhaling gas at W Bank protest*, 1 January 2011 (<http://www.bbc.co.uk/news/world-middle-east-12103825>).

- <sup>89</sup> Interviewed by Amnesty International on 16 March 2013 in Qusra.
- <sup>90</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.
- <sup>91</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.
- <sup>92</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum.
- <sup>93</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum.
- <sup>94</sup> Interviewed by Amnesty International on 13 January via Skype.
- <sup>95</sup> Interviewed by Amnesty International on 9 March 2013 in Ramallah.
- <sup>96</sup> Interviewed by Amnesty International on 15 March 2013 in East Jerusalem.
- <sup>97</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum.
- <sup>98</sup> *Musta'ribin* means "people disguised as Arabs" and is used by Palestinians to refer to members of undercover police units since this unit operates by blending in with protesters to carry out arrests.
- <sup>99</sup> Interviewed by Amnesty International on 9 March 2013 in the Palestine Medical Complex in Ramallah.
- <sup>100</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum. For more information on this case, including video documentation see B'Tselem, *The military must stop unacceptable practice of unleashing dogs against civilians*, 29 March 2012 ([http://www.btselem.org/beating\\_and\\_abuse/20120329\\_army\\_use\\_of\\_dogs](http://www.btselem.org/beating_and_abuse/20120329_army_use_of_dogs)).
- <sup>101</sup> *Haaretz*, *IDF to reduce use of dogs against protesters*, 15 December 2012 (<http://www.haaretz.com/news/diplomacy-defense/idf-to-reduce-use-of-dogs-against-protesters.premium-1.436537>). For more information on the use of dogs by Israeli forces policing demonstrations see: B'Tselem, *Following B'Tselem Documentation: Israeli army decides to stop using dogs to disperse West Bank demonstrations*, 18 June 2012 ([http://www.btselem.org/beating\\_and\\_abuse/20120618\\_military\\_use\\_of\\_dogs](http://www.btselem.org/beating_and_abuse/20120618_military_use_of_dogs)).
- <sup>102</sup> Interviewed by Amnesty International on 10 September 2013 in Hebron.
- <sup>103</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012, p. 9 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).
- <sup>104</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012, p. 14 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).
- <sup>105</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012, p. 13 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).
- <sup>106</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December

2012, pp 11-12 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>107</sup> Interviewed by Amnesty International on 10 September in Aida refugee camp.

<sup>108</sup> Israel Security Agency, also known as Shabak and Shin Bet.

<sup>109</sup> Andalou Agency video, (<http://www.frequency.com/video/85/141425405>).

<sup>110</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>111</sup> Ifex, *Attack against Palestinian journalists shows Israeli soldiers' disregard for their safety*, 24 October 2013 ([http://www.ifex.org/israel/2013/10/24/deliberate\\_attack\\_against\\_journalists](http://www.ifex.org/israel/2013/10/24/deliberate_attack_against_journalists)).

<sup>112</sup> Committee to Protect Journalists, *Israel and the Occupied Palestinian Territory: Attacks on the Press*, 14 February 2013 <http://cpj.org/2013/02/attacks-on-the-press-in-2012-israel-and-the-occupied-palestinian-territory.php>).

<sup>113</sup> Palestinian Centre for Development and Media Freedom (MADA), *Media Freedoms Status in Palestine Semi Annual Report of 2013* ([http://www.madacenter.org/report.php?lang=1&id=1320&category\\_id=14&year](http://www.madacenter.org/report.php?lang=1&id=1320&category_id=14&year))

<sup>114</sup> Palestinian Centre for Development and Media Freedom (MADA), *Targeting of photographer Al-Qadi by the occupation is another crime against journalists* (in Arabic), 2 March 2013 ([http://www.madacenter.org/report.php?lang=2&id=1275&category\\_id=6&year](http://www.madacenter.org/report.php?lang=2&id=1275&category_id=6&year)).

<sup>115</sup> Wattan, *In video: The occupation forces attack a demonstration and Palestinian TV crew in Qufr Kadoum* (in Arabic), 21 June 2013 (<http://www.wattan.tv/ar/news/35631.html>).

<sup>116</sup> Ifex, *Security forces beat journalists at protest decrying Israel's storming of Al-Aqsa mosque*, 25 September ([http://www.ifex.org/israel/2013/09/25/mada\\_the\\_israeli\\_occupation/](http://www.ifex.org/israel/2013/09/25/mada_the_israeli_occupation/)).

<sup>117</sup> The Foreign Press Association, *Statements 2013*, 16 January 2013 (<http://www.fpa.org.il/?categoryId=73840>).

<sup>118</sup> Ma'an News, *Clashes in Abu Dis following Israeli house demolition*, 22 October 2013 (<http://www.maannews.net/eng/ViewDetails.aspx?ID=640000>).

<sup>119</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>120</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>121</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>122</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>123</sup> B'Tselem video, *Officer fires tear gas canister at B'Tselem videographer*, 2013, December 2013 ([http://www.btselem.org/video/20131203/beit\\_ummar](http://www.btselem.org/video/20131203/beit_ummar)).

<sup>124</sup> +972 Magazine, *Watch: Israeli forces shoot B'Tselem spokesperson during West Bank protest*, 20

July 2013 (<http://972mag.com/btselem-spokesperson-injured-at-west-bank-protest-soldier-knowingly-shot-in-my-direction/76172/>).

<sup>125</sup> Interviewed by Amnesty International on 9 March 2013 in Ramallah.

<sup>126</sup> Yesh Din, *Updated statistics on investigations, convictions, and penalization following the death of Palestinians*, August 27 2013 (<http://yesh-din.org/infoitem.asp?infocatid=435>).

<sup>127</sup> Palestinian Centre for Human Rights (PCHR), *An Illusion of Justice*, March 2013 (<http://www.pchrgaza.org/files/2013/An%20illusion%20of%20Justice.pdf>); and PCHR, *Genuinely Unwilling: An Update, The Failure of Israel's Investigative and Judicial System to Comply with the Requirements of International Law, with particular regard to the Crimes Committed during the Offensive on the Gaza Strip*, August 2010 (<http://www.pchrgaza.org/files/2010/Genuinely%20Unwilling%20-%20An%20Update.pdf>); PCHR, *Genuinely Unwilling: Israel's Investigations into Violations of International Law including Crimes Committed during the Offensive on the Gaza Strip, 27 December 2008 – 18 January 2009*, February 2010 (<http://www.pchrgaza.org/files/2010/israeli-inve.-%20English.pdf>); Al-Mezan, *Legal Brief: Israel's Evasion of Accountability for Grave International Crimes*, July 2012 ([http://www.mezan.org/en/details.php?id=14708&ddname=IOF&id\\_dept=22&id2=9&p=center](http://www.mezan.org/en/details.php?id=14708&ddname=IOF&id_dept=22&id2=9&p=center)); and Yesh Din, *Alleged Investigation: The failure of investigations into offenses committed by IDF soldiers against Palestinians*, 7 December 2011 (<http://www.yesh-din.org/infoitem.asp?infocatid=166>); Yesh Din, *Exceptions: Prosecution of IDF soldiers during and after the Second Intifada, 2000-2007*, 25 December 2008 (<http://www.yesh-din.org/infoitem.asp?infocatid=11>); and B'Tselem, *Void of Responsibility*, September 2010 ([http://www.btselem.org/publications/summaries/201009\\_void\\_of\\_responsibility](http://www.btselem.org/publications/summaries/201009_void_of_responsibility)).

<sup>128</sup> Yesh Din, *Alleged Investigation: The failure of investigations into offenses committed by IDF soldiers against Palestinians*, 7 December 2011 (<http://www.yesh-din.org/infoitem.asp?infocatid=166>).

<sup>129</sup> This did not lead to prosecutions of army personnel in the vast majority of cases, including some cases documented by human rights organizations and alleged to be serious violations of international law. See: B'Tselem, *Void of Responsibility*, September 2010, pp 11-13.

<sup>130</sup> B'Tselem, *Void of Responsibility*, September 2010, pp 11-13 and pp 13-15; Yesh Din, *Alleged Investigation*, pp 9, 23-24.

<sup>131</sup> B'Tselem, *Military Police investigations regarding the deaths of Palestinians*, updated on 16 August 2012 ([http://www.btselem.org/accountability/investigation\\_of\\_complaints](http://www.btselem.org/accountability/investigation_of_complaints)). Amnesty International disagrees with the army's characterization of the situation in the occupied West Bank as an armed conflict; and even during armed conflict, military forces have a clear duty to investigate all civilian deaths under international humanitarian law. Amnesty International is nevertheless following the Israeli military investigations into several cases in which Palestinian civilians in the West Bank were killed by Israeli forces.

<sup>132</sup> Yesh Din, *Alleged Investigation*, pp 36-38. See pp 32-36 for more information regarding basing the "inquiry" process on operational debriefings; see also B'Tselem, *Void of Responsibility*, pp 42-45.

<sup>133</sup> Yesh Din, *Alleged Investigation*, pp 77-81.

<sup>134</sup> Yesh Din, *Alleged Investigation*, pp 86-87; B'Tselem, *Void of Responsibility*, pp 47-48.

<sup>135</sup> Israeli investigations into alleged war crimes and other violations of international law during Operation "Cast Lead" in 2008-2009 were widely criticized internationally and among Palestinians on the grounds that they were neither independent nor impartial, and so failed to ensure either that those responsible for serious crimes were held to account or that the victims of crimes received justice. The investigations were carried out under the auspices of the MAG, a legally trained serving military officer of the Israeli army, and his staff, and using a system of operational debriefings by field commanders. See Amnesty International, *Israel/Gaza: Operation 'Cast Lead': 22 days of death and destruction* (Index: MDE 15/015/2009), July 2009 (<http://www.amnesty.org/en/library/info/MDE15/015/2009>); and *Israel/Occupied Palestinian Territories: Amnesty International's updated assessment of Israeli and Palestinian investigations into the Gaza conflict* (Index: MDE 15/018/2011), 18 March 2011 (<http://www.amnesty.org/en/library/info/MDE15/018/2011>).

<sup>136</sup> See Israel Ministry of Foreign Affairs, *Disputed Territories: Forgotten Facts About the West Bank and Gaza Strip*, 1 February 2003 (<http://mfa.gov.il/MFA/MFA-Archive/2003/Pages/DISPUTED%20TERRITORIES-%20Forgotten%20Facts%20About%20the%20We.aspx>). Basically, Israel has argued that the Fourth Geneva Convention only applies to the sovereign territory of a High Contracting Party, and that as Jordan and Egypt never had legal sovereignty over the West Bank and Gaza Strip, these areas should not be considered as occupied territories under international law. This contention has never been accepted by any international bodies.

<sup>137</sup> See, for example *Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention*, 5 December 2001, para. 3 (<http://www.icrc.org/eng/resources/documents/misc/5fldpj.htm>); International Court of Justice Advisory Opinion, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004, para. 101 ([www.icj-cij.org/homepage/index.php](http://www.icj-cij.org/homepage/index.php)); and International Court of Justice Advisory Opinion, 9 July 2004 (<http://www.icj-cij.org/docket/files/131/1671.pdf>); and UN General Assembly Resolution 67/119 (A/Res/67/19), adopted on 18 December 2012 ([http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/67/119](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/119)).

<sup>138</sup> International Committee of the Red Cross (ICRC), *Commentary - Art. 27. Part III: Status and treatment of protected persons #Section I: Provisions common to the territories of the parties to the conflict and to occupied territories Commentary to Article 27 of the Fourth Geneva Convention* (<http://www.icrc.org/ihl.nsf/COM/380-600032?OpenDocument>).

<sup>139</sup> ICRC, *Commentary - Art. 33. Part III: Status and treatment of protected persons #Section I: Provisions common to the territories of the parties to the conflict and to occupied territories*, p. 225, (<http://www.icrc.org/ihl/com/380-600038>).

<sup>140</sup> For examples see *Concluding Observations of the Human Rights Committee, Israel*, 3 September 2010, CCPR/C/ISR/CO/3, para. 5 (<http://unispal.un.org/UNISPAL.NSF/0/51410EBD25FCE78F85257770007194A8>); and *Concluding Observations of the Committee against Torture, Israel*, CAT/C/ISR/4, 23 June 2009, para. 11 (<http://unispal.un.org/UNISPAL.NSF/0/DBE3C94863A888938525763300544555>); and *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel*, E/C.12/ISR/CO/3, 16 December 2011, para. 8



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([http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fcescr%2Fdocs%2Fco%2FE-C-12-ISR-CO-3\\_en.doc](http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fcescr%2Fdocs%2Fco%2FE-C-12-ISR-CO-3_en.doc)); and ICJ Advisory Opinion, 9 July 2004, paras 111-113.

<sup>141</sup> Human Rights Committee, General Comment 31 [80] *Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13m, 25 May 2004, para. 10 (<http://www.unhcr.ch/tbs/doc.nsf/0/58f5d4646e861359c1256ff600533f5f>).

<sup>142</sup> UN Special Representative of the UN Secretary-General on the situation of human rights defenders, A/62/225, 13 August 2007, para. 91.

<sup>143</sup> UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 1, 1989 (<http://www.unrol.org/doc.aspx?d=2243>); and UN Human Rights Committee, *General Comment No 31 on the nature of the General Legal Obligation Imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13, 16 May 2004, para. 18 (<http://tb.ohchr.org/default.aspx?Symbol=CCPR/C/21/Rev.1/Add.13>).

<sup>144</sup> UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 9.

<sup>145</sup> UN Code of Conduct for Law Enforcement Officials, UN General Assembly resolution 34/169, UN Doc. A/34/46 (1979), Article 2.

<sup>146</sup> UN Code of Conduct, Article 1.

<sup>147</sup> UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, UN Doc. A/CONF.144/28/Rev.1 at 112 (1990), General Provision 4.

<sup>148</sup> UN Basic Principles, General Provision 5.

<sup>149</sup> UN Basic Principles, General Provisions 5, 6, 7 and 8, and Special Provisions 9, 10, 11, 12, 13, 14, 15 and 16.

<sup>150</sup> UN Code of Conduct, Article 3.

<sup>151</sup> UN Code of Conduct, General Provision 7.



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## TRIGGER-HAPPY

### ISRAEL'S USE OF EXCESSIVE FORCE IN THE WEST BANK

Israeli forces have repeatedly violated their obligations under international human rights law by using excessive force to stifle dissent and freedom of expression, resulting in a pattern of unlawful killings and injuries to civilians, including children, and have been permitted to do so with virtual impunity due, in no small part, to the authorities' failure to conduct thorough, impartial and independent investigations.

This report focuses on the use of excessive force by Israeli forces in the West Bank since the beginning of 2011. In doing so, it details cases of killings and injuries by Israeli forces of Palestinian civilians in the context of protests in the West Bank against Israel's continuing military occupation of the Palestinian territories, illegal Israeli settlements and the fence/wall, as well as Israel's treatment of Palestinian prisoners and detainees and violence against Palestinians by Israeli settlers. In some of the cases that Amnesty International has examined and documented, it appears that Palestinians killed by Israeli soldiers were victims of wilful killings; if so, such killings would amount to war crimes.

Amnesty International is calling on the government of Israel to open independent, impartial, transparent and prompt investigations into all reports of Palestinian civilians killed or seriously injured by the actions of Israeli forces in the Occupied Palestinian Territories. As a first step towards bringing Israeli accountability mechanisms closer to international standards, they should implement all the recommendations of the Israeli-appointed Public Commission to Examine the Maritime Incident of 31 May 2010 (known as the Turkel Commission) published in 2013.

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February 2014

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# TRIGGER-HAPPY

ISRAEL'S USE OF EXCESSIVE FORCE IN  
THE WEST BANK

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*Cover photo:* Palestinian protester Mustafa Tamimi was killed after being hit in the head by a tear gas canister fired at close range by an Israeli soldier from a military jeep, December 2011. © Haim Schwarczenberg

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# 1. INTRODUCTION

**“Out of nowhere many soldiers jumped out and ambushed Samir. They shot him first in the leg, yet he managed to run away towards the village. But how far can an injured child run? Twenty, maybe 30, metres? They could have easily arrested him, especially when he was injured, but instead they shot him in the back with live ammunition... To me this is premeditated murder.”**

Malek Murrar, 16, interviewed on 20 September 2013 at the site where he had witnessed his friend Samir Awad being shot earlier in the year.

Samir Awad was just 16 years old when Israeli soldiers shot and killed him in January 2013 as he fled from the place where a number of Israeli soldiers ambushed a group of Palestinian children who were protesting against the construction of Israel's fence/wall, which cuts across the village of Bodrus, near Ramallah in the Occupied Palestinian Territories (OPT), where they lived. Eyewitnesses attested that Samir Awad and the other children were posing no serious threat to the soldiers who fired at them, or to others. Yet, more than one year later, the Israeli authorities have failed to ensure any accountability for his death or for their soldiers' use of live fire against Samir Awad and the other children.

The circumstances of the killing of Samir Awad were reminiscent of other killings of Palestinians during demonstrations against Israel's continued military occupation in the West Bank that have occurred in recent years. According to Amnesty International's research, he was among the first of at least 22 Palestinian civilians to be killed by Israeli forces in the occupied West Bank in 2013, four of whom were children. Thousands of other Palestinians were wounded by Israeli forces in the same year.

Recent years have seen a mounting toll of deaths and injuries of Palestinians as a result of shooting or other violence by Israeli soldiers outside the context of armed conflict. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 27 Palestinians were





*Nariman Tamimi suffering effects of tear gas fired by Israeli forces at a protest in Nabi Saleh in May 2013. © Haim Schwarzenberg*

killed in 2013 by Israeli forces (25 by live ammunition and two by rubber-coated metal bullets). This was 1.5 times the number of those killed in 2011 and 2012 combined; 10 were killed in 2011 (eight by live ammunition, one by a tear gas canister and one following tear gas inhalation) and another eight in 2012 (all by live ammunition), a total of 18.

The shooting of Samir Awad followed a familiar

pattern in which groups of Palestinians, usually comprising mostly children and young adults, gather to protest against Israeli occupation, as well as the policies and practices that underpin it, including the creation and expansion of illegal settlements, land seizures, closures, arrests and detentions and other violations of the rights of Palestinians. Often, these groups resort to low-level violence, throwing stones and rocks at Israeli soldiers but without posing any serious risk to them due to the distance and the heavily protected nature of their positions. In return, Israeli soldiers use a wide variety of measures against the protesters; these include less-lethal means such as various chemical irritants (commonly called tear gas), pepper spray, stun grenades (sound bombs), maloderants (foul-smelling “skunk water”) and hand-held batons, but on frequent occasions Israeli forces have also resorted to lethal means and have fired rubber-coated metal bullets and live firearms ammunition at protesters, causing deaths and injuries. In some cases, they have also killed or injured demonstrators by firing tear gas directly at them from close range or by using tear gas in enclosed spaces causing asphyxiation. Often, the force used by Israeli forces against protesters seems to be unnecessary, arbitrary and abusive.

### **THE OCCUPIED PALESTINIAN TERRITORIES**

The area comprising the OPT is made up of the West Bank, including East Jerusalem, and the Gaza Strip – areas that Israel occupied in 1967 and has continued to control during the more than four decades since then. In 1994 the Oslo Accords agreed between Israel and the Palestine Liberation Organization (PLO) led to the establishment of the Palestinian Authority (PA), with limited jurisdiction over parts of the West Bank, excluding East Jerusalem, and the Gaza Strip. The establishment of the PA and the admission of Palestine as a non-member observer state at the UN General Assembly in 2012 did not change the status of the OPT under international law; they remained territories under Israeli military occupation. Israel retains effective control over them, including their population, their natural resources and, with the exception of Gaza’s short southern border with Egypt, their land and sea borders and airspace.

Both the Israeli army and the police, including the Border Police, have authority to police

Palestinian public assemblies, including protests, in the West Bank; in East Jerusalem, however, only the police exercise such authority. The police, but not the army, have policing powers in relation to Israeli settlers.

Within the West Bank, the Oslo Accords gave the PA jurisdiction over civil affairs (such as health, education and internal security) in approximately 40 per cent of the land area, comprising some 230 separate enclaves each surrounded by other areas of the West Bank that remain under full Israeli military administration. Only in these areas do the PA security forces have authority to, among things, police demonstrations.

The PA also exercised similar, limited powers in the densely populated Gaza Strip until June 2007, when escalating armed clashes between security forces and armed groups loyal to the two main Palestinian political parties, Fatah and Hamas, culminated in Hamas seizing control of PA institutions in the Gaza Strip. Since then, Hamas has acted as the de facto government of Gaza while Fatah remains the dominant party comprising the PA government in the West Bank.<sup>1</sup>

All three authorities – Israel, the PA and the Hamas de facto administration in Gaza – have responsibilities to respect international human rights law and international humanitarian law, while Israel also has specific obligations under international humanitarian law relevant to its status as an occupying power, in particular towards Palestinian civilians in the OPT who are “protected persons” under the Fourth Geneva Convention.

In recent years, the West Bank has seen continuing protests against the prolonged Israeli occupation and the repressive policies, practices and outcomes to which it has given rise, including the ever-expanding unlawful Israeli settlements established within the occupied West Bank, the approximately 700km-long fence/wall built mostly on Palestinian land, forcible house demolitions, Israeli military checkpoints, roads reserved for use by Israeli settlers from which Palestinians are excluded, and other restrictions on the movement of Palestinians in the OPT. More than a dozen Palestinian villages and communities in the West Bank that are most directly affected either by the location of the fence/wall and/or by the location of Jewish-only settlements built on Palestinian lands hold weekly demonstrations to protest against Israeli policies and their impact; they include the villages of Nabi Saleh, Bil'in, Ni'lin and Kufr Qadum, and urban centres such as Hebron and East Jerusalem. Protests are also held against the imprisonment and detention of thousands of Palestinian activists and their treatment in Israeli prisons and in response to other developments such as Israeli military strikes in Gaza and the killing or injury of Palestinians in protests or during arrest raids.

The right to peaceful protest is of particular importance for Palestinians in the OPT, as they have no opportunity to influence the policy of the occupying power through voting or other such means. To an extent, exercising the right to protest in full view of well-armed Israeli troops, despite the evident dangers that this presents, has also become a mark of defiance by Palestinians, especially youth, against the continuing occupation and its daily humiliations. In villages such as Nabi Saleh, where demonstrations are held on a weekly basis, the repressive response of Israeli forces may amount to collective punishment. Israeli forces frequently declare Nabi Saleh a closed military zone, block access roads into it, and use

excessive force against protesters and bystanders and damage residents' property. Israeli forces have used tear gas against homes, sometimes injuring people inside – mainly by the asphyxiating effects of tear gas – and have deliberately damaged property such as residents' water storage tanks located on rooftops. Israeli forces have also frequently attacked medics seeking to assist people wounded, human rights defenders and journalists who are present to monitor their behaviour or report on protests, including by firing tear gas canisters and rubber-coated metal bullets at them. The approach appears intended to intimidate people into not attending the protests.

Some protests are organized by local activists and community groups and are held regularly, often at a set time each week, while others develop spontaneously in response to actions such as Israeli army incursions into Palestinian communities in the West Bank, raids on Palestinian homes leading to arrests or the deaths of Palestinian prisoners held by Israel. When these happen, protesters have tended to gather near the main points of regular friction between Palestinians and the army, such as the military towers and checkpoints that Israel maintains near the Qalandia, Aida, Fawwar, Aroub and other refugee camps for Palestinians displaced by Israel in 1948.

Both types of protests frequently begin peacefully but descend into violence when a minority of the protesters, often younger ones, start throwing stones in the direction of Israeli soldiers either at their own initiative or in response to aggressive actions by the Israeli forces. Even when catapults are used, in practice such stone-throwing poses little or no serious risk to Israeli soldiers, who are generally too far away for the stone-throwers to have any chance of hitting them and are well protected, and has no more than an irritant value. Often, the stone-throwers are seeking to hit inanimate targets – such as the fence/wall, which is up to around eight metres high, or the military observation towers that overlook it and local Palestinian villages, or Israeli military vehicles – that stand as the most tangible symbols of continuing Israeli military occupation. Yet, as the cases documented in this report show, Israeli forces frequently respond to such stone-throwing protests using grossly excessive force, including the use of live fire against protesters, causing unnecessary – and unlawful – deaths and injuries. On occasions, the army has claimed that protesters used petrol bombs but if such cases did occur they were departures from the norm, and even then may have posed little risk to Israeli soldiers due to the distance from which they were thrown. Reports alleging the use of firearms by protesters are rare; on two occasions in 2013 the army alleged that Israeli soldiers had come under fire from Palestinians in the context of protests but without disclosing whether any soldiers were injured as a result.<sup>2</sup>

The army has also used excessive force against Palestinians protesting against or responding to violence by Israeli settlers, such as in Qusra, Burin, Silwad and other villages. At times, Israeli soldiers have stood by and allowed settlers to attack Palestinians and/or their property or have added to the violence by using excessive force against Palestinians who responded to such settler attacks. As a result of this and the complete lack of effective investigations into settler violence against Palestinians, many settlers appear to believe they can attack Palestinians and their property without fearing that the Israeli authorities will stop them or that they will face justice for the crimes they commit. In practice, settlers who commit such attacks do so with near total impunity.

Israeli forces have a long record of using excessive force against Palestinian demonstrators in the West Bank. Since the beginning of the first Intifada<sup>3</sup> in 1987, Amnesty International and

other local and international human rights organizations have documented a pattern of excessive force by the Israeli army and Border Police against Palestinian civilians, including men, women and children, which has resulted in hundreds of deaths and the wounding of thousands more.<sup>4</sup> Israeli forces perpetrating these human rights violations have enjoyed widespread impunity.

### **RESTRICTIONS ON THE RIGHT TO FREEDOM OF ASSEMBLY AND EXPRESSION**

The Israeli military authorities govern the occupied West Bank, including the areas under PA administration but excluding East Jerusalem, using a regime of military orders that have the force of law. They have issued more than 1,600 such military orders since the occupation began in 1967. Israel annexed East Jerusalem after it seized the OPT in 1967, in contravention of international law, which prohibits the annexation of territory by an occupying force, and East Jerusalem continues to be recognized as an occupied territory under international law. Since annexing it, however, Israel applies its own civil law to East Jerusalem and accords Palestinians who reside there the status of residents of the State of Israel.

Military Order 101 "Regarding the Prohibition of Acts of Incitement and Hostile Propaganda",<sup>5</sup> issued by the Israeli army commander in the West Bank region on 27 August 1967, has remained in force since that time and is a key instrument regulating the right of Palestinians in the West Bank to demonstrate. It prohibits all gatherings of 10 or more persons "for a political purpose or for a matter that could be interpreted as political" or even "to discuss such a topic" unless they have received authorization in advance under a permit issued by the Israeli military commander in the area. Anyone breaching the order faces imprisonment for up to 10 years and/or a hefty fine.

Military Order 1651 (Order Regarding Security Provisions, Consolidated Version)<sup>6</sup> also contains many articles which allow the security forces to stifle freedom of expression including Article 318, which allows for the imposition of a closed military zone, thereby declaring a certain area off limits for certain periods of time. This order is many times used to deny the right to peacefully demonstrate, or as a pretext to use violence to disperse demonstrators.

The implementation of these orders violates Israel's obligation, under the International Covenant on Civil and Political Rights (ICCPR), to respect and uphold the rights to freedom of expression and peaceful assembly.

Israel has no written constitution and the rights to freedom of expression and assembly are not codified in its Basic Laws. Through case law, the Israeli Supreme Court has emphasized the constitutional nature of the rights to freedom of expression and assembly, allowing assemblies of up to 50 people to be held without obtaining a police permit, but it has also afforded the police power to restrict these rights if their exercise threatens or endangers national security or public order. This is only applicable to Israel and occupied East Jerusalem.

Since April 2011, Israel has adopted a policy on military investigations that requires the Military Advocate General (MAG) Corps to instruct the Military Police to investigate every case

in which a Palestinian in the West Bank who is not taking part in hostilities is killed by Israeli forces. This is a step in the right direction, but it falls far short of what is required by international human rights standards. These require that government authorities conduct prompt, independent, impartial, thorough, effective, and transparent investigations into all such deaths; the current Israeli system is neither independent nor impartial.<sup>7</sup>

Since the policy came into force, Israeli forces have killed at least 35 Palestinian civilians in the West Bank outside situations of armed conflict. The Military Police Criminal Investigation Division (MPCID) has opened investigations into 24 Palestinians killed in 20 different incidents. Only one of these investigations has led to an Israeli soldier being prosecuted and convicted of wrongfully causing the death of a Palestinian. Three investigations were closed without indictments being filed, five were closed but their findings not announced yet, and 11 investigations remain open. Up to now, the new policy on investigations appears not to have had any real impact in denting, let alone breaking, the long-standing pattern of impunity for Israeli soldiers and Border Police who kill or maim civilians in the West Bank through the use of excessive force.

This report shows how Israeli forces have repeatedly violated their obligations under international human rights law by using excessive force to stifle dissent and freedom of expression, resulting in a pattern of unlawful killings and injuries to civilians, including children, and have been permitted to do so with virtual impunity due, in no small part, to the authorities' failure to conduct thorough, impartial and independent investigations. Such arbitrary and abusive use of force contravenes policing standards that protect the right to life and other human rights and they also violate international humanitarian law applicable in territories under foreign military occupation, including the West Bank. In some cases that Amnesty International has examined and documents below, it appears that Palestinians killed by Israeli soldiers were victims of wilful killings; if so, such killings would amount to war crimes.

This pattern of killings and injuries of civilians needs urgently to be addressed and remedied. Towards this end, Amnesty International is calling on the government of Israel to open independent, impartial, transparent and prompt investigations into all reports of Palestinian civilians killed or seriously injured by the actions of Israeli forces in the OPT. Where sufficient admissible evidence exists, they should prosecute Israeli personnel responsible for unlawful killings or injuries according to fair trial standards. As a first step towards bringing Israeli accountability mechanisms closer to international standards, they should implement all the recommendations of the Israeli-appointed Public Commission to Examine the Maritime Incident of 31 May 2010 (known as the Turkel Commission) concerning investigations conducted by the Israel Defense Forces (IDF), as published in the Commission's second report of February 2013.

## ABOUT THIS REPORT

This report focuses on the use of excessive force by Israeli forces in the West Bank since the beginning of 2011. In doing so, it details cases of killings and injuries by Israeli forces of Palestinian civilians in the context of protests in the West Bank against Israel's continuing military occupation of the Palestinian territories, illegal Israeli settlements and the fence/wall, as well as Israel's treatment of Palestinian prisoners and detainees and violence against Palestinians by Israeli settlers. Israel's policy of settling its civilians on occupied land

violates the Fourth Geneva Convention and is considered a war crime according to the statute of the International Criminal Court. The International Court of Justice has concluded that construction of the fence/wall inside the occupied West Bank, including in and around East Jerusalem, violates international human rights and humanitarian law.

The report also includes one case from 2009 in which a Palestinian peaceful protester was killed following the use of excessive force by Israeli forces and for which no one has been held accountable. It does not include cases of killings or injuries in other contexts such as search-and-arrest operations. The report also does not cover Israel's use of excessive force against Palestinians protesters in the Gaza Strip, such as in the "buffer zone" bordering Israel.

Amnesty International has reported elsewhere on events in the West Bank and beyond involving the use of excessive force, including lethal, force by Israeli forces earlier in 2011 – such as the shooting of protesters who gathered on 15 May 2011 to mark the Nakba (catastrophe) anniversary of Israel's dispossession of Palestinians in 1948 and the killing and wounding of demonstrators who sought to cross from Syria into the Israeli-occupied Golan Heights on 5 June 2011.<sup>8</sup> Amnesty International does not address these matters in this particular report.

During the last two years, Amnesty International has documented elsewhere the use of excessive force by the PA in areas under its control in the West Bank,<sup>9</sup> by the de facto Hamas administration in the Gaza Strip<sup>10</sup> and by Israeli forces inside Israel.<sup>11</sup>

Amnesty International conducted much of the research on which this report is based during visits to the West Bank in July 2012, March 2013, June 2013, September 2013 and December 2013. In investigating the alleged abuses by Israeli forces Amnesty International researchers observed demonstrations, interviewed wounded protesters and bystanders, victims' relatives, eyewitnesses, medical workers, local human rights activists, lawyers, journalists and others and inspected locations in which protesters had been killed or injured. They also obtained corroborative documentation including medical reports and video film footage, and received valuable assistance from Israeli and Palestinian organizations, including Al-Haq, B'Tselem, Yesh Din, Addameer, Breaking the Silence, the Human Rights Clinic at Al-Quds University and Physicians for Human Rights-Israel (PHR-Israel), and from local human rights activists and defenders in Nabi Saleh, Hebron and other areas of the West Bank, as well as from Human Rights Watch and UN agencies.

Amnesty International requested meetings with the Central Command of the IDF and with the office of the MAG in order to seek information on specific cases and to discuss its concerns but neither agreed to meet Amnesty International. Amnesty International has also sent two letters to the Military Advocate General copying other authorities to request information about investigations into the cases included in this report, but no response was received at the time of writing in February 2014. It did, however, receive a reply from the Israeli army which was sent to Amnesty International Israel in response to a letter concerning the use of excessive force in the village of Nabi Saleh. The full names of some individuals interviewed or featured in this report have been withheld at their request out of concern for their or their families' safety.

## 2. KILLINGS AND INJURIES DUE TO THE USE OF LIVE AMMUNITION

**“I demand that the Minister of Defence himself is put on trial as well as all those who give the orders to shoot and kill kids. It is not only the soldier who should go on trial. The soldier does not take the decision by himself. There are orders and there must be some kind of way to prevent this from happening again and again.”**

Ahmad Amarin, whose 15-year-old son, Saleh, was shot dead by an Israeli soldier on 18 January 2013.

At least 41 Palestinians were killed as a result of the shooting of live ammunition by Israeli soldiers between January 2011 and December 2013, while hundreds of others were injured, some seriously, according to data from the UN Office for the Coordination of Humanitarian Affairs (OCHA). Twenty-five Palestinians were killed in 2013 by live ammunition, a figure more than 1.5 times the number of those killed in 2011 and 2012 combined; eight were killed in 2011 and another eight in 2012, a total of 16. Those killed included both protesters and bystanders and at least four children. Amnesty International presents in this chapter details it has documented regarding 14 of the cases of killings and seven of the cases of injuries.

The UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials stipulate that the intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life in self-defence or defence of others against the imminent threat of death or serious injury, and only when less extreme means are insufficient to achieve these objectives.<sup>12</sup> However, in all of the cases of killings described below, Israeli forces opened fire with live ammunition on Palestinians who, the available evidence indicates, were posing no imminent threat to the lives of the soldiers or others. Although some of the victims were engaged in stone-throwing, the circumstances of all their deaths point to them having been victims of unlawful killings, including – in some cases – possible wilful killings.

The high incidence of killings and wounding of Palestinians by Israeli soldiers in the West Bank has inevitably prompted questions as to the content of the “rules of engagement” that the Israeli military authorities issue to their soldiers and Border Police to advise and instruct them as to when and in what circumstances they may resort to force, including lethal force, and what actions, if any, they must take beforehand – for example to issue warnings – and

following any resort to lethal force. The Israeli authorities, however, consider these rules classified information and have declined to make them public, citing security reasons.<sup>13</sup> It remains unclear, therefore, to what extent the rules comply with relevant international standards, notably the UN Basic Principles on the Use of Force and Firearms.

In a rare departure, some details of the rules of engagement issued to soldiers and Border Police were disclosed in a recent Military District Court judgement. This concerned the killing of Odai Darwish, 21, on 12 January 2013 as he sought to cross the wall/fence to seek employment in Israel. On 18 March 2013 the court convicted the soldier who shot him of “causing death by negligence... by carrying out firing against the rules of engagement” after a plea bargain.<sup>14</sup> The soldier, whose identity was not revealed, was sentenced to 12 months’ imprisonment, five months of which were suspended, and demoted from staff sergeant to sergeant. In delivering its verdict, the court incorporated extracts of a document entitled *Operation Directorate, Operation Division Rules of Engagement & Directive “rules of engagement for soldiers in Judea and Samaria and the Seam Zone – Uniform Directive September 2011”*, which was in force at the time of the shooting of Odai Darwish. This directive set out rules to be followed by all army soldiers deployed in the West Bank and in the zone around the fence/wall. These specify that soldiers must avoid and refrain from harming “non-combatant” Palestinian civilians, particularly women and children, and instruct soldiers that they must use their weapons only as a last resort; the directive states that the “necessity of firing” is to be examined at every stage, and, as far as possible, directly by the commander who is in charge or according to his order. The directive sets out a three-stage procedure in relation to “suspect apprehension”, according to which a soldier seeking to apprehend a suspect must first shout to him or her in Arabic, then may fire one or more warning shots in the air if the suspect fails to yield, and finally may shoot directly at the suspect if the suspect continues to resist, in which eventuality the soldier must take aim with the intention to hit the suspect below the knee. According to the rules, the soldier is not to shoot if he is unable to see the suspect’s legs or is unable to shoot with accuracy at the suspect’s legs without severely injuring or killing the suspect. This directive contradicts the UN Basic Principles on the Use of Force and Firearms, which require that law enforcement officials must not use firearms against persons resisting authority unless to prevent the perpetration of a particularly serious crime involving grave threat to life and only when less extreme means are insufficient to achieve that objective,<sup>15</sup>

The “suspect” can be any Palestinian citizen who appears to be engaged in any form of activity that is considered unlawful under Israeli military orders applicable to the West Bank and the area around the fence/wall; this includes leading or participating in demonstrations, and approaching or attempting to cross the area around the fence/wall. According to the directive, soldiers must follow the three-stage “suspect apprehension” procedure even when the individual to be apprehended is identified as a dangerous criminal suspect. The introduction to the directive, parts of which were also cited in the military court judgement relating to the death of Odai Darwish, makes clear that the rules of engagement, in practice, allow soldiers “a large extent of discretion” based on their understanding of “the threat he is dealing with”. However, it specifically prohibits the use of firearms, in all cases, against individuals who have been identified as “innocent” persons posing no threat to Israel forces: “At any time of the day or night, it is prohibited to open fire at or to carry out a suspect apprehension procedure of a person who has been identified as an innocent person who is



not threatening our forces.”

Earlier, the Israeli human rights organization B'Tselem publicized details of some of the official rules and procedures issued to Israeli soldiers and Border Police for use during crowd control operations in a report that it published in December 2012.<sup>16</sup> The Israeli army, however, denied their authenticity, while asserting that the army “exerts tremendous effort in trying to minimize harm done” to protesters including rock throwers and “places great emphasis on making sure senior commanders are present during” demonstrations and protests. An army spokesperson said that soldiers received instructions that were regularly updated and passed down from army headquarters to the field, where they were adapted for the use of soldiers there in order to ensure that they “understand what is permitted with regards to the use of force and the use of riot control measures.” According to the army spokesperson, soldiers were instructed that live fire was “only allowed under very specific operational circumstances”, including to “negate an actual or immediate threat to life, as the last option in the procedure for stopping a suspect, as well as in certain circumstances to contend with the threat to life posed during violent riots.”

The information available regarding the rules of engagement issued to Israeli soldiers and Border Police involved in crowd control operations points to some serious problems, with some provisions appearing to contravene the UN Basic Principles on the Use of Force and Firearms and other international human rights law and standards. According to the UN Basic Principles, the intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. However, the few details that have been disclosed about the rules of engagement, notably in the recent military court judgement arising from the killing of Odai Darwish, indicate that Israeli soldiers are permitted by their superiors to resort to live ammunition gunfire in circumstances when their lives are not at imminent risk – for example, against a suspect who fails to surrender when ordered to do so, albeit with the intention of wounding and not killing the suspect. This is a lower threshold than that permitted under the Basic Principles. In practice, however, as the cases described below illustrate, Israeli soldiers engaged in policing and crowd control operations in the West Bank have repeatedly used live fire against Palestinian protesters and others in circumstances that not only violate international law but also appear to contravene the Israeli army's own code of conduct, and have been allowed to do so with impunity.

## 2.1 KILLINGS

**Samir Awad**, 16, sat a school exam on the morning of 15 January 2013 but did not live to hear the results. Later that morning, at around 10.30am, Israeli soldiers fired three bullets into him, killing him. One bullet struck his left leg, a second penetrated his left shoulder and exited through the right side of his chest, and a third struck him in the back of the head, exiting through his forehead. Samir Awad was not armed or posing any threat to anyone at the time of his death. After finishing the last exam of the term, he and a group of his schoolmates decided to go towards the fence/wall which is located about 200 metres away from their school in the village of Bodrus, near Ramallah. The fence/wall separates the village from its farmlands and acts as a serious barrier to the freedom of movement of local people; it has been the focus of frequent, regular protests by villagers since 2003.

It appears that Samir Awad and his friends wished to stage their own protest against the fence/wall on 15 January. In doing so, Samir Awad entered the area between the two parallel

fences that form part of the separation barrier. With another boy, he first passed through a gap in the barbed wire between the path on which he and his friends had been walking and the first fence, but they were then ambushed by several Israeli soldiers. Samir Awad's companion managed to make his escape but Samir Awad was caught between the two fences, one of which was electrified. The soldiers shouted at Samir Awad and then fired warning shots in the air, but he continued to elude them and climbed over the fence through which he had entered, despite being shot in the leg by one of the soldiers. Then, as he continued to try and run away, the soldiers fired further shots, fatally wounding him. The soldiers sought to give him first aid but allowed local people who came out from Bodrus to carry Samir Awad away. They took him to Ramallah Hospital, where he was pronounced dead 40 minutes after arrival.

One of the boys who accompanied Samir Awad as they walked home from school told Amnesty International what he witnessed after Samir Awad and his friend entered the area between the two fences:

*Four soldiers jumped out of the ditches along the way of the wall... and yelled at Samir to stop while shooting in the air. Samir freaked out and, instead of coming towards us, went to the other side and was trapped further inside. He was running around, and the others escaped outside. He was the only one there.*

*Samir tried to climb the fence but one of the soldiers shot him. He fell, and then got up again and started running. Two soldiers ran up to him to try to catch him but Samir managed to escape. The two other soldiers stood next to the opening and so Samir could not go back from there, and while he was running away from them, about 10 steps away, a soldier threw a sound bomb at him, and then the same soldier who shot him the first time shot him again.<sup>17</sup>*

The boy who had accompanied Samir Awad when they entered the area between the two fences told Amnesty International that he had been fortunate to escape unhurt:

*I was inside at the time but close to the opening and managed to leave before the soldiers reached me or the place of the opening. They shot a lot; there were bullets hitting the rocks near us. I was running away and could not see the shooting of Samir, but saw when he was killed. They were shooting at us, directly targeting us while we were running away.<sup>18</sup>*

Another friend of Samir Awad who also witnessed the shooting told Amnesty international:

*We finished the science exam and went down to the area of the wall, as we usually do. I walked along with Samir and other boys but stayed a bit back when Samir and another boy entered the area between the two fences. When the boy left and as Samir was there on his own, many soldiers jumped out of their places of hiding. Two were in the area between the two fences where Samir was; they tried to capture him, and then shot him in the leg. Samir was able to jump over the fence and run towards us, but, after he was out of the area of the fences, he fell. When he got up again, they shot and killed him.<sup>19</sup>*

A fourth witness who spoke to Amnesty International also corroborated the accounts of the other witnesses.

Following the shooting, the Israeli *Haaretz* newspaper reported a statement by military spokesperson Captain Eytan Buchman that soldiers had opened fire at protesters after some cut through a section of the “barrier fence”; the spokesperson said that troops had “initiated standard rules of engagement, which included live fire”. He said too that an investigation had been ordered following the shooting.<sup>20</sup> The Israeli online news network *Ynet News* published a similar report, citing an army Spokesperson’s Office statement that “An army force securing the fence” had “carried out the procedure for arresting suspects, which included gunfire” in response to an “infiltration attempt”.<sup>21</sup>

An initial investigation conducted by the army at the operational level reportedly concluded that the soldier who shot Samir Awad had contravened official regulations on the use of live fire. The MAG Corps announced that it had opened an investigation on the day of the shooting, but one year on its findings have still to be revealed and no soldier is known to have faced prosecution or disciplinary sanctions as a result of Samir Awad’s death. On 13 May 2013, the MAG Corps was reported to have returned the case file to the Military Police with an instruction that they carry out further inquiries.<sup>22</sup>

The fact that Samir Awad, a child who was posing no threat to life, was shot and killed as he attempted to flee, is deeply disturbing. It is difficult to see how the soldiers involved could reasonably have perceived him as posing an imminent threat to life. The information available to Amnesty International suggests that Samir Awad was shot twice in the back and that he was killed unlawfully. This killing may even constitute an extrajudicial execution and war crime of wilful killing, a grave breach of the Fourth Geneva Convention, by which Israel must abide as the occupying power. At the very least, such a serious incident must be independently, impartially and thoroughly investigated in accordance with international standards, and the findings should be promptly disclosed.

Four months after the death by shooting of Samir Awad, Israeli soldiers carried out an early morning raid on the Awad family home in Bodrus and detained Abed al-Rahim Awad, Samir Awad’s elder brother. They reportedly used stun grenades and pepper spray and also beat members of the family who tried to intercede as they dragged Abed al-Rahim Awad away.<sup>23</sup> They took him first to Hadassah hospital in Jerusalem with his arms and legs shackled before taking him away for detention and interrogation. In January 2014, he was still held awaiting trial before a military court on charges of participating in protests and throwing stones at soldiers.

Ahmad Awad, 45, Samir Awad’s father, told Amnesty International:

*After the occupation army killed my son, they had not had enough, and they came to terrorize me and my whole family. That day when they raided the house and arrested Abed al-Rahim, we were all sleeping in the house. I was woken by the sound of a blast, which was them blowing the door of the house open. I suddenly found soldiers in my bedroom. My son was sleeping on the third floor of the house; some soldiers went up and threw him down the stairs. He was badly wounded, and bleeding, but they kept kicking him. I said that he needed an ambulance. They did not listen, and when I called one,*

they did not allow it to come. They stayed from 2am until 4.30am in the house. They were punishing us. I wanted to drink water, and when my daughter brought me a glass a soldier took it and threw it away. They sprayed us with gas in the house. I was sprayed with pepper spray on my face and the pain remained for 10 days. They broke one of my wife's arms, as well as one of my daughter's, who also received a big wound in the head and needed 10 stitches. They dragged my son on the floor like a dog, and did not even allow him to wear shoes. They broke many windows and threw 14 sound grenades inside the house; we counted them all the next morning.

After about an hour of this extreme violence, an officer from the intelligence came into the house. He identified himself as 'Captain Elias'. When he arrived the soldiers started behaving and none of them said or did anything. He then asked me which soldier was causing the trouble in the house; he said to point him out so he could punish him. I told him that you never punish any soldiers for crimes they commit. A soldier killed my son, and nothing happened to him; he is still running free, not in prison.<sup>24</sup>

**Saleh Amarin**, 15, died on 23 January 2013, five days after he was struck in the head by a bullet fired by an Israeli soldier during a protest at Aida refugee camp, Bethlehem. At the time – around 4.20pm on 18 January – he was approaching the nine-metre-high security wall, reportedly holding a catapult when a soldier shot him from a range of about 65-75 metres. The bullet hit Saleh Amarin in the forehead penetrating a few centimetres inside



*Saleh Amarin, 15, died on 23 January 2013, five days after being struck in the head with a bullet fired by an Israeli soldier during a protest. © Private*

after it had disintegrated. Even if he had intended to throw, or in fact had succeeded in throwing, a stone, he would have posed no threat to the lives of the Israeli soldiers who were inside a fortified military base with observation towers.

Almost two hours earlier, according to eyewitnesses, soldiers had emerged from their base and passed through the large metal gate in the wall to fire tear gas and rubber-coated bullets at children and young men who had gathered in the street, to which some of the Palestinians had responded by

throwing stones at or towards the soldiers. During this time Saleh Amarin arrived in Aida refugee camp; he had intended to play football in the playground close to Lajee Center around which the small protest was taking place. Around 4pm, the soldiers withdrew into their base and went up the watchtowers and began firing live ammunition in the direction of the refugee camp while youths continued, but with much lower frequency, to throw stones in the direction of the wall. Saleh Amarin was with a few other children and young men standing behind a short wall next to the Lajee Center, which was sheltering them from the shooting. When Saleh Amarin stepped into the street, apparently to throw rocks using a

catapult, a soldier shot at him and the bullet hit him in the head.

Following the shooting, the army stated:

*Around 30 Palestinians threw stones and explosives at Israeli security personnel in the area. A preliminary army investigation revealed that during the riot the security personnel fired upon a Palestinian that approached the force while slinging stones. The Palestinian was hit and was evacuated by the Palestinian Red Crescent Society to a nearby hospital.<sup>25</sup>*

The statement made no reference to any soldier having sustained injuries and it seems clear that none did. They were too distant and well protected for Saleh Amarin and other protesters to pose any serious threat to them.

Eyewitnesses also dispute the statement's allegation that Palestinians threw explosives as well as stones, and contend that if the stone-throwing did constitute a "riot" it was one that the Israeli soldiers directly provoked by their initial aggression. Ahed Amira, one of those present, told Amnesty International:

*The soldiers came out without any reason and they started shooting tear gas and rubber-coated metal bullets at the youths. When they started shooting, more youths came.<sup>26</sup>*

S. A., 19, another witness, told Amnesty International:

*There was no throwing of rocks when the soldiers came out of their base through the gate; that was about 2pm. We were just a bunch of guys standing around the corner. When they saw us they started firing tear gas at us. We ran away from the gas but when it went away we came back and went onto the main street and we started throwing rocks. Then the army started pulling back, trying to draw us closer.<sup>27</sup>*

Journalist Mohammad Walid al-Azzah, was finishing off some work at the Lajee Center in Aida refugee camp, before leaving to attend a friend's wedding, when the altercation that led to Saleh Amarin's killing began. He told Amnesty International:

*The area surrounding the centre was very quiet and then at around 2.30 or 3pm I saw around 10 army soldiers come out of the gate and start shooting tear gas and rubber-coated metal bullets at the kids who were playing around on the street and in the surrounding area. This is very common behaviour from the army. We are used to it. The kids started throwing rocks and more kids joined them. Then the soldiers disappeared back into their camp. This was around 4pm. It is when I had to leave the centre for the wedding.<sup>28</sup>*

He said that the situation appeared to have become calm by the time that he departed, so he was shocked to receive a phone message with the news that a child had been shot when he arrived at his friend's wedding.

S. A. said he was standing only metres away from Saleh Amarin when the 15-year-old was shot as he and others continued to throw stones towards the wall and the metal gate through

which the soldiers had withdrawn into their military base, but without posing any serious threat as the stones fell short:

*There was no soldier in sight, and then they started shooting live fire from the small openings in the wall. They fired around 30 rounds. We stopped rock throwing and we were hiding away. Then right when Saleh stepped on the main street he was hit... I was only two metres or so away from him. There was a sound of one bullet fired, and Saleh fell on his knees, and fell onto his side. We carried him and took him to the ambulance.*

G. W., 13, another eyewitness, said he had been watching from the vantage point of the Key Sculpture, located close to the Lajee Center and the wall, when he saw the soldiers withdraw through the gate in the security wall. He told Amnesty International:

*They went back in and went up the sniper towers. But when I was standing there near the Key there was nothing much happening. Then I heard a single gunshot and I saw Saleh Amarin fall. Then I saw young men run towards him and try to carry him. He fell out of their hands the first time, then they got a grip of him and took him away.<sup>29</sup>*

Saleh Amarin was taken first to al-Hussein Hospital in Bethlehem but then moved immediately to the Bethlehem Arab Society for Rehabilitation hospital, where scans were conducted, and thereafter to Hadassah Hospital in Jerusalem, where he died five days after his shooting.

Four days later, according to the army, the MPCID opened an investigation into his death. At the time of writing, one year later, its findings have yet to be disclosed. On 3 October 2013 the MAG Corps responded to an inquiry from B'Tselem stating that the investigation into Saleh Amarin's death was still continuing.

Ahmad Amarin, 45, told Amnesty International of his family's grief at the death of their only son, who had been a good student at school and a promising footballer tipped for future success.<sup>30</sup> On the day of his death, he said, his son had left home intending to play football near the Lajee Center and, when he heard an ambulance as he arrived back from his work, he had not been concerned. "It never occurred to me that it was my child that ambulance was going for," he told Amnesty International. He saw people running; "someone told me that my son was injured," he said. However, when he got to al-Hussein Hospital, Saleh Amarin was already in the coma from which he never recovered.

Ahmad Amarin submitted a formal complaint to the Israeli authorities through B'Tselem and they then called him to say that the Military Police wished to obtain his son's body in order to carry out an autopsy. "But I refused and said they should rely on the hospital reports which make it clear what happened," he told Amnesty International. He expressed his bitterness at the death of his only son:

*I demand that the Minister of Defence himself is put on trial as well as all those who give the orders to shoot and kill kids. It is not only the soldier who should go on trial. The soldier does not take the decision by himself. There are orders and there must be some kind of way to prevent this from happening again and again.*

Adding to his grief, he lost his job, where he was formerly employed as a manager of sanitation workers at the Bitar Elit settlement, as the Israeli authorities refused to renew his work permit when it lapsed several days after Saleh Amarin's death, cancelling it for unspecified "security reasons".

**Lubna Hanash**, 21, and her relative **Suad Ji'ara**, were walking along a path leading out of the Palestine Agricultural College near Hebron at around 1.30pm on 23 January 2013 when an Israeli soldier fired what Suad Ji'ara remembers as four shots in their direction from a distance of about 100 metres. They had just visited the college, where no students were present that day because of a strike; they were not participating in a protest or posing a threat to anyone or anything. Lubna Hanash, who lived in Bethlehem, was in her second year as a law student at al-Quds University and appeared to have a bright future before her until the moment when one bullet struck the left side of her face. It penetrated her skull, ending her life. She was rushed to al-Ahli Hospital in Hebron but died within an hour. Suad Ji'ara was also hit. She had turned and begun running back towards the college when she saw the Israeli soldier pointing his gun at them. She was shot in her left hand, causing her continuing disability. At first, she thought Lubna Hanash must have escaped unhurt and only learnt of her death later that day. The two women were shot by one of two Israeli soldiers who stopped and got out of their car as they drove along the road known as Route 60 when a small group of Palestinian youths reportedly threw stones at it. The youths ran off into areas beside the road. The soldiers fired the shots that killed Lubna Hanash and injured Suad Ji'ara, although the two women were alone and standing 100 metres away and had played no part in the original incident.

Following the incident, the Israeli army said that the shooting had occurred after a car in which a senior officer and his driver were travelling came under attack from youths who threw stones and a petrol bomb. In accordance with normal procedures, however, the MPCID opened an investigation, whose outcome – at the time of writing, a year later – has yet to be disclosed. On 3 October 2013, the MAG Corps informed B'Tselem that the investigation had still to be completed.

Suad Ji'ara told Amnesty International:

*There was a strike at the college and there were no students there. We were walking there all alone. As we were walking on the pathway leading to the southern gate I saw a soldier, wearing green, standing in the street, looking in our direction and pointing his gun around, and a white car next to him. He was around 100 metres from us. I felt the danger and I held Lubna's hand and tried to run towards the college away from the street. Then I heard four gunshots. I lost Lubna's hand and did not look at her. I continued running, and I was injured. I was injured in the left hand, the bullet penetrated through. There was absolutely no one where we were standing or around us and certainly not any kids throwing rocks.<sup>31</sup>*

In February, 2013, Suad Ji'ara was called to give evidence to the MPCID investigation that was opened following the fatal shooting of Lubna Hanash. She arrived as instructed but was kept waiting for an hour before being called into a room in which three Israelis were present: one female and one male officer who questioned her for some 45 minutes and then obtained a signed testimony from her, and a soldier on guard holding a gun. She found it "a scary

experience... the gun in the room was very intimidating.”

Local human rights defenders who visited on the same day the place where Lubna Hanash was fatally shot questioned, the Israeli authorities' assertion that a petrol bomb, as well as stones, had been thrown at the two soldiers. They told Amnesty International that they had conducted a detailed inspection but could see no traces of a petrol bomb having been thrown.<sup>32</sup>

Even if the Israeli soldiers had been responding to an actual threat, the fact that their actions killed one bystander and wounded another suggests that they fired recklessly. It is a tragic example of why policing standards emphasize that firearms should only be used as a last resort and that intentional lethal force should not be used except where it is strictly unavoidable to protect life.

**Mahmoud Adel Fares al-Titi**, 22, was a media and journalism student at Al-Quds Open University in Hebron at the time of his death on 12 March 2013. According to eyewitnesses, he was filming a clash between several Israeli soldiers and a group of young Palestinians in the centre of Fawwar refugee camp, south of Hebron, when he was hit, apparently in the neck, by a bullet fired by one of the soldiers. The bullet then disintegrated, shattering his jaw. Local people rushed him to hospital but he was unconscious on arrival and within half an hour doctors pronounced him dead.

Mahmoud al-Titi appears to have been caught up in violence that developed spontaneously when Israeli soldiers in jeeps drove into Fawwar refugee camp on the evening of 12 March as hundreds of Palestinians, mostly young men and boys, gathered to watch a televised football match between leading European teams Barcelona and AC Milan. The incursion set off a bout of stone-throwing by some of the Palestinians who were present, and the incident escalated when one of the Israeli vehicles, a heavily armoured jeep containing a number of soldiers, broke down outside the Fawwar Popular Restaurant in the middle of the refugee camp. At first, the soldiers remained inside the vehicle, but when some stone-throwing protesters approached, they fired from within the vehicle and continued to fire as they got out of the vehicle injuring **Mahmoud Shudafan** in the back. The soldiers stationed themselves in the restaurant and began to fire recklessly into the street, killing Mahmoud al-Titi.

Mahmoud's brother, Faris al-Titi, who was in the main street at the time, told Amnesty International:

*At around 9.15pm, I was injured on my right arm by army fire. I was standing behind the jeep that broke down on the main street; I was about 50 metres from it.*

*Four military jeeps had driven through... then this long jeep came and stood near the restaurant, it was dripping oil and it broke down, so the clashes began. The young men were throwing stones, then the soldiers came down from the jeep and shot...<sup>33</sup>*

Jihad Muhammad Ahmad Abu Rabi', the owner of a computer parts shop who witnessed the shooting of Mahmoud al-Titi, told Amnesty International:



*We went out of the café to see what was happening. Mahmoud was with us in the café. He was studying journalism and photography was his hobby. He had a mobile or a camera with him. He started filming the jeep.*

*Then two soldiers came out of the jeep and stood on top of the stairs of Fawwar Popular Restaurant. Mahmoud al-Titi stood on the corner of a street joining the main street and was filming the broken-down jeep. The two soldiers on the stairs of the restaurant shot him without warning.*

*We took him in a private car to hospital because the army did not provide any assistance for him. Mahmoud's phone or camera used in the filming disappeared.<sup>34</sup>*

A distraught Adil Faris al-Titi, Mahmoud's father, told Amnesty International:

*When I arrived there I saw the army, three vehicles, one big transporter of soldiers and two Hummer vehicles. They were firing [weapons]... All the young people were in cafés watching the football match between AC Milan and Barcelona.*

*I asked where Mahmoud was... After about 10 minutes a number of youths arrived from the main street. They said that Mahmoud had been hit in the face with a rubber-coated bullet.<sup>35</sup>*

Adil Faris al-Titi rushed to Abu al-Hassan Hospital in the town of Yata, near Hebron, as soon as the army had withdrawn from the camp, but his son had died. He said the doctors told him that a live bullet had struck him in the face. Friends who had been present when Mahmoud was shot told his father that he had been filming the army's actions at the time.

Mahmoud al-Shudafan, who was injured during the shooting, spoke to Amnesty International from his hospital bed:

*There was rock throwing and the stores began to close their doors. One jeep stopped.... Then there was shooting, so I started running away, and I got hit in my back.<sup>36</sup>*

The chief surgeon at Hebron Public Hospital told Amnesty International delegates that a live bullet had penetrated Mahmoud al-Shudafan's back and then split, penetrating his pelvic area and seriously injuring him.

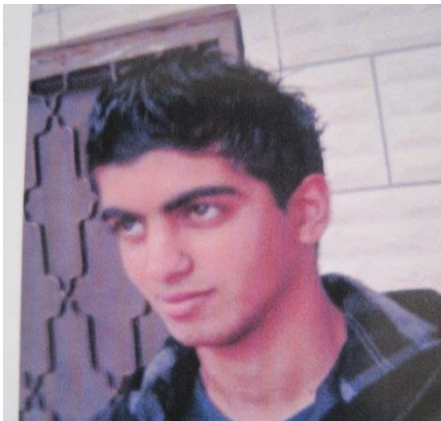
Mahmoud al-Titi's death occurred within weeks of at least six other killings of Palestinians by Israeli forces in January 2013 as they participated in demonstrations, five in the West Bank and one in the Gaza Strip.<sup>37</sup>

Following the death, the MPCID opened an investigation but as of January 2014 the Israeli authorities had yet to disclose its findings.

**Naji Balbesi**, 19, and **Amer Nassar**, 18, were shot and killed by Israeli soldiers on the night of 3-4 April 2013 when they and two other residents of Anabta, Tulkarm, approached the Einav military checkpoint, about three kilometres outside the town. At the time, many protests were being held across the West Bank in response to the death of Maysara Abu Hamdieh, 64, a Palestinian prisoner who was serving a life sentence in an Israeli prison and had contracted cancer and other ailments. Israeli soldiers in the observation and guard tower at the checkpoint were alerted to the approach of the four young men and set an ambush, which they sprung when the young men arrived and began to stone the checkpoint, and one reportedly sought to throw a petrol bomb. The soldiers opened fire with live ammunition and then gave chase as the four young men tried to flee. According to witnesses, including medics, the soldiers shot Amer Nassar twice with live bullets as he ran; he was pronounced dead by the time a Palestinian Red Crescent Society ambulance arrived to pick him up and transport his body to Thabet Hospital in Tulkarm. There, a medical examination revealed that one



*Naji Balbesi, 19, killed after being shot by Israeli soldiers in April 2013. © Private*



*Amer Nassar, 18, killed after being shot by Israeli soldiers in April 2013. © Private*

bullet had hit him in the chest, breaking one of his ribs, and another bullet had hit him in his left wrist.

T. K., a medic from Anabta who was the first to arrive at the scene of the shooting, told Amnesty International:

*I took my medic vest and took a car along with two others and went to the checkpoint... When we arrived near the checkpoint we found the road closed by the army. We got out of the car but the soldiers prevented us from going forward. One soldier pushed me and I yelled at him. He eventually agreed to take me to where the body was. The body of Amer Nassar was in the middle*

*of the road about 150 metres away from the checkpoint. There was a rock beside him but nothing else around. I saw that there was blood from his mouth, nose, and ears, I shone my torch at him; I knew he was dead. I told the soldier that the boy was dead. He nodded, and so I called the ambulance and told them there was a martyr. I then called*

*the mayor and his deputy to inform them.*<sup>38</sup>

**Fadi Abu Asal**, one of the three other young men accompanying Amer Nassar, was hit by a bullet in the arm moments after Amer Nassar was shot and fell, but he continued to run from the scene and managed to evade arrest. Local people took him to a hospital later. He told a journalist that he and Naji Balbesi had run away together initially as they fled the soldiers' ambush but that they became separated when Naji Balbesi headed towards a leather factory about 500 metres from the Einav checkpoint, at which point he did not appear to have been injured.<sup>39</sup> Meanwhile, the fourth member of the group, Di'aa Nassar, took cover behind some bricks opposite the military observation tower, where soldiers subsequently arrested him.

When the medic from Anabta and his colleagues collected Amer Nassar's body, a soldier at the scene told him that soldiers had arrested one man who was not injured, that another had been wounded but had run away, and "that they shot another person". Several hours then elapsed before the soldiers again summoned the medic, this time to collect the body of Naji Balbesi. The medic told Amnesty International:

*When we arrived near the checkpoint we found only two soldiers on the street. They stopped us with a torch and asked us to come down and follow them. We walked behind them and reached the place where Naji's body was, behind the leather factory. He was lying on his back and beside him was a pair of used medic's gloves. There was also mud on his face. I think he was dragged to the location where we found him. His hands were up and behind his head were two cigarette packs. I felt his body. It was ice cold and very stiff. His shirt was ripped and drenched in blood. I saw the exit wound of the bullet in his chest. The soldiers left. It was about 4pm. We went back and got a stretcher and then went to carry the body to the ambulance. On the way I informed the PA security forces and the municipality that Naji was found dead and was now at the hospital.*<sup>40</sup>

The medical team took Naji Balbesi's body to Thabet Hospital, where a medical examination revealed that he had been shot with a bullet that entered his back to the right of his spine and exited through the right side of his chest after breaking one of his ribs.

Following the killings, the Israeli *Jerusalem Post* newspaper reported an army statement that soldiers had "opened fire after they felt their lives were in danger" after "a guard station was attacked with firebombs".<sup>41</sup> The *Haaretz* newspaper provided a more detailed account, citing the finding of "an initial army investigation" that the army unit commander from the Haredi Nahal Brigade at the "fortified guard post" had "decided to set up an ambush outside the fortification" after he received 30 minutes' advance notice that four Palestinians were approaching from the direction of Anabta. The commander and his men, according to this report, had given chase to the four young Palestinians and opened fire at them with live ammunition and rubber-coated metal bullets, killing two and wounding a third, in the mistaken belief that the four had fired live shots at them. The commander had pursued the four after one of them "threw an incendiary device" and "at a certain point felt his life was in danger, at which time he opened live fire." As Naji Balbesi was found to have been shot in the back, *Haaretz* reported: "The army is now investigating whether the rules of engagement were maintained."<sup>42</sup>

Although the "initial army investigation" cited by *Haaretz* must have been undertaken within

24 hours of the deaths, a MPCID investigation is reported to have been opened only on 7 April 2013. In contrast to the speed of the initial investigation, the findings of the MPCID investigation had yet to be disclosed in January 2014, more than nine months after the killings. The MAG Corps reportedly informed B'Tselem on 3 October 2013 that the killings remained "under investigation" but no other information has been forthcoming. It is not known whether the army unit commander who was present at the killings has been suspended from active duty pending the conclusion of the investigation.

The circumstances of the killing of Amer Nassar and Naji Balbesi remain unclear. There is no indication that the soldiers who ambushed the four Palestinians identified themselves and issued a warning before opening fire. It should have been possible to arrest the young Palestinians without anyone getting killed. The death of Naji Balbesi, who was shot in the back, and whose body was unaccounted for until several hours after the incident is especially troubling. Such use of lethal force was excessive and Naji Balbesi was almost certainly the victim of an unlawful killing, and possibly an extrajudicial execution or a wilful killing.

Fadi Abu Asal, who was the last person to see Naji Balbesi prior to his death apart from the soldier or soldiers who shot him, told *Haaretz* shortly after the killing:

*He was scared; he ran the other way and disappeared. I didn't see him getting hit. My concern is that he was shot while fleeing or that he was caught and shot, meaning that he was executed. There is no other way to explain why he disappeared and why his body was only discovered in the morning.<sup>43</sup>*



*Mu'taz Sharawnah, 19, was killed after being shot by an Israeli soldier on 2 July 2013 while returning home from a wedding. © Private*

**Mu'taz Sharawnah**, 19, and his nephew Baha' Sharawnah, 24, were walking home to Dura, Hebron, after attending a wedding in Tarousa, about three kilometres away, when Mu'taz Sharawnah was shot and killed by an Israeli soldier at about 1.30am on 2 July 2013. According to an army statement, his killing occurred "during a security operation in Dura" in which Israeli soldiers came under attack from Palestinians throwing rocks, to which they responded initially with "riot dispersal means" but then resorted to live ammunition gunfire when one or more Palestinians tried to climb onto a military vehicle. According to Baha' Sharawnah, however, Mu'taz Sharawnah was shot after the two of them walked past two Israeli military vehicles parked by Dura's main mosque and were confronted by a soldier who got out of one of the vehicles, aimed his gun at them and fired two shots from a distance of about three

metres, one of which fatally wounded Mu'taz Sharawnah in the back. He told Amnesty International that he then ran off and hid in a ditch for about 30 minutes until soldiers

discovered him when his phone rang and arrested him.<sup>44</sup> Local human rights defenders told Amnesty International that Mu'taz Sharawnah was shot after he and his nephew started throwing stones at the two parked military vehicles but then ran away as one soldier got out of the vehicle to shoot. An autopsy revealed that Mu'taz Sharawnah was killed by a bullet that entered the left side of his back and severed vital organs, including his spinal cord.

Following the killing, the army said it had opened an investigation; at the time of writing in February 2014, however, the Israeli authorities had yet to disclose any findings.

Even if Mu'taz Sharawnah did engage in stone-throwing at Israeli troops and military vehicles it should have been possible for the Israeli soldiers present to seize and arrest him rather than resort to the use of live ammunition gunfire and shoot him in his back. Such use of lethal force was excessive and Mu'taz Sharawnah was almost certainly the victim of an unlawful killing, and possibly an extrajudicial execution or a wilful killing.

**Majd Lahlouh**, 21, and **Karim Abu Sbeih**, 17, were both shot with live ammunition in the early hours of 20 August 2013, when Israeli soldiers and Border Police raided Jenin refugee camp in order to arrest Bassam al-Sadi, a senior member of the Palestinian armed group Islamic Jihad, who had been freed three months before after two years of detention without trial in Israel. The raid led to clashes between Israeli soldiers and Palestinian boys and young men, some of whom threw stones and reportedly at least one petrol bomb, causing damage to a military jeep. According to reports, at least one witness also saw a masked man appear and fire several shots at Israeli soldiers from a distance of around 50 metres, apparently without hitting any of them. One group of boys and young men threw stones at soldiers from a nearby rooftop. Israeli forces, which included army and Border Police, initially responded by firing



*Karim Abu Sbeih, 17, died in August 2013, 11 days after being shot by Israeli forces. © Private*

died in hospital in Nablus 11 days later.

tear gas but then resorted to live ammunition when the stone-throwing persisted. Two of those on the rooftop, Karim Abu Sbeih and Ala Jamal Abu Jabal, 20, were shot by army soldiers. They both sustained serious abdominal wounds, and were evacuated to hospital by the Palestinian Red Crescent Society. Karim Abu Sbeih's injury proved fatal; he

Majd Lahlouh was shot a short time after the other two. It appears that he was using a catapult to throw stones at soldiers when a soldier shot him in the chest using live ammunition. Following the shootings, *Ynet News* reported an army statement that, as soldiers searched the home of the person they intended to arrest, “residents opened fire at the soldiers and hurled Molotov cocktails in their direction” during clashes that continued for several hours. The report said that two Israeli soldiers were “lightly injured” during the incident.<sup>45</sup>



*Majd Lahlouh, 21, was killed on 20 August 2013 after he was shot by Israeli forces. © Private*

As of the writing of this report in February 2014, no investigation had been announced by the Israeli authorities. In responses to queries from B'Tselem concerning the lack of an investigation into the killing of two civilians, the MAG Corps said on 29 September 2013 that the incident was classified as occurring in a combat situation and that the policy implemented in April 2011 did not necessarily apply to it. On 14 November the MAG Corps informed B'Tselem that still no investigation had been opened.

The available evidence points to Karim Abu Sbeih and Majd Lahlouh having been shot and killed while they were throwing stones at Israeli soldiers; however, those soldiers were well armed and well protected, as indicated by the Israeli authorities' own acknowledgement that only two soldiers received light injuries despite the clashes with Palestinian residents lasting for several hours. The operation to carry out the arrest would have been planned in advance, and the likelihood that some residents would resist should have been anticipated by the army, so facilitating their ability to minimize the likelihood of bloodshed. The use of live ammunition gunfire in such circumstances appears, at the least, to have been excessive, and possibly resulted in the unlawful killing of two Palestinians.

**Jihad Aslan, 20, Yunes Jahjough, 22, and Rubin Abd al-Rahman Zayed, 34,** all died after they were shot with live ammunition on 26 August 2013 during an early morning raid that Israeli soldiers and Border Police conducted on Qalandia refugee camp and which began at around 5am. The soldiers and Border Police raided the home of Yusef al-Khatib, who Israeli authorities say was wanted, without initially finding him,<sup>46</sup> and clashes quickly developed as Palestinian residents, mostly boys and young men, came onto the streets to protest against the military operation. Some Palestinians jeered and threw stones; Israel forces fired tear gas and rubber-coated metal bullets in an effort to disperse them, then called in reinforcements who arrived in some 10 military vehicles at around 6.30am. As Palestinians threw stones and other objects, including furniture and other household items, Israeli forces began to use live ammunition as well as tear gas and rubber-coated bullets and shot two young Palestinians as they threw stones from nearby rooftops. One bullet hit Yunes Jahjough in the chest, exiting through his back; it appeared to have been fired by a soldier about 20 metres away. It proved fatal. Jihad Aslan was hit in the back by a bullet apparently fired by a soldier about 30 metres from him. He too was killed.

Rubin Abd al-Rahman Zayed was also shot dead by an Israeli soldier, but, in contrast to the cases of Jihad Aslan and Yunes Jahjouh, this happened reportedly as he sought to avoid the area of the clashes and hurry to his place of work. He was an employee of United Nations Relief and Works Agency (UNRWA).<sup>47</sup> His father, Abd al-Rahman Hussein Zayed, 74, said that his son, who lived next door, had visited him that morning as usual and then had set off to walk to his office with a friend who had come to meet him. He told Amnesty International:

*We knew at that time that there was trouble in the camp, but we did not know if it had ended or not. It is also a very regular occurrence. My son was going to work like on any other day, clashes or no clashes. We thought that the army had left by this time. Also, this is what we are used to.*

*I received news from neighbours and kids that he was injured. They said he was hit in his leg. I went immediately to the hospital. I arrived and found him dead.<sup>48</sup>*

In fact, according to Palestine Medical Complex hospital records, Rubin Abd al-Rahman Zayed had been struck in the chest by a bullet that exited through his back. He arrived at the hospital at 7.37am, brought in by a Palestine Red Crescent Society ambulance, but lacked any sign of life.

Mohammad Abd al-Nabi, 23, told Amnesty International that he met Rubin Abd al-Rahman Zayed, whom he knew, in the street and shortly after witnessed his killing:

*I went out to my daytime work at 6.30 in the morning. I work in Bir Nabala and have to go out through the main gate of the camp crossing through the main street. I heard the sound of shooting when I went out of my house. I did not know which direction it was coming from. I met with Rubin on the [Ma'ayneh] intersection of roads, where we both needed to take the same side road towards the main road to get to work. I know Rubin because I work with his brother during my night work at the carpenter's. So we spoke that morning. We remained hidden near the intersection until the sound of shooting stopped for some time and we gathered that it was safe to continue moving. Also, people were saying that the army was out [of the camp] because the kids were now on their way to schools. This is usually the time when the army withdraws from the camp. That was around 7am. Rubin walked in front of me. He was maybe 20 metres away from me, when suddenly soldiers appeared. They were close to the main road and shot. I immediately dived on the ground. I saw two or three soldiers who appeared suddenly, I saw their faces were covered. They shot towards us. Rubin fell on his back when he was hit by a bullet in his chest. He did not have anything in his hands.<sup>49</sup>*

A number of other Palestinians who were wounded by Israeli gunfire also appear to have been taking no part in the protests against the Israeli incursion into the camp. One, **Mohammad Abed Yousef Badran**, 20, told Amnesty International that he left home at about 6.20am to walk to his work at a cement factory, avoiding the area of clashes:

*I looked towards the centre of the camp and saw smoke rising, so I decided to take another route through the camp to get to work to avoid trouble. While I was walking people kept warning me that there were soldiers around. Then I saw the soldiers on the main road and I saw the rock throwing. I could not leave the camp as I needed to pass through the main street where the soldiers were. At about 6.40 I headed up there to see what was happening and I found around 15-20 soldiers on the ground and about four or five jeeps. I could hear the sound of shooting, but it was not very heavy. Then, there was a heavy barrage of fire. I got nervous and ran away and I found myself stuck in a small alleyway. I saw my neighbour trying to make a run to where I was standing and as he got near he fell down. His name is Mohammad Ghazawi. He is a young boy. When he fell I went to pull him up and I suddenly felt something very warm in the area of my ribs on the right. I lost consciousness soon after feeling that sensation and I woke up to find myself*



*Mohammad Abed Yousef Badran, 20, was shot in the stomach by Israeli forces while on his way to work on 26 August. © Amnesty International*

*in the hospital.*<sup>50</sup>

Mohammad Abed Yousef Badran was taken to Palestine Medical Complex hospital in Ramallah, where he was found to have sustained a wound to the stomach. Doctors extracted the bullet.

Following the incident, the army's Spokesperson's Unit said:

*During an overnight operation for the arrest of a suspect in Qalandia, a riot involving hundreds of Palestinians who attacked the security forces erupted. Early details suggest that an army force supporting the troops was trying to rescue them and that fire was opened at the assailants when the situation became life threatening.*<sup>51</sup>

The army said an initial investigation had found that soldiers opened fire, killing three Palestinians, because they felt, although no shots were fired at them, that their lives were being threatened,<sup>52</sup> and released aerial video footage of parts of the incident.<sup>53</sup> The army claimed that soldiers had entered Qalandia in order to arrest someone who was "a leading member of the Tanzim [a faction of the Palestinian Fatah movement], an arms dealer and an organizer of disturbances in the area" and that reinforcements were sent in after Palestinians youths began throwing rocks. Soldiers had then "fired live rounds at the disturbances' chief



instigators" after the protesters failed to heed warning shots and were seen to be "posing a threat" to soldiers, killing three Palestinians and wounding 15 others. The army said that one soldier sustained light injuries and was treated on the scene. In a statement to the *Jerusalem Post*, an army spokesperson alleged that Palestinians fired at the Israel forces' vehicles and that four bullet holes in vehicles were later discovered.<sup>54</sup> The Israeli army has not made public any evidence to support such claims.

Although the army stated that Palestinians were posing a danger to Israeli soldiers' lives when the latter opened fire, the fact that one soldier only was lightly injured in the incident inevitably raises the question whether the Israeli soldiers who used live ammunition gunfire against the Palestinians protesters acted proportionately or resorted to the use of lethal force when this was not justified.

As regards the killing of Rubin Abd al-Rahman Zayed and the wounding of Mohammad Abed Yousef Badran the available evidence suggests even more strongly that they were shot by soldiers when they were unarmed, uninvolved in the protests and posing no real or supposed threat. This suggests the manner in which the soldiers had used their firearms was at least reckless.

According to B'Tselem, the organization was informed by the army on 28 August 2013 that a MPCID investigation had been launched.

**Ahmad Tazazah**, 20, was shot and killed in Qabatiya, near Jenin, when Israeli soldiers opened fire at Palestinian protesters on 31 October 2013. He was working in the town's vegetable market when Israeli soldiers in several military vehicles passed by after conducting an arrest raid nearby and clashed with a group of about 12 Palestinian youths who threw stones at their vehicles. Some of the soldiers stopped, stepped out of their vehicles and commenced shooting at the youths using live ammunition. According to film footage obtained by B'Tselem, it appears that Ahmad Tazazah was not participating in the protest but was a bystander at work in the market when he was hit in the chest by a bullet that entered between his second and third ribs and exited through his back. He was rushed to the Jenin government hospital but found to be dead on arrival. Twelve days after the fatal shooting, on 11 November 2013, an army spokesperson informed B'Tselem that the MPCID had opened a "limited investigation" into the incident. The findings of this investigation had not been disclosed by January 2014.

**Wajih al-Ramahi**, 15, died at around 4.30pm on the afternoon of 9 December 2013 after he was shot in the back by an Israeli soldier close to the Jalazun refugee camp in Ramallah. Prior to the shooting, he had been playing football with other children at the school in the camp run by the UNRWA. He was shot from a distance of around 200 metres during a clash between several Israeli soldiers and Palestinian young men and children who threw rocks at them as they moved through the area between the school and the Israeli Beit El settlement. It is unclear whether Wajih al-Ramahi was participating in the stone-throwing when he was shot; even if he was, however, the use of live gunfire against him was clearly excessive and he appears to have been the victim of an unlawful killing. The bullet that killed him is reported to have struck him in the back, suggesting that he was taking no offensive action against the Israeli soldiers at the time he was shot and that he is unlikely, to say the least, to have been posing a serious or imminent risk to the lives of the soldiers. After the shooting, he

was taken to the Palestinian Medical Complex in Ramallah where he was pronounced dead shortly after arrival. Six days after his death, the MAG Corps informed B'Tselem that the MPCID had commenced an investigation, but no indication of its findings were available by February 2014.

## 2.2 INJURIES

In addition to those killed, at least 261 Palestinians, at least 67 of whom were children, were shot and seriously injured by live ammunition fired by Israeli soldiers in the West Bank between January 2011 and December 2013, according to OCHA data.

The UN Basic Principles of the Use of Force and Firearms require that all governments and law enforcement agencies establish effective reporting and review procedures for all incidents involving death and injury resulting from the use of force and firearms, and ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report must be sent promptly to the competent authorities responsible for administrative review and judicial control.<sup>55</sup> Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process.<sup>56</sup>

Unlike killings of unarmed Palestinian civilians in the West Bank, all of which must be investigated by the MPCID acting under the direction of the MAG Corps, following a change of Israeli policy implemented in April 2011, the MPCID do not investigate shootings of unarmed Palestinian civilians which result in non-fatal injuries, even serious injuries, unless the MAG Corps receives a formal complaint within 60 days of the shooting.

In many cases, Palestinians who receive injuries decline to submit formal complaints because they lack confidence in the investigation process, fear that submitting a complaint could lead the Israeli authorities to take retaliatory action against them (particularly if they were participating in illegal protests or stone-throwing at the time that they received their injury) or for other reasons. Palestinians who do wish to submit formal complaints also face serious obstacles; in particular, the offices of the MAG Corps at which such complaints can be received are hard for West Bank Palestinians to access as they are located either within Israel or within Israeli military bases located in the West Bank, which many Palestinians are afraid to approach. Consequently, Palestinian civilians who do submit complaints do so either through a lawyer, which can be costly, or through local human rights organizations, whose capacity to keep track of a large number of complaint cases is limited.

In several of the cases described below, unarmed Palestinian civilians sustained serious injuries as a result of being shot with live ammunition or other weapons by Israeli soldiers in circumstances which have not been investigated. Some were left with permanent or long-lasting disabilities. However, in all cases they have had no access to either justice or reparation.

**Mohammad Sa'id Ali Hassan Badan**, a 17-year-old student, sustained permanent injuries on 19 November 2012. He told Amnesty International that on that day he and around 500 other



*Mohammad Sa'id Ali Hassan Badan, 17, was disabled after being shot by Israeli soldiers after a demonstration on 19 November 2012. © Amnesty International*

students from Tuqu' boys' school started a protest against the Israeli military operation in Gaza, Operation "Pillar of Defense", at the time. The boys' sense of anger was further exacerbated that day after the death of a man from the village who had become ill while in Israeli detention.

*When I arrived, the clashes had already been taking place. The guys were on the sides of the road next to the school and the army on the ground in front of them with military jeeps in the back. There was about 100-150 metres between the guys, the rock-throwers and the army.*

*When I arrived tear gas was fired, and sound bombs were also thrown. The army targeted the kids with tear gas directly. They were shooting [the canisters] straight at us. At that time I was further away from the guys, standing to the back. And then the army pulled back. It was about 8am, and they fired tear gas while doing that. The*

*situation cooled down a little bit and the army was very far away, so we went down a little and stood to watch and see what the army was about to do.*

*Suddenly I felt sharp pain. A bullet had hit me from my left side. I heard the sound of two shots. One of them hit me.<sup>57</sup>*

Mohammad was taken to a hospital in Hebron where he was treated in intensive care for damage caused to his abdomen and bladder. He is now forced to use a wheelchair and cannot eat solids because of the injuries he sustained.

A video of the incident taken by a photographer working for the Palestinian Ma'an News Agency, shows soldiers initially responding to students who were throwing stones by firing tear gas and then withdrawing. Then, one of two soldiers standing on higher ground a short distance away is seen suddenly firing two live rounds of ammunition at the students; neither he nor other soldiers' lives appear to be under threat at the time of his firing. Immediately after the shots, the second soldier is seen running to his colleague and pushing him away.<sup>58</sup>

Mohammad Sa'id Ali Hassan Badan reported the incident to Israeli police in Etzion, but was frustrated by the approach taken by officers to whom he presented his testimony. He told Amnesty International:

*I was sent to the Israeli office, and I stayed there in interrogation until 6pm. When I had to enter the interrogation room... my grandfather had to pick me up from the wheelchair and put me on a chair in the room. There the interrogator did not allow my grandfather to enter and, when I was inside, he immediately accused me of throwing rocks, and what was supposed to be me giving testimony turned into an interrogation, and he accused me of throwing rocks and asked me to name other people I knew who threw rocks.<sup>59</sup>*

To date, to Amnesty International's knowledge, the soldier who shot and injured Mohammad Sa'id Ali Hassan Badan has not faced punishment or any disciplinary action.

Another Palestinian who suffered serious injuries was **Wasim Nidal Suliman Es'eed**, 25, an internet café manager and political activist. He told Amnesty International that he had participated each day in protests in Hebron against the Israeli military offensive in Gaza, Operation "Pillar of Defense", after it began on 14 November 2012, until he was shot and wounded on the fifth day of the eight-day conflict:

*On 19 November, the protest started in the morning, and as with all protests, it started peacefully. I joined at noon. At that time there was a lot of tear gas being fired as well as rubber-coated metal bullets and other metal bullets. I was alone and joined the protest, and took part in throwing rocks at the army which was firing weapons.*

*At around 4.30pm, I was behind the petrol station, and the army had started firing live bullets. I had run away from tear gas and I was shot at with live bullets.<sup>60</sup>*

As he tried to flee, he received a bullet wound to one leg and a second to the body. As a result, his bladder and intestines were damaged and he required treatment in intensive care in hospital.

Three months later, his brother **Wisam Nidal Suliman Es'eed**, an unemployed 17-year-old, was also injured when he joined in a protest with other Palestinians on 22 February 2013 to demand that Israel soldiers allow them access to a road in Hebron, Shuhada Street, which the army permits only Jewish settlers to use. He told Amnesty International that he was hurt at around 8.30pm as Israeli soldiers clashed with Palestinian protesters throwing stones:

*I was hiding behind a tree... I got scared that they were targeting me, and I knew they were firing live bullets, so I made a run for it. Just as I left my position a bullet hit me... Then as I was running another bullet hit my right foot, near the outer ankle. I was also hit with rubber bullets in my waist.<sup>61</sup>*

He said that the soldier who he believes was responsible for firing at him as he ran away did so from a distance of about 50 metres.

Amnesty International is not aware of any Israeli investigations into the separate incidents in which the two brothers were shot and injured by Israeli soldiers. Neither of the brothers complained to the Israeli authorities after they were shot and wounded; both told Amnesty International that they had no faith in the Israeli military justice system.

**Atta Mohammad Atta Musa Sabbah Sharaka**, 12, was seriously injured and rendered semi-paralysed when an Israeli soldier shot him with live ammunition on 20 May 2013 near his school in Jalazun refugee camp close to Ramallah. The day before in the school, one of his friends had thrown Atta's school bag over the school wall, towards the nearby Israeli settlement of Beit El, and into an area used by Israeli soldiers. He had been afraid of retrieving it but sought to do so the next day, after going into a shop and purchasing a soft drink. Then, as he walked along, he was shot. He told Amnesty International:

*I did not hear the bullet. There were other kids around; they were playing. There was no rock throwing. I saw the soldier after I got hit. I fell on the ground and then I saw more soldiers. I yelled for help so the kids came but they could not carry me. They called a young man and he took me. He put me in a car and took me to the al-Mustaqbal Hospital, but they transferred me immediately to Ramallah Hospital.<sup>62</sup>*

Atta Mohammad Atta Musa Sabbah Sharaka spent more than three months in hospital, and described his shooting to B'Tselem and other human rights organizations. No investigation into his shooting is known to have been opened by the MPCID. When Amnesty International interviewed him in September 2013, he said he had not been contacted by either the Israeli police or army.



*Soldiers watching while Israeli settlers attack Palestinians and their property in Qusra village, February 2013. © Private*

#### **SETTLER VIOLENCE AND EXCESSIVE FORCE BY THE ARMY**

Hundreds of Palestinians have been wounded during attacks by armed Jewish settlers on Palestinian homes, orchards and other property in recent years, sometimes in the presence of Israeli army soldiers who either stood by and failed to intervene or actively assisted the settlers. According to OCHA, 480 Palestinians, including 110 children, were injured as a result of settler violence in the West Bank between January 2011 and December 2013. In Qusra village, south of Nablus, for example, the village council has documented cases of settlers from Esh Kodesh and other nearby unlawful settlements and outposts carrying out dozens of violent attacks on the village and its inhabitants in recent years. According to OCHA, 14 Palestinians, including two children, were injured in settler attacks in the village between January 2011 and December 2013. These included attacks in which settlers carried guns and used live fire against Palestinians who sought to resist them.

On 10 January 2013, **Ammar Masamir**, 19, was shot when he and four of his cousins tried to prevent settlers from Esh Kodesh and other surrounding settlements from uprooting and destroying trees in Palestinian-owned orchards in Qusra. He told Amnesty International:

*As soon as I arrived I was hit by a bullet before I was able to do anything. There were maybe 30 metres between me and the settler who shot me... There were no soldiers when I arrived. When the bullet hit me... I fell, and the guys were not able to take me at first because there was a lot of shooting. I was hit in the upper right thigh from the front... My cousin and other guys eventually made it to me and carried me away towards the village centre.<sup>63</sup>*

Other villagers who were present when Ammar Masamir was shot said dozens of Israeli soldiers arrived soon after but failed to take any action against the settlers, although they were the aggressors; instead, the soldiers fired tear gas and rubber-coated bullets at the Palestinian villagers who had gathered to resist the settler violence.

The settler who shot and wounded Ammar Masamir did so with impunity. The Israeli authorities are not known to have carried out any investigation or taken any steps to identify him and bring him to justice.

The Qusra villagers have submitted dozens of complaints about settler attacks to the Israeli police, but without effective response, according to Abd al-Atheem Wadi, the head of the village council. He told Amnesty International:

*The attacks are imposed on us, and they do not stop. We do not demonstrate through marches or sit-ins, we go out to protect ourselves and our village. When an attack takes place, calls are made for people to go out and defend our fellow villagers, especially those on the margins of the village close to the settlements. We usually find the army on the hilltops watching while the settlers ravage through. When we start protesting, the army deals us a very heavy hand.<sup>64</sup>*

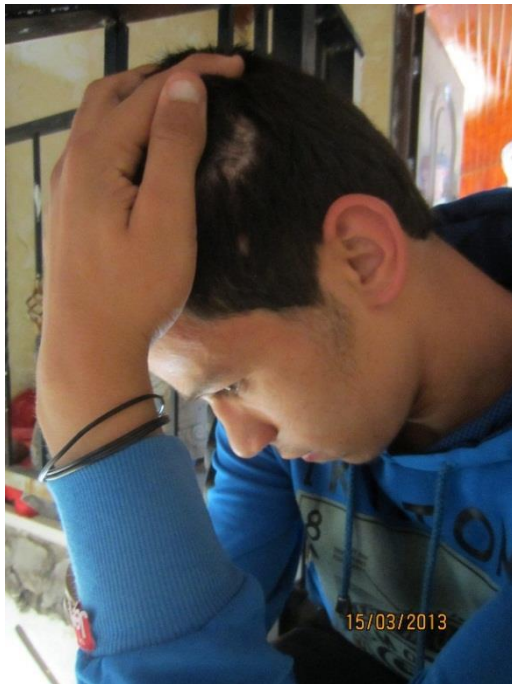
On 23 September 2011, Israeli soldiers shot dead Issam Badran, 37, during a protest by Qusra residents against settler attacks on Palestinian-owned land in the village. The MPCID opened an investigation following the killing but closed it on 5 February 2013 without revealing the findings or filing an indictment.

## 3. KILLINGS AND INJURIES RESULTING FROM OTHER WEAPONS

“I want the army officer who shot the gas canister directly at me... to be tried.”

We'am Burhum, 17, who was injured in the head from a tear gas canister fired by Israeli forces during a demonstration on 27 April 2012 in Kufr Qadum.

Several Palestinians have died in recent years and others have sustained serious injuries due



*We'am Burhum, 17, in March 2013. He suffered a serious head injury, after a tear gas canister fired by Israeli forces at close range hit him during a demonstration in Kufr Qadum in April 2012. © Amnesty International*

to the apparent misuse by Israeli forces of lethal force other than live firearms ammunition. The weapons used have included rubber-coated metal bullets, and “less lethal” means of crowd control, such as tear gas. In 2013, one demonstrator and one bystander were killed from rubber-coated metal bullets fired by Israeli forces. In December 2011, one Palestinian protester died as a result of being struck on the head by a tear gas canister that an Israeli soldier fired towards him at close range.

According to OCHA, at least 8,000 Palestinians were injured due to Israeli forces using weapons other than live ammunition between January 2011 and December 2013: of these at least 2,637 sustained injuries as a result of being hit with rubber-coated bullets; 503 were injured by being hit by tear gas canisters; 3,897 suffered injury due to tear gas inhalation and 90 due to the impact of a stun grenades; 680 received injuries due to physical assaults; and 35 were injured by shrapnel. At least 1,522 of those injured were children, according to the

OCHA data.

Amnesty International presents in this chapter details it has documented regarding three of the cases of killings and 11 of the cases of injuries.



*Bassem Tamimi, a human rights defender, holding rubber-coated bullets fired by Israeli forces after demonstrations in his village, Nabi Saleh. © Amnesty International*

Amnesty International considers the firing of rubber-coated metal bullets to be a type of lethal force and this should be prohibited unless fully consistent with the special provisions regarding lethal force with firearms set out in the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials. Thus, if it is strictly unavoidable to protect life in self-defence or defence of others, fully trained firearms officers under proper regulation, monitoring and control may be permitted to use lethal force to the minimum extent necessary against the imminent threat of death or serious injury, but only when less extreme means are insufficient to achieve this objective.<sup>65</sup>

On 2 September 2003, an official Israeli commission of inquiry, the “Commission of Inquiry into the Clashes between Security Forces and Israeli Citizens in October 2000”, headed by Supreme Court Justice Theodore Or, also concluded that rubber-coated metal bullets are lethal weapons and recommended that they are not used

by security forces for policing demonstrations.<sup>66</sup> On 30 July 2013, two Israeli human rights organizations, the Association for Civil Rights in Israel (ACRI) and B’Tselem, called on the Israeli authorities to stop the use of rubber-coated metal bullets when policing demonstrations the OPT.<sup>67</sup> Yet despite the evident lethal danger of using rubber-coated metal bullets in policing demonstrations, and the repeated calls on the Israeli authorities to stop this practice, Israeli forces continue to fire rubber-coated metal bullets against protesters in the West Bank. Two Palestinian protesters were killed in the West Bank in 2013, and many others were injured, from Israeli forces’ firing of rubber-coated metal bullets.

According to B’Tselem, the army’s January 2012 open-fire regulations, as well as police orders, acknowledge the lethal potential of rubber-coated metal bullets but only restrict, rather than prohibit, their use. The regulations reportedly set a minimum firing range of 50 to 60 metres and require the soldier opening fire to do so from a stationary position and when there is clear visibility, and then to aim only at the legs of individuals who are identified as posing a risk to security forces or others. The regulations reportedly prohibit the use of the rubber-coated metal bullets against women and children in all circumstances. Since 2003, the Israeli government has prohibited the use of rubber-coated metal bullets within Israel and against Israelis unless they are posing an imminent danger to the security forces.<sup>68</sup>

Regarding the use of chemical irritants, according to B’Tselem, the Israeli police “Procedure on the Employment of Means for Maintaining Public Order” restricts the use of tear gas to



the purpose of dispersing “serious disturbances that endanger public safety”. In addition, the army’s January 2012 open-fire regulations prohibit firing tear gas indoors and in densely populated areas, hence the use of tear-gas launchers that fire salvos of grenades are also prohibited under such circumstances. The regulations also prohibit the firing of aluminium tear-gas canisters directly at demonstrators, according to B’Tselem.<sup>69</sup>

Neither the army nor other Israeli authorities have confirmed B’Tselem’s account of the army’s January 2012 open fire regulations or directly disclosed details of the regulations. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that law enforcement authorities should “develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms”, including so-called “non-lethal incapacitating weapons for use in appropriate situations” but that their use should be carefully evaluated and restrained so as not to cause death or injury to persons through the use of arbitrary, abusive or excessive force. The Basic Principles also require that law enforcement officials are equipped with shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.<sup>70</sup> In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials are required to avoid the use of force or, where that is not practicable, to restrict such force to the minimum extent necessary. Officials have a positive obligation to facilitate peaceful assemblies and actively protect those participating in them.<sup>71</sup>

“Less lethal” projectiles and their launchers are used by Israeli forces in the OPT for policing protests and these have resulted in serious injuries and even death. Israeli authorities officially designates such weapons as “non-lethal”, but, whether the projectiles are made from metal, plastic, foam, fabric, or a mixture of materials, these weapons tend to share a number of dangerous features. At close range, many “less lethal” projectiles can “kill or seriously injure”,<sup>72</sup> and unburned propellant may cause serious burns. Medical studies have shown the increased risk of death or serious injury if projectiles hit the head and upper body region. Even if penetration does not occur, other “significant injuries”, including “contusions to the heart and lung”, can occur.<sup>73</sup> Furthermore, some evidence suggests that women face a greater injury risk from rubber projectiles than men, particularly to the skull, eyes, brain, lungs, liver, and spleen, with children and teenagers also facing heightened risk.<sup>74</sup> One study suggested that, in order to avoid serious injuries to the chest of a female, the speed of rubber projectiles fired from launchers should be “well below” that of many such weapon systems that are already on the market.<sup>75</sup>

Moreover, the likelihood of projectiles causing unwarranted injuries is increased by the general inaccuracy and unreliability of most weapons currently on the market. A joint study by the Applied Research Laboratory, Pennsylvania State University and the Los Angeles Sherriff’s Department of a range of kinetic impact projectiles found that, in over half of cases, the dispersion at a range of 23 metres was more than 45 centimetres, that is, more than the width of the average man across the front and back.<sup>76</sup> This level of inaccuracy significantly increases the risk of hitting uninvolved individuals, or hitting the intended target in areas likely to cause death or serious injury. Such concerns are exacerbated if cartridge rounds contain multiple projectiles as independent studies have shown these types to be “particularly inaccurate”.<sup>77</sup> Issues around inaccuracy and unreliability can be further exacerbated by “skip firing” the rounds (bouncing or ricocheting rounds off the ground,

instead of shooting at individuals directly). Whilst this does not significantly reduce the velocity of the rounds, it does make the trajectory of the rounds even more unpredictable,<sup>78</sup> presenting additional dangers to officers and especially the general public.

Thus, the launching of “less lethal” projectiles or baton rounds made purely from rubber or plastic can result in deaths and serious injuries, and their deployment and use by law enforcement officials should be very strictly regulated in a manner similar to that of firearms. Such projectiles should never be fired or launched unless strictly necessary by fully trained firearms officers subject to effective regulation, monitoring and control in order to avoid the use of lethal force so as to protect life in self-defence or defence of others against the imminent threat of death or serious injury, and then only used in a manner likely to decrease the risk of unnecessary harm when less extreme means are insufficient to achieve this objective. Similarly, the firing or launching of chemical irritant cartridges and grenades deployed to disperse a crowd should never be aimed and fired directly at any individual in the crowd.

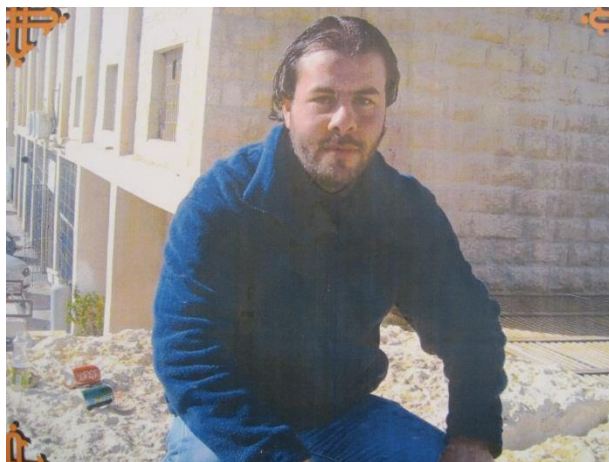
Furthermore, before using lethal or “less lethal” projectiles, law enforcement officials should be required to identify themselves as such and give a clear warning of their intent to use such weapons, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident. A system of monitoring reporting should be activated whenever law enforcement officials use such weapons in the performance of their duties.

Where hand-held batons are used, regular training and strict rules of use for law enforcement officers are also crucial in order to minimize unintentional injuries. This is particularly important because certain areas of the body are especially vulnerable to injury from baton strikes. Blows applied to the head, neck and throat, spine, lower back, and solar plexus could result in “significant injury with bruising and rupture of internal organs, including the heart, liver, spleen, or kidneys or a head injury”, whilst blows to bones and joints, including knees and ankles, can result in dislocation and fractures, as well as soft tissue injuries.<sup>79</sup>

### 3.1 KILLINGS

**Mahmoud Awad**, 26, died in hospital in Jerusalem on 28 November 2013 from wounds he received on 1 March 2013 when he was shot in the head by a rubber-coated metal bullet fired by an Israeli soldier during a demonstration near Qalandia military checkpoint.

Mahmoud Awad was at his uncle's restaurant, helping with its construction, when a clash developed at around 1pm between soldiers at a nearby army checkpoint and several dozen Palestinian protesters. The latter threw stones towards the soldiers who fired tear gas and rubber-coated metal bullets at them. This continued for over three hours. At about 4.15pm, Mahmoud Awad was standing on the rooftop of his uncle's restaurant with another person when he was struck in the back of the head by a rubber-coated bullet fired by an Israeli soldier. It is unclear whether he was simply observing the events as a bystander at the time of his shooting or participating in the stone-throwing or other protest action. An ambulance took him to the Palestine Medical Complex in Ramallah, from where he was transferred to Hadassah Hospital in Jerusalem. He died there almost nine months to the day after he



*Muhammad Asfur, 22, died on 7 March 2013 two weeks after he was hit in the head by a rubber-coated metal bullet fired by Israeli forces. © Private*

sustained his fatal injury. MAG Corps informed B'Tselem on 14 November 2013 that an investigation had been launched.<sup>80</sup>

**Muhammad Asfur**, 22, died in hospital on 7 March, 2013, two weeks after he was hit in the head by a rubber-coated metal bullet fired by an Israeli soldier during a protest in Aboud village, near Ramallah, where he lived.

Eyewitnesses to the shooting acknowledge that Muhammad Asfur was with a group of young men who were throwing stones in the direction of the soldiers

seeking to quell the protest, who were around 30-40 metres away when the fatal shot was fired. The protest had been called to express solidarity with Palestinian prisoners held by Israel, some of whom were on hunger strike, and took place following midday prayers. Marching Palestinian demonstrators were met by Israeli forces that entered the village and began to shoot tear gas and rubber-coated metal bullets at protesters. In response Palestinians began to throw stones at the Israeli forces, who continued to fire tear gas and rubber-coated metal bullets; it was one of the latter that hit Muhammad Asfur. No soldiers were hurt as a result of the stone-throwing – at least a subsequent army report of the incident, as cited by the *Jerusalem Post*, included no reference to any soldiers sustaining injuries.

Muti' Tayseer Mohammad Hussein, a plumber aged 25, told Amnesty International that he was present and only a few metres away from Muhammad Asfur when the latter sustained the wound that caused his death, although he did not realize initially that Muhammad Asfur had been shot:

*There were around seven soldiers standing around the electricity pole maybe 40 metres away from where Muhammad was standing. I was maybe five to seven metres away from Muhammad and could see him and the soldiers clearly. We, including Muhammad, were throwing rocks at them and they were firing tear gas and rubber-coated metal bullets. At some point there was a sound grenade also thrown in our direction. While they were firing rubber-coated metal bullets I saw Muhammad fall down, but I thought he was hiding. We were trying to run back and I saw that Muhammad did not move after he dropped, so I went with others to see him and found him wounded and bleeding from the head. I ran down to the house close to us and grabbed the keys of the owners' car and we took Muhammad in the car to the hospital in Salfit. There were no ambulances in the village at the time.<sup>81</sup>*

Muhammad Asfur's father, Samih Hussein Saleh Asfur, 54, a language teacher, received a

phone call alerting him to his son's injury and hurried to the hospital in Salfit, where he found him conscious. He told Amnesty International that his first impression was that his son was not dangerously injured but after doctors carried out scans the awful truth emerged:

*The doctors said that the bullet was still in his head and that we needed to take him to Rafidia [hospital in Nablus] to operate on him and remove it. They said it had reached the brain. During this time, Muhammad was getting worse and he started throwing up. In Rafidia, he entered the operation room immediately and when he came out [after an operation that lasted four and a half hours] he was unconscious.<sup>82</sup>*

After several days, doctors and the family arranged for Muhammad Asfur to be transferred to Tel Aviv Sourasky Medical Center, although it took several days for his relatives to obtain the necessary Israeli entry permits to enable them to visit him there. When they did so, they found him fevered and unconscious, as he remained until his death on 7 March. His father said he saw the bullet that doctors removed from Muhammad Asfur's head at Rafidia Hospital, describing it as "a metal marble coated with a thin layer of rubber".

Muhammad Asfur was not the only victim of shooting by Israeli soldiers during the 22 February protest in Aboud.

**Nijm al-Din Mahmoud Abed al-Majid**, 31, told Amnesty International that he had been present alongside Muhammad Asfur but did not see him being shot as by that time he had gone further into the village hoping to avoid the Israeli soldiers. However, as he stood in the main street he saw two soldiers coming towards him, one on each side of the street, one of whom shot him from about 30 metres away as he was about to turn and run.

*When they shot at me I was facing them. I was looking at them to see what they were doing but I was not carrying anything at all in my hands... It was a rubber-coated metal bullet with a screw tip. It hit the inside of my left knee. I saw it because it hit my leg and bounced off. The soldiers then picked up pace so that they could arrest me but I was yelling and some guys came to my help immediately and carried me away.<sup>83</sup>*

He required surgery and spent 13 days in hospital recovering from his wound.

On 8 March, the day after Muhammad Asfur's death, the *Jerusalem Post* reported that, according to the army, soldiers had "responded with riot dispersal means" on 22 February to a "violent and illegal demonstration" by scores of Palestinians who had thrown stones at security personnel.<sup>84</sup> The army said it had been unaware that Muhammad Asfur had been wounded until several days after his shooting, and had opened an investigation following his death. At the time of writing in February 2014 almost twelve months after the fatal shooting of Muhammad Asfur, the Israeli authorities have yet to disclose the findings of that investigation or the outcome of a complaint submitted by B'Tselem or any indication when the findings will be available. In the meantime, the family of Muhammad Asfur, who was in his fourth year as a physical education student at al-Quds University in Abu Dis, are left to grieve their loss and to question how and why it could be that a soldier could shoot their son when he was posing no serious threat to anyone's life or safety.

**Mustafa Tamimi**, 28, was killed by a tear gas canister fired at close range from an Israeli military jeep that hit him in the face on 9 December 2011 during a protest in Nabi Saleh. On



*Mustafa Tamimi, 28, after being hit in the face with a tear gas canister fired by an Israeli soldier from a military jeep at close range, December 2011. He died from his injuries the following day. © Haim Schwarzenberg*

that day Nabi Saleh residents were holding their weekly demonstration to protest the Israeli military occupation and illegal settlements. The peaceful demonstration was met with excessive use of force by Israeli forces. As the demonstration dispersed, a few young men began to throw stones. While an armoured military vehicle was moving away from the village, Mustafa Tamimi threw stones at it but his action was posing no serious threat to the lives of any soldiers or of others when a soldier fired a 40mm tear gas canister from a launcher through the open door in the rear of the army vehicle and hit Mustafa Tamimi, who was no more than a few metres away, directly in the face. The injury caused severe bleeding and Mustafa Tamimi was moved to Beilinson Hospital in Israel where he died the next day. The incident was captured by a sequence of photographers that show the moment of the shooting.<sup>85</sup>

After B'Tselem submitted a complaint to MPCID, an investigation was opened, only to be closed two years after on 5 December 2013 without an indictment being filed against the soldier who shot and killed Mustafa Tamimi. The MAG Corps said that a MPCID investigation collected testimonies from soldiers, examined photographs and video documentation of the incident, and received an "expert opinion" to reach the following conclusion:

*The shooting of the canister was done in accordance with the relevant rules and regulations, and did not involve any offence. As a result, the MAG decided to close the case without any disciplinary or criminal consequences to the IDF personnel involved.<sup>86</sup>*

The investigation did not seek testimonies from Palestinians, including witnesses. The MAG Corps said that “violent riots, which included throwing stones at MPCID investigators, repeatedly impeded the ability to perform a reconstruction at the scene of the incident.”

The unlawful killing of Mustafa Tamimi and the military investigations that followed show just how much members of the Israeli forces are allowed to commit crimes with absolute impunity. The lack of acknowledgement from the MAG Corps of any wrongdoing in the killing of Mustafa Tamimi sends a clear message to all Israeli forces who participate in policing demonstrations in the West Bank that they are free to misuse weapons causing deaths and injuries without being held to account.

**Bassem Abu Rahmeh**, 30, was killed by a high velocity tear gas canister fired by an Israeli soldier from close range that hit him in the chest on 17 April 2009. He was participating in a weekly peaceful protest against the fence/wall that divides the village of Bil'in from much of its agricultural lands. He was unarmed and posing no threat to soldiers or others when he was hit, as shown by video footage taken at the time. The Israeli military announced an investigation into his death in July 2010, more than a year after it occurred, following pressure from local human rights organizations. The MAG Corps closed the investigation in July 2013 citing lack of evidence.<sup>87</sup>

**Jawaher Abu Rahmeh**, 36, one of Bassem Abu Rameh's sisters, died on 1 January 2011 apparently as a result of inhaling tear gas that Israeli soldiers fired at demonstrators in Bil'in village.<sup>88</sup> A year later, the Israeli authorities announced an investigation into her death, following pressure from Israeli human rights groups, but they have yet to disclose its outcome.

**Mo'ayad Ghazawneh**, 35, died on 15 March 2013 apparently as a result of inhaling tear gas that Israeli soldiers fired during a protest near Qalandia on 22 February 2013. He worked as a taxi driver and was in his car when Israeli forces fired large quantities of tear gas at and around his car. He was moved to the Palestine Medical Complex in Ramallah where he remained until he died.

**Sa'id Jasir Ali**, 85, died on 2 January 2014 after inhaling tear gas that Israeli forces fired at his home in Kufr Qadum the previous day during a demonstration in the village. Amnesty International does not have further information on this case.

#### **USE OF EXCESSIVE FORCE AMOUNTING TO COLLECTIVE PUNISHMENT**

Israeli soldiers and Border Police frequently use excessive force against Palestinians and others who participate in the protests that are held on a weekly basis in villages most directly affected by the erection of the fence/wall and the presence of Jewish-only settlements in the West Bank, together with the road and other closures and the restrictions on their movement and other rights that are the daily experience of life for Palestinians living under Israeli military occupation.

In the village of Nabi Saleh, near Ramallah, for example, Israeli forces have repeatedly used both “less lethal” means, such as toxic chemical irritants (tear gas), stun grenades (sound bombs), pepper spray, maloderant (skunk) water canon spray, and hand-held batons against

largely peaceful demonstrators, and, on some occasions, lethal force, such as the gunfire of live ammunition and rubber-coated metal bullets. Their actions have, in recent years, caused the deaths of two protesters – Mustafa Tamimi, in December 2011, and Rushdie Tamimi, in November 2012 – and the wounding of hundreds of others.

The army's response to the protests also frequently impacts villagers who are uninvolved in the protests and seeking to pursue their everyday activities. According to local people, the army often fires large quantities of tear gas into residential areas of the village, causing people breathing difficulties and putting them at risk of suffocation, and, sometimes, house fires. Local residents also complain that they and children in the village face constant risks of serious injury and death due to Israeli forces' use of lethal force including rubber-coated metal bullets and live ammunition, and they point to extensive damage to vital water supplies due to bullets puncturing water tanks in the village. On several occasions Israeli forces have fired "skunk water" at homes, causing damage and leaving families with a sickening smell that remains for days afterwards. Firing tear gas at, or using "skunk water" on, Palestinian homes, cannot be justified as a "security measure" under any circumstances, and water tanks should never be targeted.

The Israeli authorities also frequently declare the area a closed military zone, particularly during demonstrations, and close roads into and out of the village, requiring residents and visitors to enter and leave the village via military checkpoints, where many complain that they are harassed by Israeli soldiers. The army maintains a military gate and a guarded watchtower overlooking the entrance to the village.

In response to a letter sent by Amnesty International Israel to the Israeli Defence Minister to express concern over the use of excessive force in Nabi Saleh sent in December 2013, the Israeli army responded on 20 January 2014 claiming that protests in Nabi Saleh are illegal since they do not have permission according to Military Order 101 and that the army has an obligation to disperse it. In the letter, the Israeli army said that according to an order from the military commander, which is valid for six months, but which can be renewed indefinitely, the village of Nabi Saleh is declared a closed military zone every Friday from 8am and until 7pm. The letter did not indicate specific dates.

The army frequently arrests local political activists and human rights defenders, and conducts night raids in the village, many times arresting children accused mostly of stone-throwing at Israeli troops.

The combined impact of the army's repressive and restrictive policies and practices in Nabi Saleh and other villages near illegal settlements or along the fence/wall appears to amount to collective punishment, whereby the population as a whole is penalized, including those who play no active part in the weekly demonstrations and other protests against Israeli rule. Collective punishment of the population of an occupied territory is prohibited under international humanitarian law, and when imposed constitutes a grave breach of that law. It is also a serious violation of international human rights law.

### 3.2 INJURIES TO PROTESTERS AND BYSTANDERS



*Osama Rami Yousef Hassan, 15, in March 2013. He was hit in the eye by a rubber-coated metal bullet fired by Israeli forces in February 2013. © Amnesty International*

**Osama Rami Yousef Hassan**, 15, sustained an injury to one eye when he was hit by a rubber-coated metal bullet fired by an Israeli soldier after Jewish settlers attacked Palestinian homes in Qusra village on 23 February 2013, leading to clashes when local people resisted the attack. He told Amnesty International that the Israeli soldiers who came in response to the violence took the side of the settlers and fired tear gas at the Palestinians, some of whom were throwing stones.<sup>89</sup> As the 15-year-old picked up some rocks to throw at the soldiers, one took aim at him and fired. The rubber-coated bullet did not hit him directly but ricocheted off a tree and a fence

before part of it struck him, causing him to fall to the ground. Local people took him to hospital. Osama Hassan had to miss school and stay at home for several months due to his injury, which caused serious damage to his eye.

Amnesty International is not aware of any investigation launched by the Israeli authorities into the injury of Osama Rami Yousef Hassan.

**Imad Abu Shamsiyeh**, 43, told Amnesty International that he and his 13-year-old son lost consciousness after inhaling tear gas that Israeli soldiers fired at peaceful protesters on 1 March 2013 in Hebron. They were demonstrating against the closure of Shuhada Street, a main thoroughfare, to Palestinians, and its reservation for exclusive use by Jewish settlers. He said:

*The protest began at about 12.30pm after the Friday midday prayers were over. We started walking from the mosque towards Shuhada Street. I had my son Awni with me, and we were peaceful, only walking with signs and singing slogans. There were a lot of soldiers around, and when we got close to them we lifted our arms up and some of us even lifted our shirts to show that we were peaceful. All of a sudden, when we were about 700 metres away from our entrance to [Shuhada] Street, the army started firing stun grenades at us and then immediately after they started firing a lot of tear gas. Some of us sat on the ground to stress that we were peaceful. But it was unbearable with the tear gas and the stun grenades, so I took my son and started walking back, but the soldiers who were on rooftops were also firing tear gas. I have never seen this quantity in my life. I was blinded and I lost consciousness and fell on the ground. I woke up in a car and found my son with me. He had also lost consciousness.*



*I always participate in protests calling for the opening of Shuhada Street. I myself suffer from this closure a lot. I can never reach my house by car and I always have to pass by checkpoints to reach or leave my house. I also see this as a demonstration to protest against the system of apartheid in Hebron, which favours the few right-wing settlers over us Palestinians and which allows them to carry out violent attacks against us freely. I have suffered a long time from settler attacks; I was even attacked by a settler when I was back from the protest that day.<sup>90</sup>*

**Mustafa Walid Saleh al-Absi**, 15, was hit in the face by a tear gas canister at around 2.30-3pm on 8 March 2013 while he was shopping in the Bab al-Zawiya area of Hebron, near where a protest was taking place. He told Amnesty International:

*After I bought some vegetables I stopped to watch what was happening. It was a protest in solidarity with [Palestinian] prisoners [held in Israel]. The army was shooting rubber-coated metal bullets and tear gas. I was standing far from the [protesters] and about 15 metres from the soldiers. Suddenly a tear gas canister... hit my shoulder and then my jaw ... When I woke up I found myself in the hospital. They told me that I had to undergo an operation to reconstruct my jaw because it was shattered.<sup>91</sup>*

Amnesty International is not aware of any investigation launched by the Israeli authorities into the injury of Mustafa Walid Saleh al-Absi.

**We'am Walid Kamel Burhum**, 17, told Amnesty International that he sustained serious head injuries when an Israeli soldier fired a tear gas canister directly at him from close range during a demonstration on 27 April 2012 in Kufr Qadum, a village in the northern West Bank:

*There was a demonstration against the closing of the road and the settlements near our village after midday prayer [on Friday]... We gathered at the start of the demonstration near the mosque and started walking... Eight soldiers came out from hidden positions from both sides of the road, four on each side. They were about 10-15 metres away from where I was. One of the soldiers who came out from the left side of the road got down on one knee and pointed the tear gas canister launcher directly at me and fired. The aluminium canister hit me directly on the left side of my head.<sup>92</sup>*

We'am Burhum was rushed to hospital and required an emergency operation. He was later transferred to a Jordanian hospital for specialized treatment. He was unable to speak for three months due to his injuries.

We'am Burhum submitted a complaint to MPCID through B'Tselem and was then summoned to give a testimony in Ma'ale Adumim police station. He was frustrated by his treatment and said that Israeli investigators were more interested in questioning him about the presence and identity of Palestinian stone-throwers at the time that he was wounded than about the actions of the Border Police officer who fired the tear gas canister that struck him:

*Instead of asking about what happened to me and my situation they asked about the guys who throw rocks and interrogated me about my participation in the demonstration...*

*I want accountability. I want the officer who shot the gas canister directly at me – he was from the Border Police, but I did not see his face because he was wearing a helmet and a mask – I want him to be tried.”<sup>93</sup>*

He said he was not aware of any disciplinary action or other sanctions by the Israeli authorities against the Border Police officer who caused his injury.

In other cases, Israeli soldiers and police have injured Palestinians by beating them with batons or setting dogs on them when dispersing demonstrations. For example, on 13 January 2013, Israeli police allegedly resorted to unnecessary and excessive force, including beating and kicking, to disperse some 130 Palestinians who had gathered at a protest camp opposite the Israeli settlement of Ma’ale Adumim, east of Jerusalem, to peacefully express their opposition to settlements. One protester, who preferred to remain anonymous, told Amnesty International the next day:

*I feel my body is one large bruise. They beat me hard... We did not resist the eviction, but we did not co-operate either. The soldiers began to remove us one by one. They kicked us to separate us... I was repeatedly kicked so hard on my left leg that I felt it had broken. Three soldiers dragged me away, and when I was out of the journalists' sight they started beating me with their elbows and kicking me on the back and then threw me on some rocks. Two of the soldiers kicked me while I was on the ground.<sup>94</sup>*

**Hazem Abu Hilal**, 29, told Amnesty International that several Israeli soldiers surrounded him, beat him with their guns and kicked him at a peaceful protest march in the village of Hizma, near a checkpoint north of East Jerusalem, on the afternoon of 9 March 2013. He said soldiers, including some in anti-riot gear, attacked the protesters by firing sound bombs and tear gas and beating them. They used a megaphone to tell them the demonstration was illegal and order them to disperse. He said:

*We tried to talk to them and explain what we were doing ... but they were yelling through the megaphone that we should leave the place and that it was an illegal protest that should immediately disperse. They announced this after the beating and the sound bombs. They hit me with rifle butts on my stomach and back. At one point I was surrounded by five soldiers who were all beating me with their guns and kicking me with their legs. They fired over 20 sound bombs and violently attacked girls. One girl holding a sign with a slogan against apartheid was hit hard.<sup>95</sup>*

Amnesty International is not aware of any complaints by Palestinians demonstrators being submitted or any investigation being opened by the Israeli authorities into the incident.

**Abed al-Rahim Barbar**, 14, told Amnesty International that he was singled out for assault by police and soldiers when he participated in a demonstration on 28 February, 2013, in Jerusalem's Old City:



*I was holding a Fatah flag and I saw a policeman point me out to other officers. I was worried they wanted to arrest me so I left the group but then two policemen started chasing after me so I ran away but I was caught by two soldiers. One of them held me and the other hit me with his rifle on my forehead so I lost consciousness. Some people came and put water on me so I woke up.<sup>96</sup>*

Amnesty International is not aware of any investigation that was opened by the Israeli authorities into the incident.

**Bilal Fathi Abd al-Halim Jum'a**, 24, was beaten on his head with stones when he attended a peaceful protest on 1 March 2013 in Kufr Qadum, according to a member of the village council, who told Amnesty International that he witnessed what occurred:

*Bilal Jum'a, along with a group of people from the village, went on a peaceful march in protest at the closure of the road which gives the population access to the main road to Nablus. When they found themselves facing a large group of the army, the demonstrators were surprised when the army fired tear gas and smoke bombs without warning. The smoke bombs separated the army from the marchers. We saw the army withdraw about 100 metres back.*

*Abed al-Rahim Barbar, 14, assaulted by Israeli forces when participating in a demonstration in February 2013. © Amnesty International*

*We then were surprised by about 12 soldiers who were hiding and came to attack the demonstration. They started beating Bilal with stones on his head.<sup>97</sup>*



*Bilal Jum'a being beaten by a soldier in a peaceful protest in Kufr Qadum, March 2013. © Private*

Amnesty International is not aware of any investigation by the Israeli authorities into the incident.

**M. D.**, 17, was still in a hospital bed in Ramallah when he told Amnesty International how he had been injured on the afternoon of 8 March 2013 during a demonstration near the Israeli military checkpoint close to Shu'fat refugee camp.

He had joined in stone-throwing with about 30 other young Palestinians but became cornered between the main body of Israeli soldiers and plain-clothes members of the Border Police – referred to by many Palestinians as the *musta'ribin*<sup>98</sup> – who had arrived to assist them:

*I was trapped; the army was in front of me, about 15 metres away, and the musta'ribin were behind me, around five metres away. It was already night-time and I was very scared... I had space to run away, so I did... but the army had followed me and... as I was climbing on a fence, they fired two sound bombs at me which hit me directly.*

*I fell but my leg was trapped on the wire... My leg was broken, maybe from the bombs...*

*I was crying from pain. After I was sure there were no soldiers around me, I called my father and told him where I was.<sup>99</sup>*

Amnesty International is not aware of any complaints submitted by the victim or any investigation that was opened by the Israeli authorities.

**Ahmad Shakir Mahmoud Shatiwi**, 22, a Palestinian police officer, told Amnesty International that Israeli soldiers set a dog on him in Kufr Qadum as he participated in a peaceful protest march from Kufr Qadum towards the Kadumim settlement on 16 March 2013:

*At the end of the village we found a large group of the army. We were not carrying any weapons or even stones.*

*They set a dog on me. Why? The dog grabbed my left foot. When I hit it, it grabbed my right hand... The dog dragged me while the army was watching. The soldier in charge of the dog did not make any attempt to rescue me.<sup>100</sup>*

According to *Haaretz*, following this incident the army opened an investigation after which it decided to stop the use of dogs in policing demonstrations.<sup>101</sup> Amnesty International is not aware of any criminal investigation being opened by the Israeli authorities into this incident.

**Muhammad Amin al-Bayed**, 50, told Amnesty International that he suffered a broken jaw when an Israeli soldier fired a tear gas canister directly at him from close range on 22 March, 2013. At the time, he was participating in a protest called by the Hebron Defense Committee to demand the opening of the road running between Hebron and Fawwar refugee camp for use by Palestinians who, due to its closure, are required to make a seven-kilometre diversion. As he and others gathered after Friday prayers, and began demonstrating more than 100 metres away from the military gate closing the road, he saw three Israeli soldiers standing about 25 metres away. He said:

*[One of them] pointed his launcher towards us and fired. The tear gas canister hit me straight in the face, in the right side. There was no warning or anything. He just shot straight at me.<sup>102</sup>*

A Palestinian Red Crescent Society ambulance transferred Muhammad al-Bayed to Al-Ahli Hospital in Hebron. The tear gas canister had broken his jaw bone and torn nerves in his face, and caused significant blood loss. He remained at the hospital for five days and subsequently filed a complaint with the Israeli authorities through B'Tselem. However, when the Israeli District Coordination Office (DCO) asked him to attend to discuss his complaint, he was afraid and refused to do so. He requested to submit his information through the PA police but this was not accepted and he heard no more.

#### **DECADES OF TEAR GAS MISUSE**

Various types of toxic chemical irritants, commonly known as tear gas, and their delivery systems or launchers are used by law enforcement agencies in many countries as a means of riot control to disperse violent gatherings that pose a threat to law and order. Toxic chemical irritants are often described as “non-lethal” but in fact can have lethal effects so are better

described as “less lethal” weapons. Serious and unwarranted injuries can also result from the use of toxic chemical irritants. The irritants rapidly produce “disabling physical effects” through sensory irritation of the eyes and upper respiratory tract which are supposed to usually disappear within a relatively short time. Physical effects of chemical irritants can include tearing of the eyes, breathing difficulties, coughing, choking sensations, chemical burns, vomiting, suffocation, severe allergic reaction and blistering of the skin depending on the chemical mixtures and concentrations.

Thus, toxic chemical irritants should not be used in very high concentrations. Such weapons can have indiscriminate effects when sprayed or fired in canisters over a wide area and can cause panic leading to stampeding so should not be used where people are confined in an area. There are certain contexts in which such weapons should never be used. These include as a means of dispersing a peaceful assembly, where there are older people, children or others who may have difficulty in moving away to avoid the chemicals, or in confined spaces including buildings, vehicles and sports stadiums where exits and ventilation points are restricted.

Such weapons should only ever be used in extreme circumstances when it is strictly unavoidable in order to protect life in self-defence or defence of others against the imminent threat of death or serious injury and only when less extreme means are insufficient to achieve these objectives and, moreover, only to the minimum extent necessary by fully trained firearms officers under strict regulation, monitoring and control. Furthermore, if chemical irritant cartridges and grenades are deployed to disperse participants in a crowd who are posing an imminent risk of serious injury the chemical irritant projectiles should never be launched in a manner likely to increase the risk of unnecessary harm to individuals. In any case, such weapons should not be designed or used in any ways that can cause serious or unwarranted injuries or death (such as when cartridges are fired from too close range, or directly aimed at people or if inhalation of chemical mixtures would cause serious burns or life-threatening suffocation). When used inappropriately, including in enclosed areas or on unarmed protesters who are simply exercising their rights to freedom of expression and assembly, deploying tear gas can constitute a serious human rights violation.

Amnesty International and other human rights organizations have documented and advocated against the Israeli forces' widespread and persistent misuse of tear gas in a manner that violates human rights. According to Amnesty International's research, Israeli forces have continuously and consistently misused tear gas in deliberate and reckless ways leading to the killing, injuring, and damaging of property in the OPT since 1988. In particular, Israeli forces have used tear gas excessively against protesters, many times in closed areas and close to residential homes; they have fired the tear gas from close distance and frequently in a manner that, as evidence shows, directly targets Palestinians and/or their properties with arbitrary uses of force.

According to official trade data, many of the chemical irritants, tear gas cartridges and grenades (canisters) and launching devices used for tear gas deployments have been supplied to Israel from the USA with US government approval. Many examples of spent cartridge cases and grenades fired by the IDF and collected in the field bear US manufacturers' markings. For example, US suppliers provided Israel with 40mm aluminium tear gas canisters, launched from a weapon singly or from a six-round launcher.<sup>103</sup> Israeli forces have frequently

fired such canisters in excess and many times directly at protesters and/or their properties. The Israeli forces' misuse of such weapons has resulted in deaths, serious injuries and damage to property. Mustafa Tamimi was killed when a US type of canister was fired at his head by a member of the Israeli forces from a close distance. Another type of 40mm long-range tear gas canister supplied from the USA<sup>104</sup> was reportedly what struck and killed Bassem Abu Rahmeh in 2009 (see case above). Tristan Anderson, a US solidarity activist, was critically injured in the head when a similar type of canister was fired by a member of the Israeli forces at his head. According to *Haaretz*, this type of long-range ammunition was banned from use and stocks removed after it led to the death of Bassem Abu Rahmeh. The newspaper reported that its use was documented again in July 2010 in Nabi Saleh, also leading to injuries.

The USA has also reportedly supplied a multi-shot weapon system to fire tear gas grenades that is usually mounted on Israeli military vehicles, and which has been used by Israeli forces to fire excessive amounts of tear gas in closed residential areas. In addition, the US has apparently supplied Israeli forces with stun grenades and other projectiles.<sup>105</sup>

To fire tear gas canisters Israeli forces have used a 40mm launcher mounted on assault rifles, which has reportedly been supplied by a US-based company.<sup>106</sup>

### 3.3 INJURIES TO JOURNALISTS, HUMAN RIGHTS DEFENDERS AND MEDICS

Journalists, human rights activists and medics present to report on the protests, document abuses or treat the wounded have also been injured on many occasions as a result of Israeli soldiers' use of excessive force. In some cases, they appear to have been directly targeted.

#### JOURNALISTS

Amnesty International has documented the following cases of journalists who have been injured.

**Mohammad al-Azzah**, 23, a freelance journalist and photographer, was shot in the face with a rubber-coated metal bullet by an Israeli soldier after he had been photographing troops firing at Palestinian youths throwing stones on the evening of 8 April 2013. He told Amnesty International that soldiers and Border Police had seen him taking photographs from the balcony of the Lajee Center in Aida refugee camp as they fired at the refugee camp, from where children and youths were throwing stones.

*It was clear to the Border Police that I was taking pictures. After a few minutes, army soldiers came down from the gate. There were eight or 10 of them. They had guns with live ammunition and tear gas launchers, and they started firing towards the camp. They passed by me and saw me taking pictures. Then one soldier came back to me and told me to go home. I said that I was only taking pictures; I was doing no harm or posing any danger. The commander came and took the soldier away. The commander... was talking to the soldiers and pointing at me. He also made phone calls. I got a little bit worried and went inside, but I kept the door open and continued to take pictures. The commander, who was 10 metres away from me, was still pointing at me and making calls. Then I saw him shooting rubber bullets, one bullet at a time, sniping, towards the camp. He would shoot a bullet every one to three minutes.*

*It was about 7.20pm, getting dark, but I continued to take pictures, especially of the commander, and the four soldiers around him now, who were always laughing. The commander called one of the soldiers. I decided to stop photographing and go home. I closed the window, then came back to close the door, and one soldier shot directly at me. I saw the shot leave his gun... The bullet hit me in the right of the face and penetrated inside. I screamed, and my colleague, who was also working late, came running to me. He took me down the stairs and called an ambulance and then tried to call someone to get a car. When he opened the door to take me out, the soldiers shot at the door. He yelled at the soldiers that they had killed me, and then decided to take me through. We ran out of the building and continued for 150 metres. Then a neighbour came and took me to al-Husseini hospital.<sup>107</sup>*

Mohammad al-Azzah was quickly transferred to the Arab Society for Rehabilitation hospital in Bethlehem and had the first of two operations an hour after his arrival. Doctors removed a "cylinder rubber-coated metal bullet" that was lodged in his face and undertook reconstructive surgery. He spent 17 days in hospital. The day after he went home, Israeli soldiers raided his house. He told Amnesty International:

*They blew up the door of my house and entered by force and got everyone out of the house. They were looking for me, but I was at my uncle's house. They asked about me and my mother said that I was still at the hospital. They searched the house and then left after they gave my father and brother summons to go to an interview with the Shabak.<sup>108</sup>*

*I stayed for two months sleeping in places of relatives and friends, but not going home. I was not scared of arrest, because I knew I had not done anything, but I was still suffering from the injury and needed treatment. After two months I decided to go home for one night, and that is when they came to arrest me. It was about 1am.*

*This time they searched all the houses of our family: my grandfather's house, my uncle's house, and everyone around. They beat my uncle and my cousins. One uncle, who is a US citizen, was trying to tell them that he is a US citizen, but they also beat him hard. After an hour of searching they found me, they took me in my shorts, and dragged me to the military base next to Rachel's Tomb.*

*They found me in the bedroom, and they beat me, including on my injury, when they found me. They beat me with their hands and rifle butts. They handcuffed me to the back with plastic bands and dragged me violently to the military base. They beat me on the way while I was also blindfolded.*

*In the military base they stopped the beating and took off the blindfold. They took me to Etzion and a doctor came to see me and I told him about my injury. I spent two days there and then I was transferred to Ofer where I was interrogated. They asked me about my work, the pictures I take, the people I take pictures of. They asked for the pictures I had taken but I refused to hand them over.*

*I was done with the questioning in Ofer at around 8pm. I thought they were taking me back to Atzion but they took me to a hospital [Sha'arei Tzedek] in Jerusalem. I waited*

*there until 12am. I was cuffed with metal chains on my hands and legs. A doctor examined me and then they took me back to Ofer. I was put in a small cell, three metres by three metres, with a small toilet and cameras inside.*

*The next day I was presented to court, with charges that had to do with incitement. The military judge ruled that I was innocent. The military prosecution appealed but the judge agreed to let me go with 1,500 shekels bail.*

Mohammad al-Azzah said he had instructed a lawyer to initiate a civil court action for damages against the soldier who shot and injured him. As far as Amnesty International is aware, the Israeli authorities have not investigated the shooting of Mohammad al-Azzah or taken any measures against the soldier who shot him.

**Mu'ath Mishal**, 28, is a cameraman for the Turkish news agency, Anadolu Agency. He told Amnesty International that he is assigned to cover demonstrations in the West Bank including the weekly ones in villages such as Nabi Saleh and Kufr Qadum, and is frequently targeted with violence by Israeli forces. In recent incidents, he said that he had been hit with a rubber-coated metal bullet while reporting on the demonstration in Nabi Saleh on 27 December 2013 and that, a few days later, a tear gas canister was fired directly at his face and missed him by a very short distance. The incidents were captured on his camera.<sup>109</sup> He told Amnesty international:

*I was covering the demonstration in Nabi Saleh on 27 December which celebrating Christmas. As always I wear a protective vest with 'Press' written on it, and I am of course always holding a camera. At one point the 'skunk water' truck came into the village and began spraying the houses, at the windows, and the cars. Some women from the village tried to stop the 'skunk water' truck by standing in front of it. At one point I was filming an activist protesting and a soldier shot a barrel of rubber-coated metal bullets at her leg from a very short distance. I was standing just a few metres away, and one bullet hit me under my left knee, and another hit my colleague Abbas Momani in the leg. I was given treatment by medics on the spot.*

*The second time, I was targeted directly with a tear gas canister, and it is captured on my camera. The canister missed my face by just a few millimetres. That was in Kufr Qadum, and I was covering the funeral of a man who was killed by tear gas while he was inside his home. The residents of the village went on a demonstration after the funeral. About 4-4.30 pm I was positioned in a place away from the protesters. I was holding my camera and I was wearing my protective press vest; it was very clear that I was a journalist. There were a number of soldiers who were 20 to 25 metres away from me. One of them stepped out; he was holding a tear gas launcher and, as you can see in the video, he pointed at me and the other journalists who were standing in that spot and shot directly towards my head. The canister just missed me and I ran away.<sup>110</sup>*

Amnesty International is not aware of any investigation being opened by the Israeli authorities into the incident.

In addition to the cases documented by Amnesty International, incidents in which journalists



reporting on demonstrations in the West Bank have been injured by Israeli soldiers, including cases in which they appear to have been specifically targeted, have been reported by a number of groups that advocate for the freedom and protection of press.

In late October 2013, the International Federation of Journalists (IFJ) condemned what it described as “the deliberate targeting of Palestinian journalists by Israeli troops” as they sought to report on clashes between soldiers and protesters, including on 22 October 2013 in Bil'in, where Israeli soldiers attacked **Ayser Barghouti** and **Amjad Shuman**, two Wattan TV journalists, with rubber-coated bullets and sound grenades.<sup>111</sup> One rubber-coated bullet struck Amjad Shuman in the head; he was rushed to the Palestine Medical Complex in Ramallah for treatment and survived.

Another international NGO, the Committee to Protect Journalists, expressed concern in December 2013 that “Israeli forces continued sporadic attacks on Palestinian journalists covering anti-settlement demonstrations in the West Bank and East Jerusalem”. As well as citing attacks on 8 April 2013, when Israeli forces

shot journalist Mohammad al-Azzah in the face with a rubber-coated metal bullet in Aida refugee camp (see case above), it referred to a case in which Israeli forces fired rubber-coated metal bullets and threw stun grenades at journalists reporting on a protest at Qalandia checkpoint on 29 November 2013.<sup>112</sup>

In the first half of 2013, the Ramallah-based Palestinian Centre for Development and Media Freedom (MADA) said it had documented 43 cases in which Israeli forces were alleged to have attacked journalists in the OPT.<sup>113</sup> In one case, a soldier shot photojournalist **Jihad al-Qadi** with live ammunition as he took pictures at a demonstration beside the Ofer military complex in Ramallah on 1 March.<sup>114</sup> Jihad al-Qadi was struck in the chest by the bullet, which then exited through his back, causing him serious injury. MADA also reported that two journalists working for Palestine TV, **Ahmad Shawar** and **Bashar Nazzal**, were reported to have



*Israeli army spray residential area in Nabi Saleh with "skunk" water, March 2013. © Haim Schwarzenberg*

been kicked and assaulted by Israeli soldiers who arrested them on 21 June 2013 as they were covering the weekly demonstration against Israeli occupation held in Kufr Qadum village near Nablus.<sup>115</sup> Both journalists were later released on bail. In addition, MADA reported that Israeli soldiers attacked journalists who were present to report on a demonstration in East Jerusalem on 24

September 2013, beating some of them with batons, spraying them with “skunk water” and damaging their equipment.<sup>116</sup>

The Tel Aviv-based Foreign Press Association (FPA), which assists international journalists covering events in Israel and the OPT, has also repeatedly complained to the Israeli authorities about “inappropriate” violence by Israeli soldiers against journalists during demonstrations in the West Bank, and about the failure of the authorities to investigate specific cases that the FPA has brought to their attention. The FPA reported a number of attacks by soldiers on journalists in 2013, including physical assaults such as at Bab al-Shams protest camp in Jerusalem on 15 January; the throwing of stun grenades at reporters, such as at Hizma near Jerusalem on 9 March and at a demonstration near Qalandia on 30 March; the firing of a tear gas canister directly at a female journalist on 4 July at a demonstration near Ramallah, causing her to sustain burns to her legs; and an incident on 29 November, when Israeli soldiers attacked a group of photojournalists – clearly identifiable by their press vests – from behind, using stun grenades, as they left the site of a demonstration near Qalandia military checkpoint, and a rubber-coated bullet fired by an Israeli soldier hit the camera of one of the photojournalists.<sup>117</sup>

#### **REPEATED ATTACKS ON AL-QUDS UNIVERSITY STUDENTS AND STAFF**

Students and staff at the Abu Dis campus of al-Quds University, a higher education institution in the West Bank, have come under repeated attack by Israeli forces using tear gas and rubber-coated metal bullets. Israeli forces in military vehicles make frequent incursions to the area of the university to conduct search-and-arrest operations, or for the construction of the fence/wall, and on one occasion for the demolition of a house,<sup>118</sup> or as a form of harassment leading to clashes with local youths and others who throw stones at them or in their direction, and to which they respond generally by firing tear gas and rubber-coated bullets.

According to the Human Rights Clinic at al-Quds University, Israeli forces made at least 12 incursions into and around the university campus during the period from 2 September 2013, when the first term of the academic year started, to 31 December 2013, frequently firing tear gas and rubber-coated bullets at students and staff while they were in the university. During this period 420 students and staff received medical treatment from the Palestinian Red Crescent Society for injuries they sustained as a result of the Israeli forces' actions; 408 required treatment for asphyxiation from tear gas and 12 for injuries from rubber-coated metal bullets.

An Amnesty International researcher witnessed one such incursion on the afternoon of 22 September 2013, during which four Israeli soldiers emerged from a military vehicle and began firing rubber-coated bullets into the university campus, apparently unprovoked. Within a few minutes, a group of young people gathered and began to throw stones towards the soldiers, who continued to fire rubber-coated bullets and also fired tear gas including at bystanders who were not participating in the rock throwing. One soldier threw a sound grenade while others fired rubber-coated metal bullets.

A more recent attack took place on 22 January 2014, when Israeli forces fired tear gas and rubber-coated metal bullets into the university before entering the campus and continuing to shoot at students and staff injuring many and damaging university property. According to the Palestinian Red Crescent Society, medical care was given to 430 students and staff on site and in nearby clinics; 410 of the injured were treated for the asphyxiating effect of tear gas

and the 20 others for injuries from rubber-coated metal bullets.

#### HUMAN RIGHTS DEFENDERS

Israeli forces have regularly injured Palestinian activists who carry out video and other documentation during demonstrations and report on abuses. This pattern of apparently targeted abuse is common in villages such as Nabi Saleh where there are weekly peaceful demonstrations.

**Manal Tamimi**, 40, is a member of the Popular Struggle Coordination Committee and works to promote human rights in villages where weekly demonstrations against the Israeli military occupation are held. She is also active in her village of Nabi Saleh and involved in reporting about the weekly demonstrations there. She said that on 27 December 2013 she was shot with four rubber-coated metal bullets in her legs by a Border Police officer standing at a distance of about one metre from her.



*Manal Tamimi standing in front of Israeli forces during a weekly protest in May 2013. © Tamimi Press*

She told Amnesty International:

*We organized a small and short demonstration that day because we were worried that the army violence would ruin the celebrations we were preparing to receive Sa'id Tamimi, who we were expecting Israel to release very shortly. We did a small peaceful demonstration in the spirit of Christmas; children were dressed up in Santa Claus hats and masks. They immediately started firing fire tear gas canisters at us – they fired a lot*

*of tear gas – and at one point vehicles with tear gas launchers, which can fire more than 60 at a time, entered and fired in between the houses. I went to Sa'id Tamimi's house to help his mother, along with others from the village, with preparations, at that point two Border Police jeeps and the 'skunk water' truck drove into the village and came straight towards us. The 'skunk water' truck started spraying the houses around it, specifically targeting the house of Bassem and Nariman Tamimi and that of Sa'id. The truck sprayed people on the street directly. I saw it targeted Orsolla Tamimi, who was lifted into the air and thrown on the ground by the power of the water. She was severely bruised.*

*The 'skunk water' truck was followed by two Border Police jeeps with soldiers on the ground as well who were firing tear gas all around, pushing people around, and throwing sound grenades. Nariman and I went out to them to protest this arbitrary and extreme violence. We were also worried that they would fire tear gas towards Sa'id's house; his old mother was inside and she would have suffocated.*

*We approached two soldiers who were standing next to their jeep and at the moment*



*Bilal Tamimi being assaulted by a member of the Israeli forces at a protest in Nabi Saleh in May 2013. © Tamimi Press*

*when I got close to them, maybe just a metre away, one of the soldiers fired a bunch of rubber-coated metal bullets that came out from a barrel mounted on his gun. Four hit me, two in my left knee and another two on my right ankle. Others bounced off and hit others, including two journalists.*

*I fell and Nariman helped me. I was taken away and given first aid. I was then taken to the hospital in Ramallah in an ambulance*

*where I received more treatment. I was lucky to be wearing leather boots that day. My ankle injury is not very bad, but my knee was really damaged and it is very painful. I went home that night.*<sup>119</sup>

**Bilal Tamimi**, 47, is Manal's husband and a member of the Popular Resistance Committee in Nabi Saleh; he carries out video documentation during every demonstration. Although he wears a distinguishable vest and is obviously carrying a camera Israeli forces frequently attack him using stun grenades, and sometimes tear gas or rubber-coated metal bullets. He told Amnesty International that on the day his wife was injured he was physically assaulted and Israeli forces threw sound grenades directly at him a number of times:

*I was injured on 10 May when a soldier fired a rubber-coated metal bullet directly at me. A week later, I was directly targeted with a tear gas canister fired by Israeli forces; I escaped a direct hit but was severely affected by the chemicals. Throughout 2013 I was physically assaulted a number of times – I think at least three. They always try to beat me and take or destroy my camera. One time I was sprayed with pepper spray.*<sup>120</sup>

Bilal and Manal told Amnesty International that they and their children had been attacked numerous times since the weekly demonstration began to take place in the village in 2009. They told Amnesty international that their house had been hit at least 10 times with tear gas canisters or “skunk water”, many times damaging the water tanks and causing water to leak out of them or breaking solar water heating panels.

Manal Tamimi said:

*Many times they fired tear gas into the houses. One time they fired 60 something canisters at the house; that was in 2011... When this happens, everyone in the house gets affected, and it is really bad for the children; we once brought specialized psychiatrists to work with them.*

She said that Israeli forces raided her family's house four times between 2011 and 2012. She told Amnesty International what she witnessed on 12 January 2011:

*A large number of Israeli soldiers raided the house at around 2am. A few of them entered inside and demanded the ID cards of my children and that they be woken up so that they could take pictures of them. Then they went to other houses and did the same.*

*On 10 June 2011 they raided the house and arrested my son Osama; he was 14 at the time. He was kept for a few hours and then released without charge. On 26 February 2012, around 15 soldiers raided the house and demanded that we wake up the children. They then ordered us to remain the kitchen and they searched the house and then left. The last time was on 9 April 2012, when again a number of soldiers raided and searched the house at night.<sup>121</sup>*

On 22 April 2011, Manal and Bilal's son Mohammad, 14, was injured when a tear gas canister hit him directly in the waist. He suffered from internal bleeding and damage to the liver and kidney. Manal Tamimi recalls:

*The scariest moment for me was when Mohammad was in a very critical condition. I was scared I had lost him, but thank God he got his good health back.<sup>122</sup>*

Manal and Bilal have never submitted complaints regarding the violations they face. Manal said:

*Look at what happened in the case of Mustafa Tamimi. They killed him and no one was held accountable. We do not trust a justice system that is found in the same military occupation that inflicts all this injustice.*

Other human rights defenders in other areas where weekly or regular protests are held face the same pattern of abuse. Recently, on 27 November **Abu Ahmad**, a B'Tselem volunteer who carries out video documentation of violations by Israeli forces in his village of Beit Ummar, near Hebron, was hit in the chest by a tear gas canister fired by Israeli forces. He was shot while he was recording Israeli forces firing tear gas at protesters in the village; the incident was captured on his video camera. Amnesty International has examined the footage, which appears to indicate that Abu Ahmad was directly targeted with the tear gas canister.<sup>123</sup>

B'Tselem sent the footage to the MAG Corps and requested an investigation into the shooting. Amnesty International is not aware of any response received by B'Tselem from the MAG Corps or that the latter ordered any investigation into the incident.

Earlier in the year, on 19 July 2013, B'Tselem spokesperson **Sarit Michaeli** was injured in the leg from a rubber-coated metal bullet shot at her by a Border Policeman from a range of around 20 metres while she was filming a demonstration in Nabi Salah. Sarit Michaeli was evacuated to hospital, where she required surgery.

B'Tselem sent documentation of the shooting and the injury to the Israeli Border Police. According to *+972 Magazine*, a Border Police spokesperson said that the documentation was sent to the relevant authorities for further examination.<sup>124</sup> Amnesty International is not aware

of any investigation being ordered by the Israeli authorities.

#### MEDICS

Amnesty International has documented the following case of a medic injured in demonstrations.

**Murad al-Aroui**, 18, an Al-Quds University law student who works as a volunteer medic, told Amnesty International that he was shot in the leg with a foam-tipped bullet fired by an Israeli soldier on 21 February 2013 when he went to the assistance of a blind girl during a demonstration near the Ofer military complex near Ramallah in the occupied West Bank.<sup>125</sup> He told Amnesty International:

*At around 1pm, I was keeping an eye on a group of girls who were walking slowly, marching while singing slogans about the army. There was a blind girl among the group. [The army] fired dozens of tear gas bombs and all the area was filled with gas. The girls ran away and the blind girl was trapped... so I ran to her.*

*The army had moved forward and [soldiers] were firing rubber bullets and live bullets right next to me. I could hear the firing very close. Then, while we were still on the ground someone pulled me up violently. I looked and saw a soldier; he yelled at me but I couldn't understand what he was saying. I was trying to tell him that I was a medic, which was apparent from my vest.*

*The same soldier took a few steps back and called me over. When I looked he was pointing his gun at me and then he shot at me. It was a foam-tipped bullet and it hit my right knee.*

Amnesty International is not aware of any investigation being opened by the Israeli authorities into the incident.

According to PHR-Israel, medics are frequently targeted by Israeli forces during demonstrations and are sometimes prevented from carrying out their duties. PHR-Israel documented eight cases where Israeli forces targeted medics and injured them and one case where medics were prevented from providing medical assistance to injured protesters during demonstrations in East Jerusalem between April and December 2013. PHR-Israel submitted two complaints regarding the injury of medics but have not received a response from the Israeli authorities.

## 4. IMPUNITY

UN agencies, local and international human rights groups and others have documented a pattern of war crimes and other serious violations of international law – both international humanitarian law and international human rights law – committed by Israeli military and security forces since they occupied the West Bank, including East Jerusalem, and the Gaza Strip in 1967. Throughout this 47-year period, however, the Israeli authorities have signally failed to carry out independent investigations that meet international standards into alleged crimes, including war crimes, committed by soldiers against Palestinians and their properties. Moreover, Palestinians affected by the apparently arbitrary or abusive use of force and firearms or their legal representatives have been denied meaningful access to an independent process, including judicial process, contrary to UN standards of law enforcement. This failure to conduct independent and effective investigations and take corrective action has undermined the rule of law and denied justice to the victims. Furthermore, extending impunity to the perpetrators has served to encourage further abuses.

Amnesty International is not aware of any case in which an Israeli army soldier or member of another security force has been convicted of wilfully causing the death of a Palestinian in the OPT since the first Intifada in 1987. Indeed, soldiers and other security force personnel have rarely been prosecuted at all in connection with the killings of Palestinians in the OPT, although many appear to have amounted to unlawful killings, and convictions have been even rarer. When they have occurred, soldiers have been convicted of manslaughter or of lesser offences.

According to the Israeli human rights organization Yesh Din, from September 2000 until June 2013 only 16 MPCID investigations into killings of Palestinian civilians by Israeli forces in the OPT led to indictments; 21 soldiers were indicted for killing 18 Palestinians and one person of British nationality. Out of the 21 soldiers, military courts convicted seven for offences relating to the killing of five of the Palestinians and the British national. Four soldiers were convicted of negligent manslaughter, one soldier was convicted of manslaughter (in the case of the British national) and another was convicted of negligence. None of the convicted soldiers was discharged from the army and all served very short prison sentences ranging from 30 days to seven months. Another two soldiers were convicted in military courts of offences relating to the obstruction of justice in cases related to the killing of Palestinian civilians.<sup>126</sup>

As reported above, on 18 March 2013 the MAG Corps announced that a military court had convicted an unnamed army staff sergeant on a charge of “causing death by negligence” in connection with the shooting to death of Odai Darwish on 12 January 2013. A Palestinian, Odai Darwish died after a soldier shot him with live ammunition as he attempted to make his way towards Israel to find work through a gap in the fence/wall at Dura, near Hebron. The prosecution followed a MPCID investigation that was opened on the day of the shooting and the trial involved a plea bargain, in which the soldier agreed to plead guilty to the charge of negligent homicide rather than the charge of manslaughter, which he might otherwise have expected to face. The unnamed soldier received a strikingly lenient sentence considering that his action had led directly to the loss of another man's life; he received a prison term of one

year, five months of which were suspended, and he was demoted but allowed to remain in the army with the rank of sergeant.

The high degree of impunity afforded to Israeli soldiers is mirrored by the Israeli authorities' failure to ensure that Israeli settlers responsible for attacking Palestinians, their property and Israeli and international human rights monitors are held to account in criminal prosecutions. There has been a rising incidence of violence by Israeli settlers against Palestinians in recent years, including physical attacks and the destruction of olive trees and other means of livelihood. Sometimes, these have occurred within full view of Israeli soldiers and police, who have taken no action to protect Palestinians or their property, or to arrest the settlers responsible. In some cases, soldiers are alleged to have intervened to assist settlers when their actions have been forcibly resisted by Palestinians.

#### 4.1 FLAWED INVESTIGATIONS

The deficiencies of the Israeli system for investigating alleged violations by their forces and determining whether or not prosecutions are merited have been analysed and documented in the reports of several organizations.<sup>127</sup>

In essence, the Israeli military conducts two types of inquiries: "operational debriefings" or "command investigations", which are conducted internally by military officers within their units under the army's chain of command, and criminal investigations, which are undertaken by the MPCID. The main aim of "operational debriefings" is to assess what occurred in a particular incident, primarily in order that the military command structure can assess specific military operations and identify lessons to be learnt for the future. MPCID investigations, by contrast, are primarily criminal investigations intended to determine whether an offence has been committed and, if so, whether anyone should face prosecution. The MPCID investigates many different alleged crimes involving military personnel, in both Israel and the OPT, such as alleged drugs offences, property theft, unlawful use of firearms or other acts of violence, as well as alleged human rights violations, such as shootings of Palestinian protesters in the West Bank. Only some six per cent of the more than 35,000 investigations conducted by the MPCID between 2000 and 2010 concerned alleged offences committed against Palestinians in the OPT.<sup>128</sup>

Years ago, the army routinely opened a criminal investigation whenever it received a notice or complaint that a Palestinian civilian had been killed by its forces in the OPT, including throughout the first Intifada (1987-1991).<sup>129</sup> Following the outbreak of the second Intifada in 2000, however, this practice was discontinued. On the advice of the MAG, who contended that the army was engaged in an "armed conflict short of war" in the OPT, the military authorities changed their policy and made criminal investigations into alleged offences committed by soldiers during military operations (other than offences such as looting) conditional on the findings of a preliminary "inquiry" conducted by the MAG Corps using information provided mostly through operational debriefings within army units.<sup>130</sup> Consequently, killings of Palestinian civilians by Israeli soldiers in the OPT would only be made the subject of a criminal investigation if the internal operational debriefing pointed towards the likelihood that one or more soldiers had committed a crime.

This system then prevailed until April 2011. In the framework of a petition that two Israeli human



rights organizations had submitted more than seven years earlier, the MAG announced that, in future, the MPCID would initiate criminal investigations into all cases in which Palestinian civilians were killed by the army in the West Bank, other than those which involved “clear elements of combat”. The change did not apply to cases of Palestinian civilians killed by Israeli forces in the Gaza Strip, nor did it alter the army’s general characterization of the situation in the OPT as one of armed conflict, or the argument that the army put forward that international law does not require automatic investigations into the deaths of civilians when an armed conflict prevails.<sup>131</sup>

Operational debriefings are clearly inadequate and unsatisfactory as a basis for assessing potential criminal liability, as they are usually carried out by military unit commanders who cannot be considered independent and who lack the necessary training and expertise in international human rights and humanitarian law. They are essentially internal inquiries, undertaken within the military chain of command. They do not involve the collection of evidence from victims or witnesses to alleged crimes or violations by Israeli forces but draw conclusions based on information received from soldiers within the military unit involved in the incident under investigation, opening the possibility that soldiers may conspire together to co-ordinate their accounts or destroy or conceal physical or other evidence. The findings of operational debriefings are not made public or even communicated to the victims of the alleged violations concerned, and no information obtained through the process of operational debriefing may be used in any subsequent prosecution. Once completed, the findings of operational debriefings are passed to the MAG Corps. This is the “inquiry” stage during which the MAG Corps decides whether or not to institute a criminal investigation. There is no time limit for this stage and, in practice, it frequently takes more than one year to complete,<sup>132</sup> consequently causing a prolonged delay which is likely to hamper the criminal investigation process and reduce the prospects of obtaining a criminal conviction. When the MAG Corps decides against opening a criminal investigation, it does not communicate detailed reasons for its decision to the individuals or families of victims of alleged violations by Israeli forces or to the human rights organizations who submitted their complaints.

If the MAG Corps does determine that a criminal investigation is warranted, this is carried out by the MPCID, which also cannot be considered independent as it operates under the authority of the MAG, a serving military officer. MPCID investigations are frequently long and drawn out and it may be months or even years after the incident under investigation before they are completed. Often, even when investigating alleged violations against Palestinians by Israeli soldiers in the West Bank, MPCID investigators fail to collect evidence from victims and their families and Palestinian witnesses, visit and examine the scene of the incident, or conduct searches of the military bases of the soldiers involved, preferring to rely on the military unit in question to submit documents and other information.<sup>133</sup>

Once an investigation is complete, it is transmitted to the Military Advocate for Operational Affairs (MAOA), a unit within the MAG Corps that was created in 2007. This unit has the responsibility to review the investigation and its findings and decide the next steps: it can decide to close the case; determine that further investigation is required; order that particular soldiers are subjected to disciplinary measures; or recommend that the military prosecution issue an indictment against one or more soldiers. This decision-making process also may take many months to complete; the MAOA does not provide any detailed explanation or reasons for its decision to the individuals or organizations that submitted the original complaint.<sup>134</sup>

All of the issues described above apply to army investigations of alleged violations throughout the OPT, but there are additional difficulties for investigations relating to alleged violations in Gaza.<sup>135</sup>

## 4.2 THE TURKEL COMMISSION

Major changes to Israel's system for investigating alleged violations by its military and security forces were proposed in February 2013 by the commission of inquiry that the government established following an Israeli military raid in the Mediterranean in May 2010 which caused the deaths of nine Turkish civilians, prompting wide international criticism and a serious rift in relations between Israel and Turkey. The deaths occurred when Israeli troops boarded a Turkish ship that formed part of a flotilla of vessels taking humanitarian assistance to Gaza in defiance of Israel's blockade, and prevented the ships from continuing to their planned destination. In the aftermath of the incident, the Israeli government sought to deflect pressure for an international investigation by convening a domestic investigation, the Public Commission to Examine the Maritime Incident of 31 May 2010. The government appointed a retired Supreme Court Judge, Jacob Turkel, to head the Commission (which consequently became known generally as the Turkel Commission). The government mandated the Commission to investigate and report on two main issues: the legality of the Israeli forces' armed intervention to prevent the flotilla breaking the Gaza blockade and the adequacy of Israel's system for investigating allegations of war crimes or other breaches of international humanitarian law by its own military and security forces. The Commission subsequently issued two reports: the first addressed the legality of the Israeli action on 31 May 2010 while the second, a report of almost 500 pages published on 6 February 2013, focused on the question of whether Israel's legal mechanisms for examining and investigating complaints and allegations of violations of international humanitarian law complied with relevant international standards and Israel's obligations under international law.

While declaring that Israel's investigative system was generally in conformity with relevant international standards, the Turkel Commission's second report included 18 recommendations the government should take to improve the system and make it more robust. These included recommendations that legislation should be enacted "to impose direct criminal liability on military commanders and civilian superiors for offenses committed by their subordinates" and to reinforce and safeguard the authority of the (civilian) Attorney General over the MAG, although the latter would continue to be appointed by the Minister of Defence. As well, the Commission called for the army's Supreme Command Orders to require field commanders to comply with a prescribed Reporting Procedure following any incident involving a death or injury caused by the action of Israeli forces, including the seizure of "all exhibits and documents that may assist the examination and investigation" and their storage and preservation "for proper examination at a later date." It also called for speedier assessment and decision-making as to whether an incident merits investigation, declaring that operational debriefings are inadequate as a basis on which to make such determinations, and said that the MAG should not have to consult the commanding officer responsible before ordering an investigation, and that it should "state the reasons" whenever it ruled against an investigation. The Commission recommended too that the MAG should set a time limit, in consultation with the Attorney General, for concluding an investigation and deciding whether to adopt legal or disciplinary measures or close the case, and should implement a strict

documentation procedure for all examination and investigation actions, as well as for all decisions made, especially in cases involving investigations of alleged violations of the laws of armed conflict.

The government said in response to the Turkel Commission's second report that it would give careful consideration to its recommendations. One year on, however, it is unclear to what extent, if at all, the Israeli authorities have implemented any of the 18 recommendations relating to Israel's military investigations and whether this has led to improvements in the process for investigating allegations of serious human rights violations or breaches of the laws of armed conflict by Israeli forces in the OPT. Amnesty International has seen no evidence of any improvement and is concerned that even full implementation of the Turkel recommendations would be insufficient to guarantee prompt, thorough, impartial and independent investigations, as international standards demand. Without such investigations, full accountability will be impossible to achieve and victims whose rights have been violated will continue to be denied justice.

## 5. ISRAEL'S OBLIGATIONS UNDER INTERNATIONAL LAW

Several bodies of international law apply to Israel's conduct in the West Bank, including East Jerusalem:

- International humanitarian law, specifically the law of occupation, which includes rules imposing obligations on any power occupying a territory.
- International human rights law, which applies to all states and their armed forces and other agents, including in territories they occupy. It includes treaties guaranteeing civil and political rights, and economic, social, and cultural rights. A fundamental principle of international human rights law is that victims of serious human rights violations have the right to remedies, including justice, truth and reparations.
- International criminal law, which establishes individual criminal responsibility for certain violations and abuses of international human rights law and international humanitarian law, such as war crimes, crimes against humanity and genocide, as well as torture, extrajudicial executions and enforced disappearance.

### 5.1 INTERNATIONAL HUMANITARIAN LAW AND THE LAW OF OCCUPATION

Although there is currently no armed conflict in the West Bank, certain provisions of international humanitarian law apply because this territory is subject to belligerent occupation, a status which resulted from an international armed conflict (the June 1967 War). As the occupying power in the West Bank and the Gaza Strip, Israel has obligations under international humanitarian law applicable to belligerent occupation, including:

- Specific provisions of the Hague Convention (IV) respecting the Laws and Customs of War on Land, and its annexed Regulations respecting the Laws and Customs of War on Land, of 18 October 1907 (Hague Regulations).
- Convention IV relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention).
- Customary rules of international humanitarian law applicable to belligerent occupation, including the fundamental guarantees protecting persons in the power of a party to a conflict, detailed in Article 75 of Additional Protocol I.

Despite having ratified the Geneva Conventions, the Israeli government has argued that the Fourth Geneva Convention is not applicable in the OPT on the basis that the territories in question are "disputed" rather than occupied.<sup>136</sup> The Israeli authorities have stated previously that Israel "voluntarily" observes the "humanitarian provisions" of the Geneva Conventions, without enumerating which provisions Israel considers "humanitarian". However, all relevant bodies,

including the High Contracting Parties to the Geneva Conventions, the UN Security Council and General Assembly, and the International Court of Justice, have reaffirmed on numerous occasions the full de jure applicability of the Fourth Geneva Convention to the OPT.<sup>137</sup> Amnesty International has long called on Israel to recognize the de jure applicability of the Fourth Geneva Convention to the OPT and comply fully with all its provisions.

The Fourth Geneva Convention imposes obligations on an occupying power in relation to the inhabitants of the occupied territory, all of whom are “protected persons” entitled to special protection and humane treatment at all times. The Convention prohibits the occupying power from committing acts including wilful killings, torture and other cruel, inhuman or degrading treatment, which are considered grave breaches of the convention under Article 147, or war crimes. The occupying power is responsible for the welfare of the population under its control, which means that it must ensure that public order and safety are maintained “while respecting, unless absolutely prevented, the laws in force in the country” (Hague Regulations, Article 43).

The occupying power may take certain measures of control or security that are “necessary as a result of the war” (Article 27, Fourth Geneva Convention). However, the International Committee of the Red Cross (ICRC) has emphasized that “regulations concerning occupation... are based on the idea of the personal freedom of civilians remaining in general unimpaired... What is essential is that the measures of constraint they adopt should not affect the fundamental rights of the persons concerned... those rights must be respected even when measures of constraint are justified.”<sup>138</sup>

The Fourth Geneva Convention specifically prohibits collective punishment. Its Article 33 provides:

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

As explained in the authoritative commentary of the ICRC:

*This paragraph then lays a prohibition on collective penalties... penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that these persons have not committed.*<sup>139</sup>

## 5.2 INTERNATIONAL HUMAN RIGHTS LAW

Israel's actions in the OPT are bound by its obligations under the international human rights treaties that it has ratified, as well as customary rules of international human rights law. Treaties ratified by Israel include: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention on the Rights of the Child (CRC). Although Israel has argued that its obligations under the international human rights treaties it has ratified are not applicable in the OPT, this position has been rejected by all the UN bodies monitoring adherence to these treaties and by the International Court of Justice.<sup>140</sup> Specific treaty bodies have also clarified that the treaty provisions apply extraterritorially in general; for example, the UN Human Rights Committee has stated, with respect to the ICCPR, that “a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party.”<sup>141</sup>

### 5.3 THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

The Universal Declaration of Human Rights (UDHR) guarantees the rights to freedom of opinion and expression (Article 19) and freedom of peaceful assembly and association (Article 20). These rights are also codified in Articles 19 and 21 of the ICCPR. Article 21 stipulates that no restrictions may be placed on the right to peaceful assembly “other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.”

The UN Special Rapporteur on the right to freedom of peaceful assembly and of association has emphasized that officials have a positive obligation to facilitate peaceful assemblies and actively protect those participating in them, including from “agents provocateurs and counter-demonstrators, who aim at disrupting or dispersing such assemblies... [including] those belonging to the State apparatus or working on its behalf.” Officials also have an obligation not to unduly interfere with the right to peaceful assembly, and the exercise of this right “should not be subject to previous authorization by the authorities... but at the most to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly.” Finally, human rights defenders – including members of civil society organizations, journalists, bloggers, and representatives of national human rights institutions – must be allowed to operate freely during public assemblies and demonstrations.<sup>142</sup>

Military Order 101 “Regarding the Prohibition of Acts of Incitement and Hostile Propaganda” (the Order), issued by the IDF Commander in the West Bank region on 27 August 1967, prohibits all gatherings of 10 or more persons “for a political purpose or for a matter that could be interpreted as political” or even to “to discuss such a topic” unless they have received authorization in advance under a permit issued by the Israeli military commander in the area. Anyone breaching the order faces imprisonment for up to 10 years and/or a hefty fine. This Order, which remains in force, is clearly contrary to Israel's obligation to respect and ensure the right to freedom of peaceful assembly. In addition, some provisions of Military Order 1651, which can be used to arbitrarily restrict the right to peaceful assembly or to punish peaceful demonstrators are also in breach of Israel's obligations under international law.

### 5.4 POLICING PROTESTS AND THE RIGHT TO LIFE

Even when a restriction on the right to protest is justifiable under international law, the policing of demonstrations (whether or not they have been prohibited) must be carried out in accordance with international standards, which prohibit the use of force by law enforcement officials unless strictly necessary and to the extent required for the performance of their duty, and prohibit the use of firearms except when their use is strictly unavoidable in order to protect life.

The policing of assemblies (including those that are not completely peaceful or are regarded by a government as illegal) must respect human rights, in particular the rights to life, liberty and security of the person, and the right to be free from torture or other ill-treatment.

Under the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, police may use force only when strictly necessary and only to the extent required for the performance of their duty. Firearms should not be used except to defend people against the imminent threat of death or serious injury or to prevent a grave threat to life, and only when less extreme means are insufficient. Intentional lethal force should not be used except when strictly unavoidable in order to protect life (Principle 9). Force should never be used to punish the presumed or alleged non-compliance with an order, nor against those who are simply participating in the assembly. Law enforcement officials should be clearly identifiable when policing demonstrations, which means they should be uniformed and wearing clearly visible name or number tags.

International standards require that firearms may only be used as a last resort – when strictly necessary for army or police to protect themselves or others against the imminent threat of death or serious injury. The intentional lethal use of firearms is only permissible if strictly unavoidable in order to protect life. The use of firearms, ammunition, or any other means or method likely to cause unwarranted injury or to present unwarranted risk should be prohibited (Principle 11 (c)). Before using firearms, police should always identify themselves as such and issue a clear warning of their use – with sufficient time for the warning to be observed, “unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident” (Principle 10).

Any arbitrary or abusive use of force by security forces must be punished as a criminal offence. The authorities have a duty to conduct prompt, thorough, independent and impartial investigations into killings by security forces and bring the perpetrators to justice. In addition, they must impartially uphold the right to peaceful assembly and to protect protesters from any violent attack on them possible. In some cases, disciplinary measures may be an appropriate means of holding police or security personnel responsible for the unnecessary or excessive use of force accountable; however, arbitrary or abusive use of force must be punished as a criminal offence (Principle 7). Furthermore, the Basic Principles emphasize that superior officers should be held responsible if they give unlawful orders (for example, orders to use force against peaceful demonstrators), or if they knew, or should have known, that law enforcement officials under their command were using force unlawfully and failed to take all measures within their power to prevent, suppress, or report such abuse (Principle 24). Allegations of killings by law enforcement officials must be investigated independently, promptly and thoroughly, in a manner that conforms to the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. These principles specify that complainants and witnesses (and their families) should be protected from violence or any other forms of intimidation.

Article 6(1) of the ICCPR states that “Every human being has the inherent right to life... No one shall be arbitrarily deprived of his life.” Killings that result from unnecessary or excessive use of force by state agents constitute arbitrary deprivation of the right to life. For example, using lethal force against a protester who is not posing an imminent threat of death or serious injury constitutes arbitrary deprivation of life. Unlawful and deliberate killings carried out by order of government officials or with their complicity or acquiescence amount to extrajudicial executions; they are prohibited at all times and constitute crimes under international law.<sup>143</sup>

The authorities have a duty to conduct prompt, thorough, independent and impartial investigations into all possible unlawful killings by security forces and to bring the perpetrators of any such killings to justice.<sup>144</sup>

## 5.5 INTERNATIONAL CRIMINAL LAW

Individuals, including military personnel and law enforcement officers, can be held criminally responsible for certain violations of international human rights law and international humanitarian law.

Under the principle of universal jurisdiction, all states have an obligation to investigate and, where enough admissible evidence is gathered, prosecute crimes under international law, including genocide, crimes against humanity, war crimes, torture, extrajudicial executions and enforced disappearances.

Grave breaches of the Geneva Conventions and Additional Protocol I and most other serious violations of international humanitarian law are war crimes. Definitions of these crimes are included in the Rome Statute of the International Criminal Court. The list of war crimes in Article 8 of the Rome Statute basically reflected customary international law at the time of its adoption, although they are not complete and a number of important war crimes are not included.

Grave breaches of the Fourth Geneva Convention are listed in Article 147. Among the grave breaches relevant to this report are wilful killings of protected persons and wilfully causing great suffering or serious injury to protected persons.

Article 86(1) of Additional Protocol I requires the following:

*High Contracting Parties and the Parties to the conflict shall repress grave breaches and parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches of the [1949 Geneva] Conventions or of this Protocol which result from a failure to act when under a duty to do so.*

Military commanders and civilian superiors can be held responsible for the acts of their subordinates. Article 86(2) of Additional Protocol I, which imposes a single standard for military commanders and civilian superiors, reflects customary international law. It states:

*The fact that a breach of the [1949 Geneva] Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.*



## 6. CONCLUSIONS AND RECOMMENDATIONS

Israeli soldiers have repeatedly committed serious human rights and humanitarian law violations, including unlawful killings, in response to Palestinian opposition and protests in the West Bank, including East Jerusalem. The cases documented in this report represent only a minority of the cases that have occurred over recent years and which follow a general pattern, in which Israeli forces use excessive, often lethal, force against Palestinians who pose no threat to their lives or the lives of others. Soldiers are permitted to do so effectively with impunity – inasmuch as the official system established to investigate alleged human rights violations or other abuses by Israeli soldiers is neither independent nor impartial. This creates a situation of absolute absence of justice and the growing environment of impunity which the Israeli army and police enjoy. As the occupying power in the West Bank, including East Jerusalem, Israel is responsible for the welfare of the inhabitants of the occupied territories, all of whom are protected persons. It must respect and protect the rights of Palestinians. Instead, Israeli forces routinely violate their obligations under international human rights law and the law of occupation by unlawfully killing and injuring civilians, including children, who are posing no threat to their lives or those of others. This has carried on for decades with the full knowledge of the Israeli government and military command.

Authorities appear unwilling to send a strong signal to their forces that serious violations of the rights of Palestinians are not acceptable and will no longer be tolerated. They should do so – by ensuring that all alleged violations of the rights of Palestinians by Israeli forces are investigated promptly, thoroughly and independently, and that those responsible for committing unlawful killings or other violations are brought to justice according to the standards set by international law and, if found guilty, receive punishments commensurate with the gravity of the crimes. As long as Israeli soldiers and police are not held to account for abusing their powers and committing such serious abuses, the pattern of unlawful killings of protesters will continue, and Palestinians will be denied their right to peaceful protest without fear of injury or death.

Accordingly, Amnesty International calls on the **Israeli authorities** to do the following:

- Rescind Military Order 101 and relevant articles in Military Order 1651 and fully respect the right of Palestinians in the West Bank to freedom of expression and peaceful assembly.
- Ensure that the Israeli army, Border Police and other security forces policing demonstrations or performing other law enforcement duties at all times comply fully with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The UN Code of Conduct stipulates that in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.<sup>145</sup> The term “law enforcement official” includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. In countries where police powers are exercised by military authorities, whether uniformed or not, or by state security

forces, the definition of law enforcement officials includes officers of such services.<sup>146</sup>

- Ensure that law enforcement officials apply non-violent means before resorting to the use of force (including use of handcuffs or other restraints), which should be used only if non-violent means have proven to be, or are likely not to be, effective.<sup>147</sup> If the use of force is unavoidable, they must always exercise restraint in its use.<sup>148</sup> The use of any force by law enforcement should be strictly limited to those situations where it is absolutely necessary and strictly proportional to the legitimate aim pursued and to minimize damage and injury. In any use of force, the police must at all times respect human rights, including the right to life and the prohibition of torture and other ill-treatment. The risk of injury and death should therefore always be minimized.<sup>149</sup> In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.<sup>150</sup> All governments must ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.<sup>151</sup>
- Prohibit the firing of live ammunition and rubber/plastic-coated metal bullets unless it is strictly unavoidable for fully trained firearms officers under effective regulation, monitoring and control to use lethal means of force to the minimum extent necessary to protect life in self-defence or defence of others against the imminent threat of death or serious injury, and only when less extreme means are insufficient to achieve this objective.
- Prohibit the discharge of “less lethal” projectiles or baton rounds, such as those made purely from rubber or plastic, unless the projectiles are sufficiently accurate not to cause unwarranted injury and, as an alternative to the use of lethal force, it is strictly necessary for fully trained firearms officers who are subject to effective regulation, monitoring and control to discharge such projectiles in order to protect life in self-defence or defence of others against the imminent threat of death or serious injury – and only permit the discharge of such projectiles in a manner likely to decrease the risk of unnecessary harm when less extreme means are insufficient to achieve this objective.
- Prohibit the deployment and use of toxic chemical irritants likely to increase the risk of unnecessary harm or unwarranted injury and death to persons, such as firing a metal cartridge of irritant directly at an individual, using toxic chemicals in very high concentrations, using irritants in a manner likely to have indiscriminate effects such as when sprayed or fired over a wide area or into drinking water or food, launching such chemicals at or near people who are in confined spaces where exits and ventilation points are restricted, or launching the irritants near elderly people, children or others who may have difficulty in moving away to avoid the dangerous effects of toxic chemicals.
- Establish strict rules and training for the use of hand-held batons by law enforcement officers in order to minimize the use of force and to prevent unwarranted injuries, including the prohibition of baton blows aimed at a person's head, neck and throat, spine, lower back, solar plexus, knees and ankles.
- Establish a transparent system open to public scrutiny including an independent body of medical, scientific, and judicial experts to review and report on the safe development and dangers of non-lethal incapacitating weapons and “less lethal” weapons in order to establish

effective regulations and appropriate specialist capacity for the lawful deployment and use of such weapons in appropriate situations by fully trained and accountable law enforcement officials, with a view to increasingly restraining the application of means capable of causing death or injury, as well as arbitrary, abusive and excessive force.

- Ensure that all officers required to carry out law enforcement duties are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional human rights based training. Their continued fitness to perform these functions should be subject to periodic review.
- Sign, ratify and strictly implement the Arms Trade Treaty without delay giving particular attention to implementing measures for the strict control of all imports, exports, transits, transshipments and brokering of all types of conventional arms and additional measures to prevent diversion and illicit trafficking of conventional arms. Pending the Treaty's entry into force, state authorities should declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of arms that could be used to commit or facilitate serious violations of international human rights law and international humanitarian law.
- Initiate a review of policing of demonstrations without delay to ensure that, in the future, the practices of Israel's security forces in policing demonstrations are consistent with international human rights standards especially the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the recommendations above. Such measures should include the issuing of unequivocal orders and rules of engagement for policing demonstrations as a situation of law enforcement as opposed to a situation of military imperative, conducting training of forces, and ensuring accountability inside the army, Border Police and other security forces through appropriate disciplinary procedures.
- Publicly disclose all existing use of force regulations and any other rules relevant to policing demonstrations in the West Bank, including East Jerusalem.
- Review existing legislation to ensure that all war crimes and serious human rights violations are crimes under national law.
- Conduct independent, impartial and prompt investigations into all reports of Palestinian civilians killed or seriously injured by the actions of Israeli forces in the OPT. Where sufficient admissible evidence exists, prosecute Israeli personnel responsible for unlawful killings or injuries according to fair trial standards. As a first step towards bringing Israeli accountability mechanisms closer to international standards, implement all the recommendations of the Israeli-appointed Public Commission to Examine the Maritime Incident of 31 May 2010 (known as the Turkel Commission) concerning investigations conducted by the IDF, as published in the Commission's second report of February 2013.
- Provide all victims of crimes under international law committed by Israeli forces in the OPT with full reparations, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Financial compensation and other forms of reparation should be appropriate and proportional to the gravity of the violation, the harm suffered and the

circumstances of the case. Facilitate access for Palestinians in the OPT to all judicial proceedings, including those which are initiated in Israel.

- Ensure that Israeli forces protect Palestinian civilians and their property against violence by Israeli settlers by instructing them to arrest Israeli settlers who assault Palestinians or destroy their property, by carrying out prompt, detailed and thorough investigations of complaints of settler violence submitted to them, and by deploying patrols to protect Palestinian schoolchildren and other civilians in areas where there is a danger of settler violence.
- Invite the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Israel and the OPT.

Amnesty International calls on the **PA** and the **PLO** (on behalf of the State of Palestine) to do the following:

- Sign and ratify, without reservations, international human rights treaties including the Rome Statute of the International Criminal Court, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and international humanitarian law treaties including the Geneva Conventions.
- Ensure that the bodies of individuals who have been killed by security forces in the West Bank receive autopsies.

Amnesty International calls on the authorities of the **United States of America (USA)**, **European Union (EU)**, **EU member states and other countries** to do the following:

- Suspend transfers to Israel of munitions, weapons, and related equipment including crowd control weapons and devices, training and techniques until substantive steps have been taken by Israel to achieve accountability for previous violations and effective mechanisms are in place to ensure that items will not be used to commit or facilitate serious violations of international human rights law or international humanitarian law. The suspension should include all indirect exports via other countries, the transfer of military components and technologies, and any brokering, financial or logistical activities that would facilitate such transfers. This recommendation is particularly relevant to the USA, as the largest foreign source of supply of weapons, munitions, police equipment and military aid to Israel.
- States should ensure that any co-operation with Israel in the areas of law enforcement, security and justice does not contribute to the commission of human rights violations or violations of international humanitarian law.
- Sign, ratify and strictly implement the Arms Trade Treaty without delay giving particular attention to implementing measures for the strict control of all imports, exports, transits, trans-shipments and brokering of all types of conventional arms and additional measures to prevent diversion and illicit trafficking of conventional arms including lethal and "less lethal"

weapons and munitions. Pending the Treaty's entry into force, state authorities should declare that they will apply provisionally Article 6 and Article 7 (as provided for in Article 23 on Provisional Application), prohibiting the transfer of conventional arms that would be used to commit or facilitate serious violations of international human rights law or international humanitarian law.

- Exercise their obligations under the principle of universal jurisdiction to conduct prompt, thorough, independent and impartial criminal investigations of anyone suspected of crimes under international law. If there is sufficient admissible evidence, states should prosecute the suspect or extradite him or her to another state willing and able to do so in fair proceedings which do not result in the imposition of the death penalty, or surrender him or her to an international criminal court which has jurisdiction. In addition to being obliged to exercise universal jurisdiction for grave breaches of the Geneva Conventions and of Additional Protocol I, as well as over torture, enforced disappearance and extrajudicial executions states are permitted to exercise universal jurisdiction for all other crimes under international law.
- Urge the State of Palestine, represented at the UN by the Palestine Liberation Organization, to sign and ratify international human rights and humanitarian treaties without reservations, including the Rome Statute of the International Criminal Court. Oppose any type of sanctions or pressure seeking to prevent the PA from signing or ratifying any international treaties. Ensure that the threat of withholding assistance essential to fulfilling the human rights of Palestinians in the Occupied Palestinian Territories is never used as a bargaining tool to further political goals, such as obstructing access to international justice through the International Criminal Court.

## ENDNOTES

<sup>1</sup> See Amnesty International, *Occupied Palestinian Territories: Torn apart by factional strife* (Index: MDE 21/020/2007), October 2007 ([www.amnesty.org/en/library/info/MDE21/020/2007/en](http://www.amnesty.org/en/library/info/MDE21/020/2007/en)).

<sup>2</sup> An Israeli army spokesperson claimed that forces were shot at by Palestinians during protests in two separate incidents in 2013: on 20 August 2013 in Jenin refugee camp when two Palestinian civilians were killed by Israeli fire, and on 26 August in Qalandia refugee camp when three Palestinian civilians were killed by Israeli fire. No member of the Israeli forces was announced to have been injured by the alleged shootings.

<sup>3</sup> A popular uprising by Palestinians in the OPT against Israeli military occupation.

<sup>4</sup> See Amnesty International reports, *Israel/Occupied Territories and the Palestinian Authority: Five years after the Oslo Agreement: Human rights sacrificed for security* (Index: MDE 02/004/1998), 31 August 1998 (<http://www.amnesty.org/en/library/info/MDE02/004/1998/en>); *Israel and the Occupied Territories: Excessive use of lethal force* (Index: MDE 15/041/2000), 18 October 2000 (<http://www.amnesty.org/en/library/info/MDE15/041/2000/en>); *Israel and the Occupied Territories: State assassinations and other unlawful killings* (Index: MDE 15/005/2001), 21 February 2001 (<http://www.amnesty.org/en/library/info/MDE15/005/2001/en>); *Israel and the Occupied Territories: Broken lives - a year of intifada* (Index: MDE 15/083/2001), 13 November 2001 (<http://www.amnesty.org/en/library/info/MDE15/083/2001/en>); *Israel and the Occupied Territories and the Palestinian Authority: Killing the future: Children in the line of fire* (Index: MDE 02/005/2002), 29 September 2002 (<http://www.amnesty.org/en/library/info/MDE15/147/2002/en>); *Israel and the Occupied Territories: Israel must put an immediate end to the policy and practice of assassinations* (Index: MDE 15/056/2003), 3 July 2003 (<http://www.amnesty.org/en/library/info/MDE15/056/2003/en>); and *Israel and the Occupied Palestinian Territories: Enduring occupation. Palestinians under siege in the West Bank* (Index: MDE 15/033/2007), 4 June 2007 (<http://www.amnesty.org/en/library/info/MDE15/033/2007/en>).

<sup>5</sup> The text of the military order can be found here: [http://www.btselem.org/download/19670827\\_order\\_regarding\\_prohibition\\_of\\_incitement\\_and\\_hostile\\_propaganda.pdf](http://www.btselem.org/download/19670827_order_regarding_prohibition_of_incitement_and_hostile_propaganda.pdf)

<sup>6</sup> No Legal Frontiers, *Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009* (<http://nolegalfrontiers.org/military-orders/mil01?lang=en>).

<sup>7</sup> For more information on Israeli military investigations see: Amnesty International, *Israel/Occupied Palestinian Territories: Amnesty International's updated assessment of Israeli and Palestinian investigations into the Gaza conflict* (Index: MDE 15/018/2011), 18 March 2011 (<http://www.amnesty.org/en/library/info/MDE15/018/2011>).

<sup>8</sup> See Amnesty International, *Israeli military's killing of Nakba protesters must be investigated* (Index: MDE 15/025/2011), 16 May 2011 (<http://www.amnesty.org/en/library/info/MDE15/025/2011/en>).

<sup>9</sup> See Amnesty International, *Palestinian Authority: 'Shut up we are the police': Use of excessive force by Palestinian Authority in the Occupied West Bank* (Index: MDE 21/006/2013), 23 September 2013 (<http://www.amnesty.org/en/library/info/MDE21/006/2013/en>).

<sup>10</sup>. See Amnesty International, *Land Day protests: stop excessive force against demonstrators* (Index: MDE 15/037/2012), March 2012 (<http://www.amnesty.org/en/for-media/press-releases/land-day-protests-stop-excessive-force-against-demonstrators-2012-03-30>); and *Hamas authorities must guarantee safety of human rights activist*, January 2012 (<http://www.amnesty.org/en/news/hamas-authorities-must-investigate-attacks-human-rights-defender-gaza-2012-01-18-0>).

<sup>11</sup> See Amnesty International, *Israel must not use excessive force against 'Day of Rage' Negev protesters tomorrow*, 31 July 2013 (<http://www.amnesty.org/en/news/israel-protect-citizens-rights-protest-peacefully-against-forced-evictions-2013-07-31>); and *Israel: Demolition of Bedouin homes in the Negev desert must end immediately*, 18 July 2013 (<http://www.amnesty.org/en/news/israel-demolitions-bedouin-homes-negev-desert-must-end-immediately-2013-07-18>).

<sup>12</sup> UN Basic Principles, Special Provision 9.

<sup>13</sup> See, for example, B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>14</sup> Military Court District, Home Front District, *The Military Prosecution vs. Staff Sergeant MM*, 18 March 2013 verdict in the case of the killing of Odai Darwish. See (in Hebrew): ([http://www.takdin.co.il/search/%D7%A2%D7%95%D7%A8%D7%A3%20%D7%9E%D7%97%D7%95%D7%96%D7%99%2037%2013%20%D7%94%D7%AA%D7%95%D7%91%D7%A2%20%D7%94%D7%A6%D7%91%D7%90%D7%99%20%D7%A0%20%D7%A1%D7%9E%20%D7%A8%20%D7%9E%20%D7%9E\\_hd\\_4275456.html](http://www.takdin.co.il/search/%D7%A2%D7%95%D7%A8%D7%A3%20%D7%9E%D7%97%D7%95%D7%96%D7%99%2037%2013%20%D7%94%D7%AA%D7%95%D7%91%D7%A2%20%D7%94%D7%A6%D7%91%D7%90%D7%99%20%D7%A0%20%D7%A1%D7%9E%20%D7%A8%20%D7%9E%20%D7%9E_hd_4275456.html)).

<sup>15</sup> UN Basic Principles, Special Provisions 9, 10 and 11.

<sup>16</sup> B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>17</sup> Interviewed by Amnesty International on 10 March 2013 in Bodrus; name withheld by Amnesty International for reasons of security and his age.

<sup>18</sup> Interviewed by Amnesty International on 10 March 2013 in Bodrus; name withheld by Amnesty International on account of his age.

<sup>19</sup> Interviewed by Amnesty International on 20 September 2013 in Bodrus; name withheld by Amnesty International on account of his age.

<sup>20</sup> Haaretz, *IDF kills teenager in West Bank, fourth Palestinian death in a week*, 15 January 2013 (<http://www.haaretz.com/news/diplomacy-defense/idf-kills-teenager-in-west-bank-fourth-palestinian-death-in-a-week-1.494135>).

<sup>21</sup> Ynet News, *West Bank: Palestinian youth killed in clash with IDF*, 15 January 2013 (<http://www.ynetnews.com/articles/0,7340,L-4332719,00.html>).

<sup>22</sup> B'Tselem, *B'Tselem inquiry: No justification for shooting and killing Samir 'Awad, 16. Budrus, 15 Jan 2013*, 21 February 2013 ([http://www.btselem.org/firearm/20130221\\_killing\\_of\\_samir\\_awad\\_budrus](http://www.btselem.org/firearm/20130221_killing_of_samir_awad_budrus)).

<sup>23</sup> +972 Magazine, *Soldiers beat family members, damage home while arresting Palestinian teen*, 28 May 2013 (<http://972mag.com/soldiers-beat-family-members-damage-home-while-arresting-palestinian-teen/72309/>); and +972 Magazine, *IDF releases video clip from violent arrest of Budrus teen*, 30 May 2013 (<http://972mag.com/Army-releases-clip-from-violent-budrus-arrest/72499>).

<sup>24</sup> Interviewed by Amnesty International on 20 September 2013 in Bodrus.

<sup>25</sup> *Jerusalem Post*, *IDF shoots, injures 2 Palestinians in W. Bank, Gaza*, 18 January 2013 (<http://www.jpost.com/Defense/IDF-shoots-injures-2-Palestinians-in-W-Bank-Gaza>).

<sup>26</sup> Interviewed by Amnesty International on 13 March 2013 in Aida refugee camp.

<sup>27</sup> Interviewed by Amnesty International on 13 March 2013 in Aida refugee camp.

<sup>28</sup> Interviewed by Amnesty International on 13 March 2013 in Aida refugee camp.

<sup>29</sup> Interviewed by Amnesty International on 10 September 2013 in Aida refugee camp.

<sup>30</sup> Interviewed by Amnesty International on 10 September 2013 in Azaa refugee camp.

<sup>31</sup> Interviewed by Amnesty International on 10 September 2013 in Aida refugee camp.

<sup>32</sup> Interviewed by Amnesty International on 10 September 2013 in Hebron.

<sup>33</sup> Interviewed by Amnesty International on 17 March 2013 in Fawwar refugee camp.

<sup>34</sup> Interviewed by Amnesty International on 17 March 2013 in Fawwar refugee camp.

<sup>35</sup> Interviewed by Amnesty International on 17 March 2013 in Fawwar refugee camp.

<sup>36</sup> Interviewed by Amnesty International on 17 March 2013 in Hebron.

<sup>37</sup> Al-Haq, *Six Palestinians Killed by Israeli Military in January*, 31 January 2013 (<http://www.alhaq.org/documentation/weekly-focuses/669-six-palestinians-killed-by-israeli-military-in-january>).

<sup>38</sup> Interviewed by Amnesty International on 12 September 2013 in Anabta.

<sup>39</sup> The Electronic Intifada, *Witness accounts of two Tulkarem teens' killings contradict Israel's version*, 10 April 2013 (<http://electronicintifada.net/content/witness-accounts-two-tulkarem-teens-killings-contradict-israels-version/12357>).

<sup>40</sup> Interviewed by Amnesty International on 12 September 2013 in Anabta.



- <sup>41</sup> *Jerusalem Post*, *Palestinian killed, another hurt by IDF fire in West Bank*, 4 April 2013 (<http://www.jpost.com/Diplomacy-and-Politics/Palestinian-killed-another-hurt-by-IDF-fire-in-West-Bank-308589>).
- <sup>42</sup> *Haaretz*, *IDF probe into death of two Palestinians in West Bank: No shots fired at army post*, 5 April 2013 (<http://www.haaretz.com/news/diplomacy-defense/idf-probe-into-death-of-two-palestinians-in-west-bank-no-shots-fired-at-army-post.premium-1.513582>).
- <sup>43</sup> *Haaretz*, *IDF probe into death of two Palestinians in West Bank: No shots fired at army post*, 5 April 2013 (<http://www.haaretz.com/news/diplomacy-defense/idf-probe-into-death-of-two-palestinians-in-west-bank-no-shots-fired-at-army-post.premium-1.513582>).
- <sup>44</sup> Interviewed by Amnesty International on 21 September 2013 in Dura.
- <sup>45</sup> *Ynet News*, *Palestinian killed, 2 IDF soldiers hurt during Jenin clashes*, 20 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4419944,00.html>).
- <sup>46</sup> He was arrested at around 7am while sheltering at a neighbour's house.
- <sup>47</sup> The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).
- <sup>48</sup> Interviewed by Amnesty International on 9 September 2013 in Qalandia refugee camp.
- <sup>49</sup> Interviewed by Amnesty International on 9 September 2013 in Qalandia refugee camp.
- <sup>50</sup> Interviewed by Amnesty International on 9 September 2013 in Qalandia refugee camp.
- <sup>51</sup> *Ynet Net*, *3 Palestinians killed in Qalandiya*, 26 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4422259,00.htm>).
- <sup>52</sup> *Ynet News*, *IDF on Qalandiya: Soldiers fired after feeling threatened*, 26 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4422487,00.html>).
- <sup>53</sup> *Ynet News*, *UNRWA: One employee was killed in Qalandiya clashes*, 26 August 2013 (<http://www.ynetnews.com/articles/0,7340,L-4422568,00.html>).
- <sup>54</sup> *Jerusalem Post*, *3 Palestinians killed as IDF, Border Police come under attack making arrest in Kalandya*, 26 August 2013 (<http://www.jpost.com/Defense/Report-2-Palestinians-killed-by-Israeli-security-forces-in-Kalandya-324261>).
- <sup>55</sup> UN Basic Principles, General Provision 6, Special Provision 11 and Reporting and Review Procedures 22.
- <sup>56</sup> UN Basic Principles, Reporting and Review Procedures 23.
- <sup>57</sup> Interviewed by Amnesty International on 13 March 2013 in Tuqu'.
- <sup>58</sup> B'Tselem video, *Soldier fires at stone-throwing teens who posed no threat, injuring one: Tuqu'*, November 2012 ([http://www.btselem.org/firearms/20130106\\_muhammad\\_al\\_badan\\_injured\\_by\\_live\\_ammunition](http://www.btselem.org/firearms/20130106_muhammad_al_badan_injured_by_live_ammunition)).

B'Tselem makes clear that it does not have complete footage of the incident.

<sup>59</sup> Interviewed by Amnesty International on 12 March in Tuqu'.

<sup>60</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.

<sup>61</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.

<sup>62</sup> Interviewed by Amnesty International on 16 September 2013 in Jalazun refugee camp.

<sup>63</sup> Interviewed by Amnesty International on 16 March 2013 in Qusra.

<sup>64</sup> Interviewed by Amnesty International on 16 March 2013 in Qusra.

<sup>65</sup> See UN Basic Principles, Special Provisions 9, 10 and 11, as well as safeguards set out in other parts of the Basic Principles.

<sup>66</sup> For an official summary of the report of the *Commission of Inquiry into the Clashes between the Trenches' Security and Israeli Citizens in October 2000* see:  
<http://adalah.org/features/commission/orreport-en.pdf>

<sup>67</sup> Association for Civil Rights in Israel, *Stop Firing Rubber Bullets at West Bank Protesters, ACRI and B'Tselem Urge Israel*, 2 August 2013 (<http://www.acri.org.il/en/2013/08/02/acri-btselem-rubber-bullets>).

<sup>68</sup> B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, pp 21-25, January 2013 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>69</sup> B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, January 2013, pp 7-20 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>70</sup> UN Basic Principles, General Provision 2, 3 and 4.

<sup>71</sup> UN Basic Principles, Policing Unlawful Assemblies, 12, 13 and 14.

<sup>72</sup> Amnesty International, *The Pain Merchants: Security equipment and its use in torture and other ill-treatment* (Index: ACT 40/008/2003), p. 27. Amnesty International is grateful to the Omega Research Foundation for contributing this and other joint reports on the subject of law enforcement technologies and human rights, as well as for drawing attention to the scientific studies in endnotes 73 to 79.

<sup>73</sup> Rezende-Neto, J; Silva, F; Porto, L; Teixeira, L; Rizoli, H, "Penetrating injury to the chest by an attenuated energy projectile: a case report and literature review of thoracic injuries caused by 'less-lethal munitions'", *World Journal of Emergency Surgery* 2009, 4:26.

<sup>74</sup> 'Wani, M; Sultan, A; Wani, M; Malik, M; Baba, M; Masrat, N, "Pattern of injuries due to rubber bullets in a conflict zone", *The Internet Journal of Orthopedic Surgery*" (2010) Volume 17, Number 2.

<sup>75</sup> Joao Rezende-Neto, Fabriccio D F Silva, Leonardo B O Porto, Luiz C Teixeira, Homer Tien, Sandro B Rizoli, "Penetrating injury to the chest by an attenuated energy projectile: a case report and literature

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<sup>76</sup> The Applied Research Laboratory, The Pennsylvania State University and the Los Angeles Sheriff's Department, *The Attribute Based Evaluation of Less than Lethal, Extended Range, Impact Munitions* (2001).

<sup>77</sup> Home Office Scientific Development branch, *Less Lethal Technologies Review of Commercially Available and Near-Market Products for the Association of Chief Police Officers Publication No. 49/08* (2008), p. 10. In addition, see Los Angeles Sheriff's Department (LASD) and Penn State University's Applied Research Laboratory, *The Attribute-Based Evaluation (ABE) of Less-Than-Lethal, Extended-Range, Impact Munitions* (2001). This found that rounds with small pellets had a "large range of dispersions", with pellets dispersing over an area of 45 inches (1.1 metres) at a range of 21 feet and had large variations in their imparted momentum. Another article found that "single-projectile munitions are... inherently more accurate than their multiple-projectile cousins and thus provide officers with the capacity to direct their shots to specific localized areas of a subject's body". Klinger, D, "Impact munitions: a discussion of key information", *Policing: An International Journal of Police Strategies & Management*, Volume 30, No. 3, 2007, p. 389.

<sup>78</sup> Home Office Scientific Development branch (2008), op. cit., p. 10.

<sup>79</sup> Stark, M, *Clinical Forensic Medicine: A Physician's Guide*, p. 198. Note that this focuses mainly on batons in use in the UK and USA.

<sup>80</sup> B'Tselem, *Follow Up: Military Police and MAG Corps investigations of civilian Palestinian fatalities in West Bank since new policy imposed*, updated on 30 December 2013 ([http://www.btselem.org/accountability/military\\_police\\_investigations\\_followup](http://www.btselem.org/accountability/military_police_investigations_followup)).

<sup>81</sup> Interviewed by Amnesty International on 13 September 2013 in Aboud.

<sup>82</sup> Interviewed by Amnesty International on 13 September 2013 in Aboud.

<sup>83</sup> Interviewed by Amnesty International on 16 March 2013 in Aboud.

<sup>84</sup> *Jerusalem Post*, *Palestinians clash with IDF at funeral of activist*, 8 March 2013 (<http://www.jpost.com/Middle-East/Palestinians-clash-with-IDF-at-funeral-of-activist>).

<sup>85</sup> B'Tselem, *Soldier kills Palestinian demonstrator Mustafa Tamimi, 28, by shooting tear-gas canister at him*, 11 December 2011 ([http://www.btselem.org/firearms/20111209\\_killing\\_of\\_mustafa\\_tamimi](http://www.btselem.org/firearms/20111209_killing_of_mustafa_tamimi)).

<sup>86</sup> Israeli Military Advocate General (MAG) Corps statement on the closing of the investigation into the killing of Mustafa Tamimi, 8 December 2013 (<http://www.law.idf.il/163-6459-en/Patzar.aspx?pos=5>).

<sup>87</sup> Yesh Din, *MAG closes file in 2009 killing of Bassem Abu Rahmeh*, 12 September 2013 (<http://www.yesh-din.org/infoitem.asp?infocatid=443>).

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- <sup>89</sup> Interviewed by Amnesty International on 16 March 2013 in Qusra.
- <sup>90</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.
- <sup>91</sup> Interviewed by Amnesty International on 12 March 2013 in Hebron.
- <sup>92</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum.
- <sup>93</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum.
- <sup>94</sup> Interviewed by Amnesty International on 13 January via Skype.
- <sup>95</sup> Interviewed by Amnesty International on 9 March 2013 in Ramallah.
- <sup>96</sup> Interviewed by Amnesty International on 15 March 2013 in East Jerusalem.
- <sup>97</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum.
- <sup>98</sup> *Musta'ribin* means "people disguised as Arabs" and is used by Palestinians to refer to members of undercover police units since this unit operates by blending in with protesters to carry out arrests.
- <sup>99</sup> Interviewed by Amnesty International on 9 March 2013 in the Palestine Medical Complex in Ramallah.
- <sup>100</sup> Interviewed by Amnesty International on 15 March 2013 in Kufr Qadum. For more information on this case, including video documentation see B'Tselem, *The military must stop unacceptable practice of unleashing dogs against civilians*, 29 March 2012 ([http://www.btselem.org/beatings\\_and\\_abuse/20120329\\_army\\_use\\_of\\_dogs](http://www.btselem.org/beatings_and_abuse/20120329_army_use_of_dogs)).
- <sup>101</sup> *Haaretz*, *IDF to reduce use of dogs against protesters*, 15 December 2012 (<http://www.haaretz.com/news/diplomacy-defense/idf-to-reduce-use-of-dogs-against-protesters.premium-1.436537>). For more information on the use of dogs by Israeli forces policing demonstrations see: B'Tselem, *Following B'Tselem Documentation: Israeli army decides to stop using dogs to disperse West Bank demonstrations*, 18 June 2012 ([http://www.btselem.org/beatings\\_and\\_abuse/20120618\\_military\\_use\\_of\\_dogs](http://www.btselem.org/beatings_and_abuse/20120618_military_use_of_dogs)).
- <sup>102</sup> Interviewed by Amnesty International on 10 September 2013 in Hebron.
- <sup>103</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012, p. 9 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).
- <sup>104</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012, p. 14 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).
- <sup>105</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012, p. 13 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).
- <sup>106</sup> See B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December

2012, pp 11-12 ([http://www.btselem.org/download/201212\\_crowd\\_control\\_eng.pdf](http://www.btselem.org/download/201212_crowd_control_eng.pdf)).

<sup>107</sup> Interviewed by Amnesty International on 10 September in Aida refugee camp.

<sup>108</sup> Israel Security Agency, also known as Shabak and Shin Bet.

<sup>109</sup> Andalou Agency video, (<http://www.frequency.com/video/85/141425405>).

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<sup>111</sup> Ifex, *Attack against Palestinian journalists shows Israeli soldiers' disregard for their safety*, 24 October 2013 ([http://www.ifex.org/israel/2013/10/24/deliberate\\_attack\\_against\\_journalists](http://www.ifex.org/israel/2013/10/24/deliberate_attack_against_journalists)).

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<sup>113</sup> Palestinian Centre for Development and Media Freedom (MADA), *Media Freedoms Status in Palestine Semi Annual Report of 2013* ([http://www.madacenter.org/report.php?lang=1&id=1320&category\\_id=14&year](http://www.madacenter.org/report.php?lang=1&id=1320&category_id=14&year))

<sup>114</sup> Palestinian Centre for Development and Media Freedom (MADA), *Targeting of photographer Al-Qadi by the occupation is another crime against journalists* (in Arabic), 2 March 2013 ([http://www.madacenter.org/report.php?lang=2&id=1275&category\\_id=6&year](http://www.madacenter.org/report.php?lang=2&id=1275&category_id=6&year)).

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<sup>120</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>121</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>122</sup> Interviewed by Amnesty International by phone on 13 January 2014.

<sup>123</sup> B'Tselem video, *Officer fires tear gas canister at B'Tselem videographer*, 2013, December 2013 ([http://www.btselem.org/video/20131203/beit\\_ummar](http://www.btselem.org/video/20131203/beit_ummar)).

<sup>124</sup> +972 Magazine, *Watch: Israeli forces shoot B'Tselem spokesperson during West Bank protest*, 20

July 2013 (<http://972mag.com/btselem-spokesperson-injured-at-west-bank-protest-soldier-knowingly-shot-in-my-direction/76172/>).

<sup>125</sup> Interviewed by Amnesty International on 9 March 2013 in Ramallah.

<sup>126</sup> Yesh Din, *Updated statistics on investigations, convictions, and penalization following the death of Palestinians*, August 27 2013 (<http://yesh-din.org/infoitem.asp?infocatid=435>).

<sup>127</sup> Palestinian Centre for Human Rights (PCHR), *An Illusion of Justice*, March 2013 (<http://www.pchrgaza.org/files/2013/An%20illusion%20of%20Justice.pdf>); and PCHR, *Genuinely Unwilling: An Update, The Failure of Israel's Investigative and Judicial System to Comply with the Requirements of International Law, with particular regard to the Crimes Committed during the Offensive on the Gaza Strip*, August 2010 (<http://www.pchrgaza.org/files/2010/Genuinely%20Unwilling%20-%20An%20Update.pdf>); PCHR, *Genuinely Unwilling: Israel's Investigations into Violations of International Law including Crimes Committed during the Offensive on the Gaza Strip, 27 December 2008 – 18 January 2009*, February 2010 (<http://www.pchrgaza.org/files/2010/israeli-inve.-%20English.pdf>); Al-Mezan, *Legal Brief: Israel's Evasion of Accountability for Grave International Crimes*, July 2012 ([http://www.mezan.org/en/details.php?id=14708&ddname=IOF&id\\_dept=22&id2=9&p=center](http://www.mezan.org/en/details.php?id=14708&ddname=IOF&id_dept=22&id2=9&p=center)); and Yesh Din, *Alleged Investigation: The failure of investigations into offenses committed by IDF soldiers against Palestinians*, 7 December 2011 (<http://www.yesh-din.org/infoitem.asp?infocatid=166>); Yesh Din, *Exceptions: Prosecution of IDF soldiers during and after the Second Intifada, 2000-2007*, 25 December 2008 (<http://www.yesh-din.org/infoitem.asp?infocatid=11>); and B'Tselem, *Void of Responsibility*, September 2010 ([http://www.btselem.org/publications/summaries/201009\\_void\\_of\\_responsibility](http://www.btselem.org/publications/summaries/201009_void_of_responsibility)).

<sup>128</sup> Yesh Din, *Alleged Investigation: The failure of investigations into offenses committed by IDF soldiers against Palestinians*, 7 December 2011 (<http://www.yesh-din.org/infoitem.asp?infocatid=166>).

<sup>129</sup> This did not lead to prosecutions of army personnel in the vast majority of cases, including some cases documented by human rights organizations and alleged to be serious violations of international law. See: B'Tselem, *Void of Responsibility*, September 2010, pp 11-13.

<sup>130</sup> B'Tselem, *Void of Responsibility*, September 2010, pp 11-13 and pp 13-15; Yesh Din, *Alleged Investigation*, pp 9, 23-24.

<sup>131</sup> B'Tselem, *Military Police investigations regarding the deaths of Palestinians*, updated on 16 August 2012 ([http://www.btselem.org/accountability/investigation\\_of\\_complaints](http://www.btselem.org/accountability/investigation_of_complaints)). Amnesty International disagrees with the army's characterization of the situation in the occupied West Bank as an armed conflict; and even during armed conflict, military forces have a clear duty to investigate all civilian deaths under international humanitarian law. Amnesty International is nevertheless following the Israeli military investigations into several cases in which Palestinian civilians in the West Bank were killed by Israeli forces.

<sup>132</sup> Yesh Din, *Alleged Investigation*, pp 36-38. See pp 32-36 for more information regarding basing the "inquiry" process on operational debriefings; see also B'Tselem, *Void of Responsibility*, pp 42-45.

<sup>133</sup> Yesh Din, *Alleged Investigation*, pp 77-81.

<sup>134</sup> Yesh Din, *Alleged Investigation*, pp 86-87; B'Tselem, *Void of Responsibility*, pp 47-48.

<sup>135</sup> Israeli investigations into alleged war crimes and other violations of international law during Operation "Cast Lead" in 2008-2009 were widely criticized internationally and among Palestinians on the grounds that they were neither independent nor impartial, and so failed to ensure either that those responsible for serious crimes were held to account or that the victims of crimes received justice. The investigations were carried out under the auspices of the MAG, a legally trained serving military officer of the Israeli army, and his staff, and using a system of operational debriefings by field commanders. See Amnesty International, *Israel/Gaza: Operation 'Cast Lead': 22 days of death and destruction* (Index: MDE 15/015/2009), July 2009 (<http://www.amnesty.org/en/library/info/MDE15/015/2009>); and *Israel/Occupied Palestinian Territories: Amnesty International's updated assessment of Israeli and Palestinian investigations into the Gaza conflict* (Index: MDE 15/018/2011), 18 March 2011 (<http://www.amnesty.org/en/library/info/MDE15/018/2011>).

<sup>136</sup> See Israel Ministry of Foreign Affairs, *Disputed Territories: Forgotten Facts About the West Bank and Gaza Strip*, 1 February 2003 (<http://mfa.gov.il/MFA/MFA-Archive/2003/Pages/DISPUTED%20TERRITORIES-%20Forgotten%20Facts%20About%20the%20We.aspx>). Basically, Israel has argued that the Fourth Geneva Convention only applies to the sovereign territory of a High Contracting Party, and that as Jordan and Egypt never had legal sovereignty over the West Bank and Gaza Strip, these areas should not be considered as occupied territories under international law. This contention has never been accepted by any international bodies.

<sup>137</sup> See, for example *Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention*, 5 December 2001, para. 3 (<http://www.icrc.org/eng/resources/documents/misc/5fldpj.htm>); International Court of Justice Advisory Opinion, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004, para. 101 ([www.icj-cij.org/homepage/index.php](http://www.icj-cij.org/homepage/index.php)); and International Court of Justice Advisory Opinion, 9 July 2004 (<http://www.icj-cij.org/docket/files/131/1671.pdf>); and UN General Assembly Resolution 67/119 (A/Res/67/19), adopted on 18 December 2012 ([http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/67/119](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/119)).

<sup>138</sup> International Committee of the Red Cross (ICRC), *Commentary - Art. 27. Part III: Status and treatment of protected persons #Section I: Provisions common to the territories of the parties to the conflict and to occupied territories Commentary to Article 27 of the Fourth Geneva Convention* (<http://www.icrc.org/ihl.nsf/COM/380-600032?OpenDocument>).

<sup>139</sup> ICRC, *Commentary - Art. 33. Part III: Status and treatment of protected persons #Section I: Provisions common to the territories of the parties to the conflict and to occupied territories*, p. 225, (<http://www.icrc.org/ihl/com/380-600038>).

<sup>140</sup> For examples see *Concluding Observations of the Human Rights Committee, Israel*, 3 September 2010, CCPR/C/ISR/CO/3, para. 5 (<http://unispal.un.org/UNISPAL.NSF/0/51410EBD25FCE78F85257770007194A8>); and *Concluding Observations of the Committee against Torture, Israel*, CAT/C/ISR/4, 23 June 2009, para. 11 (<http://unispal.un.org/UNISPAL.NSF/0/DBE3C94863A888938525763300544555>); and *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel*, E/C.12/ISR/CO/3, 16 December 2011, para. 8

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([http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fcescr%2Fdocs%2Fco%2FE-C-12-ISR-CO-3\\_en.doc](http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fcescr%2Fdocs%2Fco%2FE-C-12-ISR-CO-3_en.doc)); and ICJ Advisory Opinion, 9 July 2004, paras 111-113.

<sup>141</sup> Human Rights Committee, General Comment 31 [80] *Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13m, 25 May 2004, para. 10 (<http://www.unhcr.ch/tbs/doc.nsf/0/58f5d4646e861359c1256ff600533f5f>).

<sup>142</sup> UN Special Representative of the UN Secretary-General on the situation of human rights defenders, A/62/225, 13 August 2007, para. 91.

<sup>143</sup> UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 1, 1989 (<http://www.unrol.org/doc.aspx?d=2243>); and UN Human Rights Committee, *General Comment No 31 on the nature of the General Legal Obligation Imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13, 16 May 2004, para. 18 (<http://tb.ohchr.org/default.aspx?Symbol=CCPR/C/21/Rev.1/Add.13>).

<sup>144</sup> UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 9.

<sup>145</sup> UN Code of Conduct for Law Enforcement Officials, UN General Assembly resolution 34/169, UN Doc. A/34/46 (1979), Article 2.

<sup>146</sup> UN Code of Conduct, Article 1.

<sup>147</sup> UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, UN Doc. A/CONF.144/28/Rev.1 at 112 (1990), General Provision 4.

<sup>148</sup> UN Basic Principles, General Provision 5.

<sup>149</sup> UN Basic Principles, General Provisions 5, 6, 7 and 8, and Special Provisions 9, 10, 11, 12, 13, 14, 15 and 16.

<sup>150</sup> UN Code of Conduct, Article 3.

<sup>151</sup> UN Code of Conduct, General Provision 7.





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## TRIGGER-HAPPY

### ISRAEL'S USE OF EXCESSIVE FORCE IN THE WEST BANK

Israeli forces have repeatedly violated their obligations under international human rights law by using excessive force to stifle dissent and freedom of expression, resulting in a pattern of unlawful killings and injuries to civilians, including children, and have been permitted to do so with virtual impunity due, in no small part, to the authorities' failure to conduct thorough, impartial and independent investigations.

This report focuses on the use of excessive force by Israeli forces in the West Bank since the beginning of 2011. In doing so, it details cases of killings and injuries by Israeli forces of Palestinian civilians in the context of protests in the West Bank against Israel's continuing military occupation of the Palestinian territories, illegal Israeli settlements and the fence/wall, as well as Israel's treatment of Palestinian prisoners and detainees and violence against Palestinians by Israeli settlers. In some of the cases that Amnesty International has examined and documented, it appears that Palestinians killed by Israeli soldiers were victims of wilful killings; if so, such killings would amount to war crimes.

Amnesty International is calling on the government of Israel to open independent, impartial, transparent and prompt investigations into all reports of Palestinian civilians killed or seriously injured by the actions of Israeli forces in the Occupied Palestinian Territories. As a first step towards bringing Israeli accountability mechanisms closer to international standards, they should implement all the recommendations of the Israeli-appointed Public Commission to Examine the Maritime Incident of 31 May 2010 (known as the Turkel Commission) published in 2013.

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Index: MDE 15/002/2014  
February 2014

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# News

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27 August 2013

## Accountability needed for killings in Israeli raid on West Bank refugee camp

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### Background

**Israel/OPT: Stop use of excessive force against Palestinian civilians in the West Bank**  
 News story, 4 April 2013

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Protests were held in the West Bank amid the funerals of the three Palestinians killed on Monday. © Iliia Yefimovich/Getty Images

Evidence strongly suggests that three men who were shot dead with live ammunition during an arrest raid on a Palestinian refugee camp in the occupied West Bank on Monday were unlawfully killed by Israeli forces, Amnesty International said today.

Another 19 people, including six children, were injured by live ammunition fired during the raid on Qalandia refugee camp, the highest number of casualties in a single Israeli operation in the West Bank this year. Five of those wounded, including three children, had injuries to the upper body.

"The intentional lethal use of firearms – such as firing live ammunition at individuals' upper bodies – is only permissible if strictly unavoidable to protect life," said Philip Luther, Middle East and North Africa Programme Director at Amnesty International.

"The loss of life and high number of casualties in this incident raise serious questions as to whether heavily armoured Israeli troops acted according to international standards."

Rubin 'Abd al-Rahman Zayed, a 34-year-old employee of UNRWA, the UN agency for Palestinian refugees, was among those killed when he was shot in the chest by Israeli troops from a military vehicle as it was exiting the camp after the raid.

Local human rights organizations told Amnesty International that the immediate area was quiet at the time and that there was no violence or threats faced by the soldiers when Rubin 'Abd al-Rahman Zayed was shot.

"The circumstances surrounding the death of Rubin 'Abd al-Rahman Zayed raise concerns that this may have been an extrajudicial execution in violation of international law," said Philip Luther.

"Wilful killing of civilians is also a war crime under the Fourth Geneva Convention, which Israel must uphold as the occupying power in the Palestinian territories."

Younes Jamal Jahjouch and Jihad Mansour Aslan were the other two men killed by Israeli forces during the raid. A

“ The intentional lethal use of firearms – such as firing live ammunition at individuals' upper bodies – is only permissible if strictly unavoidable to protect life ”

**Philip Luther, Middle East and North Africa Programme Director at Amnesty International**  
 Tue, 27/08/2013

spokesperson for the Palestine Medical Complex, the main hospital in Ramallah, told Amnesty International that both men were shot in the chest.

The Israel Defense Forces (IDF) have stated that soldiers responded with firearms because they felt their lives were threatened when Palestinians pelted their jeeps with rocks and heavy objects. The IDF has also claimed that Palestinians fired towards the jeeps, and that four bullets were found in the jeeps afterwards.

"Even if Israeli troops felt threatened, they have a responsibility to minimize the risks to those not presenting a threat and should only have used firearms as a last resort," said Philip Luther.

"This deadly arrest raid appears to be yet another example of the use of excessive force by Israeli troops in the Occupied Palestinian Territories. Instead of conducting impartial, independent investigations and ensuring that their troops abide by international law, Israeli spokespeople are already trying to dismiss concerns about these killings and grave injuries."

The IDF has stated that, according to its initial investigation, its troops acted "according to plans... [and their behaviour was] restrained, controlled and proportionate."

Amnesty International has repeatedly raised concerns that Israel's military investigations fail to meet international standards and result in near-total impunity for those responsible for unlawful killings. Any killing or serious injury by Israeli forces should be investigated promptly, independently, and impartially, and, if there is evidence of unlawful killing or arbitrary or abusive use of force, those responsible should be prosecuted by civilian courts in fair trials.

Following Monday's killings, protests erupted in the West Bank, including East Jerusalem, with reports of further injuries and arrests.

Before Monday's arrest raid in Qalandia, Israeli forces had killed 10 Palestinian civilians in the West Bank during 2013, most recently during an arrest raid in Jenin on 20 August. Amnesty International has investigated several of these killings and found strong evidence that they were unlawful.

The UN Office for the Coordination of Humanitarian Affairs documented 2,877 injuries of Palestinian civilians by Israeli forces in the West Bank during the first seven months of 2013.

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Issue: Extrajudicial Executions And Other Unlawful Killings Country: Israel and Occupied Palestinian Territories Region: Middle East And North Africa

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## **Amnesty International's written statement to the 25th session of the UN Human Rights Council: Still Waiting for Accountability for Gaza/Israel Conflicts**

MDE 02/001/2014

14 February 2014

Amnesty International wishes to raise the issue of justice, truth and reparations for violations of international humanitarian law, including war crimes, committed by both parties during the conflicts in Gaza and Israel in December 2008-January 2009 and November 2012. Neither the Israeli authorities nor the Hamas de facto administration in Gaza have conducted independent, impartial and effective investigations or taken serious steps to hold their forces to account, as international law requires, for violations committed during either conflict. Instead of addressing this failure, the international community, including UN bodies, has continued to evade responsibility. Customary international law stipulates that statutes of limitations do not apply to war crimes or other crimes under international law. The Human Rights Council must help ensure that international law is upheld and meaningful steps towards accountability for war crimes are taken, including through international justice mechanisms such as the International Criminal Court (ICC).

When Israeli forces launched Operation "Pillar of Defense" on the Gaza Strip on 14 November 2012, Gaza's 1.7 million people were immediately reminded of Operation "Cast Lead" in December 2008-January 2009. The 2008-2009 conflict saw some 1,400 Palestinians and 13 Israelis killed. The Palestinian deaths included hundreds of civilians, among them some 300 children. Most were killed in Israeli attacks with long-range high-precision munitions; others were killed by Israeli ground troops. Three Israeli civilians also died as a result of indiscriminate rocket or mortar attacks by Palestinian armed groups. The UN Fact-Finding Mission on the Gaza Conflict confirmed in its September 2009 report, as Amnesty International and other human rights organizations had also documented, that both Israeli forces and Palestinian armed groups had committed war crimes during the conflict.

Following "Cast Lead", the Israeli military opened 52 criminal investigations into alleged violations during the conflict. The last public update on these investigations was issued by Israel's Military Advocate General (MAG) Corps in March 2011, but the MAG informed the government-appointed Turkel Commission in mid-2012 that seven investigations were still pending. The majority of these investigations were closed without any charges being filed, and the Israeli military has provided virtually no information about the few investigations still ongoing years after the conflict. These facts epitomize the wider problems with Israel's system of military investigations and the barriers Palestinian victims face in obtaining justice.

In the five years since "Cast Lead", only four Israeli soldiers of relatively low rank have been indicted for crimes committed during the conflict. Three of the four indictments failed to reflect the gravity of the crimes committed. Two Israeli army Givati Brigade soldiers who forced a nine-year-old boy to open bags they suspected of being booby-trapped, effectively using him as a "human shield", were charged with "exceeding authority" and "unbecoming conduct." Staff Sergeant S. was charged with manslaughter in a case relating to the killing of two women walking in a group carrying white flags after being ordered to evacuate their homes in Juhra al-Dik by Israeli forces. However, despite extensive evidence provided by an Israeli human rights organization, the military's investigation into the two women's deaths was ultimately closed and the charges against Staff Sergeant S. were reduced to "illegal use of a weapon" and "unbecoming conduct" after a plea bargain. He was sentenced to 45 days' imprisonment and a suspended six-month sentence.

Israeli investigations into other cases of civilians killed during the conflict while carrying white flags did not even lead to criminal charges. On 13 January 2009, 47-year-old Rawhiya al-Najjar was shot in the head as she walked ahead of a group of women carrying a white flag near her home in the village of Khuza'a, in the south of Gaza. Her 14-year-old daughter Heba, who was next to her when she was shot, told Amnesty International:

*At about 8am we decided to leave and go to the centre of the village where we would be safe. My mother gave people white cloths to make flags and she also had a white flag and was at the front of the group... We walked a few steps and [another young relative] Yasmine said she saw soldiers in houses nearby. My mother turned her head to talk to the neighbours, telling them not to be afraid, and at that moment she was shot in the head, on the left side, and the bullet went through and out from the right side. She fell, and Yasmine tried to help her; she was also shot in the leg. Everybody ran back. Nobody could go to help my mother or to recover her body and she lay there on the road till the evening, when the soldiers left.*

Amnesty International's delegates examined the house where the soldiers who shot Rawhiya were reportedly stationed, and saw the hole made by the snipers in the wall of the house, which faced the spot where she was shot about 100m away. At least two human rights organizations, one Israeli and one Palestinian, submitted complaints in 2009 about the killing; in early 2012, the Israeli human rights organization B'Tselem was informed that the criminal investigation had been closed and that no charges would be filed.

In the eight-day conflict in November 2012, some 165 Palestinians, including more than 30 children and approximately 70 other civilians, and six Israelis, including four civilians, were killed. Israel made extensive use of precise weaponry, especially drone-fired missiles, during the conflict; Amnesty International documented 18 drone-fired missile strikes in which civilians were killed. Once again, neither side has conducted independent and impartial investigations into war crimes committed by its forces, and no one has been held accountable.

The Israeli military has disclosed few details of its inquiries into killings of civilians and destruction of civilian property in November 2012. To Amnesty International's knowledge, no criminal investigations have been opened. On 11 April 2013, the MAG Corps reported that inquiries into about 65 incidents from the conflict had been closed, while at least 15 further incidents were still being examined. The MAG stated that it had found no basis for initiating a criminal investigation in the 65 cases, which included an air strike on 18 November 2012 which killed 10 members of the al-Dalu family – including four children under the age of eight, a teenage girl, and four women – in their home, as well as two of their neighbours.

The MAG has published no further information on its examination of complaints from the conflict. It is clear that, once again, Israel's military investigations do not satisfy the international standards of independence, impartiality, effectiveness, thoroughness, promptness and transparency, and have so far served to perpetuate impunity rather than to provide victims with justice, truth or reparations.

The Hamas administration has failed to conduct investigations into the firing of indiscriminate rockets during either the 2008-2009 or November 2012 conflicts. Nor has anyone been held to account for the summary killings on 16 and 20 November 2012 of seven Palestinians who had been detained by the Hamas authorities for alleged "collaboration" with Israel.

The report of the UN Fact-Finding Mission on the Gaza Conflict and other authoritative reports submitted to the UN detailed the war crimes committed during Operation "Cast Lead". Reports on Operation "Pillar of Defense" by the Office of the High Commissioner of Human Rights and international and local human rights groups have also documented serious violations of international humanitarian law.<sup>1</sup>

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<sup>1</sup> See: Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1, Addendum, A/HRC/22/35/Add.1, issued on 5 March 2013.

The victims of both conflicts are still waiting for justice, and civilians on both sides fear the next conflict. Justice, truth and reparations are the best guards against future violations. This cannot be emphasized enough, especially as Palestinian and Israeli representatives discuss a US-brokered "framework agreement" that appears to ignore international humanitarian and human rights law, despite the fact that these should be at the core of any future negotiations.

Three years ago, the Human Rights Council recommended that the General Assembly reconsider the report of the UN Fact-Finding Mission on the Gaza Conflict and submit it to the Security Council and urge the latter to consider referring the situation in the Occupied Palestinian Territory to the ICC Prosecutor. This still has not happened. The Human Rights Council must continue to press for implementation of the Fact-Finding Mission's recommendations, and pursue justice, truth and reparations in relation to crimes committed by both parties to the Israel/Gaza conflicts in 2008-2009 and November 2012.

Amnesty International urges the Human Rights Council to demand that Israel and the Hamas administration conduct independent, impartial and effective investigations into reports of crimes under international law and other human rights violations committed in November 2012. More than one year after the conflict, the Council should consider setting a deadline for such investigations, and mandating experts to monitor them, as was done after Operation "Cast Lead".

Finally, Amnesty International urges all Council members to keep open other avenues for justice, truth and reparations, including universal jurisdiction. All states have an obligation to seek to arrest alleged perpetrators of crimes under international law and bring them to justice in proceedings complying with international fair trial standards.

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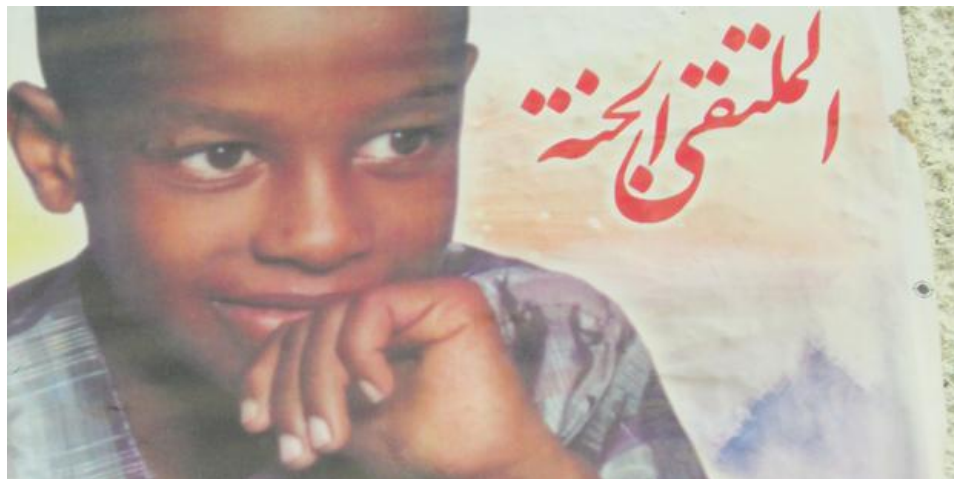
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14 November 2013

## A year on from deadly Israel/Gaza conflict, the nightmare continues



On 21 November 2012, 13-year-old Mahmoud was killed by a missile fired by an Israeli drone fired in the al-Manara area of Gaza City.

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In the blink of an eye, 'Attiyeh's worst nightmare came true.

On 21 November 2012, his 13-year-old son Mahmoud was killed when he was struck by a missile fired by an Israeli drone as he walked to a shop down the road from his home in the al-Manara area of Gaza City. He was carrying nothing but a coin in his hand to buy a pen for his little sister.

"When they found Mahmoud's body and took him to hospital, the doctor opened his hand, which was closed in a fist, and found that he was clutching the coin," 'Attiyeh Abu Khousa told Amnesty International delegates who examined the site of the missile strike a few days later.

The missile struck Mahmoud on a wide road with good visibility from above. Israeli aerial surveillance should have been able to see that he was a child. Witnesses said there were no evident military targets in the vicinity at the time.

Mahmoud was killed on the last day of an eight-day conflict between the Israeli military and Palestinian armed groups in the Gaza Strip. Israeli forces had launched Operation "Pillar of Defense" on 14 November 2012 by killing the leader of the military wing of Hamas, following unlawful attacks by both sides in the preceding days.

Within just over a week, more than 165 Palestinians, including more than 30 children and some 70 other civilians who were not directly participating in hostilities, and six Israelis, including four civilians, were killed. A ceasefire was reached on the evening of 21 November.

The Israeli military has not commented on the killing of Mahmoud in one of 18 strikes documented by Amnesty International in

### At a Glance

- 14 November 2012 marked the start of an eight-day conflict between the Israeli military and Palestinian armed groups in the Gaza Strip.
- Within just over a week, more than 165 Palestinians, including more than 30 children and some 70 other civilians who were not directly participating in hostilities, and six Israelis, including four civilians, were killed.
- Tens of thousands of Gazans fled their homes during the conflict, with hundreds still displaced because their homes were destroyed.
- A ceasefire was reached on the evening of 21 November.
- A year on from the conflict, neither side has conducted independent and impartial investigations into the violations.

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which civilians in Gaza were killed by Israeli drone-fired missiles during that tragic week.

Tens of thousands of Gazans fled their homes during the conflict. While the majority of these families were able to return to their homes after the ceasefire, they still struggle with the trauma of having had to flee, often under fire. And hundreds of families in Gaza remain displaced because their homes were destroyed in the conflict. A year on, most have been unable to rebuild because of the continuing Israeli restrictions on the import of construction materials into Gaza.

#### Indiscriminate rockets from Gaza

In Israel, too, civilians bore the brunt of the conflict. Palestinian armed groups fired more than 1,500 rockets and mortars during the eight days. The vast majority of these weapons were indiscriminate, meaning that they were not capable of being directed at military targets and therefore their use violated international humanitarian law.

David Amsalem and his family will never forget the morning of 15 November 2012. His wife phoned him at work at 8am to assure him that things were calm. But 15 minutes later, everything changed when a rocket fired from Gaza struck his apartment block in Kiryat Malachi, killing his 24-year-old son, Itzik.

"As soon as the alarm warning rang, our youngest son pushed my wife out of the apartment, but Itzik got delayed. My wife shouted 'Itzik, Itzik!' Our neighbour entered to get him out and he was also killed. Itzik was struck in a direct hit...In the week after the event, while we were sitting in mourning, hundreds of rockets fell," he told Amnesty International.

The neighbour was father of three Aharon Smadja, 49. Mother of three Mirah Scharf, 25, was also killed in the same attack.

#### Justice denied

A year on from the conflict, neither side has conducted independent and impartial investigations into the allegations of violations.

Israel's Military Advocate General has received scores of complaints from Palestinian and Israeli NGOs, including cases of civilians who were killed in attacks which may well have been war crimes, but has yet to open a single criminal investigation to Amnesty International's knowledge.

The Hamas de facto administration in the Gaza Strip has not conducted investigations of any kind into violations of international humanitarian law by Palestinian armed groups during the conflict. In addition to the four Israeli civilians unlawfully killed by indiscriminate rockets, there is evidence that several Palestinian civilians in Gaza were killed by Palestinian rockets.

The lack of accountability for serious violations of international humanitarian law, including war crimes, goes well beyond the November 2012 conflict. It is systemic, and fuels fears among Palestinians and Israelis alike that civilians will again bear the brunt of any future rounds of fighting.

Israeli violations in both the Gaza Strip and the West Bank continue on a daily basis, including regular use of lethal force against Palestinian civilians posing no threat to Israeli forces. Since late February, Palestinian armed groups in Gaza have sporadically fired rockets and mortars towards civilian communities in Israel.

"The fear of more bloodshed hangs like a dark cloud over men, women and children who feel trapped in a cycle of violations fuelled by a climate of impunity," said Deborah Hyams, Researcher on Israel and the Occupied Palestinian Territories at Amnesty International.

And if the fear of more deadly attacks wasn't bad enough, those living in Gaza have to contend with the disastrous effects of Israel's continuing land, sea and air blockade of the territory, together with restrictions imposed by Egypt. Gazans lack safe drinking water, face 12-hour power outages on a daily basis, and many struggle to access basic necessities such as adequate food and medicines.

These hardships were compounded on 1 November this year when Gaza's sole power plant was forced to shut down due to lack of fuel, further jeopardizing vital health and sanitation services.

"The world has forgotten Gaza, its women and children. The blockade is as bad as the war; it's like a slow death for everyone in Gaza. We are paying the price for disputes between different powers. Isn't that shameful? The world has lost its humanity," 'Attiyeh Abu Khousa told Amnesty International last week.

"The world continues to look the other way when it comes to the blockade on Gaza, which collectively punishes 1.7 million civilians. This stark violation of international law has been allowed to continue for more than six years," said Deborah Hyams. "Unless Israeli and Palestinian leaders demonstrate political will to protect civilians – on both sides – the cycle of violations will



Several apartment buildings in Rishon LeZion, outside Tel Aviv, were damaged by rockets fired from Gaza.

© Amnesty International

“

When they found Mahmoud's body and took him to hospital, the doctor opened his hand, which was closed in a fist, and found that he was clutching the coin.

”

**'Attiyeh Abu Khousa, father of 13-year-old Mahmoud who was killed by a missile on 21 November 2012.**

“

The fear of more bloodshed hangs like a dark cloud over men, women and children who feel trapped in a cycle of violations fuelled by a climate of impunity.

”

**Deborah Hyams, Researcher on Israel and the Occupied Palestinian Territories at Amnesty International.**

become a recurring nightmare. And unless the international community ensures that ending human rights abuses and impunity for crimes under international law are prioritized, a just and enduring resolution of the conflict will remain elusive." As a Gazan woman whose daughter was killed in the November 2012 conflict told Amnesty International last year, "We are sick of living in fear. Do you think we want to live like this? No, we want to live in peace."

**TESTIMONY**

Eight-year-old Muhammed Ibrahim 'Ashour was cut into pieces when a missile fired by an Israeli drone hit him as he played in his garden in al-Zaytoun, Gaza City, on 20 November 2012.

Five other children and his 80-year-old grandfather were injured by shrapnel from the missile.

Three days after the attack, Amnesty International delegates visited the family and surveyed the scene of the strike, including the missile remnants, cube-shaped shrapnel embedded in trees in the garden, and cube-shaped holes in water tanks.

There was no evidence that the premises had been used for any military purposes, and even if the Israeli military presumed that the garden had been used for military purposes at some point, the children playing there should have been visible to Israeli surveillance aircraft.

"There was no one there except the children and their grandfather," Muhammed Rizq 'Ashour, the uncle of the boy who was killed, told Amnesty International. "What did these children do? What was their crime? They were just playing in the garden. Even during a war, children want to play. They should have been visible to the Israeli [surveillance] drones in the sky above. We want to know why a missile was fired at these children."

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Issue: **Armed Conflict Crimes Against Humanity And War Crimes Extrajudicial Executions And Other Unlawful Killings Impunity** Country: **Israel and Occupied Palestinian Territories** Region: **Middle East And North Africa**

**News**

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## News

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22 August 2014

### Gaza: Hamas must end summary executions as 'informers' face firing squad

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Hamas supporters carry the body one of three top senior Hamas commanders killed in Israeli airstrikes. © EPA

Hamas must halt its campaign of summary executions of suspected collaborators, Amnesty International today said after at least 18 more Palestinians were put to death by firing squad for allegedly providing information to Israel.

It brings the number of alleged informants executed in the past two days to 21, including several people arrested yesterday in relation to the killing of three senior Hamas commanders by Israeli forces.

"This flurry of executions by Hamas is made even more shocking by the fact that the victims were sentenced to death after trials which, if they happened at all, were summary and grossly unfair," said Anne FitzGerald, Amnesty International's Director of Research and Crisis Response.

"Hamas must immediately and totally cease its use of the death penalty."

At least 11 people, including two women, were executed by firing squad today in al-Katiba prison yard in the west of Gaza City.

Seven others were executed after Friday prayers outside the main mosque in Gaza City.

A piece of paper nailed to the wall of the mosque said they provided the enemy with information about tunnels, houses and locations where rockets were held, which were then bombed causing the death of many Hamas fighters.

"As a result the judgment of the revolutionary court was implemented," the note read.

The identities of those executed is not yet known as the victims had their heads covered. Their executioners in the firing squad were also masked.

The Hamas-run website Al Rai warned that "the same punishment will be imposed soon on others". Treason is a capital offence under Palestinian law.

“ This flurry of executions by Hamas is made even more shocking by the fact that the victims were sentenced to death after trials which, if they happened at all, were summary and grossly unfair. ”  
Anne FitzGerald, Amnesty International's Director of Research and Crisis Response.

Under Palestinian law, all death sentences must be ratified by the Palestinian Authority President, Mahmoud Abbas, but the Hamas administration carries out executions without obtaining the president's approval.

"To put people to death following summary and grossly unfair proceedings is clearly cruel and inhumane. Hamas must also remember that the right to a fair trial before a competent court remains in force during times of armed conflict," said Anne FitzGerald.

Israel killed three Hamas military commanders in an airstrike on a house in the southern Gaza Strip on Thursday, an attack which also left seven of the men's family members and neighbours dead.

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Issue: Armed Conflict Extrajudicial Executions And Other Unlawful Killings Country: Palestinian Authority Region: Middle East And North Africa

## News

Publication Date: 10 September 2014

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President Yahya Jammeh of Gambia should not sign a new Criminal Code amendment that would increase the punishment for "aggravated homosexuality" to life in prison.... [Read more »](#)

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**Torture in Mexico in fourteen facts**



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# URGENT ACTION

## CIVILIANS IN DANGER IN GAZA STRIP AND ISRAEL

**Thousands of Palestinian civilians in the Gaza Strip are under threat from indiscriminate, disproportionate, or other forms of sea, air and ground attacks by Israeli forces. Israeli civilians are at risk from rockets fired indiscriminately by Palestinian armed groups.**

Since Israel launched Operation "Protective Edge" on 8 July, civilians in the Gaza Strip, 41 km long and no more than 11 km wide, have nowhere to escape military operations by Israeli forces. These include indiscriminate attacks on urban areas using artillery and bombs. Flagrantly disproportionate attacks reportedly aimed at militants have killed hundreds of civilians; buildings housing four or more families have been deliberately razed with no appropriate precautions taken to protect civilians from harm. At least 33 members of four families, including 14 children, were killed when the al-Dali building was totally destroyed in Khan Younis on 27 July; and 26 members of the Abu Jame' family, including 15 children under 14, were killed when a missile struck outside, demolishing their three-storey home. In breach of Israel's obligations under international humanitarian law, ambulances and medical personnel on their way to collect the wounded appear to have been deliberately targeted on several occasions and hospitals have been destroyed by shelling from tanks and missiles.

Civilians in Israel are facing barrages of rocket and mortar attack by Hamas' military wing and other Palestinian armed groups in Gaza: these attacks are inherently indiscriminate. Thousands of rockets have been fired on Israel since 8 July. In Israel, the Bedouin population in the Negev/Naqab desert are particularly vulnerable since they do not enjoy the same protection afforded to many other Israeli citizens, such as bomb shelters. Ouda Lafi al-Waj, aged 32, was killed on 19 July and three members of his family were injured, by a rocket attack on the unnamed area of tin houses near Dimona where he lived. No sirens warned of the attack: Israel's "Iron Dome" system, which intercepts rockets from Gaza, does not operate in "open areas" in unrecognized villages in the Negev/Naqab.

According to UN estimates, over 2,000 Gazans have died in the latest hostilities: most are civilians, including nearly 500 children. Hundreds of thousands have been displaced. Three civilians have been killed in Israel and dozens injured by rockets or shrapnel; 64 Israeli soldiers have also been killed. Since the collapse of the ceasefire on 19 August over 200 rockets have been reportedly fired at Israel while Israeli strikes on Gaza have reportedly killed more than 50 people, most of them civilians.

**Please write immediately in Hebrew or your own language:**

- Calling on the Israeli authorities to immediately cease indiscriminate and other unlawful attacks affecting the civilian population and to do everything necessary to ensure they uphold their obligations under international humanitarian and human rights law;
- Calling on Hamas and other Palestinian armed groups to stop carrying out rocket attacks against civilians in Israel or commit other violations of international humanitarian law.

**PLEASE SEND APPEALS BEFORE 3 OCTOBER 2014 TO:**

Minister of Defence

Moshe Ya'alon, Ministry of Defence  
37 Kaplan Street, Hakiryia, Tel Aviv  
61909, Israel

Email: [minister@mod.gov.il](mailto:minister@mod.gov.il)

[pniot@mod.gov.il](mailto:pniot@mod.gov.il)

Salutation: Dear Minister

Izz ad-Din al-Qassam Brigades Hamas

(Islamic Resistance Movement), Gaza

Email: [english@alqassam.ps](mailto:english@alqassam.ps)

[english@palestine-info.co.uk](mailto:english@palestine-info.co.uk)

Salutation: Dear al-Qassam Brigades

(Letters cannot be sent to Gaza due to the blockade)

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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# URGENT ACTION

## CIVILIANS IN DANGER IN GAZA STRIP AND ISRAEL

### ADDITIONAL INFORMATION

The UN Office for the Coordination of Humanitarian Affairs (OCHA) in Gaza estimate that 435,000 people, a quarter of the population, have been displaced and are staying in emergency shelters or with host families, while thousands of homes and buildings have been damaged, destroyed and rendered uninhabitable. Gaza's public health system is desperately over-stretched and close to collapse. The situation worsened after an Israeli ground operation began on 17 July, and evidence of war crimes mounted as hospitals and clinics reported damage and schools were hit. Hospitals have been subjected to direct attacks and damaged by shelling from tanks and missiles: al-Aqsa Hospital in Deir Al-Balah and Najjar Hospital in Rafah city, among others, have been severely damaged in direct attacks and by tank shelling and missile fire. The entire population of Gaza is surviving on severely limited water supplies of unsafe water; in some areas, water has been cut off for days or weeks because of the attacks. Since the 29 July attack by Israel on the only power plant in Gaza, which is likely to constitute a war crime, Gaza has been without its primary source of electricity and the UN and World Health Organization (WHO) have warned that the entire Strip is facing a public health disaster.

The crippling blockade on Gaza for more than seven years, restricting the movement of people and goods in and out of Gaza has decimated the economy and basic infrastructure. Though Israel is the occupying power in the Gaza Strip since it has effective control over the territory and its population, it has not abided by the obligations of the Fourth Geneva Convention to provide for the welfare of protected persons living under occupation; rather, it has hindered Palestinians' fulfilment of their right to an adequate standard of living, including their access to water, sanitation and healthcare and other essential utilities, all of which are in dire condition. Amnesty International has condemned the Israeli blockade as collective punishment of the entire Gaza population. Lifting the blockade is Israel's obligation and should not be conditional on a ceasefire; it is an essential element of preventing any recurrence of the conflict.

Palestinian armed groups have fired thousands of indiscriminate rockets from residential areas, in violation of international humanitarian law (IHL). There have been reports, unconfirmed as yet by Amnesty International, that Palestinian armed groups have fired indiscriminate rockets from near hospitals or health facilities, or otherwise used these facilities or areas for military purposes. Israeli civilian property has also been damaged by indiscriminate rockets fired by Palestinian armed groups.

Israel's Supreme Court rejected a petition by the Association for Civil Rights in Israel in July, calling for Bedouin communities in the Negev/Naqab to be protected from rocket attacks from Gaza. The court said, "There [is] no excuse for our intervention in the operational decisions of the respondents [the state] that were received in the midst of fighting." The judges added that, "In the absence of data we decided not to refer to the ways of use of the Iron Dome. We believe that the protection of this system is based on practical considerations, without giving any weight to the appearance or non-appearance of settlements on maps".

Operation "Protective Edge" is the third major Israeli offensive against the Gaza Strip in less than six years. Victims of past violations of international human rights and humanitarian law, including war crimes, have not obtained justice, truth and reparation, as required by international law. This impunity fails the victims, and sets the stage for more violations, and the latest hostilities provide evidence of this. Amnesty International is calling for the UN Security Council to refer the situation to the International Criminal Court (ICC); and for the Palestinian President Abbas and the Israeli authorities to respectively accede to and ratify the Statute of the ICC.

Name: Population of Gaza Strip

Gender m/f: both

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# URGENT ACTION

## CEASEFIRE, BUT NOT YET JUSTICE

Israel and Hamas reached a ceasefire on 26 August, ending their conflict after 50 days. The need for justice for civilian victims on both sides is urgent, as is the need for Israel to lift its blockade of the Gaza Strip.

At least 2,104 Palestinians, mostly civilians, including 495 children, had been killed by the time Israel and Hamas agreed a ceasefire on 26 August, according to UN figures. Of the 71 killed on the Israeli side, six were civilians, including one child. On 23 August the Israeli military had dropped leaflets on the Gaza Strip, where some 1.8 million people live in a space 41km by around 11km, warning residents to “stay away from any site in which terrorist organizations are operating”. Between 23 and 26 August Israel attacked six high-rise buildings housing dozens of families, as well as commercial offices. On 23 August Israeli air strikes hit the tower block Za’far 4 Building, housing 46 families; the next day Israel destroyed the Rafah Commercial Centre. On 25 August Israeli jets targeted two tower blocks in Gaza City, the 12-storey Basha Building and the 15-storey Italian Compound commercial centre, containing a two-storey shopping mall and the Ministry of Public Works and housing 70 families. They gave telephone warnings to residents to evacuate, but more than 100 were injured in the strikes and those living in the buildings lost all their belongings. Two Israeli civilians from Kibbutz Nirim were killed and four injured in a mortar attack from Gaza about one hour before the truce came into effect, and a five-storey building housing 10 families in Shaykh Zayed, in northern Gaza, was destroyed 45 minutes later.

The UN Fact Finding Mission on the Gaza Conflict of 2008/2009 concluded that Israeli military and Palestinian armed groups had committed war crimes and possible crimes against humanity. The Israeli and Hamas authorities still have not adequately investigated the findings and perpetrators of such crimes still enjoy impunity. The UN Security Council has also failed to take effective action in response to serious violations or hold those responsible to account, by for example referring the situation to the Prosecutor of the International Criminal Court. Gazans’ right to enjoy an adequate standard of living is further away from realization than ever. Seven years of Israeli blockade has forced most of them into subsistence living, with around 80 per cent dependent on humanitarian aid. Water shortages and lack of access to clean water have worsened since the latest conflict. Under the terms of the truce, the blockade should be eased to allow in humanitarian supplies and building materials.

**Please write immediately in Hebrew (to Israel only), Arabic (to Hamas only), English or your own language:**

- Calling on the Israeli authorities to do everything necessary to prevent further indiscriminate or otherwise unlawful attacks on civilians, and end the blockade on the Gaza Strip, which amounts to collective punishment of the population, in breach of its obligations under international humanitarian and human rights law;
- Calling on Hamas and other Palestinian armed groups to do everything necessary to prevent further rocket attacks against civilians in Israel and to end other violations of international humanitarian law.

### PLEASE SEND APPEALS BEFORE 9 OCTOBER 2014 TO:

Minister of Defence

Moshe Ya’alon

Ministry of Defence, 37 Kaplan Street

Hakiryia, Tel Aviv 61909, Israel

Email: [minister@mod.gov.il](mailto:minister@mod.gov.il)

[pniot@mod.gov.il](mailto:pniot@mod.gov.il)

Salutation: Dear Minister

Chief Commander

Izz ad-Din al-Qassam Brigades, Hamas

(Islamic Resistance Movement)

Muhammad Deif, Gaza

Email: [english@alqassam.ps](mailto:english@alqassam.ps)

[english@palestine-info.co.uk](mailto:english@palestine-info.co.uk)

Salutation: Dear Chief Commander

(Letters cannot be sent to Gaza due to the blockade)

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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Please check with your section office if sending appeals after the above date. This is the first update of UA 203/14. Further information:  
<http://amnesty.org/en/library/info/MDE15/025/2014/en>

# URGENT ACTION

## CEASEFIRE, BUT NOT YET JUSTICE

### ADDITIONAL INFORMATION

The UN Office for the Coordination of Humanitarian Affairs (OCHA) in Gaza estimated that 435,000 people, a quarter of the population, had been displaced, staying in emergency shelters or with host families during the conflict. As of 26 August, 108,000 people had their homes severely damaged or destroyed. The situation worsened after an Israeli ground operation began on 17 July, and evidence of war crimes mounted as hospitals and clinics reported damage and schools were hit. Hospitals have been subjected to direct attacks and damaged by shelling from tanks and missiles: al-Aqsa Hospital in Deir Al-Balah and Najjar Hospital in Rafah city, among others, have been severely damaged in direct attacks and by tank shelling and missile fire. The entire population of Gaza is surviving on severely limited water supplies of unsafe water; in some areas, water was cut off for days or weeks because of the attacks. Since the 29 July attack by Israel on the only power plant in Gaza, which is likely to have constituted a war crime, Gaza has been without its primary source of electricity and the UN and World Health Organization (WHO) warned that the entire Strip faced a public health disaster.

According to the Israeli military, during the 50-day conflict Palestinian armed groups fired 4,562 rockets and mortar shells from the Gaza Strip, of which 3,641 exploded in Israeli territory, and 224 fell in built-up areas, while the Iron Dome missile defence system intercepted 735 rockets. There have been reports, unconfirmed as yet by Amnesty International, that Palestinian armed groups fired indiscriminate rockets from near hospitals or health facilities, or otherwise used these facilities or areas for military purposes. Israeli civilian property has also been damaged by indiscriminate rockets fired by Palestinian armed groups.

**The Palestinian President, Mahmoud Abbas, announced on 26 August that an Israeli and Palestinian ceasefire agreement had been brokered by the Egyptian authorities. Though the precise terms are not known they will reportedly relax Israeli and Egyptian border controls with Gaza as well as allowing humanitarian supplies and construction materials into Gaza, and the widening of Gaza's fishing zone. Movement restrictions on fishing areas, as well as farmland near the Israeli security buffer zone, are already reported to have been relaxed after the ceasefire. Negotiations on other persistent issues including the demand for the release of Palestinian prisoners and detainees held by Israel, the establishment of a seaport and Israel's calls for the disarming of Hamas and other armed groups in Gaza are scheduled to recommence in Cairo in September.**

The crippling blockade on Gaza for more than seven years, restricting the movement of people and goods in and out of the Strip has decimated the economy and basic infrastructure. Though Israel is the occupying power in the Gaza Strip since it has effective control over the territory and its population, it has not abided by the obligations of the Fourth Geneva Convention to provide for the welfare of those living under occupation who are considered protected persons; rather, it has hindered Palestinians' fulfilment of their right to an adequate standard of living, including their access to water, sanitation and health care and other essential utilities, all of which are in dire conditions. Amnesty International has condemned the Israeli blockade as collective punishment of the entire Gaza population. Lifting the blockade is Israel's obligation and should not be conditional on a ceasefire; it is an essential element of preventing any recurrence of the conflict.

Operation "Protective Edge" was the third major Israeli offensive against the Gaza Strip in less than six years. Victims of past violations of international human rights and humanitarian law, including war crimes, have not obtained justice, truth and reparation, as required by international law. This impunity fails the victims, and sets the stage for more violations, as demonstrated by war crimes committed by both sides in the hostilities that have just ended.

Name: Population of Gaza Strip

Gender m/f: both

Further information on UA: 203/14 Index: MDE 15/027/2014 Issue Date: 29 August 2014

# AMNESTY INTERNATIONAL PUBLIC STATEMENT



Index: MDE 15/024/2014

20 August 2014

## **Israel: Provide Rights Groups Access to Gaza**

“The Israeli authorities appear to have been playing bureaucratic games with us over access to Gaza, conditioning it on entirely unreasonable criteria even as the death toll mounts” said Anne FitzGerald, Amnesty International’s Director of Research and Crisis Response.

Israel should immediately allow access to Gaza for Amnesty International, Human Rights Watch and other international human rights organizations so they can investigate allegations of serious violations of international humanitarian law by all parties to the conflict, Amnesty International and Human Rights Watch said today,

“The victims’ and the public’s right to know about what happened during the hostilities requires the Israeli authorities to ensure full transparency about their actions and to refrain from hindering independent and impartial research into all alleged violations.”

Since the beginning of Israel’s military operation on July 8, 2014 in Gaza, code-named “Protective Edge”, Israeli authorities have denied repeated requests by both Amnesty International and Human Rights Watch to enter Gaza via the Israeli-controlled Erez crossing. Both groups also requested access from Egyptian authorities, who so far have not granted it.

“Valuable time has already been lost and it’s essential that human rights organizations are now able to enter the Gaza Strip to begin the vital job of verifying allegations of war crimes.”

“If Israel is confident in its claim that Hamas is responsible for civilian deaths in Gaza, why is it blocking human rights organizations from carrying out on-site investigations,” said Sarah Leah Whitson, Middle East director at Human Rights Watch. “Talking points by a party to the conflict don’t determine whether attacks violated the laws of war, but field investigations could.”

Since July 7, Amnesty International’s International Secretariat has submitted three applications for permission to enter Gaza via the Erez Crossing to Israel’s Civil Administration, which operates under Israel’s Defense Ministry. In each case, the Civil Administration said it could not process the requests, and that the Erez Crossing was

closed. Journalists, UN staff, humanitarian workers, and others with permits have been able to enter and exit via Erez throughout this period.

Amnesty International requested assistance on this matter from Israel's Foreign Affairs Ministry, and various third-party governments have raised the issue with their Israeli counterparts on Amnesty International's behalf, but none of these efforts has been successful.

Human Rights Watch received similar responses from the Civil Administration to its request for permission to enter Gaza since the recent escalation in hostilities. Israeli authorities at the Erez Crossing also said that Human Rights Watch was not eligible for permits to enter Gaza because it was not a registered organization. However, the Israeli authorities acknowledged that they had discretion to make an exception. On August 17, Human Rights Watch requested such an exception as soon as possible. Prior to 2006 Israeli authorities repeatedly granted Human Rights Watch access to Gaza without requiring the group to register or seek a special exception.

During the recent hostilities, Israeli forces have intensively bombarded the Gaza Strip from the air, land and sea, severely affecting the civilian population there. According to the UN Office for the Coordination of Humanitarian Affairs, 1,976 Palestinians have been killed, including 1,417 civilians of whom 459 are children and 239 women. Thousands of unexploded remnants of war are dispersed throughout the Gaza Strip. Hundreds of thousands of people have been displaced. Sixty-seven Israelis have been killed including three civilians.

Palestinian armed groups have fired thousands of indiscriminate rockets toward Israeli population centres; have reportedly stored rockets in empty school buildings; and allegedly failed to take all feasible precautions to prevent harm to civilians, in violation of international law. Amnesty International and Human Rights Watch have some staff on the ground in Gaza but they have not been able to verify many reported violations because of the Israeli authorities' denial of access to researchers.

The Israeli government must allow all allegations of war crimes and other violations to be independently verified and the victims to obtain justice. Active human rights monitoring on the ground can also help serve to prevent further abuses being carried out – by all sides. Denying access to international human rights organizations suggests a disregard for the right to seek, receive and impart information.

The Israeli authorities last granted Human Rights Watch access to Gaza through the Erez Crossing in 2006, and Amnesty International in the summer of 2012.

Since then, Amnesty International and Human Rights Watch have repeatedly been told that they must register with Israel's Foreign Affairs Ministry, which only registers diplomats and UN personnel, or the Social Welfare Ministry. Registration with the Social Welfare Ministry is an option for humanitarian and development organizations with offices in Israel and the Occupied Palestinian Territories, but it is virtually impossible for Amnesty International and Human Rights Watch, as international human rights organizations, to meet the conditions for registration.

## **Background**

The last time Amnesty International received permits to enter Gaza via the Erez crossing was in June 2012, when a delegation visited Gaza to conduct field research. Before that, Amnesty International researchers received permits to enter via the Erez crossing on many occasions over the years, though sometimes with a significant delay. During Israeli's military Operation "Cast Lead" in 2008/2009, Amnesty International delegates submitted permit applications for to the Israeli authorities, but (like various other organizations that applied at the time) did not receive permits during the conflict, and eventually entered Gaza via the Rafah Crossing in the last days of the hostilities.

Amnesty International did not have permits to enter Gaza via Erez when Israel launched Operation "Pillar of Defense" in November 2012, and submitted applications for several delegates to the International Organizations and Foreign Relations Department of the Coordination and Liaison Administration (CLA) at Erez shortly after the start of the hostilities. Despite extensive follow-up by phone with the CLA, Amnesty International delegates did not receive permits and eventually entered Gaza via the Rafah Crossing on 21 November 2012. On 6 December 2012, Amnesty International received an email saying that the CLA permits and coordinates access "for bodies which registered either at the Israeli Ministry of Foreign Affairs (mainly UN agencies, ICRC, EU and diplomatic missions) or at the Israeli Ministry of Social Affairs (International NGO's)".

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# News

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19 August 2014

## Israel: Human rights access to Gaza imperative amid renewed exchange of fire

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Smoke billows following an Israeli military strike on Gaza City on 19 August. © AFP/Getty Images

### Background

Israel: Provide Rights Groups Access to Gaza Public Statement, 20 August 2014.

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The resumption of Israeli air strikes and rocket fire from Gaza underscores the imperative need to grant human rights groups immediate access to monitor the situation, said Amnesty International today.

Since the beginning of Israel's military operation on 8 July 2014 in Gaza, Israeli authorities have denied repeated requests by Amnesty International to enter Gaza via the Israeli-controlled Erez crossing. The organization also requested access from Egyptian authorities, who so far have not granted it.

“The Israeli authorities appear to have been playing bureaucratic games with us over access to Gaza.”

Amnesty International's Anne FitzGerald

“The apparent resumption of Israeli airstrikes and rocket fire today is another reminder that our access to the Gaza Strip cannot wait. Valuable time has already been lost and it is essential that human rights organizations are now able to begin the vital job of examining allegations of war crimes,” said Anne FitzGerald, Amnesty International's Director of Research and Crisis Response.

“The Israeli authorities appear to have been playing bureaucratic games with us over access to Gaza, conditioning it on entirely unreasonable criteria even as the death toll in the region has risen.”

Amnesty International and Human Rights Watch are set to issue a joint statement calling on the Israeli authorities to immediately allow human rights groups access to Gaza.

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Country: Israel and Occupied Palestinian Territories Region: Middle East And North Africa

### News

Publication Date: 10 September 2014

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# AMNESTY INTERNATIONAL PUBLIC STATEMENT



Index: MDE 15/023/2014

7 August 2014

## **Evidence of medical workers and facilities being targeted by Israeli forces in Gaza**

Testimonies from doctors, nurses, and ambulance workers who have spoken to Amnesty International paint a disturbing picture of hospitals and health professionals coming under attack by the Israeli army in the Gaza Strip, where at least six medics have been killed. There is growing evidence that health facilities or professionals have been targeted in some cases.

Since Israel launched Operation “Protective Edge” on 8 July, the Gaza Strip has been under intensive bombardment from the air, land and sea, severely affecting the civilian population there. As of 5 August, according to the UN Office for the Coordination of Humanitarian Affairs, 1,814 Palestinians had been killed in the Gaza Strip, 86 per cent of them civilians. More than 9,400 people have been injured, many of them seriously. An estimated 485,000 people across the Gaza Strip have been displaced, and many of them are taking refuge in hospitals and schools.

Amnesty International has received reports that the Israeli army has repeatedly fired at clearly marked ambulances with flashing emergency lights and paramedics wearing recognizable fluorescent vests while carrying out their duties. According to the Palestinian Ministry of Health, at least six ambulance workers, and at least 13 other aid workers, have been killed as they attempted to rescue the wounded and collect the dead. At least 49 doctors, nurses and paramedics have been injured by such attacks; at least 33 other aid workers were also injured. At least five hospitals and 34 clinics have been forced to shut down due to damage from Israeli fire or continuing hostilities in the immediate area.

Hospitals across the Gaza Strip suffer from fuel and power shortages (worsened by the Israeli attack on Gaza’s only power plant on 29 July), inadequate water supply, and shortages of essential drugs and medical equipment. The situation was acute before the current hostilities, due to Israel’s seven-year blockade of Gaza, but have been seriously exacerbated since.

Amnesty International has repeatedly called on Israel to immediately end the blockade on the Gaza Strip, which is collectively punishing the entire population of Gaza, in breach of Israel’s obligations under international humanitarian and human rights law.

Amnesty International is aware of reports that Palestinian armed groups have fired indiscriminate rockets from near hospitals or health facilities, or otherwise used these facilities or areas for military purposes. Amnesty International has not been able to confirm any of these reports. While the use of medical facilities for military purposes is a

severe violation of international humanitarian law, hospitals, ambulances and medical facilities are protected and their civilian status must be presumed. Israeli attacks near such facilities – like all other attacks during the hostilities – must comply with all relevant rules of international humanitarian law, including the obligation to distinguish between civilians and civilian objects and military targets, the obligation that attacks must be proportional and the obligation to give effective warning. Hospitals and medical facilities must never be forced to evacuate patients under fire.

**Mohammad Al-Abadlah**, 32, a paramedic who worked for the Palestinian Red Crescent Society (PRCS), was killed on 25 July in Qarara by Israeli army gunfire when he was attempting to rescue an injured man stranded in an area controlled by the Israeli military. Hassan Al-Attal, 40, a colleague of Mohammad Al-Abadlah who was with him at the time and witnessed the shooting, told Amnesty International:

“On 25 July, my colleague Mohammad Al-Abadlah and I were tasked with reaching an injured man in Qarara. We went in the afternoon but were unable to cross the area because there were piles of sand blocking the roads next to which Israeli tanks were stationed. We were not able to reach our destination, so we cancelled the mission and we went back.

“At 10pm on the same day, we were tasked again with the same mission. We arrived at the intersection between Salah Al-Din and Al-Umda Streets and then headed north to try to access from a way other than the one we had tried earlier. We were communicating with the Red Cross the whole time, relying on them every step of the way; we were communicating to them everything in details as we always do when we enter areas under Israeli military control.

“At one point while driving in the ambulance we were blocked by live electric wires on the road. We informed the Red Cross that the road was blocked and we could not cross. They asked us to try to cross somehow, but we told them we couldn't. They then called the Israelis and told them about the wires blocking the road and how we were unable to cross. They got back to us saying the army says to get out of the car and cross on foot with our flashlights. So, Mohammad said to me ‘Let's go, they agreed that we can go walking and collect the case from them directly’.

“We got out, we crossed about 10-12 metres and suddenly we were being fired at directly. My colleague screamed and said ‘I've been shot’. The shooting continued everywhere, so I could not pull him away or else I too would have got shot and fallen beside him – so I ran and sat in the ambulance. I called the station and told them we had been fired at and Mohammad was injured. The head of the centre came with two ambulances to try and save our colleague. When the colleagues got out to try and take Mohammed, they too were fired at. The head of the centre asked the Red Cross to ask for shooting to stop while we evacuated Mohammad. We brought him but sadly he died.

“When he was shot and I had gone back to the ambulance, we continued – he and I - to shout at each other. I could hear him. He was saying ‘come to me’ and I asked him to try and crawl closer to me, so that if he came closer I could pull him away – just so that he would move away from the shooting. He kept saying that he could not crawl to us and we

couldn't get to him. After that we co-ordinated with the Red Cross and the rest of our colleagues came and we were able bring him back, but he died.”

Amnesty International spoke independently to **Mohammad Ghazi Al-Hessy**, head of the PRCS's centre in Khan Younis, who received the call to rescue Mohammad and attended to it with his other colleagues. He told Amnesty International:

“When we received this call from the Red Cross. They said it was Israel that had requested the evacuation of the injured person. A team including Mohammad al-Abadlah as the ambulance driver, medic Hassan Al-Attal, and volunteer Ghaleb Abu-Khater were sent off to get the case. Fifteen minutes later, I heard Hassan Al-Attal on the radio shouting ‘There is shooting at us – we are being shot at by the Israelis and Mohammad Al-Abadlah has fallen and is not responding to me’.

“I immediately took two ambulances and went to the area while all the time communicating with the Red Cross. I tried calling Mohammad Al-Abadlah's two mobiles but neither mobile responded. We first drove to a safe area nearby about 100 metres from where they were. I understood that Mohammad, Hassan and Ghaleb were out of the car because they could not reach the injured man with the ambulance; the Israelis had asked them to get out of the car, so the driver and the medic got out with a stretcher and a flashlight. The minute they entered the dirt road leading to the injured person, they were shot at directly and specifically at Mohammad Al-Abadlah.

“I asked the Red Cross to co-ordinate our entry to collect Mohammad. My colleagues and I got out. There were six or seven of us. We put the stretcher next to him and suddenly we were surrounded by very heavy gunfire from the soldiers in the area.

“They were direct shots aimed over our heads, under our feet, so we had to evacuate the area. During that time, Mohammad was bleeding very heavily, he was still alive at that point – his white uniform was completely red. Because of the gunfire we were unable to put him on the stretcher.

“So we ran and called the Red Cross and told them we were being shot at and it would not do. We remained there for 10 minutes then the Red Cross called back and told us to let two of us go in and grab him. Two of the colleagues did indeed go back in, put Mohammad on the stretcher and we drove him to Nasser Hospital. He was still alive and breathing. We worked on him at Nasser Hospital, but he died in the intensive care unit.”

Speaking to Amnesty International about the killing of Mohammad Al-Abadlah, **Dr Bashar Murad**, head of PRCS's emergency and ambulance unit, said:

“We had received permission to enter the area. The army had called the Red Cross asking for an ambulance. The call was about an injured person and when our ambulance worker Mohammad arrived he was killed, although he was travelling in an ambulance clearly visible as such. He was in medical uniform, which distinguishes him, and he was carrying a stretcher when he was shot by a sniper. He received bullets in the hip and chest, and even when his colleagues tried to rescue him they were also shot at. We had called the Red Cross and informed them and asked them to interfere and allow us to rescue the

medic, but we were prevented from getting to him for half an hour. Mohammad bled to death.

“He was killed despite assurances we received from the Red Cross that the area was safe for us to work in. Our entrance to the area was checked twice with the army through the Red Cross. His colleagues would also have been killed if they had not found shelter in a house nearby. There was shooting at them. The Red Cross needs to call for accountability in this case”.

**A’ed Al-Bor’i**, 28, a volunteer medic with the PRCS ambulance service, was killed at around 4.30pm on 25 July in Beit Hanoun when a shell fired by the Israeli army hit the ambulance he was riding in on the way to treat an injured person. **Jawad Budier**, 50, a paramedic who was with A’ed Al-Bor’i and was injured in the attack, told Amnesty International:

“I received a call from the ‘dispatcher’ in Jabaliya ambulance centre while I was working in the Beit Hanoun area as there were injuries on Masriyeen Road. They were difficult conditions. Masriyeen Road was about 100 metres away from where I was in the Beit Hanoun hospital, which was our centre, so my team and I moved from there into Masriyeen Road. We went no more than 100 metres – to where the injured were. There was a side road around six meters wide which we tried to dive into, but suddenly there was an explosion directly on the ambulance – we were shocked.

“Suddenly there was fire on top of my head and my face was burnt – my hair was on fire along with my hand. I tried to put the fire out, but when I tried to open the door next to me to get out it would not open. So I thought I could get out through the door on the right – past the medic Hattem Shahine, who had been sitting next to me. Behind me was the late A’ed Al-Bor’i. To my surprise I could not find Hattem Shahine or the seat next to me. There was no one next to me.

“I managed to get out... and was shocked to find A’ed thrown on the ground dead and his upper torso ripped apart (I could see his insides) – I am not sure how.

“I looked at the back of the car, and I could not see a back to the car, the back half of the car was all gone, totally separated from the front of the car, nothing was attached, no doors, nothing. I got out from the back and ran till I got to Beit Hanoun hospital, no more than 200 metres away. When I got to the hospital door I fainted from the shock and horror of the situation; I had also been fasting. The medical team took care of me and I was miraculously saved. I believe I was directly targeted. The Occupation [Israeli military] does not discriminate between rocks or trees or human beings.”

**Dr Bashar Murad** told Amnesty International that an ambulance which was sent to retrieve A’ed Al-Bor’i’s body was also shot at, which resulted in the injury of another medic. The PRCS were not able to retrieve the body until the next day.

**Mohammad Abu Jumiza**, 47, a Ministry of Health paramedic ambulance worker, was injured on 24 July when two ambulances he was riding in were hit by Israeli military aerial attacks in Khan Younis. He told Amnesty International:

“On 24 July at night, I received a call to transfer a case from Nasser Hospital, where I am based, to the European Hospital. That was around 11-11.30pm. The case need a nurse and a doctor; Dr Majdi Al-Amoor and colleague Shadi Abu Mustafa came with me. We picked up the injured person and took him along with two of his relatives to the European Hospital and dropped them off. On our way back to Nasser Hospital, it was only the three of us in the ambulance, it was clearly marked as such. All three of us were in medical uniform, and we were driving with the lights and sirens on as always.

“When we reached the Islamic University I heard an explosion right next to us. The front and back windscreens of the car fell out. My colleague asked me to speed up, so I did, and as I was going around a bend another missile hit next to us and then after that a third one hit next to us. Each of the hits moved the car. When the fourth missile hit, I lost control and we crashed. I was driving at 70-80km per hour at the time. When we crashed we ran out of the car and found shelter in a building. There were two more missiles fired; there were people there and some got injured. All the missiles that hit when I was driving hit very close to us.

“The people came out of their houses because of the bombing. Everyone was terrified, and some were injured by shrapnel. We found shelter and we called an ambulance. We called the PRCS and told them that medics were injured, so ambulances arrived after 10 minutes. I got in the car with my colleague; my head was injured and my face was bleeding. I got a ride with my colleague from PRCS Salem Abu Al-Kheir, along with three other people who were injured from the shrapnel. As we were driving we were hit by a missile, and then after another 30 metres another missile hit. There was a huge explosion; the sound was loud and the ambulance window fell out. I was sitting behind the driver. We stopped the car, got out and ran. We found a house and took shelter. My colleague was bleeding, as was I. My colleague called the PRCS and informed them about what had happened, but we told them not to send another car – because it would be hit – without first co-ordinating with the Red Cross. After 20-25 minutes, a PRCS ambulance came and took us to Nasser Hospital. My colleague from the PRCS was injured in his arm. Now I cannot hear, as well receiving injuries to the face (ear and lips) and to the head.”

**Hani Ja'farawi**, head of the Palestinian Ministry of Health's ambulance unit, spoke to Amnesty International about some of the dangers he faced while joining ambulance missions in northern Gaza:

“During my rides I saw massive destruction. I would be driving with the heavy sound of bombing the whole time. We were not directly targeted but there was the danger of fire around us. They fired right next to us when they wanted to tell us not to advance any more, and so we stop. They gave warning by firing at us.”

“On Thursday, 24 July, I accompanied an ambulance going to transfer injured people to Jerusalem through Erez. We worked to transfer at least six injured people per day. We would always go in a bunch of ambulances. We took off from the European Hospital and after we handed over the injured people we would come back on Salah Al-Din Street. We had lights and sirens on and, as we were driving in the empty streets – no one there, not a soul –we found two men injured and lying on the side of the road. When we stopped, the

Israelis fired shells right next to us. There was some damage to the outside of the ambulances and one medic received an injury from the shrapnel. There was no one around us. The shelling targeted us although it did not hit the ambulance directly. How would you explain it otherwise? It was only us and injured men.”

On 21 July parts of the Al-Aqsa hospital in Deir al-Balah was struck by Israeli shelling, killing four people and wounding dozens, including medical workers, patients and people fleeing the violence and looking for refuge in the hospital. **Jaber Khalil Abu Rumileh**, supervisor of emergency and ambulance services at the hospital, who was there at the time, told Amnesty International:

“On 21 July, at 3pm, after midday prayer, I was at my workstation in the hospital. While I was working in the emergency unit, I heard a sound of bombing. It shook the hospital – a shelling. It hit the fourth floor, pregnancy and caesarean unit, then there were a few more hits. People were terrified, patients ran out, doctors could not enter and take out injured and killed people. And then as we were trying to calm people and attend to injuries and others, more shelling hit the building. The third floor was hit. It includes other surgery units, the childcare unit and the heart unit. Four people were killed from these hits. One shell went through the eastern wall on this third floor, through the wall in the middle and hit Nurse Eman Abu Jayyab. Her right arm was broken.

“It was chaos. All patients, visitors, people taking shelter at the hospital, nurses, doctors, workers – there were around 30-40 child patients - everyone was panicking. Everyone came down to the ground floor, everyone was scared, and when everyone was downstairs, another shell hit, and the glass down there fell out. The shelling kept on for 30 minutes from beginning to end. Ambulances and ambulance workers were hit when rubble fell down on them outside.

“It was a tragedy for all the pregnant women or those who gave birth. I saw one woman come running with the child she had just given birth to. Some women gave birth during the shelling, the doctors did it on the ground floor, and three women were transferred to other hospitals.

“We were scared ourselves, I was worried about myself, but I have a duty to perform so I had not to worry about myself and attend to patients and my injured colleagues. We called the Red Cross and journalists. When the Red Cross came, we told them what happened. When they went up to see what happened, the hospital was hit again. They stopped their visit and left. Everyone was asking them for protection. We said that the hospital anywhere in any circumstances should be a safe place.”

Amnesty International has previously documented and reported on attacks by the Israeli army on health workers during military operations in Gaza in 2008/09 and 2012. Endangering the lives of aid and medical workers and obstructing their work is a violation of international law.

The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention) obliges states to respect and protect the wounded, to allow the removal from besieged areas of the wounded or sick, and the

passage of medical personnel to such areas. The deliberate obstruction of medical personnel to prevent the wounded receiving medical attention may constitute “wilfully causing great suffering or serious injury to body or health”, a grave breach of the Fourth Geneva Convention, and a war crime.

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4 August 2014

## Stop US shipment of fuel to Israel's armed forces as evidence of Gaza war crimes mounts

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The US fuel shipments include fuel for Israeli Air Force F16s, which are being used in "Operation Protective Edge". © EPA

### Background

[US government: Stop arming Israel Take action!](#)

[Israel/OPT: International Criminal Court key to breaking cycle of injustice for war crimes News story, 1 August 2014](#)

[USA: Stop arms transfers to Israel amid growing evidence of war crimes in Gaza News story, 31 July 2014](#)

[Israel/Gaza: Attack on UN school in Gaza a potential war crime that must be investigated News story, 30 July 2014](#)

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Amnesty International is appealing to the US government to immediately halt the transfer of a US fuel shipment currently on its way to Israel for use by the Israeli military. The organization has repeatedly called for a comprehensive arms embargo on all parties to the conflict, amidst mounting evidence that war crimes are being committed by both sides in the past four weeks in Gaza.

The US government has continued to supply hundreds of thousands of tons of fuel, including fuel for fighter jets and military vehicles, to Israel's armed forces despite a soaring civilian death toll from aerial and other military attacks. The last US jet fuel delivery arrived in Israel on 14 July, a week after the conflict began. Nine previous shipments were made from the US to Israel during 2013 and 2014. A fuel tanker with the latest US fuel shipment is now sailing past the Azores and is due to arrive in Israel on 12 August.

"By continuing to supply fuel for military vehicles and fighter jets being used in attacks resulting in mounting civilian deaths and horrific injuries, the US government will have more blood on its hands," said Brian Wood, Head of Arms Control and Human Rights at Amnesty International.

"Instead of continuing to send shipments of fuel and arms to the Israeli military, the USA must immediately suspend all such transfers and back an international investigation into the atrocities being carried out by both sides."

According to documents provided to Amnesty International by TransArms in Chicago and the International Peace Information Service in Antwerp, on 23 July 2014 the US-flagged oil tanker, the "Overseas Mykonos", left the port of Corpus Christi, Texas, after departing from Houston for its declared destination of Ashkelon, where there is a major oil terminal just north of the Gaza Strip.

The Israel Defence Forces' relentless air and land assault has caused overwhelming destruction since the offensive began on 8 July. Thousands of homes have been destroyed and civilian buildings have been damaged, including medical facilities and vital infrastructure. So far more than 1,800 Palestinians have died, the vast majority of them civilians, including more than 440

“By continuing to supply fuel for military vehicles and fighter jets being used in attacks resulting in mounting civilian deaths and horrific injuries, the US government will have more blood on its hands”

**Brian Wood, Head of Arms Control and Human Rights at Amnesty International**

Mon, 04/08/2014



children. At least 64 Israeli soldiers, two Israeli civilians and one Thai national have also been killed as Hamas and other Palestinian armed groups continue to fire indiscriminate rockets into Israel.

With no permanent end to the hostilities in sight, Amnesty International is calling on all other states to immediately impose a comprehensive arms embargo on all the parties to the conflict in Gaza.

"The USA and Iran are both guilty of enabling violations of international law by providing military support to the conflicting parties. Without the supply of military technologies neither side in the Gaza conflict could have repeatedly violated international law with impunity on such a scale. Until violators on both sides are held accountable, no shipments of military supplies that can be used for serious violations should be permitted," said Brian Wood.

Amnesty International is calling for the situation in Israel and the Occupied Palestinian Territories to be [referred to the Prosecutor of the International Criminal Court](#).

### US fuel shipments to Israel

Transport documents provided to Amnesty International show that the "Overseas Santorini" and its sister ship "Overseas Mykonos" docked at Ashkelon oil terminal in Israel at least 10 times since January 2013 - including six times since January 2014 - delivering a total of 277,000 tons of jet fuel (or 101 million gallons) supplied by the US government to the Israeli Armed Forces. The Athens-based company, OSG Ship Management (GR) Ltd, managed both tankers.

Seven days after Israel began air attacks on Gaza in "Operation Protective Edge" on 8 July, the most recent consignment of jet fuel was delivered by a US-flagged oil tanker, the "Overseas Santorini". The tanker departed from Corpus Christi in Texas on 21 June 2014 and arrived in Ashkelon on 14 July 2014 carrying 26,000 tons (or 9.6 million gallons) of jet fuel under a contract with the U.S. Defense Logistics Agency Energy.

The US Defense Logistics Agency Energy (DLA Energy), the US agency responsible for the procurement and distribution of various types of fuel to the US armed forces and their allies, shipped nine of the 10 jet fuel voyages to Israel during 2013 and 2014. The other voyage was overseen by the "Government of Israel" via its Consulate in New York.

In recent years, DLA Energy has awarded contracts worth hundreds of million dollars to US energy companies for the provision of jet fuel to Israel's armed forces, in particular to a subsidiary firm of San Antonio-based Valero Energy.

In October 2013, DLA Energy awarded a Texas based company, Valero Marketing and Supply Co., a maximum \$331 million contract for the delivery of aviation turbine fuel for the military service of Israel, and awarded Petromax LLC, based in Bay City, TX, a contract for delivery of automotive gasoline for the military service of Israel.

Previously Valero Marketing and Supply Co. had been awarded a maximum \$246 million contract during 2013 for delivery of aviation fuel to the Israeli military. When contacted by Amnesty International, a spokesperson for Valero responded that it was not Valero's policy to discuss the details of its supply contracts. OSG Ship Management and Petromax have not responded to letters from Amnesty International.

On 16 April 2013 the US Congress was notified that the Israeli government had requested 864 million gallons of JP-8 ("jet propulsion") aviation fuel to the value of \$2.7 million stating that: "the United States is committed to the security of Israel." JP-8 fuel is used for jet fighter aircraft such as the US-manufactured F-16 jets which have been used by the Israeli air force during the current military operation in Gaza, as well as certain other aircraft, attack helicopters, tanks and other ground military vehicles depending on the type of their engine.

F-16 jets are deployed by at least 12 units of the Israel's defense force. Israel has procured more than 300 F-16s since the 1980s and over 170 are reportedly in active service.

Under the US Foreign Assistance Act no security assistance may be provided to "any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights". However, successive US administrations have used a clause in the Act that allows the President to continue its supplies to Israel in "extraordinary circumstances".

"By persistently turning a blind eye to the devastating human cost of its immense arms and military fuel shipments to Israel, the USA is brazenly flouting basic human rights principles," said Brian Wood.

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# AMNESTY INTERNATIONAL

## BRIEFING



Index: MDE 15/019/2014

1 August 2014

### **Israel/OPT: The International Criminal Court must investigate war crimes**

An International Criminal Court (ICC) investigation is essential to break the culture of impunity which perpetuates the commission of war crimes and crimes against humanity in Israel and the Occupied Palestinian Territories. The case for such action is made all the more compelling in the light of the ongoing serious violations of international humanitarian law being committed by all parties to the current hostilities in the Gaza Strip and Israel.

Amnesty International has documented war crimes and crimes against humanity by Israeli forces, Hamas and Palestinian armed groups over many years. The immense number of civilian deaths, as well as the destruction and displacement in the Gaza Strip, under intensive Israeli bombardment since 8 July 2014, on the one hand, and the continuing toll of indiscriminate rockets fired by Palestinian armed groups on civilians in Israel, on the other, only make ending this impunity more urgent. Neither the Israeli nor the Palestinian authorities have taken meaningful efforts to stop serious violations of international humanitarian law that are endemic during the cycles of conflict, or to bring those responsible to justice. Ending the systematic impunity for past crimes would serve as a deterrent against their repetition, and is thus a critical component to ensuring the protection of civilians on both sides in the long term.

This document sets out the measures that can and should be taken to establish the jurisdiction of the ICC. It also briefly describes the patterns of violations during the current hostilities, and points to some of the previous crimes which Amnesty International believes should potentially be investigated by the ICC.

#### **Initiative by the UN Human Rights Council**

Amnesty International welcomes the decision of the Human Rights Council to establish a commission of inquiry into violations committed “in the context of the military operations since 13 June 2014”, and notes that the language of the [resolution](#) allows the commission to examine violations and abuses by all parties. The commission’s report, due in March 2015, should include concrete recommendations to ensure justice for victims of the conflict and an end to the cycle of impunity.

#### **The ICC must address impunity to stem tide of egregious violations**

The ICC was established, among other reasons, to ensure that those who commit war crimes and crimes against humanity will, regardless of rank or status, face justice. The continuing failure by the Israeli and Palestinian authorities and the international community at large to ensure an end to the unlawful killing and wounding of civilians and the destruction of civilian property, as well as other crimes, is unconscionable.

The ICC must be enabled to exercise jurisdiction over the situation in Israel and Palestine. The Prosecutor of the ICC must promptly determine whether to initiate an investigation into the situation in order to bring to justice those responsible for committing war crimes and crimes against humanity. Doing so would send a strong message to all sides that such crimes can no longer be committed with impunity.

The ICC could exercise jurisdiction over war crimes and crimes against humanity committed by all parties in Israel and the Occupied Palestinian Territories if one or more of the following took the necessary action: the ICC Prosecutor, the Palestinian Authority, Israel, or the UN Security Council.

Different measures by these four main actors could establish the jurisdiction of the ICC. Given the dire situation at present, Amnesty International calls on each of these actors to pursue the respective measures outlined below fully and simultaneously in order to establish the ICC's jurisdiction as soon as possible. Once the ICC's jurisdiction is established, by any of the routes described below, Amnesty International urges the ICC Prosecutor to make a prompt determination on whether to open an investigation.

### **The ICC Prosecutor should seek a judicial determination regarding the validity of the Palestinian Authority's 2009 declaration**

At the end of January 2009, following Israel's Operation "Cast Lead" against the Gaza Strip, the Palestinian Authority issued a declaration under Article 12(3) of the Rome Statute of the ICC, accepting the ICC's jurisdiction over crimes committed on "the territory of Palestine since 1 July 2002".

If it were accepted by the Pre-Trial Chamber of the ICC, this declaration would give the ICC jurisdiction over crimes committed by both sides during Operation "Cast Lead" as well as other crimes that have been committed since 1 July 2002.

In response to the submission of the declaration, the ICC Prosecutor opened a preliminary examination. He focused first on whether Palestine was a state for the purposes of the Rome Statute – one of four criteria the Prosecutor considers in deciding whether to open an investigation. More than three years later, in April 2012, the Office of the Prosecutor controversially decided that the declaration was invalid and closed the preliminary examination. The decision was based on the fact that the status granted to Palestine by the UN General Assembly at the time the declaration was made was that of "observer" and not "non-member State". In view of the fact that UN member status is not determinative of statehood, Amnesty International criticized the Prosecutor's failure to refer the question of jurisdiction to the ICC judges in accordance with Article 19(3) of the Rome Statute for a thorough and transparent judicial determination. Palestine was recognized as a non-member observer state by the UN General Assembly on 29 November 2012.

Further to the Palestinian Authority's 2009 declaration, reports indicate that, last week, a lawyer submitted a complaint to the ICC Prosecutor on behalf of Palestinian Minister of Justice Saleem al-Saqqa regarding allegations of crimes committed prior to and during Operation "Protective Edge", launched by Israeli forces on 8 July 2014.

Amnesty International calls on the Office of the Prosecutor to immediately review its decision that the 2009 declaration is invalid and refer the matter to the Pre-Trial Chamber for an urgent ruling.

### **The Palestinian Authority should issue another declaration accepting the ICC's jurisdiction over crimes committed since 1 July 2002, accede to the ICC's Statute**

In view of the different contentions regarding the legal effects of the 2009 declaration, the Palestinian Authority should lodge another declaration with the Registrar of the ICC. In the new declaration, the Palestinian Authority should accept the ICC's jurisdiction over crimes committed since 1 July 2002. It should also simultaneously submit with the UN Secretary General instruments acceding to the Rome Statute. In recent days senior officials have indicated that the Palestinian Authority has decided to accede to the Rome Statute, but no accession has yet been deposited.

With 1.8 million Palestinians in the Gaza Strip currently enduring the third major Israeli military operation in under six years and the massive destruction it has wrought, and with a list of possible war

crimes that demand investigation growing by the day, the Palestinian Authority must issue a further declaration and accede to the Rome Statute without delay.

Although Amnesty International considers that the Prosecutor should in any case refer the 2009 declaration to the Pre-Trial Chamber for its decision on admissibility and jurisdiction, a new declaration would directly bring the question before the Prosecutor again. This would also allow the Prosecutor to consider developments since 2009 which may serve to confirm Palestine's ability to deposit a valid declaration and accede to the Rome Statute. In particular, on 29 November 2012, the UN General Assembly adopted a resolution confirming Palestine as a non-member observer state. Furthermore, on 2 April 2014 Palestine deposited instruments of accession to the Geneva Conventions and 15 multilateral treaties, including key human rights treaties, which have been accepted by the relevant depositaries. To date, only three of the 193 UN member states – Canada, Israel and the USA – have objected to these accessions.

### **Israel should accede to the Rome Statute and issue a declaration accepting the ICC's jurisdiction since 1 July 2002**

Historically, Israel has supported efforts to develop international justice mechanisms, including universal jurisdiction and early efforts towards establishing an international court, in part out of a recognition that ad hoc tribunals such as the Nuremberg and Tokyo tribunals established after World War II would not serve as an effective deterrent to prevent future genocide, crimes against humanity and war crimes. Israel signed the Rome Statute of the ICC on 31 December 2000. However, in August 2002 Israel unsigned the Statute, stating that it did not intend to become a party to the treaty.

Amnesty International urges Israel to reconsider its opposition to the ICC and to commit to the rule of law by acceding to the Rome Statute. The ICC represents an avenue towards justice for Israeli victims of crimes under international law committed by Palestinian armed groups.

In addition, Amnesty International urges Israel to make a declaration accepting the jurisdiction of the ICC since 1 July 2002, in accordance with Article 12(3) of the Rome Statute, in order to give the ICC jurisdiction over past war crimes and crimes against humanity.

Israel's opposition to the ICC and international justice mechanisms has shielded perpetrators of crimes under international law, but it does not serve the interests of Israeli victims, who have the right to effective remedies, or of ordinary Israelis, who continue to live under the threat of indiscriminate rockets.

### **The UN Security Council should refer the situation to the ICC Prosecutor**

The UN Security Council can also trigger the ICC's jurisdiction by referring the situation to the ICC Prosecutor. In September 2009, the report of the UN Fact-Finding Mission on the Gaza Conflict, led by Justice Richard Goldstone, recommended that the Security Council should refer the situation to the ICC Prosecutor if, within six months, the domestic authorities had not undertaken good faith independent investigations into war crimes and crimes against humanity which the Fact-Finding Mission had documented. Almost five years later, despite overwhelming evidence that investigations meeting international standards have not been conducted, the Security Council has failed to act. Members of the Security Council, and in particular the permanent members, should set aside their geopolitical interests and act in the interests of Palestinian and Israeli victims of crimes under international law.

The Palestinian Authority has been consistently pressured by the USA and Israel, which are not parties to the ICC Statute, not to take any steps that would give the ICC jurisdiction. In addition, several states which are parties to the Rome Statute and claim to support the ICC, including Canada, the UK, and other EU member states, have also opposed Palestinian accession to the ICC or other measures that would give it jurisdiction over crimes under international law. For the UK and other EU member states, such opposition to action towards accountability for war crimes in Israel and the Occupied Palestinian

Territories contradicts their stated policy of supporting the ICC as a key mechanism to end impunity. Some of these countries have previously threatened to condition financial or diplomatic support for the Palestinian Authority on the latter renouncing accountability mechanisms, or at least delaying substantive measures that would give the ICC jurisdiction, on the grounds that such moves would be detrimental to Israeli-Palestinian negotiations sponsored by the USA. The Palestinian Authority is heavily dependent on international assistance from donor states, including for the provision of essential health services, education, and infrastructure.

Amnesty International is opposed to any attempts to prevent the Palestinian Authority from lodging a declaration or acceding to the Rome Statute. These efforts entrench impunity for crimes under international law committed in Israel and the Occupied Palestinian Territories, and prevent both Palestinian and Israeli victims from accessing justice through the ICC. Instead, all states – including the USA, Canada and EU member states – should publicly call on the Palestinian Authority and Israel to accede to the ICC. At a minimum, all states providing assistance to the Palestinian Authority should publicly state that their assistance, as well as diplomatic support, would not be negatively affected by its accession to the ICC.

In March 2011, both the USA and UK voted against a Human Rights Council resolution calling on the UN General Assembly to submit the 2009 report of the UN Fact-Finding Mission on the Gaza Conflict to the Security Council so that the latter could consider referring the situation to the ICC. The Human Rights Council adopted this resolution after the Fact-Finding Mission report had determined that both Israeli forces and Hamas committed war crimes during the 2008-2009 Israel/Gaza conflict, and after two reports by a committee of independent experts highlighted the failure of the Israeli authorities and the Hamas de facto administration to conduct credible and effective investigations. Amnesty International and many other human rights organizations had also documented the failure of Israel and the Hamas de facto administration in the Gaza Strip to investigate the crimes. The February 2013 report of the government-appointed Turkel Commission in Israel found serious flaws in Israel's system of investigating violations by its military. The Commission made 18 recommendations to address these failings, but almost none of them have been implemented, as far as Amnesty International is aware.

At this juncture, more than three years after the Human Rights Council resolution mentioned above, when the General Assembly has still taken no substantive action on the 2009 report of the Fact-Finding Mission, and civilians in Gaza and Israel are living through yet another deadly conflict, Amnesty International urges the UN Security Council to step in and provide the ICC with jurisdiction.

This time, the UN Security Council must take decisive action by referring the situation in Israel and the Occupied Palestinian Territories since 1 July 2002 to the ICC Prosecutor and demanding that all states co-operate fully with the ICC.

Amnesty International calls on all permanent veto-holding members of the Security Council, including the USA and UK, not to block the referral. The organization recalls that both the USA and UK strongly criticized the decision by Russia and China to veto a resolution in May 2014 that would have referred the situation in Syria to the ICC Prosecutor. It urges them not to adopt a blatant double standard by rejecting a referral in this very serious situation to protect their own geo-political interests.

Amnesty International notes that experience has demonstrated that ending impunity and ensuring respect for human rights and international humanitarian law is absolutely essential in order to achieve a just and sustainable peace in Israel and the Occupied Palestinian Territories.

### **Violations of international humanitarian law during the current Israel/Gaza conflict**

Since Israel launched Operation “Protective Edge” on 8 July 2014, more than 1,400 Palestinians in the Gaza Strip have been killed, approximately three quarters of them civilians, according to initial UN documentation, and well over 8,000 have been injured, many of them seriously. Israeli forces have carried out indiscriminate attacks in densely populated areas and direct attacks on civilian homes and other civilian objects, violating international humanitarian law and, predictably, killing and injuring

many civilians across the Gaza Strip; some of these attacks are likely to be war crimes. Medical and humanitarian supplies and assistance have been hugely disrupted and, in some cases, attacked, and critical water, sanitation and electricity infrastructure has been badly damaged.

Thousands of homes across the Gaza Strip, at least 23 medical facilities, governmental buildings, media offices, and water and sanitation infrastructure across the Strip have been destroyed or badly damaged. All 1.8 million people in the Gaza Strip are living with minimal supplies of unsafe water; in some areas, water has been cut off for days due to continued attacks. On 29 July, Israeli forces struck Gaza's only power plant, knocking it out of commission and destroying Gaza's primary electricity source, in an attack that very likely constituted a war crime and the collective punishment of Gaza's entire population. Hospitals, already overwhelmed, targeted, and lacking essential medicines and equipment due to the seven-year blockade on the Gaza Strip, are now facing additional fuel and power shortages as scores of casualties continue to stream in.

Israeli forces have instructed hundreds of thousands of residents of entire areas of the Gaza Strip to move to shelters or other areas, leading to mass displacement of Palestinian civilians. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported an estimated 250,000 internally displaced people as of 31 July 2014, sheltering in schools run by the UN Relief and Works Agency (UNRWA) or Ministry of Education, or government or public buildings. Up to 200,000 other displaced people are staying with relatives or in private homes. At least six UNRWA schools have been struck directly, in some cases killing and injuring civilians who had fled to the schools hoping to find refuge. Some 137 schools across the Gaza Strip have been damaged during the hostilities. There are no bomb shelters in Gaza, and repeated attacks on UNRWA schools serving as shelters have proven that nowhere in Gaza is safe for civilians.

Statements by the Israeli military and politicians that they consider the homes of people associated with Hamas, including the homes of political leaders, to be legitimate targets indicate that Israel has adopted targeting rules that do not conform to international humanitarian law, and could be evidence that at least some of the attacks on civilian homes are deliberate policy. Although the Israeli authorities claim to be warning civilians in Gaza, a consistent pattern has emerged that their actions do not constitute an "effective warning" under international humanitarian law. Increasing reports that medics trying to evacuate dead or injured civilians, workers trying to repair damaged water and sanitation infrastructure, and journalists are coming under fire, killing and injuring some of them, are another very serious concern. Direct attacks on civilians and civilian objects, as well as indiscriminate and disproportionate attacks that are intentional and kill or injure civilians, are war crimes.

Throughout the three-week conflict, Hamas' military wing and other Palestinian armed groups have fired over 2,900 indiscriminate rockets and mortars into Israel. The rockets and mortars cannot be aimed accurately at military targets, which means that firing them is in itself a war crime, but statements by Hamas and Palestinian armed groups also indicate that some of the attacks have intended to kill or injure civilians. Three civilians in Israel have been killed, and at least 29 others, including children, have been wounded by shrapnel and shattered glass, according to Israel's emergency medical service, which has also treated hundreds of other people for light injuries (mostly shock) since the beginning of Operation "Protective Edge". (In addition, at least 61 Israeli soldiers have been killed since the Israeli military ground operation began on 17 July 2014.) Homes and other civilian properties in Israel have also been damaged. People in a large part of Israel need to run to shelters multiple times each day, and many people from towns and cities in southern Israel have left their homes. In other Israeli communities, such as the "unrecognized" Bedouin villages in the Negev/Naqab, there are no bomb shelters, and civilians are completely unprotected from indiscriminate attacks.

Palestinian armed groups in the Gaza Strip are also violating international humanitarian law by launching rockets from residential areas, in some cases very close to civilian buildings, and storing munitions in residential areas, in some cases inside civilian buildings. This endangers Palestinian civilians in Gaza and violates the obligation to take all feasible precautions to protect civilians in the areas they control from the effects of attacks.

## **Impunity for previous war crimes, crimes against humanity, and other serious violations of international law**

Prior to the current hostilities in Gaza and Israel, Amnesty International has documented war crimes, crimes against humanity, and other persistent violations of international law by Israel, Hamas, and Palestinian armed groups over many years.

During an eight-day conflict between the Israeli military and Palestinian armed groups in the Gaza Strip in November 2012, codenamed Operation “Pillar of Defense” by Israel, more than 165 Palestinians were killed, including more than 30 children and some 70 other civilians. Amnesty International documented some 18 missile strikes in which civilians who were not directly participating in the hostilities were killed, as well as other types of indiscriminate and disproportionate attacks, including attacks on media offices. Four Israeli civilians were killed by indiscriminate rockets fired from Gaza. Israel’s Military Advocate General has not opened any criminal investigations into any alleged violations from this offensive to Amnesty International’s knowledge. Nor did the Hamas de facto administration conduct effective investigations into violations by Palestinian armed groups in the Gaza Strip during the conflict, including the firing of indiscriminate rockets and the summary killings of seven Palestinians detained for alleged “collaboration” with Israel.

Operation “Cast Lead”, Israel’s 22-day military offensive on the Gaza Strip which ended on 18 January 2009, killed some 1,400 Palestinians, a majority of whom were civilians, and destroyed large areas of the Gaza Strip. Thirteen Israelis, including three civilians, were killed during the conflict. Both sides committed serious violations of international humanitarian law, including war crimes. Israeli forces killed civilians using precision weaponry, launched indiscriminate attacks which failed to distinguish legitimate military targets from civilians, and attacked civilian property and infrastructure, UN facilities, and medical facilities and personnel. Israeli forces also used weapons in ways which constituted indiscriminate attacks, such as air-bursting white phosphorus in densely populated civilian areas. Hamas’ military wing and other Palestinian armed groups launched indiscriminate rocket and mortar attacks on southern Israel. Both the Israeli government and the Hamas de facto administration failed to conduct credible, independent investigations meeting international standards. The Hamas de facto administration completely failed to prosecute perpetrators of crimes under international law, while Israel’s Military Advocate General eventually indicted only four soldiers on criminal charges in three different incidents.

The period between the beginning of the second Intifada in September 2000 and the 2008-2009 war – particularly its first five years – was characterized by mass violations of human rights and international humanitarian law, including war crimes and crimes against humanity.

During this period, Israeli forces killed some 4,000 Palestinians, most of them unarmed civilians and including some 800 children. Many were killed in air strikes, artillery shelling and other attacks against refugee camps and densely populated residential areas throughout the Occupied Palestinian Territories. Others were extrajudicially executed in attacks which killed scores of bystanders. Israel detained thousands of Palestinians for prolonged periods as administrative detainees, without charge or trial, and subjected many detainees to torture and other ill-treatment. Israel also carried out unlawful home demolitions on a mass scale in the Gaza Strip and the West Bank. It built the 700-kilometre fence/wall through the West Bank and through parts of Jerusalem, causing massive long-term damage to Palestinian life and undermining the ability of those living in scores of villages and communities to realise a wide range of their human rights, and continued to establish and expand unlawful settlements. All of these unlawful policies and actions persist until today.

In the same period, Palestinian armed groups killed more than 1,100 Israelis, some 750 of them civilians and including 120 children, in suicide bombings and shooting attacks in buses, restaurants, shopping malls and other areas frequented by civilians.



**For Amnesty International statements on the current hostilities:**

[Israel/Gaza: Attack on UN school in Gaza a potential war crime that must be investigated](#) (30 July 2014)

[Israel/Gaza conflict: Questions and Answers](#) (25 July 2014)

[Statement to the UN Human Rights Council: The human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (23 July 2014)

[Israel/Gaza: Attacks on medical facilities and civilians add to war crime allegations](#) (21 July 2014)

[Israel/Gaza: Prevent further war crimes after Israeli ground assault](#) (18 July 2014)

[Israel/Gaza: UN must impose arms embargo and mandate an international investigation as civilian death toll rises](#) (11 July 2014)

[Israel/Gaza: All sides must protect civilians as conflict escalates](#) (8 July 2014)

**For Amnesty International documents on the November 2012 Israel/Gaza conflict:**

[A year on from deadly Israel/Gaza conflict, the nightmare continues](#) (14 November 2013)

[Israel's military investigations into Gaza conflict violations strengthen impunity](#) (17 April 2013)

[Israel/Gaza conflict: UN must impose arms embargo, send international monitors immediately](#) (19 November 2012)

**For Amnesty International reports on the 2008-2009 Israel/Gaza conflict:**

[Operation "Cast Lead": 22 Days of Death and Destruction](#) (1 July 2009)

[Fuelling Conflict: Foreign arms supplies to Israel/Gaza](#) (23 February 2009)

[The conflict in Gaza: A briefing on applicable law, investigations and accountability](#) (19 January 2009)

**For Amnesty International documents on Israel's system of military investigations:**

[Amnesty International's updated assessment of Israeli and Palestinian investigations into the Gaza conflict](#) (18 March 2011)

[Amnesty International's assessment of Israeli and Palestinian investigations into Gaza conflict](#) (26 September 2010)

**For other Amnesty International reports documenting crimes under international law in Israel and the Occupied Palestinian Territories since July 2002:**

[Trigger-happy: Israel's use of excessive force in the West Bank](#) (27 February 2014)

[Torn apart by factional strife](#) (24 October 2007)

[Enduring occupation: Palestinians under siege in the West Bank](#) (4 June 2007)

[Road to nowhere](#) (1 December 2006)

[Under the rubble: House demolition and destruction of land and property](#) (17 May 2004)

[Israel must end its policy of assassinations](#) (4 July 2003)

[Shielded from scrutiny: IDF violations in Jenin and Nablus](#) (4 November 2002)

[Without distinction - attacks on civilians by Palestinian armed groups](#) (10 July 2002)

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H.E. The Permanent Representative

1 August 2014

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To all members of the Security Council  
Open letter on the situation in Israel and the Occupied Palestinian Territories

Dear Ambassador,

We are writing to you today to urge that the Security Council take effective steps to address the extremely grave human rights and humanitarian crisis in the Gaza Strip and Israel.

We urge the Security Council to build on the Presidential Statement of 28 July 2014 by issuing a binding resolution which:

- (a) calls on all parties to the conflict to respect international humanitarian law and protect civilians;
- (b) demands that Israel and Egypt permit medical and humanitarian supplies into the Gaza Strip;
- (c) demands that Israel lifts its military blockade on the Gaza Strip;
- (d) imposes a comprehensive arms embargo on parties to the conflict; and
- (e) refers the situation in Israel and the Occupied Palestinian Territories to the Prosecutor of the International Criminal Court.

In this regard, we draw your attention to the enclosed Amnesty International statement "Israel/OPT: The International Criminal Court must investigate war crimes" (Index: MDE 15/019/2014), issued today. The statement presents the case for urgently establishing the jurisdiction of the International Criminal Court over the situation in the Occupied Palestinian Territories and Israel since 1 July 2002, namely that it would break the persistent impunity that has denied justice to victims of crimes under international law on both sides and left civilians exposed to ongoing and grave violations on a mass scale.

The statement also sets out Amnesty International's assessment of the patterns of serious violations of international humanitarian law that have been committed since 8 July 2014 by Israeli forces, on the one hand, and Hamas and Palestinian armed groups, on the other. Israeli forces have carried out indiscriminate attacks in densely populated areas and direct attacks on civilian homes, violating international humanitarian law and, predictably, killing and injuring many civilians across the Gaza Strip; some of these attacks may amount to war crimes. The three-week bombardment of Gaza as a whole has already claimed well over 1,000 Palestinian

lives, the majority of them civilians, and destroyed civilian infrastructure and thousands of homes. Medical and humanitarian supplies and assistance have been hugely disrupted and, in some cases, attacked, and critical water and sanitation infrastructure has been damaged. Hamas and Palestinian armed groups have committed war crimes by firing indiscriminate rockets at Israeli towns and cities, killing three civilians in Israel and damaging civilian property.

As the conflict has escalated in recent weeks, Amnesty International has repeatedly called on the Israeli authorities and Palestinian armed groups in Gaza, including the military wing of Hamas, to ensure that civilian lives are protected. All parties have an absolute obligation under international humanitarian law to protect the lives of civilians caught in the hostilities.

Both sides in this conflict have an abysmal record of violating international human rights and humanitarian law during armed conflict. Moreover, the Israeli and Palestinian authorities have repeatedly failed to conduct credible and effective investigations into allegations of war crimes and other serious violations of international law and, where sufficient evidence exists, prosecute those suspected of the crimes committed during previous rounds of fighting, in particular during Israel's military operations "Pillar of Defense" in November 2012 and "Cast Lead" in December 2008 and January 2009. An international arms embargo on Israel, Hamas and Palestinian armed groups in the Gaza Strip would be one way for states to send a strong message that further serious violations of international law must be prevented and that they will not contribute to the commission of crimes under international law in Israel and the Occupied Palestinian Territories. Pending such an embargo, Amnesty International is calling on all states to immediately suspend transfers of weapons, munitions and related equipment to the parties to the conflict.

Amnesty International welcomes Human Rights Council resolution S-21/1 of 23 July 2014, which established an independent commission of inquiry to investigate all violations of international law "in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, whether before, during or after", and expects the commission to examine all violations and abuses by all parties. We have urged the Human Rights Council to ensure that the report of the commission of inquiry, expected in March 2015, is submitted to the Security Council at the earliest opportunity.

However, immediate reaction is required by the Security Council to end the current culture of impunity that perpetuates the cycle of violations and the suffering of victims. Referring the situation in Israel and the Occupied Palestinian Territories since 1 July 2002 to the Prosecutor of the International Criminal Court would send a strong message to all parties that impunity for crimes under international law will no longer be tolerated.

Israel's actions in Gaza must comply with the law of occupation, as well as the rules of international humanitarian law governing the conduct of hostilities, and international human rights law. Israel has, however, chosen not to fulfil many of its positive obligations in this regard. At the very least, it is incumbent upon Israel not to actively obstruct relief for the civilian population of Gaza. Israel's military blockade of Gaza, now in its eighth year, goes well beyond reasonable security measures and is contrary to its obligations as an occupying power. The Israeli blockade of Gaza constitutes collective punishment and must be lifted immediately. Ending the blockade would be a critical step towards long-term peace and security in the region and upholding the human rights of 1.8 million besieged Palestinians in the Gaza Strip.

The international community has failed so far to respond adequately to another breakdown in international peace and security and the ensuing human rights and humanitarian emergency in the Occupied Palestinian Territories, especially the Gaza Strip, and Israel. Amnesty International notes the Presidential Statement issued by the Security Council on 28 July 2014, and was encouraged by its call for full respect for international humanitarian law and the protection of civilians. However, this and other points should be included in a binding resolution. It is imperative that the Security Council sends the clearest possible message in any resolution that all parties must protect civilians, respect international humanitarian law and human rights, and will be held accountable for failure to do so, with suspected perpetrators of crimes under international law brought to justice.

In addition, in the view of our organization, such a Security Council resolution should:

- Demand that Israel and Egypt ensure that urgently needed medical and other humanitarian supplies are allowed into the Gaza Strip, including sufficient amounts of fuel and electricity to provide power for critical water and sanitation facilities, and that both countries facilitate the exit of anyone in need of urgent medical treatment;
- Demand that the parties to the hostilities respect the protected status of medical facilities and allow medical and other humanitarian workers access to all areas within the Gaza Strip to evacuate the dead and wounded, distribute food and water, and repair critical water and sanitation infrastructure that has been damaged;
- Urge Israel to lift its military blockade on the Gaza Strip, including by allowing Palestinians to travel between Gaza and the West Bank, subject to necessary and proportionate security checks; allowing imports of construction materials; allowing goods produced in Gaza to be transferred for sale in the West Bank and Israel, formerly Gaza's main markets; and ensuring that Palestinian civilians are able to fully access all agricultural land inside Gaza's borders and its territorial waters, and that any use of force by the Israeli military in these areas fully complies with international law;
- Impose a comprehensive arms embargo on Israel, Hamas and Palestinian armed groups, with the aim of preventing further serious violations of international humanitarian law and human rights by the parties to the conflict; such an embargo should not be lifted until there are guarantees that any military equipment, assistance or munitions would not be used by the parties to commit further violations, and the parties have conducted investigations meeting international standards into previous violations and brought those responsible to justice;
- Refer the situation in Israel and the Occupied Palestinian Territories since 1 July 2002 to the Prosecutor of the International Criminal Court and demand that all states co-operate fully with the Office of the Prosecutor and the International Criminal Court itself, as a first step towards ending the impunity for persistent crimes under international law by all parties to the conflict.

Amnesty International hopes that the information and recommendations contained in the enclosed document will be useful for your work. We would be happy to provide you with any additional information.

Yours sincerely,



Renzo Pomi  
Amnesty International Representative at the United Nations

[English](#) | [اللغة العربية](#) | [Español](#) | [French](#)

Amnesty's global human rights blog

## 'The bombing only stopped when the sun came out' – Gaza under fire

Posted on 31 July 2014 by News Team

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45



Violence escalated overnight on 28 July, as Israel renewed intense airstrikes on Gaza in response to barrages of Palestinian rockets after an attempted unofficial truce for the three-day Eid al-Fitr holiday crumbled. © EPA

*By a human rights fieldworker in Gaza*

Last Monday into Tuesday were the scariest day and night since the current conflict began. The violence finally reached the area where I live; where I, my children and neighbours had thought it was safe.

After I finished the day's work gathering information on the killing of the young boys in the Shati Refugee camp on the first day of Eid and the killing of the first Palestinian Christian in this war – both close to where I live – I lay on the couch and started watching the TV. There was a blackout, but I had switched on the generator.

The news helps me capture the bigger picture, because during the day I focus so much on specific cases and details. Soon after I lay down at around 10:30pm, I fell into a deep sleep and the television remote control fell from my hand. I was woken by the sound of a very loud explosion which was followed by many others in quick succession. We are used to the sounds of explosions from Israeli bombings, but these were extremely loud so we knew that it was very close.

The kids and my other relatives who were displaced and are now staying with me came running to me. I was still stretched on the couch, exhausted. When bombing gets close or when my family is scared they always come to me. They think I can protect them from this or that I am some sort of saviour. Of course in reality, there is nothing that I can do.

### **Bombs lighting up the sky**

I got up and found the sky was lit by loud explosions nearby, in Al-Abbas, Ansar, the Shifa hospital area, and Gaza port. Soon afterwards, intense shelling from the Israeli ships and aerial bombings started. The sounds of explosions, glass breaking, and walls falling down was overwhelming. I told the kids and family to run downstairs and hide in the stairwell and try to keep to the eastern side because the naval shelling was coming from the sea in the west. The windows of my house did not break because I had put duct tape in the shape of a cross all over them to reinforce the glass.

It was terrifying, absolutely terrifying. The bombing went on until six in the morning. It only stopped when the sun came out.

At around 3am the building to the west of my house and the building in front of it were hit with missiles fired by planes.

The explosions were a mix of naval shelling and aerial bombings

## **Nowhere to go**

My family and the neighbours panicked and people started leaving their houses, not knowing where to go. My family was asking me whether we should leave the building and the neighbours were also shouting at us to leave, but where could we go? I told everyone that we should stay put. Imagine if we left, towards Shifa hospital, which was bombed yesterday but is still considered the safest place in the Gaza Strip. To get there we would need to walk in a big group with children and keep close to walls. The drones may not see we are a fleeing family, and we could easily be bombed. I made it clear to everyone that we have nowhere to go and that we should remain under the stairs at the bottom of the building.

Some neighbours made it to Shifa hospital and they told us the next day just how crowded it was. I thought of the people who were forced to leave their homes in Shuja'iya and other neighbourhoods – they are now living without shelter or any support. I thought that soon I may be like them. But I did not share that with my family.

We spent eight hours hiding in the same place. Every once in a while one of us would go to make tea or coffee to pass the time. But the atmosphere was frenetic; my children would be laughing like crazy at one point and then break down crying a moment later. At one point my young daughter Huda started shivering and her body was as cold as ice; it was as if someone threw her into ice-cold water. Other kids started crying too.

## **Silencing the media**

The scariest part was when they bombed the media building. During bombing raids, we rely on the radio news, which we listen to on our cell phones, providing a life-line to the outside world. Without it, there is only the sound of the bombs. We were listening to Al-Aqsa radio, but then it stopped after it was hit. We switched to other stations but they all went off the air, one after the other. That was the most worrying thing for me because it made me feel that I lost what little control I had over the situation.

We remained in silence except for the sound of bombing, which after a couple of hours becomes a background noise you get used to, like that of the generator or the fridge.

## **Rumours and confusion in the darkness**

False news began to circulate, creating panic and confusion. Now, with the electricity also completely out, we were in complete darkness. I could have turned on the generator but I needed to hear the war planes and the drones to know how close they were.

At 6am when the bombing stopped I went downstairs to check on my car and the surrounding area. I was worried that my car was damaged because, believe it or not, the insurance in Gaza does not cover damage from war. This is crazy; we have war all the time.

I found a large crater in the middle of the street caused by what seemed like shelling from the sea. It was scarily close to our house. I then went on to check on my neighbour's home and found the roof had been penetrated by a missile. It was the same for another two neighbours' homes.

By bombing our neighbourhood they are sending a message that there really is nowhere safe in Gaza. I realised that, at any moment, my neighbourhood could turn into Shuja'iya – reduced to rubble by the bombs.

## **Getting used to the terror**

After doing a quick check of the neighbourhood I went home and slept for a couple of hours. Then I got up, took a cold shower, and set off to work again as if nothing had happened. This is life in Gaza, terror at night and massacres in the day. You get used to this; you have no choice.

I do my work during the day and do not think about the night until it comes, otherwise I will remain worried. What is important is that my family and I all wake up safe. In any case, we have nowhere to go; we can only remain in my home.

### **A sense of purpose amid the peril**

At least I feel like I have a purpose during the hardship, and this is what keeps me going.

I need to keep focused on documenting human rights violations and reporting on them – to get the truth about what's happening in Gaza out to the world. I feel like I have a duty to serve, not only Gaza, but the whole of humanity.

What happens here is not only about Palestinians, it is about the whole human race.

### **Take action:**

[US government: Stop arming Israel!](#)

### **Read more:**

['Nowhere in Gaza is safe' – A snapshot of life under the bombs](#) (Blog, 28 July 2014)

[Israel/Gaza: Attack on UN school in Gaza a potential war crime that must be investigated](#) (News story, 30 July 2014)

[Israel/Gaza conflict: Questions and Answers](#) (Q&A, 25 July 2014)

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**Agneta Svensson** says:

31 July 2014 at 4:03 pm

We suffer with you but as civilians we can only protest and support ceasefire efforts.

We hope your family is still safe.

[Reply](#)

---

**Faraz ess** says:

9 August 2014 at 6:39 am

You are absolutely right my brother , you have

A role to play .... May you and all other innocent



Palestinians remain safe .... N yes also remain  
Optimistic becoz as civilians we are not only  
Mute protestors but we are the ones who are  
Going to bring about the paradigm shift  
That the humankind needs urgently now !  
.... May god be with you n may you always  
Remain on the correct side of humanity

[Reply](#)

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## 'Nowhere in Gaza is safe' – A snapshot of life under the bombs

Posted on 28 July 2014 by News Team

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135



Ambulances are among the civilian objects that have frequently been hit in Israel's bombing campaign, showing nowhere is safe in Gaza © Private

### *Interview with a human rights fieldworker in Gaza*

This morning as I brushed my teeth I could hear the familiar buzzing of a drone circling above our building. I ignored the sound. Drones circle overhead all the time; you never know whether it's just for surveillance or an impending missile launch. The uncertainty makes you feel helpless. What can anyone do?

Five minutes later, a missile fired from what sounded like an F-16 fighter jet struck nearby. The loud boom sent the children running to me. They crowded in the bathroom, for comfort and safety. They looked so frightened and pale; their eyes red from lack of sleep. I am

known for keeping a cool head, people say I have nerves of steel, so, typically, I just smiled at them – still clutching my toothbrush. The relief of seeing me smile made them break down in giggles; it's one of those absurd reactions you have under extreme stress.

Overall, I try to keep things as normal as possible for them; we don't talk about the war and deaths all the time. We take rational precautions but we don't overdo it and try to avoid sowing panic. We don't shout "go downstairs, go downstairs!" each time there's a drone buzzing.

My home feels relatively safe, because I know my neighbours in the building and around me, and I know there is no one who could be a target. Yet nowhere in Gaza is truly safe. Life is dangerous. It's war. We trust in God and look after the children.

I try to stay away from the areas where the fighting is taking place; in any case the Israeli military has made them off-limits. No vehicle is immune from attack. Just the other day a drone strike destroyed a clearly marked ambulance.

It's when I am out taking photos and interviewing people who live in the areas being targeted that I am most at risk. The danger is when you feel that every house you are in could be targeted next. But I believe my work is important – regardless of the danger, it's essential for the truth to come out.

Last week the case of the Abu Jame' family in eastern Khan Yunis shook me to the core. Twenty-five members of one family had been wiped out in an Israeli airstrike just as they were eating Iftar, the evening meal to break the Ramadan fast. I arrived on the scene the following morning, just a few hours after the blast. They were pulling out the bodies all night. So many little ones. While I was there, another missile struck nearby.

At the moment, there are 28 people living in my house. My brothers normally live in Salatin in the northern Gaza

Strip, where the Israeli ground invasion is going on. My three brothers with their families of about six or seven children each, and my children are all living together under one roof. I let them all stay with me; you can't refuse when there are lives at stake.

The Israeli ground invasion has made it impossible to get food into Gaza City from the agricultural areas in the north. From the south the main Salah al-Din road that links the whole Gaza Strip is very exposed and comes under frequent drone attacks. At the moment only ambulances and a few humanitarian vehicles use it, at great risk.

The only market that is still functioning is the one in al-Shati Refugee Camp, which opens at night and gets very crowded. The stall-holders must risk their lives to get fresh vegetables. It is a dense area and if an F-16 bombed it the whole camp would become a crater. The few shops that remain open have run out of most stock.

We have electricity for about four to six hours every day, at different times. When the electricity is on we rush to charge all our mobile phones. A second-hand electricity generator costs 1,400 shekels [equivalent to approximately US\$400], so not many can afford it. With no power, we have to pump up the water to the storage tanks on the roof – and that's just to get water in the taps for washing. We have to buy clean water for cooking and drinking.

I have a desk with everything I need to work – computers, chargers, internet, cameras... but no electricity. I just managed to fix my old diesel generator and I got fuel for it today. Hopefully tonight it will work. I really need it, so that I can send the outside world testimonies and photos I have gathered... I feel under pressure to get the stories out of Gaza, so it's incredibly frustrating when there is a blackout.

#### Take action:

[US government: Stop arming Israel!](#)

#### Read more:

[Israel/Gaza conflict: Questions and Answers \(Q&A, 25 July 2014\)](#)

[Israel/Gaza: Attacks on medical facilities and civilians add to war crime allegations \(News story, 21 July 2014\)](#)

[Israel/Gaza: Prevent further war crimes after Israeli ground assault \(News story, 18 July 2014\)](#)

[Israel/Gaza: UN must impose arms embargo and mandate an international investigation as civilian death toll rises \(News story, 11 July 2014\)](#)

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**Dee Kyne** says:

28 July 2014 at 8:46 pm

[http://www.avaaz.org/en/petition/THE\\_UN\\_STOP\\_THE\\_GENOCIDE\\_IN\\_PALESTINE/?copy](http://www.avaaz.org/en/petition/THE_UN_STOP_THE_GENOCIDE_IN_PALESTINE/?copy) please share if you can and where you can to whom you can we need to wake up the people – onelove

[Reply](#)

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**Corina** says:

28 July 2014 at 10:32 pm

Thank you for your posts and for telling the story of the Gazan people. I hope you and your family stay safe and strong. Corina from Canada.

[Reply](#)

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**bukgari shah** says:

29 July 2014 at 12:29 am

i strongly condemned usa and israel

[Reply](#)

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**Corey Multer** says:

29 July 2014 at 4:07 am

You should be ashamed to be publishing this trash, and even more ashamed at your bullshit petition to Kerry about arms for Israel. Why don't you show that you truly care about the innocent civilians of Gaza and protest their treatment by Hamas, who started this whole conflict and who uses them as human shields to maximize the number of civilian casualties. Your actions do not help the palestinian people. Rather, your actions will help Hamas retain their grip over the population of Gaza and will embolden them to continue to fight and continue to try to kill more innocent people. You claim to want to end the killing of innocent people, but clearly you do not. You should be ashamed of yourselves. STOP SUPPORTING TERRORISTS AND START SUPPORTING THE COUNTRY THAT HAS TO DEFEND ITSELF AND WHO IS TRYING TO BREAK THE GRIP THAT THE TERRORISTS HAVE OVER THE INNOCENT POPULATION!!!!!!

[Reply](#)

**Paul Boland** says:

30 July 2014 at 5:49 am

Corey Multer

why dont you face the facts?

1. It is the State of Israel that has systematically ignored international law by continuing to build settlements in lands that belong to the Palestinian people
2. It is the State of Israel that continues to blockade the people of Gaza denying them basic human rights like food and water.
3. It is the State of Israel that are the aggressors, mounting a campaign of terror with bombs and a land war with troops, tanks and bulldozers.

Face the facts. The ones bringing the terror are Israelis. They are the terrorists here. The world knows it and you need to wake up to this fact as well.

Stop deluding yourself. The shame is all yours. Israel has destroyed it's reputation and is becoming more isolated by the day.

There is a better way. Stop the killing and call a ceasefire. Take responsibility Corey Multer.

[Reply](#)

**Corey Multer** says:

5 September 2014 at 10:04 pm

No, Mr. Boland, it's you who must face the FACTS.

"It is the State of Israel that has systematically ignored international law by continuing to build settlements in lands that belong to the

Palestinian people." These settlements you refer to have NOTHING to do with Gaza. Israel pulled out of Gaza in 2005, uprooting any settlements. And as for the settlements in Judea and Samaria, that is NOT land that belongs to the palestinian people, as you claim. It is land to which the Jews have legitimate claims dating back centuries. The land that was set aside for the palestinian people, which was the vast majority of the territory, is the country that is now known as Jordan. Go learn your history.

"It is the State of Israel that continues to blockade the people of Gaza denying them basic human rights like food and water." PURE LIES! (But then again, you terrorist-supporting scum never let things like facts and truth get in the way of good propaganda.) The blockade exists SOLELY because the arabs refuse to live side-by-side with the Jews in peace. It is necessary to prevent the import of weapons, just like the wall is necessary to keep out the suicide bombers. It is a complete fabrication that the blockade prevents palestinians from getting food and water. Israel lets flow tons and tons of food and provides ample water. But if you read any sources beyone Terrorist Weekly, and if you cared to pay attention to what's really happening, then you would know that.

"3. It is the State of Israel that are the agressors, mounting a campaign of terror with bombs and a land war with troops, tanks and bulldozers." It is the arabs who started the conflict by firing rockets incessantly into Israel. It is the arabs who target innocent civilians. It is the arabs who use their own people as human shields to maximize civilian casualties, for use in their propaganda campaign. Only a moron would accuse the one defending itself against constant attack of being the aggressor.

"There is a better way. Stop the killing and call a ceasefire." Did you notice who was willing to agree to numerous ceasefires and who was refusing? Repeatedly, Israel was willing to halt hostilities and Hamas refused. And when temporary ceasefires were reached for humanitarian aid, it was the arabs who violated EVERY ONE of them. And notice who was proposing the various ceasefires — Egypt. Even when arab states propose peace, the terrorists refuse. Because, as anyone with even half a brain can see (I guess that excludes you, then), the arabs have NO INTEREST IN PEACE WHATSOEVER! All we get is more of the same "The only thing we will accept is everything." That's been the M.O. of the arabs in this conflict since day one. "We want everything and we will give up nothing." Name ONE demand (among the many ridiculous demands) that the arabs have EVER conceded. EVER! Heck, they won't even agree to acknowledge Israel has a right to exist. ANYWHERE.

So stop feeding me your bullshit about Israel being the bad guys and how cruel they are to the palestinians. It's falling on deaf ears, here, sonny, because I know the truth and I'm smart enough to tell who the good guys are and who the bad guys are, even if you aren't able to.

But not that I'd expect anything more from someone on Amnesty's site.

[Reply](#)

**shawn smith** says:

30 July 2014 at 10:12 pm

Corey,

If a Palestinian suicide bomber killed 25 members of a Jewish family on the pretext of defending his people, would you accept that justification? Would you accept a rationale that would hold Israel responsible for the deaths of those Jews at the hands of a Palestinian? I think not. So it's a matter for great wonder when I hear those EXACT arguments offered on behalf of Israel for its murder of people of color. The Jewish community needs to confront its genocidal, white supremacist tendencies.

[Reply](#)

**Corey Multer** says:

5 September 2014 at 10:08 pm

I would spell out a rational reply to your rant, but it's clear you are a racist pig, so you are not deserving of my time.

[Reply](#)

**Julia Pichman** says:

30 July 2014 at 11:07 pm

Please wake up and stop telling this bullshit about a state that is "defending itself". Are you blind or don't you see that daily they're killing hundreds of innocent kids and mothers??? How can you still defend such a behavior!! Such arrogant and dumb thoughts.

How long are you going to lie to yourself and describe israel's genocide as "defending"?!!

The israeli police itself said that hamas did not kidnap the 3 Israelis they were telling about day and night and who they used as a reason for their attacks. So everything started by just an "error"

Beside of the genocide that is going over there right now, do you know how the Palestinians are living over there?? They have no rights for anything. Israelis come and occupy their houses and their land and they can not do anything.

Please wake up and see the fact that Israel is the real terrorist which is killing innocent people day by day and using illegal weapons in this genocide.

It's really so sad to see that the lifes of so much innocent people don't mean anything to some people and legalize it with "defending".

[Reply](#)

**Corey Multer** says:

5 September 2014 at 10:23 pm

Please tell me what "la la land" you live in? When a state is under constant rocket barrage and it fires back at the people shooting the rockets, that is defending itself, pure and simple. I don't know where you live, but I'm sure that if your neighborhood was under constant rocket attack, you would expect your government to fire back IN SELF DEFENSE.

"Are you blind or don't you see that daily they're killing hundreds of innocent kids and mothers??? How can you still defend such a behavior!!"

You've got it all wrong, lady. It's Hamas that's killing hundreds of innocent kids and mothers. And don't feed me the bullshit stats you see in the media, fed to likes of CNN and BBC and NBC by terrorist-supporting Gaza Health Officials. Complete fabrication. Go break down the numbers. The majority of those killed were terrorists. If you don't want to believe me, go check out the Al Jazeera report that showed that the majority of those killed were terrorist profile. Now cut out the ones killed by the Hamas rockets that misfired. And the people killed by the terrorists because they heeded Israeli warnings and left a site that was about to be bombed. At the end of the day, the number of truly innocent people killed by Israelis was amazingly small. And none of them would have been killed if the arabs had not started all of this by lobbing their rockets incessantly at Israel. So take your crap about Israel "killing hundreds of innocent kids and mothers" and stuff it.

And your comment about "israel's genocide" shows you're just a lousy propaganda-spewing troll. There is no genocide being done BY the Israelis. The arabs have a monopoly on that. Go look at what's happening right now in Syria and Iraq. Oh, I'm sorry. I forgot. You terrorist-supporting morons ignore when arabs or christians or anyone gets slaughtered if you can't somehow twist it so that Israel can be blamed.

"The israeli police itself said that hamas did not kidnap the 3 Israelis." So now that Hamas officials have come out and admitted it was their people who did the kidnapping and murder, don't you feel dumb?

"do you know how the Palestinians are living over there?? They have no rights for anything. Israelis come and occupy their houses and their land and they can not do anything." Man, you are just full of all of the standard propaganda, aren't you. Total and utter bullshit. You need to go get some accurate sources for your information, because it's abundantly clear that you are completely clueless! Hey, moron. Since 2005, Israel hasn't even been in Gaza. Hamas — the terrorists that the people elected — are the ones in charge. There are no Israelis coming and occupying anyone's houses. Get yourself an up-to-date calendar and stop spewing your lies.

[Reply](#)

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**Melodie Wettlaufer** says:

29 July 2014 at 12:00 pm

Stop arming Israel!

[Reply](#)

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**Ramsi Al Hashash** says:

29 July 2014 at 1:42 pm

Keep on writing, write daily if you can, but most important keep safe and eve in these days of hardship i still wish you and your families and all people in the word of any religion Eid Mubarak.

[Reply](#)

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**Tom Tito Were** says:

29 July 2014 at 2:25 pm

The problems surrounding Gaza are sure diverse and inevitably cultural related with superiority and inferiority complexes governed with origin of people and land ownership involved. Hence peace in the region can be obtained from people accepting each other. They all exist in the region, and what is important is their interaction, for the positive purpose of human development, the economic and social development of the region. Some of us who are seeing Jews and Palestinians interact here, just wounder why the war is going on there. No Palestinian has been rejected his human rights, and self development here, though again due to the need to identity they have remained strongly held to Muslim communities here. But I bet they are happy with Isrealites living close to them with out violence.

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# AMNESTY INTERNATIONAL

## QUESTIONS & ANSWERS



25 July 2014

AI Index: MDE 15/018/2014

### **Israel/Gaza conflict, July 2014**

#### **What does Amnesty International think of the resolution passed by the UN Human Rights Council on 23 July? What should happen next?**

Amnesty International welcomes resolution S-21/1 to establish a commission of inquiry and notes that the wording allows the commission to investigate violations of international law by all parties to the current conflict. The commission of inquiry represents an important opportunity to break the cycle of persistent impunity for crimes under international law in Israel and the Occupied Palestinian Territories (OPT). In order to be effective the commission of inquiry must be thorough, independent and impartial, and look into violations by any party to the conflict. It must be adequately resourced and have unrestricted access to all relevant areas. Amnesty International urges all states – including all EU member states, who abstained on the resolution – to co-operate with the commission as required.

#### **What are the key obligations of the parties to the conflict during the hostilities under international humanitarian law?**

During an armed conflict, all parties – whether state or non-state armed forces – must respect international humanitarian law, which aims to protect civilians by regulating the conduct of all sides in hostilities. States also continue to have an obligation to respect international human rights law during a conflict.

Under international humanitarian law, all sides in an armed conflict must distinguish between military targets and civilians and civilian structures, and direct attacks only at the former. Deliberate attacks on civilians or civilian objects – such as homes, medical facilities, schools, governmental buildings – that are not being used for military purposes are prohibited and are war crimes. Indiscriminate and disproportionate attacks (where the likely number of civilian casualties or damage to civilian property outweighs the anticipated military advantage to be gained) are also prohibited.

All sides must take necessary precautions in attack to minimize harm to civilians and civilian objects. This includes giving civilians effective warnings ahead of attacks, and cancelling or suspending an attack if it becomes apparent that the target is civilian or that the attack would be disproportionate. They also must take all feasible precautions to



protect civilians under their control from the effects of attacks. For example, warring parties should avoid endangering civilians by storing ammunition in, and launching attacks from, populated civilian areas.

**What are the different patterns of violations by Israeli forces in the Gaza Strip that Amnesty International has identified since Israel launched Operation “Protective Edge” on 8 July 2014?**

Israeli forces have carried out attacks that have killed hundreds of civilians, using precision weaponry such as drone-fired missiles, as well as munitions such as artillery, which cannot be precisely targeted, on very densely populated residential areas, such as Shuja'iyyeh. They have also directly attacked thousands of homes. Israel appears to consider the homes of people associated with Hamas to be legitimate military targets, a stance that does not conform to international humanitarian law.

Several medical facilities and non-military governmental buildings across the Gaza Strip have also been destroyed or damaged. The UN has reported that one of its schools sheltering displaced people in the al-Maghazi refugee camp in central Gaza was shelled by Israeli forces on at least two occasions. Another such school sheltering displaced families in Beit Hanoun in northern Gaza was struck on 24 July, killing at least 15 civilians and injuring many others, and the UN has called for an immediate investigation.

Although the Israeli authorities claim to be warning civilians in Gaza, a consistent pattern has emerged that their actions do not constitute an “effective warning” under international humanitarian law. Israeli attacks have also caused mass displacement of Palestinian civilians within the Gaza Strip.

**What is Amnesty International’s position on the firing of indiscriminate rockets and mortars from the Gaza Strip by Palestinian armed groups? Do other actions of Palestinian armed groups in Gaza since 8 July 2014 violate international humanitarian law?**

According to the Israeli army, Hamas’ military wing and other Palestinian armed groups fired over 1,700 rockets into Israel from 8 to 18 July, and scores of rockets continue to be fired every day. Three civilians in Israel have been killed. Homes and other civilian properties in Israel have been damaged. International humanitarian law prohibits the use of weapons that are by nature indiscriminate. The rockets fired from Gaza into Israel cannot be aimed exactly at their objective and their use violates international humanitarian law. The firing of indiscriminate rockets and mortars also endangers Palestinian civilians inside the Gaza Strip and in the West Bank.

Statements by some leaders of Palestinian armed groups also indicate that they have no qualms about launching attacks against civilians and that they in fact carry out such attacks intending to kill and injure Israeli civilians. Attacks that directly target civilians and indiscriminate attacks that kill or injure civilians constitute war crimes.

**When the Israeli military has warned residents of a specific area in the Gaza Strip to evacuate the area, does that fulfil its obligations to protect civilians under international humanitarian law?**

Effective advance warning to civilians is only one of the prescribed precautions in attack aimed at minimizing harm to civilians. When Israeli forces have given warning in many cases key elements of effective warning have been missing, including timeliness, informing civilians where it is safe to flee, and providing safe passage and sufficient time to flee before an attack. There also have been reports of lethal strikes launched too soon after a warning to spare civilians. In any event, issuing a warning does not absolve an attacking force of its obligations to spare civilians, including by taking all other necessary precautions to minimize civilian casualties and damage to civilian structures. Israel's continuing military blockade on the Gaza Strip and the closure of the Rafah crossing by the Egyptian authorities since the hostilities began mean that civilians in Gaza cannot flee to neighbouring countries.

**The Israeli authorities claim that Hamas and Palestinian armed groups use Palestinian civilians in Gaza as "human shields". Does Amnesty International have any evidence that this has occurred during the current hostilities?**

Amnesty International is monitoring and investigating such reports, but does not have evidence at this point that Palestinian civilians have been intentionally used by Hamas or Palestinian armed groups during the current hostilities to "shield" specific locations or military personnel or equipment from Israeli attacks. In previous conflicts Amnesty International has documented that Palestinian armed groups have stored munitions in and fired indiscriminate rockets from residential areas in the Gaza Strip in violation of international humanitarian law. Reports have also emerged during the current conflict of Hamas urging residents to ignore Israeli warnings to evacuate. However, these calls may have been motivated by a desire to minimize panic and displacement, in any case, such statements are not the same as directing specific civilians to remain in their homes as "human shields" for fighters, munitions, or military equipment. Under international humanitarian law even if "human shields" are being used Israel's obligations to protect these civilians would still apply.

**There are reports that Israeli forces have used flechettes in the current military operation in the Gaza Strip. What is Amnesty International's position on the use of flechettes? Has the Israeli military used flechettes in Gaza before?**

Flechettes are 3.5cm-long steel darts, sharply pointed at the front, with four fins at the rear. Between 5,000 and 8,000 of these darts are packed into shells which are generally fired from tanks. The shells explode in the air and scatter the flechettes in a conical pattern over an area about 300m by 100m. Flechettes are designed to be used against massed infantry attacks or squads of troops in the open, and obviously pose a very high risk to civilians when fired in densely populated residential areas.

Local human rights groups have reported cases in which civilians in Gaza have been killed and injured by flechette shells. Amnesty International has not yet been able to

verify particular cases during the current hostilities, but has previously documented Israeli forces' use of flechette rounds, for example during Operation "Cast Lead", resulting in the killing of civilians, including children.

Flechettes are not specifically prohibited by international humanitarian law per se, however, they should never be used in densely populated areas.

**What is Amnesty International calling on the international community to do at this point?**

All states (particularly key suppliers, for example USA for Israel) must suspend all transfers of weapons, munitions and other military equipment and technology to all sides until there is no longer a substantial risk that such items will be used for serious violations of international humanitarian law or serious human rights abuses. The suspension should include all indirect exports via other countries, the transfer of military components and technologies and any brokering, financial or logistical activities that would facilitate such transfers.

States should use the 2009 report of the UN Fact-Finding Mission on the Gaza Conflict and the upcoming report of the commission of inquiry mandated this week by the Human Rights Council as a basis to exercise universal jurisdiction to investigate and prosecute crimes under international law before their national courts.

**For a longer, more detailed version of this Questions and Answers document please see:**

<http://www.amnesty.org/en/library/info/MDE15/017/2014/en>

Public Document

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# News

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21 March 2013

## West Bank wall and settlements an affront to Palestinian rights



Farmers in the northern West Bank village of Jayyus have had trouble accessing their land through the fence/wall for years © Amnesty International

Israel's fence/wall through the occupied West Bank cutting off Palestinians from their farmland, and the settlements that take over even more lands, are ongoing violations of international law, Amnesty International said today as US President Barack Obama continued his first presidential trip to the region.

The organization has learnt that, in the last few days, Palestinian farmers in the northern West Bank village of Jayyus, who for years have had trouble accessing their land through the military fence/wall (which in this area takes the form of an electrified and heavily guarded fence), are now faced with Israeli settlers setting up additional obstacles.

The settlers have installed a caravan outpost to the north of the Israeli settlement Tsufim on the farmers' land in an apparent reaction to the military finally starting to act on a 2009 Israeli High Court of Justice ruling that the fence should be re-routed in order to return some of the land to the farmers.

"Settlers obstructing the re-routing of the military fence, because it gives a fraction of the Palestinian farmers' land back to them and frustrates the settlers' own plans for settlement expansion is just outrageous," said Ann Harrison, Deputy Director of Amnesty International's Middle East and North Africa programme.

"International law demands the fence/wall and the settlements be removed from the Occupied Palestinian Territories but the reality on the ground is so distant from that, that it feels as though bulldozers have been driven straight through the Geneva Conventions and the International Court of Justice.

"President Obama has talked tough about halting the Israeli settlement project. During his visit to the region he has the perfect opportunity to go to Jayyus and see for himself the consequences of these ongoing violations of international law."

On Sunday 17 March, youths, men and women who appeared to be settlers staged a demonstration next to one of the Jayyus farmers' access gates in the military fence. They imitated Palestinian anti-wall demonstrations, blocking the farmers' access

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“ International law demands the fence/wall and the settlements be removed from the Occupied Palestinian Territories but the reality on the ground is so distant from that, that it feels as though bulldozers have been driven straight through the Geneva Conventions and the International Court of Justice. ”

**Ann Harrison, Amnesty International's Middle East and North Africa Deputy Programme Director**

Thu, 21/03/2013

for a few hours.

The settlers oppose the High Court ruling because they see that the Palestinians are being handed back land previously earmarked by the Israeli government for Israeli settlement expansion.

The Jayyus farmers are looking forward to seeing 2.4 square kilometres of their land returned but are dismayed at the widespread damage to the fertile agricultural land that they depend on for their livelihoods, as the new route of the fence is being built.

And even after the change to the route of the electrified and heavily guarded fence, 5 square kilometres of Jayyus land - well over half - will be left inaccessible.

"Even if the settler caravans are removed and the military fence/wall is re-routed, this will fall short of the requirements of international law," said Harrison.

"The International Court of Justice said that where the military wall encroaches on the Occupied Palestinian Territories it is illegal and should be removed. It said that those who suffered damages as a result of the wall are entitled to reparations. What is also clear under international law is that Israeli settlements are illegal and should be removed."

While the fence/wall was being constructed in the area, the Israeli army promised to allow the villagers free access to their land. Immediately after the fence/wall was constructed, permits were granted to most farmers. However, the army soon began refusing to renew the permits of a growing number of farmers, depriving them and their families of their livelihood.

Jayyus is an agricultural community of 3500 inhabitants, all of whom rely directly or indirectly on farming for their livelihoods. According to the estimates of the municipality of Jayyus, less than half of Jayyus farmers now have permits to access their land.

The settlement of Tsufim lies to the west, one of more than 130 settlements housing over half a million Israelis in the Occupied Palestinian Territories, which cause the violation of a range of Palestinian human rights including the rights to be free from discrimination and to an adequate standard of living.

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Issue: Economic, Social and Cultural Rights Refugees, Displaced People And Migrants Country: Israel and Occupied Palestinian Territories Region: Middle East And North Africa

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# News

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4 December 2013

## 'I refuse to take an assault rifle and point it at another human being'



Arab-Israeli Omar Sa'ad refuses to serve in the Israeli army. © Amnesty International

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### Background

[Conscript facing jail again for refusing to go against his conscience](#)  
News Story, 25 March 2013

[Israel: Blind to violations, deaf to obligations](#)  
Briefing, 1 October 2013

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Since he was a child, Arab-Israeli Omar Sa'ad knew turning 18 wasn't going to be easy.

A few days after his birthday on 17 November, the Israeli army called his father and told him Omar was due to start his induction for military service on 4 December.

The call wasn't surprising – military service is compulsory for most nationals in Israel – but what might happen today could mark him forever.

Today Omar will demonstrate his objection to participating in human rights violations by the Israeli army against Palestinians in the Occupied Palestinian Territories.

It's a protest with a difference.

He, his sister and two brothers, who together form the Galilee (string) Quartet, will play a rendition of "We wish you a Merry Christmas" in front of the office he must report to, after which he will refuse to enrol.

In response, it is highly likely that the army will arrest him and he will be sentenced to a minimum of 28 days' imprisonment, which could be renewed each time he refuses to serve.

"I refuse to take an assault rifle and point it at another human being. I abhor this violence and everything connected to violence. I detest and hate all violence," he told Amnesty International.

"I don't want to be part of the Israeli army because the Israeli government is responsible for the occupation [of the Palestinian Territories]. As an Arab Druze I consider myself part of the Palestinian people - so how can I be part of the army that occupies my people? I won't sell all my beliefs and my identity to anyone."

Omar is from the Druze village of Maghar in northern Israel. His struggle begun when he was a little boy, knowing that when he turned 18 he would be forced to become a soldier.

Last year, he was called for a medical examination to confirm he was eligible for conscription in the Israeli army.

As a sign of protest, he wrote an open letter to the Prime Minister and the Defence Minister, saying: "I refuse because I am a man of peace and I hate all forms of violence, and the military institution represents for me the peak of physical and psychological violence."

Since then, the threat of arrest has hung over him.

#### A question of conscience

Arab citizens of Israel – with the exception of Druze Arabs and Circassians - are exempt from compulsory service in the Israeli

“ I don't want to be part of the Israeli army because the Israeli government is responsible for the occupation [of the Palestinian Territories]. As an Arab Druze I consider myself part of the Palestinian people - so how can I be part of the army that occupies my people? I won't sell all my beliefs and my identity to anyone. ”

Omar Sa'ad, Arab-Israeli conscientious objector

military and are mostly discouraged from even volunteering for service.

However, over the years, many young Druze like Omar have refused to serve in the Israeli military on the grounds that such service would amount to fighting a war against their own people.

Because of that, every year, a handful of Israeli teenagers are sent to prison each year, simply because they refuse to serve in their country's army on grounds of conscience.

Ajuad Zidan, a former Druze objector imprisoned for his beliefs, explained his refusal to enlist during 2010: "The loneliness of the prison cell is one thousand times better than standing in front of my people while pointing a gun at them, or imposing a curfew on them".

Although a "conscience committee" exists within the Israeli army to decide upon exemptions for conscientious objectors, such claims are usually only allowed for those who refuse to serve on religious grounds.

While Israeli law allows for pacifists to be exempted, individuals are required to argue their case before the "conscience committee", which is made up of military judicial officers who invariably reject their cases.

Human rights organizations, including Amnesty International, have long complained to the Israeli authorities about the treatment of conscientious objectors.

The right to object to military service on grounds of conscience is protected under Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights, to which Israel is a party.

The United Nations Human Rights Committee called on the Israeli government, in 2003, to review its legislation, to bring it in line with international human rights law.

"Omar Sa'ad should not be imprisoned. If the Israeli authorities decide to arrest him, he will be a prisoner of conscience and we will campaign for his immediate release," said Philip Luther, Middle East and North Africa Director at Amnesty International.

"Instead of persecuting those who have a moral objection to serving in the military, Israeli authorities should establish a fully independent and impartial body to assess claims of conscientious objection in a fair and transparent manner."

Amnesty International also points to the contrast between the authorities' punitive measures against conscientious objectors and their general failure to hold accountable Israeli soldiers accused of human rights violations.

"Many people across the world support me. They support what I think and will stand with me. That gives me strength to go through this," Omar told Amnesty International as he prepared for the most difficult day of his life.

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Issue: Activists Human Rights Standards Country: Israel and Occupied Palestinian Territories Region: Middle East And North Africa

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Publication Date: 10 September 2014

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# AMNESTY INTERNATIONAL PUBLIC STATEMENT

Index: MDE 15/008/2014

11 April 2014



## Israel: “I will not be fuel to your wars” – Druze conscientious objector punished for his refusal to carry out military service



*Omar Sa'ad © Mohammed Amous*

Eighteen-year-old musician Omar Sa'ad, from Meghar in the Galilee, has served 120 days in a military prison for refusing to go against his conscience by serving in the Israeli army. Released on 9 April from his sixth prison sentence he must return to the Israel Defence Force (IDF) prison on Sunday to serve another sentence of around 20 days, after which he faces further prison sentences indefinitely.

On his release, Omar Sa'ad responded to the military authorities telling him he would face many more days in prison by saying "I will not be fuel to your wars." After he turned 18 in November 2013, he was called-up for conscription for 4 December and made a public declaration of "refus[al] to take an assault rifle and point it at another human being. I abhor this violence and



everything connected to violence. I detest and hate all violence.”

Omar Sa'ad, like a growing number of Druze, does not want to participate in the Israeli army because – in his words - “the Israeli government is responsible for the occupation [of the Palestinian Territories]. As an Arab Druze I consider myself part of the Palestinian people - so how can I be part of the army that occupies my people? I won't sell all my beliefs and my identity to anyone.”

The right to reject military service on grounds of conscientious objection is protected under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR), which Israel has ratified.

Since December 2013, Omar Sa'ad has been in and out of prison serving sentences of between 14 and 20 days at a time before being released and called up to serve the next day. Amnesty International considers him and others like him to be prisoners of conscience and we call on the Israeli authorities to release him and other conscientious objectors immediately and unconditionally.

Military service is compulsory for most nationals in Israel. Several Israeli teenagers go to prison each year because of their moral objection to serving in the army. On 8 March 2014, 50 high school seniors wrote to Prime Minister Netanyahu saying that they will “refuse to serve in the occupation army”, apparently the largest group of Israeli “refusers in the history of Israel”.<sup>1</sup> Their letter came amidst the Israeli government's plans to broaden army conscription to religious Jews. The students said they were protesting “the ongoing occupation of Palestinian territories where ... human rights are violated and acts defined by international law as war-crimes are perpetuated on a daily basis.”

Natan Blanc, a Jewish Israeli and one of the longest-serving COs in recent years spent seven months going back and forth between prison and home, spending some 158 days in military prison before being exempted finally from service. Omar Sa'ad has already spent almost three quarters that time in jail over a period of four months.

Natan Blanc started questioning conscription when he was 15 years old during Israel's invasion of Gaza in Operation “Cast Lead” during which Gaza was subjected to aerial and ground attacks by the Israeli military leaving hundreds of Palestinians dead, including more than 300 children. Three Israeli civilians were also killed in rocket attacks by Palestinian armed groups.

In February 2013, Natan Blanc told Amnesty International, “No one is talking about granting Palestinians equal rights, or even the right to vote. I do not want to take part in this situation ... I want to stand behind my actions and not to do things that are against my conscience.” He wanted to serve instead in the Israeli emergency medical service, Magen David Adom (the Israeli branch of the Red Cross), but the authorities deny objectors the right to do an alternative civilian service. No civilian service alternative to military draft exists in Israel.

Amnesty International believes that the Israeli government should establish a fully independent and impartial body to assess claims of conscientious objection in a fair and transparent manner. Although the Israeli army's Conscience Committee can decide to allow a conscientious objector exemption from military service, this is usually granted only to those who refuse to serve on

religious grounds. However, according to the UN Human Rights Committee, no discrimination is permitted "among conscientious objectors on the basis of the nature of their particular beliefs" - i.e. whether they are religious or otherwise.<sup>2</sup> And even though Israeli law does allow for exemption on grounds of pacifism, their Conscience Committee frequently rejects their cases.

Since compulsory military service was imposed on Druze men in 1956, many Druze have refused to perform regular military service or reserve duty. As with other ethnic groups in Israel, many find other ways to opt-out rather than declaring their conscientious objection, for example on medical grounds. Over the years, many have feared voicing objection on the basis of belief because they fear they will face problems in securing employment. However, a growing number have declared to the IDF that their refusal to serve is for reasons of conscience.

Druze objectors are believed to receive harsher treatment than their Jewish peers. According to Samer Swaid, Secretary of the Druze Initiative Committee Druze, Druze refusers have over the years received prison sentences "double and more than those of other refusers" as "part of a deliberate policy to scare and intimidate young Druze men, and send them a message that those who don't enlist shall be punished severely ..."<sup>3</sup>

Omar Sa'ad told Amnesty International that on three occasions his lawyer was refused access to him while he was in prison. This followed a Military Police order preventing inmates from meeting with lawyers who did not hold permits for legal representation in military courts. Adaleh (The Legal Center for Arab Minority Rights in Israel) consequently wrote to the Israeli Military Attorney General (MAG) Corps raising concerns about the prisoners' rights and the legality of the Order. Amira Hass reported in Ha'aretz newspaper in March<sup>4</sup> that the order was withdrawn. She quoted the MAG Corps response to Adaleh: "There is no barrier to any attorney visiting an inmate, even if he isn't a military defense attorney or someone with authorization to appear in military courts ... it was a misunderstanding." Omar Sa'ad told us that following media attention, he now sees his lawyer regularly. According to Hass, the order came to public attention in January 2014, when a lawyer from New Profile was prevented from visiting a conscientious objector in the IDF's Prison 6 on the grounds that she wasn't authorized to appear in a military court. Before then, such lawyers had apparently not met with problems when visiting clients in military prisons.

The day after his latest release Omar Sa'ad told Amnesty International that this time he had hoped he would be free finally but the next day he was summoned back to the Induction Base and requested to serve in the army.

He went on to say that "it's hard to be in prison ... for a conscientious objector to be treated as a soldier, ... is very hard. As a musician it's very hard, to be away from my viola for four months ... normally I would play the viola [several] times a day... It's hard for the family ... everything we do, everywhere we go, it's together". Omar Sa'ad forms one part of a string quartet with his two brothers and a sister. Despite these difficulties he says he is "... ready for it ... It's hard but this time has given me a lot in experience ... what doesn't kill you makes you stronger."

He faces many more weeks in prison not to mention the uncertainty about his future and when his ordeal will end.

Conscientious objectors in Israel can be convicted of and imprisoned for the same "offence"

repeatedly. In 2003, the UN Working Group on Arbitrary Detention said that this practise flouts their rights under international human rights standards which prohibit “double jeopardy”.

<sup>1</sup> Read more at <http://www.newprofile.org/english/node/419>

<sup>2</sup> Human Rights Committee, General Comment 22, para. 11

<sup>3</sup> See <http://www.newprofile.org/english/node/204>

<sup>4</sup> See: <http://www.haaretz.com/news/diplomacy-defense/.premium-1.580412>

# AMNESTY INTERNATIONAL PUBLIC STATEMENT



Index: MDE 15/009/2014

21 May 2014

## **Israel: Allow Mordechai Vanunu to travel to events on whistleblower protection**

As his lawyers petition the Israeli Supreme Court this week, Amnesty International is calling on the Israeli authorities to lift the ban on nuclear whistleblower Mordechai Vanunu leaving Israel so that he can attend events being organized in the UK in June on the protection of whistleblowers.

Fifty-four UK parliamentarians have invited Mordechai Vanunu to speak to the UK Houses of Parliament in London on 18 June about his 18-year prison sentence for revealing information about Israel's nuclear capacity in 1986 and the 10 years he has spent since his release in 2004 living under punitive restrictions. Amnesty International considers the restrictions to violate his rights to freedom of movement, expression and assembly.

Meanwhile, Amnesty International is inviting Mordechai Vanunu to join a [panel](#) of prominent speakers at the Frontline Club in London on 17 June to present their work for greater protection of whistleblowers around the world. They include the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, and individuals connected to recent cases of whistleblowers whose human rights have been violated, including Edward Snowden and Chelsea Manning.

Mordechai Vanunu's defence team are currently preparing to petition the Israeli Supreme Court this week to allow him to travel to attend the events in London in June. An Israeli Ministry of Interior ban is in place preventing Mordechai Vanunu from leaving Israel and is expected to be renewed by the end of this month. Vanunu is also not permitted to enter consulates or embassies or to go within 500 metres of international borders, border passages, harbours or airports.

A military order banning Vanunu from participating in internet chats and communicating with foreign nationals, including journalists, without obtaining permission has just been renewed. At the end of May, when the current restrictions on him expire, Vanunu's defence team will petition the Supreme Court for *all* of them to be lifted.

Avigdor Feldman, Vanunu's lawyer, told Amnesty International: "Upholding these undemocratic and ridiculous restrictions, for the last 10 years, after Vanunu served a prison sentence of 18 years has nothing to do with the security of the state, but are vindictive and cruel steps, which serve one purpose, to outcast Vanunu and destroy him as a human being and as a true anti-nuclear activist".

Amnesty International believes that the Israeli authorities' justification for their actions – that Vanunu could reveal further secret information about Israel's nuclear arsenal and that he is a national security threat – are spurious. Vanunu's knowledge of Israel's nuclear capacity is restricted to 1986, almost 30 years ago. As he has said repeatedly, he has no more information. The information he does have is publicly available, not to mention completely irrelevant today.

According to nuclear physicist Frank Barnaby, who [interviewed](#) Vanunu in September 1986 in his role as a consultant to the UK newspaper *The Sunday Times* prior to its publication of

Vanunu's revelations, he was motivated by a belief that the Israeli and international public had a right to know about Israel's nuclear weapons programme; and that "he seemed to be acting ideologically".

The panellists participating in the Frontline Club event have first-hand knowledge of the retaliation whistleblowers face for their actions. On 17 June, they will explore how whistleblowers can be protected, and by extension how the public's right to information can be protected. This includes implementing measures such as those laid out in the 2013 [Global Principles on National Security and the Right to Information \("Tshwane Principles"\)](#).

They will talk about the failure of governments around the world to protect whistleblowers and instead subject them to various forms of retaliation, including prosecution, for disclosing information governments want to keep secret. This includes information about human rights violations.

### **Background**

Mordechai Vanunu is a former technician at Israel's nuclear plant near the southern town of Dimona. He revealed details of the country's nuclear arsenal to *The Sunday Times* in 1986. He was abducted by Israeli secret service (Mossad) agents in Italy on 30 September 1986 and secretly taken to Israel. He was tried and sentenced to 18 years' imprisonment.

He was held in prolonged secret detention, in violation of the prohibition of arbitrary arrest or detention contained in Article 9 of the International Covenant on Civil and Political Rights (ICCPR). There are also serious concerns about the secrecy of his trial and the severe nature of the charges on which he was convicted, as well as the 11 years he spent in solitary confinement between 1986 and 2004, which amounted to cruel, inhuman or degrading treatment.

The ongoing restrictions against him are arbitrary and contrary to Israel's obligations under international law, particularly the ICCPR, which prohibits arbitrary interference in the rights to freedom of movement, freedom of expression and freedom of association and protects individuals from being punished again for the same offence. The restrictions are not part of any parole conditions imposed since he served his full sentence.

In May 2010 Mordechai Vanunu was imprisoned for three months, after being convicted of breaching his restrictions by speaking to foreigners and attempting to attend Christmas Mass in Bethlehem.

*For more information see:*

<http://www.amnesty.org/en/library/info/MDE15/024/2010/en>  
<http://www.amnesty.org/en/news-and-updates/israeli-nuclear-whistleblower-returned-solitary-confinement-2010-06-18>  
<http://www.amnesty.org/en/library/info/MDE15/013/2010/en>  
<http://www.amnesty.org/en/library/info/MDE15/019/2010/en>  
<http://www.amnesty.org/en/library/info/MDE15/046/1991/en>  
<http://www.amnesty.org/en/news/usa-commute-bradley-manning-s-sentence-and-investigate-abuses-he-exposed-2013-08-21>  
<http://www.amnesty.org/en/for-media/press-releases/usa-must-not-hunt-down-whistleblower-edward-snowden-2013-06-24>

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### Press releases

17 June 2014

#### Israel: 'Malicious' travel ban on nuclear whistle-blower must be lifted

The Israeli Supreme Court's refusal to allow whistle-blower Mordechai Vanunu to travel abroad is an inexcusable attempt to continue to punish him for what he did nearly 30 years ago, said Amnesty International.

The Court issued its decision at the same time as Mordechai Vanunu was expecting to travel to events he has been invited to in the UK.

He was sentenced to 18 years in prison in 1986 for blowing the whistle on Israel's nuclear arsenal. Since his release in 2004 he has been subjected to a travel ban that prevents him from leaving Israel because he is deemed a security threat.

"There is absolutely no reason to believe Mordechai Vanunu would pose a threat to Israel's security. The information he had about his country's nuclear arsenal nearly three decades ago is irrelevant today. The Supreme Court's ruling yet again sanctions the state's dogged campaign of malicious vengeance against Mordechai Vanunu," said Philip Luther, Middle East and North Africa Director at Amnesty International.

"Israel must stop punishing Vanunu. He served his time and must now be allowed to enjoy his basic right to leave the country if he wants to."

Mordechai Vanunu has been invited to attend an event organized by Amnesty International on 17 June to promote the protection of whistle-blowers including Edward Snowden and Chelsea Manning. He has also been invited to address the British parliament on 18 June.

The Israeli Supreme Court's judges accepted the Minister of Interior's claim that, if allowed to leave the country, Mordechai Vanunu could damage Israel and its citizens with the information he could reveal about the country's nuclear capacity. However, the former nuclear technician has no new information on Israel's nuclear arsenal and what he knew in 1986 has been in the public domain for almost 30 years.

He is also banned from entering foreign embassies, taking part in internet chats and speaking to foreigners, including journalists, without prior permission.

**For further information please see:**

[Israel: Supreme Court must overturn 'absurd' travel ban on nuclear whistle-blower](#)

[Amnesty International event at Frontline Club 17 June: Protecting Whistleblowers](#)

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## News

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24 October 2013

### Israel must drop charges against Palestinian human rights lawyer released on bail



Palestinian human rights lawyer Anas Bargouthi was released on bail today.

© Addameer Prisoners Support and Human Rights Association

The Israeli authorities must drop all charges against a Palestinian human rights lawyer released on bail last night, Amnesty International said.

A military judge at Ofer Military Court ordered the release of Anas Bargouthi on bail because confessions from other detainees submitted as evidence failed to prove he is a security threat – particularly since the accusations against him relate to alleged activities from over a year ago.

"The release of Anas Bargouthi is positive news but he should have never been detained and charged in the first place," said Philip Luther, Middle East and North Africa Programme Director at Amnesty International.

"It is unacceptable for Israeli authorities to continue to prosecute activists because of their peaceful work in defence of human rights. This release should be a first step towards the authorities ending their harassment of Palestinian human rights defenders."

Anas Barghouti, a lawyer with the Addameer Association for Prisoner Support and Human Rights, was arrested by the Israeli army on 15 September 2013 at a checkpoint north of Bethlehem in the Occupied Palestinian Territories.

Nine days later, he was charged with "membership in the Palestinian Front for the Liberation of Palestine", an organization which Israel has banned, and "leadership of a committee to organize demonstrations". He denies both charges. If convicted on these charges, Anas Barghouti faces up to 18 months in prison. Amnesty International would again consider him to be a prisoner of conscience, imprisoned solely for his work on behalf of prisoners and the peaceful expression of his political views. The Addameer Association for Prisoner Support and Human Rights provides legal support to Palestinians held by the Palestinian Authority's security forces and campaigns for the rights of Palestinians imprisoned by Israel.

His arrest is part of a pattern of harassment by the Israeli authorities of Palestinian human rights organizations and activists in the Occupied Palestinian Territories, which includes arbitrary detentions, restrictions on movement, and raids of homes and offices.

On 11 December 2012, Israeli security forces raided the offices of Addameer and two other Palestinian NGOs in Ramallah, seizing computers, work files and equipment and ransacking the premises.

Addameer's chair, Abdullatif Ghaith, a resident of East Jerusalem, has been banned by Israel's military from entering other parts of the occupied West Bank or travelling abroad since 2011.

On 23 September 2013, one week after the arrest of Anas Bargouthi, Israeli forces arrested Samer Arbid, Addameer's accountant. He was placed in custody for questioning until 21 October, when he was given a four-month administrative detention order.

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#### Background

[Palestinian human rights lawyer charged Urgent Action](#), 3 October 2013

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“

The release of Anas Bargouthi is positive news but he should have never been detained and charged in the first place

”

**Philip Luther, Middle East and North Africa Programme Director at Amnesty International**

Administrative detention is detention by military order without charge or trial which can be extended indefinitely.

Another activist from Addameer, Ayman Nasser, was arrested on 15 October 2012 and charged with offences including membership of the Popular Front for the Liberation of Palestine and carrying out activities in support of Palestinian prisoners. He was convicted of these charges a month later and spent a year in prison after a trial by military court. He was released on 21 October 2013.

When in detention Ayman Nasser told his lawyer that he had been tortured during interrogation following his arrest. He said that he was interrogated for up to 20 hours every day and that during the interrogation he was kept in a stress position on a chair with his hands tied behind his back.

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# News

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4 July 2013

## Israel: Stop judicial 'bullying' of Palestinian activists



Nariman Tamimi has suffered arrests and raids on her home and her husband, Bassem, has been jailed at least twice.

© AHMAD GHARABLI/AFP/GettyImages

Amnesty International has accused the Israeli authorities of bullying and judicial harassment of Nariman Tamimi, a Palestinian rights activist who was placed under partial house arrest today to prevent her taking part in peaceful protests while she awaits trial next week.

"This is an unrelenting campaign of harassment, the latest in a litany of human rights violations against Nariman Tamimi, her family, and her fellow villagers. These arbitrary restrictions should be lifted immediately and the charges should be dropped," said Philip Luther, Middle East and North Africa Director at Amnesty International.

Tamimi was arrested along with another activist Rana Hamadi on Friday 28 June, when villagers of Nabi Saleh walked towards a nearby spring in protest against the loss of their land. In 2009 Israeli settlers occupied the Al-Qaws spring near Nabi Saleh village where Tamimi lives. The illegal settlement now enjoys the protection of the military.

During the protest a soldier approached them waving a piece of paper and saying they could be arrested if they did not leave. When they tried to leave the area, more soldiers approached and arrested them. Both women were charged with being in a "closed military zone".

Following their release on bail on Monday, the court has now put them under partial house arrest. They are not allowed to leave their family homes between 9am to 5pm on Fridays when the weekly protest takes place.

"They have been denied the basic human right to peacefully protest over land illegally seized by Israeli settlers, and the Israeli judiciary has used spurious legal tools to punish them for exercising their basic human right to peaceful protest," said Philip Luther.

Speaking to Amnesty International following her arrest, Nariman Tamimi described how the two women were kept in conditions that included being held in leg-cuffs, detained overnight in a car, and held in a van carrying male Israeli prisoners

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### Background

Israeli authorities must release Palestinian prisoner of conscience in West Bank News, 1 November 2012

Israel/Occupied Palestinian Territories: Israel must release Palestinian detained for organising peaceful protests against expanding Israeli settlement Public Statement, 2 March 2012

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“ This is an unrelenting campaign of harassment, the latest in a litany of human rights violations against Nariman Tamimi, her family, and her fellow villagers. These arbitrary restrictions should be lifted immediately and the charges should be dropped. ”

Philip Luther, Amnesty International's Middle East and North Africa Programme Director.

who she said shouted verbal abuse at them and intimidated them physically.

Tamimi has already suffered previous arrests and raids on her home. Her husband Bassem has been jailed at least twice and held as a prisoner of conscience.

Her brother Rushdi Tamimi was shot in the back with live ammunition by Israeli soldiers during a demonstration last year. He died two days later in hospital. Video evidence shows that Israeli soldiers delayed his family's attempts to take him to hospital. "This shows the sustained brutality of the military and the Israeli authorities' determination to target and harass those prepared to stand up for their rights. They use every tool in the box to intimidate activists and their families into silence," said Philip Luther.

Since 2009, Israel has banned Palestinians, including landowners, from access to their spring and surrounding land while settlers enjoyed free access to the spring and were allowed to continue building in its vicinity.

The weekly protests are characterized by unnecessary and excessive use of force by the Israeli military, including live fire, rubber coated metal bullets, stun grenades thrown at protestors, pepper spray, batons, and the misuse of teargas.

Israeli forces have killed two protesters at Nabi Saleh, and have injured hundreds of others in the last four years. The subsequent military investigations have not met international standards of independence or impartiality.

Soldiers regularly raid the village, conducting house searches and arresting people including children late at night.

Nariman Tamimi and Rana Hamadi have been charged with being in a "closed military zone". The trial is scheduled for Tuesday 9 July.

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Issue: Activists Country: Israel and Occupied Palestinian Territories Region: Middle East And North Africa

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Amnesty's global human rights blog

## Israeli Supreme Court ruling continues to tear families apart

Posted on 13 January 2012 by elleotz

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By Amnesty International's Israel/Occupied Palestinian Territories campaigner

### The Israeli Supreme Court has upheld a law that bans most Palestinians who marry Israeli citizens from living in Israel on the grounds that they are an automatic security risk

Like a thief in the night, a Supreme Court decision breaks into thousands of Palestinian households in Israel and snatches the right to family life.

This week, the court ruled to reject a petition by Palestinian families and human rights organizations to annul a 2003 law that prohibits Palestinian spouses of Israeli citizens from enjoying the right to family life in Israel.

The law means families with Palestinian spouses cannot enjoy the same citizenship and may no longer be able to live together in Israel.

When I read the news, it immediately made me think of my friends who had hopes that the petition would achieve something and that they could live together with their families.

I called my feisty lawyer friend Ehab— an Israeli citizen married to a Palestinian woman from the West Bank — to see how he took the news. I was sure he was going to be devastated. His choked-up voice confirmed my expectations.

“We actually had hope,” he said.

“Things have changed since 2003 and we truly thought that the petition will be accepted. It is a very hard moment for all the families.”

When I asked him about his wife, Bayan, the subject was clearly too raw for him to talk about.

Ehab and Bayan, married four years ago. One year later they had Noor. Bayan is from the West Bank and is prohibited from entering Israel. According to the Israeli law that the court ruled to preserve, Ehab cannot pass his citizenship to her, and she can only enter Israel to be with him if the Ministry of Interior grants her a special temporary permit.

The first time the family lived together in the same home was last year when they stayed in the U.S while Ehab was doing his graduate degree. When they returned to Israel, Bayan was able to obtain the permit to enter Israel and they were able to live in the same house in Ehab's village.



The Israeli Supreme Court ruling means families are being kept apart©APGraphicsBank

I remember when I congratulated Ehab for receiving the permit he told me, "There is nothing to congratulate me about, the permit is to enter Israel, not to live in Israel."

He was of course correct. There is a fundamental difference between being able to live with your family and being allowed only to visit them. A permit is not to be celebrated.

It is a reminder of the discrimination Palestinians in Israel and occupied territories face. I was reminded of that when I spoke to Shayma and Ahmad that day.

Shayma and Ahmad were married four years ago. They now have two young daughters and live near the Israeli city of Ashkelon, where Ahmad is a gynaecologist at the local hospital.

Shayma is from Bethlehem in the West Bank. She was granted a permit to be with Ahmad only two years ago. The temporary permit only allows her to enter Israel, but does not grant her any rights or access to the services that citizens or residence residents enjoy, including health and social services.

"As a doctor," Ahmad says, "it pains me that my wife cannot receive the services that I give to people. It pains me that she cannot enjoy the same health services I enjoy."

It is a form of discrimination that cuts deep and causes great pain to the families who now struggle only just to see each other.

"We have to go separate ways when we pass checkpoints,." Shayma says.

"I leave the car to get security checked, while Ahmad waits in the car with the children. These experiences are very disturbing for the children. When I leave the car they start crying."

The family also go separate ways if they want to travel out of the country. While Ahmad can travel through the airport with the children, Shayma cannot. She has to go through Jordan, and can never take her children with her if her husband is present.

Shayma's permit expires on 15 January. With the new court decision, the family is currently living in fear that the Israeli authorities will not renew her permit and that they will no longer be able to live together.

More than 100,000 families are currently living with this same fear.

Discrimination in Israel is becoming increasingly formalized and this should not be allowed to continue.

The law must be renewed every six months and the current expiry date falls at the end of January. Amnesty International has previously [called on Israel](#) to repeal the law and ensure that that it is not renewed, . Those who believe in human rights and equality in Israel must make sure that this happens.

Posted in [Israel and Occupied Palestinian Territories](#) | [6 Comments](#)

**Ratib** says:

14 January 2012 at 9:08 pm

the naurality of the life is:The family must live and be together on any spot they like.How can we call and cray for peace and we cant live togeher with our families?Is their any ciscrimination more than this?

[Reply](#)

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**Ali Mohammed Saeed Alsayhlay** says:

15 January 2012 at 6:37 pm

Israel must respect human rights and cancel work by this law.

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**Herb Chopin** says:

18 January 2012 at 12:33 am

Apartheid is alive and well and more evil then ever. Israel is guilty of ethnic cleansing, war crimes, and crimes against humanity for their continued occupation of Palestine.

[Reply](#)

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**joke** says:

18 January 2012 at 6:33 am

Making laws that 'Il cause a disintegration in the society is repugnant.this ought to be condemned by the rest of the world.

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**Tina** says:

1 February 2012 at 7:51 pm

One more apartheid law in Israel; a democracy must respect the equality of all citizens; therofre, a Jewish state cannot be a democracy because it legislates the superior privilege for one group. Change is needed.

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**Israel** says:

30 May 2012 at 8:31 pm

Is it me or this just another sick law that reminds me oh the nazis ?

[Reply](#)

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