



**Al-Haq Alternative Report in Response to  
Israel's Third Periodic Report (CCPR/C/ISR/3) to  
the Human Rights Committee,  
relevant for the formation of the List of Issues**

**Israel's implementation of the International Covenant on Civil and Political Rights  
in the Occupied Palestinian Territory**

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*Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. Established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT), the organisation has special consultative status with the United Nations Economic and Social Council.*

*Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable. The organisation conducts research; prepares reports, studies and interventions on breaches of international human rights and humanitarian law in the OPT; and undertakes advocacy before local, regional and international bodies. Al-Haq also cooperates with Palestinian civil society organisations and governmental institutions in order to ensure that international human rights standards are reflected in Palestinian law and policies. The organisation has a specialised international law library for the use of its staff and the local community.*

*Al-Haq is the West Bank affiliate of the International Commission of Jurists - Geneva, and is a member of the Euro-Mediterranean Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH), Habitat International Coalition (HIC), and the Palestinian NGO Network (PNGO).*

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## 1. Introduction

- 1.1 Al-Haq appreciates the opportunity to submit information to the Human Rights Committee (HRC or the Committee) with regard to the implementation of the International Covenant on Civil and Political Rights (Covenant) by Israel, an Occupying Power, in advance of the formation of the List of Issues in relation to Israel's Third Periodic Report (CCPR/C/ISR/3).
- 1.2 In writing this report, Al-Haq notes Israel's continued disregard of its obligations under the Covenant towards the Palestinian population in the Occupied Palestinian Territory (OPT), comprised of the West Bank, including East Jerusalem and the Gaza Strip, and its subsequent failure to report on these obligations in its Third Period Report to the HRC.
- 1.3 This report highlights the lack of implementation by Israel of certain obligations set forth in the Covenant during the reporting period in relation to the occupied Palestinian population. The limitations of this report should not be understood to implicate that Israel complies or does not comply with articles of the Covenant which are not mentioned here.
- 1.4 The vast majority of the claims made in this report are substantiated by Al-Haq's field information, *inter alia* in the form of client affidavits which are contained in Annexure (B), and summarized in Annexure (A).
- 1.5 This report analyses Israel's compliance with the Covenant in an article-by-article format. The articles of the Covenant which are discussed are:
  - Article 1 (self-determination)
  - Article 2 (applicability of the Covenant)
  - Article 4 (state of emergency)
  - Article 6 (right to life)
  - Article 16 (recognition as a person before the law)
  - Article 17 (arbitrary or unlawful interference with privacy and family)
  - Article 18 (freedom of thought, conscience and religion)
  - Article 19 (right to freedom of expression and to hold opinions)
  - Article 21 (right to peaceful assembly)

Article 22 (freedom of association)

Article 25 (right to vote and be elected)

Article 26 (equality before the law)

## 2. Articles of the Covenant

### **I. Article 1. Self-determination**

*“All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. [...]”*

1.1 Recalling and welcoming the Committee’s reiteration to Israel of the applicability of the Covenant to the OPT,<sup>1</sup> it is vital to recognize that Israel’s human rights violations in the OPT are directly connected to its continued occupation of the Palestinian Territory and the denial of Palestinians’ right to self-determination as a whole. Israel’s denial of Palestinians’ right to self-determination has effectively blocked Palestinians’ realisation of all of the other rights guaranteed within the Covenant. Despite Israel’s positive obligation to guarantee Palestinians’ right to self-determination,<sup>2</sup> Israel evidently operates against any implementation of this right, which is illustrated by Israel’s policies of land confiscation and annexation as well as continued construction of Israeli settlements. The policy of land confiscation is a clear attempt to systematically change the facts on the ground,<sup>3</sup> and is the foundation for Israel’s denial of Palestinian self-determination.

1.2 Examples of land confiscation include the recently internationally condemned eviction of two Palestinian families from their homes in Sheikh Jarrah<sup>4</sup> and the illegal annexation of

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<sup>1</sup> Human Rights Committee, Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations, Israel, 21 August 2003, para. 11 (CCPR/CO/78/ISR)

<sup>2</sup> Human Rights Committee, General Comment No.12, *The right to self-determination (Art. 1)* (CCPR/C/Rev.1/Add.7), 12 July 1996 para. 2

<sup>3</sup> ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004

<sup>4</sup> Jonathan Beck and Abe Selig, “US slams eviction of 2 Arab families in e.J’lem”, *The Jerusalem Post*, 3 August 2009,

<http://www.jpost.com/servlet/Satellite?cid=1248277947829&pagename=JPost%2FJPostArticle%2FShowFull>, (accessed 7 August 2009); see also Rory McCarthy, “Palestinian couple evicted from home of 50 years as Jerusalem settlers move in”, *The Guardian*, 10 November 2008,

<http://www.guardian.co.uk/world/2008/nov/10/israelandthepalestinians> (accessed 7 August 2009)

the Palestinian village of Beit Iksa through the continued illegal construction of the Annexation Wall in the OPT.<sup>5</sup>

1.3 The two Palestinian families in Sheik Jarrah were forcefully evicted from their homes following an eviction order by the Israeli Supreme Court which allowed Israeli settlers to move into their houses. The two Palestinian families are now homeless, and the actions taken by Israel are considered breaches of international humanitarian law.<sup>6</sup>

1.4 The illegal Annexation Wall, which was originally planned to encircle Beit Iksa according to an approved plan by the former Prime Minister Ehud Olmert, has been re-routed due to a Defense Ministry decision. This will result in the illegal annexation of Beit Iksa. Israel claims that the diversion of the Annexation Wall is temporary, however, considering the tens of millions of shekels allocated for the diversion, it is clear that the annexation will become permanent. Reserve Col. Shaul Arieli himself stated that "...all of us know that there is nothing more permanent than [something deemed] temporary".<sup>7</sup>

1.5 Furthermore, on 28 June 2009, the Land Registry Office at Ma'ale Adumim settlement published 12 public notices in the local Palestinian Al Quds newspaper for the registration of 139.000 dunums located along the northern and western shores of the Dead Sea to the property of the custodian of state land of Israel.<sup>8</sup> This land is within the 1967 territory of the West Bank. Essentially, this procedure commences the further *de facto* illegal annexation of lands within the West Bank. Palestinian contestation against this process

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<sup>5</sup> Amos Harel, "Flying in face of previous government's decision: Temporary route of West Bank fence puts Beit Iksa on 'wrong side'", *Haaretz*, 29 July 2009, <http://www.haaretz.com/hasen/spages/1103650.html> (accessed 7 August 2009).

<sup>6</sup> Jonathan Beck and Abe Selig, "US slams eviction of 2 Arab families in e.J'lem", *The Jerusalem Post*, 3 August 2009, <http://www.jpost.com/servlet/Satellite?cid=1248277947829&pagename=JPost%2FJPArticle%2FShowFull>, (accessed 7 August 2009).

<sup>7</sup> Amos Harel, "Flying in face of previous government's decision: Temporary route of West Bank fence puts Beit Iksa on 'wrong side'", *Haaretz*, 29 July 2009, <http://www.haaretz.com/hasen/spages/1103650.html> (accessed 7 August 2009).

<sup>8</sup> معاليه ادوميم "يمتد من النبي موسى ليصل الى سعير" "مخطط ضم الاراضي ل", *Al Quds*, 28 June 2009, <http://www.alquds.com/pdf?date=20090628> (accessed 8 August 2009)

will not be legally recognised given the Land Registry's land policy and subsequently, this illegal act will become the legitimate source of the title over these 139.000 dunums.<sup>9</sup>

1.5 Hence, the Committee should put the following questions to Israel regarding its failure to comply with Article 1 of the Covenant by respecting Palestinians' right to self-determination:

1. What is Israel's official position regarding the right of the Palestinian people in the OPT to self-determination?
2. How does Israel explain its continued policies of land confiscation and annexation and settlement building in the OPT?

## **II. Article 2. Applicability of the Covenant**

*"1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. [...]"*

2.1 The Committee has repeatedly asserted that Israel's obligations arising from the Covenant apply to the Palestinian population on both the West Bank and the Gaza strip.<sup>10</sup> In clear contradiction to these findings of the Committee, the Israeli High Court of Justice in *Jaber Al-Basyouni v. The Prime Minister* declared that Israel is not in "effective control" of the Gaza strip.<sup>11</sup> The High Court of Justice hence accepted the State's assertion that Israel's duties towards Gaza's population are limited to the prevention of a humanitarian crisis, a position which denies the civilian population protection under international human rights and humanitarian law.

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<sup>9</sup> Applied Research Institute- Jerusalem, "What lies behind the Israeli motion to turn 139000 dunums to State lands at the Dead Sea Shores?", 02 July 2009.

[http://www.poica.org/editor/case\\_studies/view.php?recordID=2006](http://www.poica.org/editor/case_studies/view.php?recordID=2006) (accessed 7 August).

<sup>10</sup> Human Rights Committee, "Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding Observations", Israel, 18 August 1998, para. 10 (CCPR/C/79/Add.93).

Human Rights Committee, "Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations", Israel, 21 August 2003, para. 11(CCPR/CO/78/ISR)

<sup>11</sup> H.C. 9132/07, *Jaber Al-Basyouni v. The Prime Minister*, High Court of Justice (30 January 2008).

2.2 However, “effective control” exists in a territory or country if the military forces of an adversary could, “at any time they desired assume physical control of any part of the country.” The parameters of this test have been reiterated by various courts, including the International Criminal Tribunal for the former Yugoslavia, which ruled that one of the guidelines for determining occupation was whether “the occupying power has a sufficient force present, or the capacity to send troops within a reasonable time to make the authority of the occupying power felt.”<sup>12</sup> Numerous large scale ground incursions, air strikes and artillery attacks inside the Gaza Strip since Israel’s so-called disengagement in September 2005 have demonstrated Israel’s ability to assume physical control of any part of the area at any time it desires.

2.3 The Committee’s concerns have blatantly been ignored by Israel and its High Court, Al Haq regrets to yet again have to urge the Committee to make clear to Israel, as the Occupying Power, that it is obligated to implement the Covenant’s provisions in relation to the totality of the OPT, including the Gaza Strip.

### **III. Article 4. State of Emergency**

*“1. In time of public emergency which threatens the life of a nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.  
2. No derogation from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision. [...]”*

3.1 The Committee has repeatedly announced their concern about Israel’s maintained state of emergency,<sup>13</sup> and the “sweeping nature of measures” taken by Israel during this state of emergency.<sup>14</sup> Unfortunately, Israel remains in a proclaimed state of emergency at the

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<sup>12</sup> *Prosecutor v. Naletilic aka. Tuta and Martinovic aka. Stela*, Case No. IT-98-34-T, T.Ch, Judgment (31 March 2003).

<sup>13</sup> Human Rights Committee, “Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding Observations”, Israel, 18 August 1998, para. 11 (CCPR/C/79/Add.93).

Human Rights Committee, “Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations”, Israel, 21 August 2003, para. 12 (CCPR/CO/78/ISR)

<sup>14</sup> Human Rights Committee, “Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations”, Israel, 21 August 2003, para. 12 (CCPR/CO/78/ISR)

time of this report. Moreover, Israel's unending violations of the entrenched rights set forth in the Covenant show a pattern of misuse of Article 4.

- 3.2 Al-Haq does not deny that Israel, as an Occupying Power, is embroiled in an ongoing armed conflict, nonetheless Al-Haq recognises the value and need for the protection of human rights in such a context – particularly where individuals lack legal resource to challenge the violations of their rights.
- 3.3 It deserves to be recalled that the endorsement by States to human rights is a product of the atrocities committed during the Second World War. These atrocities left the international community with a determination that human dignity shall no more be disregarded.<sup>15</sup> Human right is thus intended to be a safety valve against actions undertaken by States, and from this flows the conclusion that human rights cannot be dismissed because of the prevailing context in which it applies nor that Article 4 can be misused.
- 3.4 A proclamation of state of emergency does not justify all violations of human rights, nor does it relieve a State from its obligations under the Covenant. Article 4 “offers a State’s democratically legitimate, supreme constitutional organs a basis for avoiding exceptional, irreparable damages to the general public resulting from international or civil war, the attempt to topple the constitutional order or particularly grave natural or environmental catastrophes”.<sup>16</sup>
- 3.5 Article 4 states clearly that derogations must be strictly required and should not involve discrimination nor is a state of emergency supposed to last inevitably. As will be presented in this report, *see infra*, Israel’s measures most certainly applies discriminately against Palestinians in the OPT – which is evidenced by their refusal to recognise their obligations under the Covenant towards this people - and furthermore, Israel continues to violate the non-derogable rights set forth in the Covenant.

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<sup>15</sup> Antonio Cassese, *International law*, Second edition, (New York: Oxford University Press, 2005) pages. 375-377.

<sup>16</sup> Manfred Nowak, *U.N. Covenant on Civil and Political Rights CCPR Commentary* (Germany: N.P. Engel, Publisher, 2005), page. 84.

#### IV. Article 6. Inherent Right to Life

“1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. [...]”

##### Arbitrary deprivation of life by Israeli military forces

- 4.1 The Committee has been previously concerned about the killing of Palestinians by Israeli, referred to as “security”, forces.<sup>17</sup> Al-Haq regrets to inform the Committee that the arbitrary deprivation of life of Palestinians by Israeli military forces has persisted throughout the reporting period, thus reflecting a violation of the right to life for which no derogation, even in a state of emergency, is permitted.<sup>18</sup> According to the Covenant it is only killings which are arbitrary that are considered a violation, which “signifies that life must not be taken unreasonable or disproportionate circumstances.”<sup>19</sup>
- 4.2 Since the Committee’s 2003 Concluding Observations on Israel, approximately 417 Palestinian civilians have been killed by Israeli forces in the West Bank, out of which 18 were women and 121 were children.<sup>20</sup> During the same time period, 1782 Palestinians not involved in armed clashes have been killed by Israeli military forces in the Gaza strip.<sup>21</sup>
- 4.3 Corresponding to the high number of human lives deprived by Israeli military forces is the non-investigation policy practiced by Israel after the outbreak of current violence in late 2000.<sup>22</sup> Israel’s blanket refusal on the policy level to not ensure the protection and prevention of violations on the right to life effectively results in the violation of the right to life *per se*. The Covenant obligates Israel to ensure effective remedies to vindicate violations of rights set forth in the Covenant, such effective remedies include the

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<sup>17</sup> Human Rights Committee, “Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding Observations”, Israel, 18 August 1998, para. 17 (CCPR/C/79/Add.93); *see also* Human Rights Committee, “List of issues to be taken up in connection with the consideration of the second periodic report of Israel (CCPR/C/ISR/2001/2), adopted by the Human Rights Committee on 30 October 2002”, Israel, 27 November 2002, para. 11 (CCPR/C/77/L/ISR).

<sup>18</sup> Human Rights Committee, General Comment No. 6, *The right to life (Art. 6)* (CCPR/C/Rev.1/Add.7), 12 July 1996, para. 1.

<sup>19</sup> Sarah Joseph, Jenny Schultz, and Melissa Castan, *The International Covenant on Civil and Political Rights, Cases, Materials, and Commentary* (Great Britain: Oxford University Press, 2004), page. 156.

<sup>20</sup> Al-Haq Monitoring and Documentation Department: statistics.

<sup>21</sup> Al Mezan Center for Human Rights: statistics

<sup>22</sup> Human Rights Watch, *Promoting Impunity: The Israeli Military’s Failure to Investigate Wrongdoing*, Volume 17, Number 7(E), pages. 28-38.  
[www.hrw.org/sites/default/files/reports/iopt0605.pdf](http://www.hrw.org/sites/default/files/reports/iopt0605.pdf) (accessed 5 August 2009).

obligations to promptly, thoroughly, effectively and impartially investigate allegations of violations.<sup>23</sup>

4.4 The high number of Palestinians killed and the policy of non-investigation prompt a series of questions:

1. What measures have been taken by Israel by domestic law to strictly control and limit the circumstances in which a person may be deprived of his life by Israeli forces, as required by the Covenant?<sup>24</sup>
2. What possible venues of lodging a complaint of alleged violation of the right to life are available to individuals before Israeli authorities?
3. What measures are taken by Israel to promptly, thoroughly and impartially investigate the taking of lives by members of the Israeli forces and subsequently punish the perpetrators?
4. How many investigations, prosecutions and subsequent convictions for acts of arbitrary deprivation of lives by members of Israeli forces have occurred in accordance with Israeli domestic criminal legislation since the Committee's last review of Israel?
5. What remedies are available to the families of individuals whose right to life has been violated?

**[Evidence: Al-Haq Affidavit 4002/2008]**

#### **Arbitrary deprivation of life by Israeli authorities during so-called policing actions**

4.5 Another concerning trend by Israeli forces has been to systematically resort to excessive and lethal force against demonstrators. This concern has also been raised by the Committee previously when they urged Israel to “enforce rigorously the strict limitations on the operational rules as to the use of firearms and the use of rubber bullets against unarmed civilians”.<sup>25</sup> The Committee furthermore requested Israel to provide precise

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<sup>23</sup> Human Rights Committee, General Comment No. 31, *The nature of the general legal obligation imposed on states parties to the Covenant* (CCPR/C/Rev.1/Add.7), 12 July 1996, para. 15.

<sup>24</sup> Human Rights Committee, General Comment No. 6, *The right to life (Art. 6)* (CCPR/C/Rev.1/Add.7), 12 July 1996, para. 3.

<sup>25</sup> Human Rights Committee, “Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding Observations”, Israel, 18 August 1998, para. 17 (CCPR/C/79/Add.93).

information, in their next periodic report, in regard to the number of deaths, including those arising from use of rubber bullets, the number of complaints arising from their use and the number of defence and security personnel that have been punished or disciplined as a result.<sup>26</sup> Israel has failed to provide the requested information in their third periodic report. Field investigations reveal that 68 civilians were killed in connection to or during demonstrations in the West Bank, out of which 34 were children.<sup>27</sup> Field investigations also reveal that the use of excessive force resulting in the arbitrary deprivation of civilian lives has intensified in certain areas of the West Bank. For example, four civilians have been killed in the West Bank village of Nil'in since 2008.<sup>28</sup> Hence, the questions previously posed to Israel merit redress, and should also include:

1. What measures have been taken by Israel by domestic law to strictly control and limit the circumstances in which a person may be deprived of his life by Israeli forces, as required by the Covenant?<sup>29</sup>
2. What possible venues of lodging a complaint of alleged violation of the right to life are available to individuals before Israeli authorities?
3. What measures are taken by Israel to promptly, thoroughly and impartially investigate the taking of lives by members of the Israeli forces and subsequently punish the perpetrators?
4. What remedies are available for individuals whose right to life has been violated?

### **Deprivation of life by criminal acts**

4.6 Also notable are the killings of Palestinians by Israeli settlers living in the OPT. Israel has an obligation under the Covenant to prevent and punish deprivation of life by criminal acts.<sup>30</sup> As established by the European Court of Human Rights, States have a

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<sup>26</sup> Human Rights Committee, "Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding Observations", Israel, 18 August 1998, para. 17 (CCPR/C/79/Add.93).

<sup>27</sup> Al-Haq Monitoring and Documentation Department: statistics.

<sup>28</sup> Al-Haq Monitoring and Documentation Department: statistics.

<sup>29</sup> Human Rights Committee, General Comment No. 6, *The right to life (Art. 6)* (CCPR/C/Rev.1/Add.7), 12 July 1996, para. 3.

<sup>30</sup> Human Rights Committee, General Comment No. 6, *The right to life (Art. 6)* (CCPR/C/Rev.1/Add.7), 12 July 1996, para. 3.

positive obligation to protect the right to life between individuals and third parties,<sup>31</sup> thus including settlers. Since the 2003 Concluding Observations by the Committee, twelve Palestinians have been killed by Israeli settlers in the West Bank<sup>32</sup>. Settlers within the OPT are permitted to carry arms openly, including weapons such as M16s. Connected to the settlers' rights to openly carry arms is the issue of impunity, which results from Israel's failure to promptly, thoroughly and impartially investigate and punish acts by settlers that violate Palestinians' right to life.

4.7 A telling example, reflective of a pattern of impunity is the shooting of a Palestinian, Husni 'Abd-Al-Hayy Suleiman Matariyya in the chest by a settler at a distance of about 1,5 metres. During the same incident, Mr. Matariyya's father was also shot in the arm. The shootings were recorded on video.<sup>33</sup> Despite having clear evidence of the attack, the Jerusalem District Prosecutor dropped all charges against the settler after the settler's lawyer requested the State to release classified information related to the case.<sup>34</sup> Fortunately the Palestinian shot by the settler survived. Nonetheless it should be emphasised that the right to life extends to an attempt to kill, as was stated in *Makaratzis v. Greece*.<sup>35</sup>

4.8 Hence:

1. How many killings by settlers have been promptly, thoroughly and impartially investigated?
2. How many subsequent criminal proceedings have been initiated against the accused?
3. What punishment has been delivered against the perpetrators?

**[Evidence: Al-Haq Affidavit 4527/2008**

**Al-Haq Affidavit 4526/2008]**

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<sup>31</sup> *Osman v. United Kingdom*, Eur. Ct. H.R., No. 23452/94 (1998-VIII), 28 October 1998, paras. 115-122.

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<sup>32</sup> Al-Haq Monitoring and Documentation Department: statistics

<sup>33</sup> Al-Haq Affidavit 4527/2008; *see also* Al-Haq Affidavit 4526/2008.

<sup>34</sup> Aviad Glickman, "Settler documented firing in Hebron won't be tried", *Ynetnews*, 8 June 2009, <http://www.ynetnews.com/articles/0,7340,L-3728144,00.html> (accessed 7 August 2009); *see also* B'Tselem, 8 June 2009,

[http://www.btselem.org/English/Settler\\_Violence/20090608\\_Charges\\_on\\_Hebron\\_settler\\_shooting\\_dropped.asp](http://www.btselem.org/English/Settler_Violence/20090608_Charges_on_Hebron_settler_shooting_dropped.asp) (accessed 7 August 2009)

<sup>35</sup> *Makaratzis v. Greece*, Eur. Ct. H.R., No. 50385/99, paras. 11-27 (2004-XI), 20 December 2004.

## **V. Article 16. Recognition as a person before the law**

*“Everyone shall have the right to recognition everywhere as a person before the law.”*

5.1 The right of persons to recognition before the law encompasses all rights set forth in the Covenant and creates autonomous rights arising specifically from Article 16.<sup>36</sup> As such, Israel has violated Article 16 by its explicit denial of its obligations to the Palestinians in the OPT according to the Covenant.<sup>37</sup>

5.3 The non-recognition of Palestinians gives rise to the following questions:

1. Why does Israel refuse to recognise its obligations according to the Covenant in regard to the Palestinian population in the OPT?

## **VI. Article 17. Arbitrary or unlawful interference with privacy and family**

*“1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on his honour and reputation.*

*2. Everyone has the right to the protection of the law against such interference or attacks.”*

### **House Raids**

6.1 Article 17 is considered to encompass and regulate interference with one’s home,<sup>38</sup> and accordingly, permissible interference includes house searches for purposes of the administration of criminal justice.<sup>39</sup> The Covenant however, demands that any interference with one’s home is not arbitrary or unlawful. In the case of *Rojas Garcia v. Colombia*, the Committee found that violent behaviour during house searches must be

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<sup>36</sup> Manfred Nowak, *U.N. Covenant on Civil and Political Rights CCPR Commentary* (Germany: N.P. Engel, Publisher, 2005), page. 373.

<sup>37</sup> Human Rights Committee, “Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding Observations”, Israel, 18 August 1998, para. 10 (CCPR/C/79/Add.93).

Human Rights Committee, “Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations”, Israel, 21 August 2003, para. 11(CCPR/CO/78/ISR) .

<sup>38</sup> Manfred Nowak, *U.N. Covenant on Civil and Political Rights CCPR Commentary* (Germany: N.P. Engel, Publisher, 2005) pages. 399-400.

<sup>39</sup> *Ibid.*, page. 400.

justified and that any such interference must be reasonable in the context of the provisions, aims and objectives of the Covenant.<sup>40</sup>

6.2 In the OPT, Israeli forces conduct raids on Palestinian homes, often providing no explanation to the inhabitants of the home, or using the pretext of searching for a wanted individual. No less than 46 house raids have been carried out on Palestinian homes in the West Bank since the beginning of 2009 until July of the same year.<sup>41</sup> Many raids take place in the middle of the night, as in the case of the house raid on the Diwayya family who were woken up by explosives and a sound bomb at 12.30 a.m.<sup>42</sup> Israeli forces often carry out searches of same house,<sup>43</sup> and in some instances entire villages are targeted.<sup>44</sup>

6.3 House raids by Israeli forces are usually followed by theft, destruction of property (including shooting at furniture and house and setting items on fire), extensive interrogations, threats and arrest of family members.<sup>45</sup> House raids have also resulted in house occupation in which the family is confined to one room for an extensive of days.<sup>46</sup>

6.4 One notable example of clear arbitrary interference with one's home by Israeli forces is the case of Suleiman Abu-Mifreh, whose water cistern was destroyed by Israeli forces during the raid, as punishment for adolescents allegedly throwing stones in the neighbourhood.<sup>47</sup>

6.5 In light of Israel's obligations to protect and prohibit arbitrary interference or unlawful interference, the following questions are of value to be posed to Israel:

1. What legislative framework is adopted by Israel to protect the right to privacy etc., and to prohibit acts of arbitrary or unlawful interference?
2. What measures are taken by Israel to *de facto* protect and prevent arbitrary interference with the right to privacy etc.?

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<sup>40</sup> *Rojas Garcia v. Colombia*, Human Rights Committee, Communication Number 687/1996, paras. 2.1. and 10.3. CHECKED

<sup>41</sup> A-Haq Monitoring and Documentation Department: statistics.

<sup>42</sup> Al-Haq Affidavit 4253/2008.

<sup>43</sup> *see for example* Al-Haq Affidavit 4735/2009 and 4486/2008.

<sup>44</sup> *see for example* Al-Haq Affidavit 4486/2008.

<sup>45</sup> Al-Haq Affidavit 4253/2008, 4735/2009, 4486/2008, 4209/2008, 4253/2008, 2799/2008.

<sup>46</sup> Al-Haq Affidavit 2799/2006.

<sup>47</sup> Al-Haq Affidavit 4209/2009.

3. What possible legal venues of lodging a complaint of alleged unlawful or arbitrary interference with the right to privacy etc. are available to Palestinians in the OPT before Israeli authorities?
4. What measures are taken by Israel to promptly, thoroughly and impartially investigate unlawful or arbitrary interference with the right to privacy committed by members of the Israeli forces and to subsequently punish the perpetrators?
5. How many investigations on unlawful or arbitrary interference with privacy have been carried through by Israel?
6. What remedies are available for individuals whose right to home has been violated?

**[Evidence: Al-Haq Affidavit 4735/2009  
Al-Haq Affidavit 4486/2008  
Al-Haq Affidavit 4209/2008  
Al-Haq Affidavit 4253/2008  
Al-Haq Affidavit 2799/2006]**

### **Use of homes as training grounds**

6.6 Article 17 requires that any interference with one's home is not unlawful or arbitrary, *see supra*. Israel has blatantly violated this right by occupying houses of Palestinians in Salfit Governate and conducting a number of training exercises by Israeli forces.<sup>48</sup>

1. What measures have Israel taken in regard to these violations, including possible discontinuation of these violations and remedies arising from it?
2. What measures have been taken to ensure that such arbitrary interference is not repeated?

**[Evidence: Al-Haq Affidavit 3575/2007]**

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<sup>48</sup> Al-Haq Affidavit 3575/2007.

## Administrative house demolitions

- 6.7 Since 2004, Israel has demolished 586 Palestinian houses (276 of which were in East Jerusalem) on the basis of lack of building permit.<sup>49</sup> The ability to procure a building permit on the proprietor's land (where legal title to the land is not contested) is next to impossible, particularly in East Jerusalem and Area C.<sup>50</sup> For example, Palestinians owning lands in or around the village of Rummana find it extremely difficult to procure building permits from Israeli authorities.<sup>51</sup>
- 6.8 Israel's policy to systematically deny building permits to Palestinians, which ultimately results in the destruction of their homes, clearly amounts to arbitrary interference with Article 17 due to its discriminatory and unreasonable application. This is illustrated in the case of Ihab Z. Fayyad al-Tawil. Ihab, who applied for a building permit on numerous occasions, was repeatedly denied. The Israeli authorities claimed that the land was zoned as "green land" and that Israel required the land for the construction of public facilities (such as building a park, a playground for children and open new roads). Israeli authorities subsequently confiscated parts of Ihab's land and denied any building permits on the rest of it. Nonetheless, Ihab began building his house which was unfortunately subsequently demolished. In need of a home to shelter his family, Ihab re-built the demolished house, which yet again was demolished. The last demolition of his house left himself and his family homeless and they subsequently reside in a tent provided by the Red Cross. Other than paving a street, Israel did not construct any public facilities on Ihab's land.<sup>52</sup>
- 6.9 Seen in the wider context of the illegal annexation of East Jerusalem and land confiscations of the West Bank, Israel's asserted pretext – *ie.* lack of building permits - to demolish an extensive number of Palestinian houses is indicative of Israel's gross violations of Article 17. Hence, the following questions should be posed to Israel:
1. What is Israel's explanation for the systematic denial of building permits to Palestinians on OPT?

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<sup>49</sup> Al-Haq, *Monitoring and Documentation Department January-March 2009 Field Report*, January – March 2009, available at: [http://www.alhaq.org/pdfs/mdd\\_jan\\_mar\\_2009.pdf](http://www.alhaq.org/pdfs/mdd_jan_mar_2009.pdf) (accessed 7 August 2009))

<sup>50</sup> Al-Haq Affidavit 4232/2008 and 4312/2008; and Office for the Coordination of Humanitarian Affairs occupied Palestinians territory (OCHA) Report, *The Planning Crisis in east Jerusalem: Understanding the phenomenon of "illegal" construction*; Interim Agreements of 1995 (2009)

<sup>51</sup> Al-Haq Affidavit 4232/2008

<sup>52</sup> Al-Haq Affidavit 4312/2008.

2. What legislative framework is adopted by Israel to protect the right to privacy etc., and to prohibit acts of arbitrary or unlawful interference?
3. What measures are taken by Israel to *de facto* protect and prevent arbitrary interference with the right to privacy etc.?
4. What possible legal venues of lodging a complaint of alleged unlawful or arbitrary interference with the right to privacy etc. are available to Palestinians in the OPT before Israeli authorities?

**[Evidence: Al-Haq Affidavit 4232/2008  
Al-Haq Affidavit 4312/2008  
Al-Haq Affidavit 4519/2008  
Al-Haq Affidavit 4657/2009]**

### **No go Procedure Gaza West Bank**

6.10 Israel's policy to deepen and formalise the separation of the Gaza strip and the West Bank has been put into practice by Israel's newly adopted official procedure regarding change of residency for Palestinians seeking to relocate to either area. Under the new procedure Israel sets extremely stringent conditions for an approval of change of residency, which has resulted in a situation where only cases based on 'humanitarian grounds' are considered by the Israelis. The basis of 'humanitarian grounds' does not include relocation due to family ties. Furthermore, chronically-ill patients, orphans and elderly invalids are not permitted relocation to the West Bank where first degree relatives could provide them with care if they have *any* relatives in the Gaza strip.<sup>53</sup>

6.11 The new procedure by Israel, claimed to be adopted due to 'security concerns',<sup>54</sup> effectively results in a general prohibition of family re-unification. This general prohibition is in clear violation with the right to family and hence also Article 23 in which the value of family is emphasised. The new procedure also creates an obstacle for

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<sup>53</sup> HaMoked: Center for the Defence of the Individual and Gisha, "New Procedure Israel bars Palestinians in Gaza from moving to West Bank," [http://www.hamoked.org.il/news\\_main\\_en.asp?id=779](http://www.hamoked.org.il/news_main_en.asp?id=779) (accessed on 7 August 2009).

<sup>54</sup> HaMoked: Center for the Defence of the Individual and Gisha, "New Procedure Israel bars Palestinians in Gaza from moving to West Bank," page 2, [http://www.hamoked.org.il/news\\_main\\_en.asp?id=779](http://www.hamoked.org.il/news_main_en.asp?id=779) (accessed on 7 August 2009).

the realisation of the right to choose one's residence as set forth in Article 12 of the Covenant.

## **VII. Article 18. Freedom of Thought, Conscience and Religion**

- “1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*
- 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*
- 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*
- 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”*

7.1 The right to freedom of thought, conscience and religion explicitly entails the right to manifest one's religion or beliefs, and to celebrate holidays and ceremonies in precepts of these.<sup>55</sup> Jerusalem is of great and central importance to the three monotheistic religions: Christianity, Islam and Judaism. Israel blatantly violate the right of Palestinians to practice their religion through the imposition of a blanket restriction on Palestinians residing in the West Bank and holding green ID cards to enter East Jerusalem – the city of many holy sites.

7.2 Israel has also violated the rights of Palestinians with access to East Jerusalem to practice their religion. Three Palestinian men were offered release from detention if they agreed to pledge that they would not enter the holy site of Al-Aqsa Mosque compound.<sup>56</sup> In the case of Hamza B. al-Zghayyar, an Israeli judge prohibited Hamza to access the Al-Aqsa compound for one month despite his release on the basis of insufficient evidence.<sup>57</sup>

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<sup>55</sup> Manfred Nowak, *U.N. Covenant on Civil and Political Rights CCPR Commentary* (Germany: N.P. Engel, Publisher, 2005), page. 420.

<sup>56</sup> Al-Haq Affidavit 2420/2005, 2422/2005 and 2423/2005.

<sup>57</sup> Al-Haq Affidavit 2423/2005.

7.3 The following questions are prompted by Israel's actions:

1. What domestic legislation permits restrictions on the right to manifest one's religion and beliefs?
2. What reasons for such restrictions are provided in the above mentioned cases?
3. How does Israel justify restrictions on the right to manifest one's religion or beliefs, based on consideration of proportionality and necessity?

**[Evidence: Al-Haq Affidavit 2420/2005  
Al-Haq Affidavit 2422/2005  
Al-Haq Affidavit 2423/2005]**

#### **VIII. Article 19. Right to Freedom of Expression and to Hold Opinions**

- "1. Everyone shall have the right to hold opinions without interference.*
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
- 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
- (a) For respect of the rights and reputations of others;*
- (b) For the protection of national security or of public order (ordre public), or of public health or morals."*

#### **Freedom of movement restrictions for journalists, academics and human rights defenders**

8.1 The Israeli Government Press Office (GPO), responsible for the regulation of journalist accreditation in both Israel and the OPT, has used its bureaucratic authority and administrative controls over the issuance of press cards as a method to restrict the press from accessing information about Israeli activities in the OPT. In 2004, the Israeli High Court of Justice ruled that the GPO's decision to deny accreditation to Palestinian

journalists because they posed a 'security threat' was discriminatory and therefore unconstitutional.<sup>58</sup> However, following this decision, the Israeli High Court of Justice allowed the GPO to suspend the issuance of press cards to select individuals at the request of Israel's General Security Service.<sup>59</sup> Palestinian journalists have become increasingly mindful of the fact that the GPO retains the authority to renew press cards annually. The denial of press cards also impacts the ability of Palestinian journalists to move freely throughout the OPT, making it more difficult for them to pass through checkpoints and ad hoc roadblocks.

8.2 The Israeli state practice of issuing travel bans on political activists, professors, and human rights defenders prevents them from attending conferences, lectures and meetings outside of the OPT constitutes a serious violation of freedom of expression.<sup>60</sup> One prominent example is the case of Shawan Jabarin, the general director of Al-Haq, whose travel ban was recently upheld by the Israeli High Court of Justice.<sup>61</sup> In using the pretext of security to prevent their travel, Israel is effectively suppressing critical voices from disseminating information about Israeli practices in the OPT.

### **Harassment and targeting of journalists**

8.3 Israel's practices of harassing, detaining, attacking and killing members of the press constitute severe violations of the right to free expression in the OPT. One of the most prominent examples of such practices is the case of Mohammad Omer. Mr. Omer, who had travelled to the United Kingdom to accept the Martha Gellhorn Prize for Journalism was detained by Israeli border authorities on his way back into the OPT on 26 June 2008. Israel refused to provide a reason for Mr. Omer's detention and beat him to the point of unconsciousness. He suffered several broken ribs and had to be hospitalised.<sup>62</sup>

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<sup>58</sup>H CJ 5627/02, *Saif v. Government Press Office* [2004] IsrSC 58(5) 70.

<sup>59</sup> Human Sciences Research Council of South Africa, *Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the Occupied Palestinian Territories under International Law*, (HSRC, Cape Town, May 2009), page 241, available at: <http://www.hsrc.ac.za/Document-3227.phtml>. (accessed 7 August 2009).

<sup>60</sup> Human Sciences Research Council of South Africa, *Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the Occupied Palestinian Territories under International Law*, (HSRC, Cape Town, May 2009), page 241, available at: <http://www.hsrc.ac.za/Document-3227.phtml>. (accessed 7 August 2009).

<sup>61</sup> HCJ 1520/09 *Jabarin v. the Commander of the IDF Forces in the West Bank* [2009].

<sup>62</sup> Reuters, 'Gaza reporter: Israeli security officials broke my ribs', Ha'aretz (30 June 2008), as cited in Human Sciences Research Council of South Africa, *Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the Occupied Palestinian Territories under International Law*, (HSRC, Cape Town, May 2009), page 241, available at: <http://www.hsrc.ac.za/Document-3227.phtml>. (accessed 7 August 2009).

8.4 In Israeli military operations in the OPT, a number of press personnel have been killed in isolated settings, despite the fact they were wearing clothing and driving in vehicles clearly marked with "PRESS" or "TV". On 14 April 2008, Fadel Shana'a, an employee of Reuters', was killed as he attempted to document the deaths of 11 Palestinian civilians during an Israeli military incursion. While Mr. Shana'a was on his way to the Johar al-Dik area, Israeli forces fired a tank shell at the jeep he was driving, killing him and two civilians.<sup>63</sup> The incident is particularly troubling because it occurred in the absence of armed clashes and the jeep was clearly marked with a visible "TV" sign.

8.5 In light of Israel's obligations to promote freedom of expression, the following questions are of value to be posed to Israel:

1. How does Israel justify restrictions on the issuance of press cards to Palestinian journalists, based on considerations of proportionality and necessity?
- 2.. How does Israel justify the imposition of travel bans on Palestinian political activists, professors and human rights defenders as being compatible with the Covenant?
3. What measures were taken by Israel to promptly, thoroughly and impartially investigate the treatment of Mohammad Omer by State border authorities, and to subsequently punish the perpetrators and compensate the victim?
4. What measures were taken by Israel to promptly, thoroughly and impartially investigate the attack which killed Fadel Shana'a, and to subsequently punish the perpetrators?

**[Evidence: Affidavit 4161/2008]**

## **IX. Article 21. Right to Peaceful Assembly**

*"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right 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*

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<sup>63</sup> Al Haq Affidavit 4161/2008

*order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”*

9.1 In March 2009, Israel banned a number of cultural events organised as part of the Palestinian Cultural Festival marking the declaration of Jerusalem as the "Capital of Arab Culture 2009".<sup>64</sup> Israeli police dispersed a meeting at the Ambassador Hotel in East Jerusalem of the organisers of the planned cultural activities, confiscating related material and computers and arresting several of the organizers on charges of disturbing the peace.<sup>65</sup> The Israeli authorities were fully aware that festival activities were to take place primarily inside schools, social clubs and community centres, and Public Security Minister Avi Dichter instructed police to act forcefully against any attempts by the Palestinian Authority to stage events in Jerusalem or other parts of Israel.<sup>66</sup> In spite of the police shut down of a number of events, including a gathering of young girls at the al-Hiyala club, a soccer game inside a school, and an assembly of PLO flag-bearers on the Temple Mount, no violence or injuries were reported.<sup>67</sup>

9.2 Planned public gatherings where individuals come together to express and celebrate their national and cultural heritage is a right protected under Article 21 of the Covenant, particularly where such assemblies are fraught with political undertones. Although there are justifiable interferences to the right to peaceful assembly, the banning by Israel of these cultural events fall far outside the ambit of any permissible purpose for interference. Israeli police claimed to be enforcing the law, whereby any event organized and funded by the Palestinian Authority is prohibited within Jerusalem's municipal jurisdiction.<sup>68</sup> However, Israel's annexation of East Jerusalem is not recognized under international law, and the application of Israeli laws to the municipality is illegal.

9.3 Conversely, Israel cannot claim that the purpose for banning these events had any basis in national security, public safety or public order rationales, as these events were no

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<sup>64</sup> see [www.alquds2009.org](http://www.alquds2009.org). Accessed Aug. 9, 2009

<sup>65</sup> Khaled Amayreh, "Devouring Jerusalem", *Al Ahram Weekly On-line*, 26 March – 1 April 2009, Issue No. 940. Available at: <http://weekly.ahram.org.eg/2009/940/focus.htm>. (accessed Aug. 9, 2009)

<sup>66</sup> Jonathan Lis and Jack Khoury, "Police disperse 'Palestinian Culture Festival' events", *Haaretz*, April 3, 2009. Available at: <http://www.haaretz.com/hasen/spages/1072679.html>. (accessed Aug. 9, 2009)

<sup>67</sup> Jonathan Lis and Jack Khoury, "Police disperse 'Palestinian Culture Festival' events", *Haaretz*, April 3, 2009. Available at: <http://www.haaretz.com/hasen/spages/1072679.html>. (accessed Aug. 9, 2009)

<sup>68</sup> Jonathan Lis and Jack Khoury, "Police disperse 'Palestinian Culture Festival' events", *Haaretz*, April 3, 2009. Available at: <http://www.haaretz.com/hasen/spages/1072679.html>. (accessed Aug. 9, 2009) and see [www.ynetnews.com/articles/0,7340,L-3689673,00.html](http://www.ynetnews.com/articles/0,7340,L-3689673,00.html)

different from other events which are regularly permitted and carried out by Israelis. In urging the Public Security Minister to stop the festival, the head of the Legal Forum for the Land of Israel described the planned events as an "attempt to demonstrate Palestinian sovereignty in Jerusalem in an illegal manner."<sup>69</sup> The banning of the festival is clearly an arbitrary and discriminatory act enforced by Israel. At the very least, it should be emphasised that any permissible interference with the right to peaceful assembly must be necessary, and that a complete ban on these events would not satisfy this requirement.

9.4 Hence,

1. What measures are taken by Israel to end, *de facto* and *de jure* their non-permissible interferences with the right to assembly, and to thus act in compatibility with the Covenant?

**X. Article 22. Freedom of Association and Article 25. Right to vote and be elected**

Article 25:

*“Every citizen shall have the right and opportunity, without any distinctions mentioned in article 2 and without unreasonable restrictions:*

*(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;*

*(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held secret ballot, guaranteeing the free expression of the will of the electors;*

[...]

Article 22:

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<sup>69</sup> Jonathan Lis and Jack Houry, “Police disperse ‘Palestinian Culture Festival’ events”, *Haaretz*, April 3, 2009. Available at: <http://www.haaretz.com/hasen/pages/1072679.html>. (accessed Aug. 9, 2009)

“1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than which are prescribed by 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 protections of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

[...]”

10.1 Article 25(b) provides a two-fold right: to vote and to be elected. Israel has foundationally interfered with both these right through their discriminatory and arbitrary practice of detaining Palestinians who exercise these rights – rights which lie at the core of democracy.<sup>70</sup>

10.2 Israel has, systematically, charged and detained members of the Palestinian Legislative Council (PLC) under the guise of security concerns, including terrorism. The numbers of elected members of the PLC changes constantly due to the fact that many members are detained, released and then yet again detained as a result of their affiliation to particular political parties. In 2007, 45 out of 132 elected members of the PLC were detained, of these 4 were held in administrative detention. Currently, 36 elected members are detained, out of which 8 are held in administrative detention.<sup>71</sup>

10.3 In one of many incidents, Minister Muhammad Ibrahim Mousa Barghouti of the Palestinian National Authority was arbitrarily detained for 37 days and subjected to interrogation techniques like *shabeh*, before an indictment was issued against him as a result of his affiliation with the political party Hamas. The minister was subsequently released due to lack evidence<sup>72</sup> *Shabeh* is a cruel practice of inter alia cuffing, and inflicting pain on the detained.<sup>73</sup>

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<sup>70</sup> Human Rights Committee, General Comments No. 25, *The right to participate in public affairs, voting right and the right of equal access to public service (Art. 25)* (CCPR/C/Rev.1/Add.7), 12 July 1996, para. 1.

<sup>71</sup> Addameer Prisoners Support and Human Rights Association: statistics; see also Martin Scheinin, *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism* (A/HRC/6/17/Add.4), 16 November 2007, para. 27.

<sup>72</sup> Al- Haq Affidavit 3118/2006.

<sup>73</sup> see B’Tselem, *Routine Torture: Interrogation methods of the general security service*, February 1998, pages 11-16.

10.4 Arbitrary detention of members of the PLC effectively results in the prohibition of their political participation in public affairs for the duration of their respective detentions. Furthermore, it has a chilling effect on democratic participation as citizens become less willing to take part in public affairs and attempt to become elected representatives of their political affiliation.

10.5 It is crucial to consider the issue of arbitrary detention on an individual case- by- case basis so that security concerns are not used generally to stifle the development of a genuine democracy for the Palestinian people. The mere affiliation of a Palestinian with a Palestinian political party, representing various segments of the Palestinian population in the OPT does not validate arbitrary detention of their representatives.

10.6 Thus, Israel should be asked the following:

1. What measures is Israel taking to ensure that their laws and practices are compatible with the Article 22 and 25?
2. On what basis does Israel exert their alleged right to interfere with the will of the Palestinian people – which they rightly attempt to exercise as part of their right to self-determination?
3. How does Israel justify the detention of elected members of the PLC?

**[Evidence: Affidavit No. 3118/2006]**

#### **XI. Article 26. Equality before the law**

*“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”*

11.1 “Equality or non-discrimination is one of the most frequently declared norms of international human rights law”.<sup>74</sup> Counter to this entrenched Covenant right is Israel’s unequal treatment – in law – of Palestinians and Israelis.

11.2 The technique by which different laws are applied to Israelis and Palestinians in the West Bank is primary legislation enacted by the Knesset that applies extra-territorially to individual Israelis residing or located in the West Bank. This category includes legislation authorising the Israeli executive to promulgate secondary legislation in the form of regulations and decrees that also apply to Israeli individuals in the West Bank. This practice contradicts the Covenant requirement that law should apply equally to all individuals within a territory. The most important law in this regard is the Extension of Emergency Regulations Law 1977,<sup>75</sup> which authorises Israeli criminal courts to judge Israelis suspected of committing criminal offences in the West Bank according to the penal code and criminal procedure of the State of Israel.<sup>76</sup>

11.3 This law therefore applies Israeli criminal law extra-territorially on a personal basis to Israelis in the West Bank, and to tourists and non-residents, with respect to offences they are alleged to have committed in the West Bank, except for the territories designated by the Oslo Accords for jurisdiction by the Palestinian Authority (‘Area A’). In addition, the Extension of Emergency Regulations Law applies a long list of Israeli laws to Israelis residing in the West Bank. Section 6(b) to the 1884 Addendum to the Law, also extends the application of the laws detailed in the Regulations to residents of the West Bank who are not Israeli citizens but who are entitled to immigrate to Israel by virtue of the 1950

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<sup>74</sup> Anne F. Bayefsky, “The principle of equality or non-discrimination in international law”, (1990) H.R. Law Journal, Vol.11, No 1-2 at 1.

<sup>75</sup> *The Extension of Power of Emergency Regulations Law (Judea and Samaria and the Gaza Strip – Adjudication of Offences and Legal Aid)*, 1977 [last amendment: August 6, 2003], LSI 1977, at p. 48.

<sup>76</sup> *Ibid.*; Section 2 provides:

a. In addition to the provisions of any law, the court in Israel shall have authority to deliberate, according to the law in force in Israel, a person located in Israel for his act or omission occurring in the Area [the West Bank] and also an Israeli for his act or omission occurring in the territory of the Palestinian Council, all in case the act or omission would have been offences had they occurred within the jurisdiction of the courts in Israel.

[...]

c. This Regulation does not apply to a person who at the time of the act or the omission was a resident of the Area or a resident of the territories of the Palestinian Council, who is not an Israeli.

Law of Return;<sup>77</sup> that is, to Jews. Thus law is applied differently to Palestinians not only in respect to Israeli citizens in the West Bank but also to Jews who are not citizens but who are located in the OPT. Although the criminal prosecution of Israelis under military law (which applies to Palestinians) is theoretically possible, the express policy of the Attorney-General is not to do so.<sup>78</sup>

11.4 This legal duality creates striking disparities of treatment. For example, a Palestinian arrested in the West Bank on suspicion of manslaughter may be detained for up to eight days before being brought before a military judge in a military court, where the pre-charge detention may be extended indefinitely. Being subject to military criminal legislation, such a prisoner can face a maximum penalty of a life sentence.<sup>79</sup> By contrast, an Israeli settler arrested on the same grounds must be brought, within 24 hours, before a civilian judge in a civilian court for charges and faces a penalty of up to 20 years imprisonment.<sup>80</sup>

11.5 The following questions are suitable to ask Israel:

1. What measures are taken by Israel to amend their laws so as to be compatible with Article 26 of the Covenant?
2. What measures are taken by Israel to *de facto* realise the right to equality between all residing on the OPT?

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<sup>77</sup> The Law of Return 5710-1950 provides that an *oleh* immigration visa be issued automatically to any Jew who wants one as well as to Jews in several categories, facilitating the use of this law to grant special rights and privileges, such as citizenship, to Jews exclusively. A substantive amendment in 1970 allowed *oleh* status to be extended to various family relations of Jews immigrating to Israel, including non-Jewish relatives, but the proportion of non-Jews affected by this change remains small

<sup>78</sup> Human Sciences Research Council of South Africa, *Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the Occupied Palestinian Territories under International Law*, (HSRC, Cape Town, May 2009), page 107, available at: <http://www.hsrc.ac.za/Document-3227.phtml>. (accessed 7 August 2009)

<sup>79</sup> See Sections 51A and 78 of the Decree Respecting Security Directives (No. 378)

<sup>80</sup> The *Criminal Procedure Law (Enforcement powers – Arrests)*, 1996, provides in Section 29(a) that an arrest by a Police officer stands for only 24 hours. Section 298 of the *Penal Law, 1977* provides a maximum sentence of twenty years of incarceration for the manslaughter offence.

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**Annexure (A)**  
**Summary of Evidence**

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## **Article 6: Inherent Right to Life**

### **Al-Haq Affidavit 4002/2008: Arbitrary deprivation of lives by Israeli military forces**

Hamdan F., al-Zanna village, al-Qarara; Hamdan watch Israeli military forces shell his home whilst his family are inside. His wife and daughter survive the shelling, unlike his sons Ahmad and Sami, but get shot by the Israeli military forces as soon as they attempt to leave the house. In total, Hamdan loses his wife, daughter, two sons and a nephew during the military attack on 1 January 2008.

### **Al-Haq Affidavit 4527/2008: Deprivation of life by criminal acts**

Husni M., Wadi al-Hasin, Hebron; two settlers enter the house of a Palestinian family and attack family members, shooting Husni at close range – a couple of centimeters from his heart, and shooting his father in the arm. Both father and son fortunately survive.

### **Al-Haq Affidavit 4526/2008: Deprivation of life by criminal acts**

Jamal A., Wadi al-Hasin, Hebron; films two settlers shoot his uncle and his cousin Husni M., Wadi al-Hasin, and is himself shot at but not injured by one of the settlers.

## **Article 17: Arbitrary or Unlawful Interference with Privacy and Family**

### **Al-Haq Affidavit 4735/2009: House raids**

Sha'ban Z., al-Sila al-Harithiyya, Jenin Governorate; Israeli military forces have on a regular basis, for about 3 years, raided the house of Sha'ban under the pretext that they are in search of his wanted son. On 25 February 2009, the Israeli military forces destroy the contents of the house, including breaking doors, and lock the family inside a bedroom after having thrown them outside in the cold and stole 1000 NIS. Inside the bedroom, and in the presence of small children, the family is interrogated and told that the wanted son will be killed by the Israeli military forces.

**Al-Haq Affidavit 4209/2008: House raids**

Suleiman A. Suleiman Abu-Mifreh, Tqou' Village, near Bethlehem; Suleiman's home was raided by several Israeli soldiers who meanwhile detain the family in one room for about 3 hours. One Israeli soldier explains that they "are being punished because the village children are throwing stones". The Israeli soldiers search his house and fire a bullet into his water cistern. Families in the neighborhood have before been collectively punished for the actions of adolescents.

**Al-Haq Affidavit 4486/2008: House raids**

'Umar S., al-Far'a refugee camp, near Tubas; Umar resides in al-Far'a refugee camp (housing about 8,000 beings) - a camp which has been raided almost every night since October 2008. During one raid, Israeli military forces enter the house of Umar and shoot him point blank, without any warning, at a distance of 2 metres. He is interrogated whilst bleeding heavily and is then left wounded by the soldiers. Another time, approximately 80 jeeps and armed personnel search the majority of all houses in the camp.

**Al-Haq Affidavit 4253/2008: House raids**

Iman Y. Diwayya., Nablus, Nablus Governorate; On 17 June 2008, Israeli soldiers forcefully – with explosives - enter the house in which Iman lives. Iman is ordered by the Israeli soldiers to inform other residents to go outside, after which she is handcuffed, blindfolded and taken to another location. There she is interrogated and threatened. Hours later, as she returns to her home she finds her house destroyed; clothes burnt, bullets fired at furniture and utensils scattered. Family members have seemingly been arrested during the raid.

**Al-Haq Affidavit 2799/2006: House raids (house occupation)**

Jalal A. Khalil al-Toukhi, Balata Camp, Nablus Governorate; At 3.30 a.m. 20 Israeli military soldiers invade the house of Jalal and confine all 23 family members in a 16 square metres room for 2 consecutive days. The soldiers occupy the house during this time and do not allow family members to exit the room. The family are only provided

food twice a day; one at 8 p.m. and one at 6 a.m. Amongst the family members is an eight month newborn that needed, and is denied, milk supplements.

**Al-Haq Affidavit 4657/2009: Administrative house demolitions**

Mahmoud A., Ras Khamis, Jerusalem; Mahmoud and his wife saw Israeli border guards, police officers etc. demolish his newly built house – the house of his dreams, without prior warning or a provided demolition order.

**Al-Haq Affidavit 4519/2008: Administrative house demolitions**

Jamal A. Daoud Abu-Daoud, al-‘Eisawiyya, Jerusalem Governate; One year after Jamal has built his house on his land, he receives the first demolition order. Jamal contest the demolition order before the Municipal Court which uphold the order and Jamal’s house is subsequently demolished.

**Al-Haq Affidavit 4312/2008: Administrative house demolitions**

Ihab Z. Fayyad al-Tawil, Beit Hanina, Jerusalem Governate; Ihab, applied for a building permit on numerous occasions and was repeatedly denied. The Israeli authorities claim that the land was zoned as “green land” and that Israel required the land for the construction of public facilities Ihab, nonetheless, builds his house which is demolished, and then re-build it which also got demolished. The demolition of his house leaves himself and his family homeless and they subsequently reside in a tent provided by the Red Cross. Other than making a street, Israel does not construct any public facilities.

**Al-Haq Affidavit 4232/2008: Administrative house demolitions**

Jalal K.Ighbariyya, Rummana,, Jenin Governate; Israeli authorities threatens to demolish Jalal’s house which was under construction. Palestinians in the Rummana village are mostly denied building permits and it would be virtually impossible for Jalal to procure one.

**Al-Haq Affidavit 3575/2007: Use of homes as training grounds**

'Abir A., Kufr al-Dik, Salfit Governorate; 18 Israeli soldiers invade Abir's home early in the morning and settle down in her house. The Palestinian-Israeli security liaison office tells Abir's brother that the Israeli soldiers are occupying the house for a military training mission.

**Article 18: Freedom of Thought, Conscience, and Religion**

**Al-Haq Affidavit 2420/2005: Prohibited access to holy sites**

Mu'tasem A. 'Abd-al-Ghani al-Atrash', Jerusalem, Jerusalem Governorate; Mu'tasem is an employee at Al-Aqsa Mosque. He is handcuffed, relocated and interrogated by Israeli Intelligence Agency in regard to alleged stone throwing. He is informed that he will remain in custody for 24 hours if he does not pledge that he will not enter the yards of the Al-Aqsa Mosque compound for 2 weeks. Mu'tasem signs the pledge.

**Al-Haq Affidavit 2422/2005: Prohibited access to holy sites**

Lou'ay F. 'Abd-al-Majid Naser-al-Din, Jerusalem, Jerusalem Governorate; Lou'ay is brought by Israeli police to a detention centre where he is accused by an Israeli Intelligence officer to have been present in Al-Aqsa Mosque on 6 June 2005 and that he incited people to confront soldiers and beat settlers. Lou'ay, who works for the Religious Affairs Department explains that the allegations are false and that 6 June was a peaceful day. The Intelligence officer states that he will not be arrested nor brought to court, nonetheless he must pledge that he will not access the yards of Al-Aqsa Mosque for 15 days.

**Al-Haq Affidavit 2423/2005: Prohibited access to holy sites**

Hamza B. al-Zghayyar, Jerusalem, Jerusalem Governorate; Hamza is accused of being present at Al-Aqsa on 6 June 2005 and inciting people. He is subsequently detained and offered to be released if he agrees to not enter the Al-Aqsa Mosque compounds. Hamza refuses to accept the offer and is brought before a judge. The Attorney General demands

that Hamza be prevented from entering the Al-Aqsa Mosque compound for 120, but the judge finds that the evidence is insufficient against him. Nonetheless, the judge prohibits Hamza from entering Al-Aqsa Mosque compound for one month and to pay a fine of 750 NIS and 10.000 NIS as a financial bail.

### **Article 19: Right to Freedom of Expression and to Hold Opinions**

#### **Al-Haq Affidavit 4161/2008: Killing of journalist**

Muhammad ‘Abd-al-Razzaq’ ‘Abdallah al-Baba, al-Sheikh Radwan, Gaza Governorate; Muhammad sees explosions targeting the jeep of his friend and Reuters’ employee Fadel Shana’a. Fadel’s jeep has the words TV and press clearly written on it. Fadel dies during the explosions.

### **Article 25: Right to Vote and to be Elected**

**Al-Haq Affidavit 3118/2006:** Muhammad Ibrahim Mousa Barghouti, Ramallah Governorate; Muhammad, a Minister of Labour in the Palestinian National Authority, is arrested at a checkpoint and imprisoned for over 40 days. During his detention he is subjected to torture – all due to his affiliation with Hamas.

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**Annexure (B)**

**Affidavits**

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**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Hamdan 'Abd-al-Rahim 'Abd-al-Mun'm Fayyad, of Palestinian nationality, holder of ID No. 935030221, born on 11 August 1954, unemployed and a resident of al-Zanna village- al-Qarara, Khan Younes Governorate, would like to declare the following:

I am Hamdan 'Abd-al-Rahim 'Abd-al-Mun'm Fayyad, 54 years, married and a father of seven sons and five daughters. I live in al-Zanna village in al-Qarara east of Khan Younes Governorate.

On Thursday 1 January 2008 at around 8:15 am, I was with my second wife in our two-floor house located on open land in the al-Hiker region in al-Zanna village. At that time I was observing the Israeli occupation invasion in the area, which had started at 2:30 am of that same day. I saw approximately seven tanks and two bulldozers coming from the east. My home is located only two kilometres from the eastern borders of the lands controlled by the Israeli army. Living in that area, we are used to Israeli invasions and the sneaking in of the members of the Israeli undercover unit and Israeli soldiers.

I saw tanks and bulldozers positioned on my 20-dunum agricultural land, which is planted with cactus bushes and vegetables. I saw the bulldozers razing the land and the tanks directing their cannons towards my house and the houses of other members of my family.

At around 7:30 am of the same day, I saw the soldiers deployed among the olive trees planted on the land of my neighbour, Abu-Hajras. I also heard intensive firing coming from among the trees. I looked west in the direction of my second two-floor house in which my first wife and children live. This house is located 50 metres from my second wife's house from where I was watching. I saw my son Ahmad, 32, standing in the vicinity of that house and looking east in the direction of where the tanks were positioning. Then I heard the noise of a shell landing near Ahmad and I saw smoke rising from that same place. After a few moments, I saw my second son Sami, 29, going out of the house towards the place where Ahmad had been standing. I heard the noise of another shell landing on the same spot where the first shell had landed. Again, smoke rose from the same place. I heard a third shell penetrating Sami's room located in the east side of the house.

Directly after the firing of the third shell, I saw my first wife Karima, 60 years old and my 24 year old daughter Asma' leaving the house. The occupying forces opened fire on them. I heard my wife and daughter screaming in the vicinity of the place where Ahmad and Sami were lying on the ground. All of a sudden, I saw my wife and daughter stop screaming and falling to the ground, just in front of the entrance of the house.

I tried to reach the place where my family members had fallen to the ground but I could not because the Israeli soldiers started firing at me from among the trees, 30 metres away from my place. Then I saw around 10 young persons from the neighbourhood trying to reach my wife, daughter and sons to provide them with first aid. But due the intensity of firing, they could not reach them. The firing further targeted an ambulance

that was coming to their rescue and hit my 28 year old son Muhammad, and my 17 year old nephew Muhammad Khdeir Fayyad, while they were trying to rescue my wife.

The young people were finally able to carry my wife and sons to an ambulance that was positioned on a side street, 30 metres away from the location of the incident. After around half an hour, I received a phone call from my son Islam who is 24 years old and had accompanied the ambulance to Naser Hospital. He told me that my wife Karima and my children Ahmad, Sami and Asma, as well as my nephew Muhammad, had died. I waited until 2:00 pm, when the occupying forces withdrew from the area, and went to my first wife's house. I was in shock when I saw their body parts spread all over the house and in Sami's room. Then I went to the hospital to receive the corpses of my other wife, as well as my sons, daughter and nephew. I buried them in Khan Younes cemetery in the afternoon of the following day.

This is my declaration and hereby I sign, 5 January 2008

Signature: Hamdan Fayyad

Name not withheld

Field researcher: Muhammad Abu-Rahma

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Husni 'Abd-al-Hayy Suleiman Matariyya, of Palestinian nationality, holder of ID No. 996886032, born on 24 July 1964, a worker in a stone quarry and a resident of Wadi al-Husein area, Hebron city, Hebron governorate, would like to declare the following:

I live in the area of Wadi al-Hussein, east of the city of Hebron. There are two blocks of very small, adjacent houses located to the west of the settlement Kiryat Arba' that belong to my family, which is also known by the family name of "Matariyya." The closest house is only about eight metres away from the settlement fence. My father and my uncle Jamil, bought the land on which our houses are built. Though very close to them, the land was outside the borders of the Hebron Municipality. In 1963, they built two houses on this land. Later, other small houses were annexed to these two houses, one of them north of the other, with my father's house the southern one and my uncle's house the northern one. My father's nuclear family and the families of my married brothers live in the southern houses, though my father died about two and a half years ago. All together we are 19 family members, including nine children under the age of 13 years old. My uncle Abd al-Hayy's nuclear family as well as the families of his married sons live in the northern houses, which are only about five metres from the southern houses. They number 49 family members, of whom 30 are children under the age of 18 years old.

In 1972, the settlement of Kiryat Arba' was expanded and reached the boundaries of our land and houses. Since then, we have been suffering from frequent settlers' attacks. We have filed hundreds of complaints against the settlers with the Israeli Police, despite this however, the assaults have not stopped.

On 19 March 2007, settlers occupied a house belonging to the family of al-Rajabi, which is approximately 400 metres west of our house blocks. The settlers gave it the name of "House of Peace". A small valley, in which some houses are located, separates us from this particular house. At about 2:30 pm on Thursday, 4 December 2008, the Israeli occupying forces evacuated settlers from the house. During the evacuation, settlers gathered near the settlement's border behind our houses, and cut open the fence, which separates our land from the settlement. A large number of my family members and myself stood on our house balcony overlooking al-Rajabi house to watch the evacuation.

About five minutes after the evacuation started, approximately 50 settlers gathered along the settlement's border, behind our house near the recently cut fence. Two of these settlers entered our land, one was about 20 years of age and the other about 45 years old, and carried a pistol in his hand. From a distance of about ten metres, the younger settler threw stones at the balcony where my relatives and I were standing. The other settler was approximately three metres from the balcony and tried to climb the staircase leading to the balcony, at which point I demanded that he step back and waved my arms so as to threaten him.

My father, about 67 years old and my nephews Rashid Muhammad Yousef Ziyada, about 19 years old, and his brother Radwan, about 16 years old, who were visiting us, as well as my son Baha', about 12 years old, also tried to drive the settlers away. At a distance of about ten metres from the balcony staircase, the settler was one and a half metres away from me, my nephew Radwan was about half a metre to my left

and Rashid about two and a half metres to my right. Suddenly, the settler fired a bullet towards Radwan that just missed him but passed near his face.

Immediately afterwards, he fired another bullet towards me that hit me in the left side of the chest and knocked me to the ground. The settler then fired a third bullet towards Rashid, but it did not hit him. In spite of my injury, I got up and threw a stone at the younger settler, who continued to stone us. Within a few moments, I fell back to the ground. While on the ground, I saw my father walk towards the settler who had opened fire on me. My father pushed him to the ground and then fell over him. At that time, I fainted for several minutes. Later, I learned that my cousin Jamal filmed the incident on a video camera and that the tape was later broadcast on television and satellite stations.

The film reveals that while my father was on the ground beside the settlers, other settlers, including a security guard of the settlement, arrived and held my father beside the settler. My cousin Hisham, who is about 39 years old, as well as the women in the family, including my sister Fida', who is about 22 years old, and Hisham's wife, tried to rescue my father from the settlers. Later, I learned that the settler had opened fire towards my father and shot him in the right arm. Five minutes after I was injured, I came about in our neighbour Ghaleb al-Ja'bari's house, which is about 300 metres west of our house, where an Israeli military medic offered me first aid medical treatment. About 15 minutes later, a neighbour brought my father to the house, where I was and bandaged his arm with a kuffiyya. Due to the intensive settler attacks, we could not leave the house and head to the hospital. Therefore, my relatives and neighbours called the International Committee of the Red Cross, Palestinian Red Crescent Society, Hebron Municipality, and other parties for help, requesting that an ambulance evacuate my father and myself from the area. Their calls however, were fruitless.

At about 4:15 pm, my father and I were taken onto the street, approximately 100 metres west of the house we were in at the time, where a white armoured jeep, belonging to the so-called Israeli Civil Administration, picked us up and began to drive north. On the way however, settlers obstructed the vehicle; they stopped in front of it, jumped on it, and sat on the hood. As a result, the jeep travelled for a distance of only one kilometre within 15 minutes.

The jeep finally took us to the military checkpoint near the area of al-Muhawwel, where a Palestinian ambulance transported me and my family to 'Alia Hospital – the public hospital of Hebron. There, medical examinations and x-rays revealed that my father had a bone fracture in his right arm, through which the bullet fired by the settler had penetrated. I sustained a bullet wound about two centimetres away from the heart. Upon entry, the bullet had exploded into shrapnel. On the same day, my father and I were transported to al-Ahli Hospital in the city of Hebron. The following day, my father had a surgical operation in his right arm, where an external fixture was installed on his arm. As for me, I received various medical treatments.

This is my declaration and hereby I sign, 13 December 2008.

Signature: Husni Matariyya

Name not withheld

Field researcher: Hisham Sharabati

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Jamal Jamil Suleiman Abu-S'eifan, of Palestinian nationality, holder of ID No. 902605039, born on 8 September 1970, a bulldozer driver and a resident of the Wadi al-Husein area, Hebron city, Hebron Governorate, would like to declare the following:

I live in the area of Wadi al-Hussein, east of the city of Hebron. There are two blocks of very small, adjacent houses that belong to my family, who is also known by the family name of "Matariyya." These houses are located to the west of the settlement Kiryat Arba'. The closest house is only about eight metres away from the settlement fence. My father and my uncle 'Abd al-Hayy, bought the land on which our houses are built. Though very close to them, the land was outside the borders of the Hebron Municipality. In 1963, they built two houses on this land. Later, other small houses were annexed to these two houses, one of them north of the other, with my father's house being the southern one and my uncle's house the northern one. My father's nuclear family and the families of my married brothers live in the southern houses, though my father died about two and a half years ago. All together we are 19 family members, including nine children under the age of 13 years old. My uncle Abd al-Hayy's nuclear family as well as the families of his married sons live in the northern houses, which are only about five metres from the southern houses. They number 49 family members, of whom 30 are children under the age of 18 years old.

In 1972, the settlement of Kiryat Arba' was expanded and reached the boundaries of our land and houses. Since then, we have been suffering from frequent settler attacks. We have filed hundreds of complaints against the settlers with the Israeli police. Despite this, the assaults have not stopped.

On 19 March 2007, settlers occupied a house belonging to the al-Rajabi family that is approximately 400 metres west of our housing block. They gave it the name "House of Peace." A small valley, in which several houses are located, separates us from this house. At about 2:30 pm on Thursday, 4 December 2008, the Israeli occupying forces began to evacuate the settlers from this house. At that time, I was in our house. I grabbed a video camera and went to my neighbour Majdi al-Ja'bari's house to film the evacuation, as his house faces the al-Rajabi house to the east, with the street running between them. In the minutes after the evacuation began, about 50 settlers gathered near the settlement fence, which they had previously cut, behind our houses.

About seven minutes after the evacuation began, my neighbour Majdi al-Ja'bari told me that the settlers had left the settlement of Kiryat Arba' and were gathered around the perimeter of our house. So I started filming what was going on around the house. I saw and filmed two settlers, one of whom carried a pistol in his hand, as they approached the houses of my uncle and his children. Many of my uncle's family members were on a balcony overlooking the al-Rajabi house, watching what was happening. From a distance of about eight metres, one of the settlers began throwing stones at my relatives on the balcony. The other settler got as close as three metres away and attempted to climb the balcony via a staircase that leads up to it. At that point, my cousin Husni, who is about 45 years old, repelled the settler and chased him away from the house waving his hands and threatening him. Following Husni in an attempt to drive the settler away were his father 'Abd-al-Hayy, about 67 years old, and his two nephews who were visiting the family, Rashid Muhammad Yousef

Ziyada, about 19 years old, and his brother Radwan, about 16 years old, along with his son Baha', 12 years old.

The settler carrying the pistol backed up about ten metres from the balcony stairs. There, from a distance of no more than one metre, the armed settler fired a bullet towards Radwan. However, the bullet missed him, passing near his face. The settler immediately fired a second bullet, this time at my cousin Husni, also from a distance of only one metre. The bullet hit Husni in the chest and he fell to the ground. The settler then fired a third bullet towards Rashid, from a distance of about two metres, but it did not injure him.

Then, I saw the settler fire a shot towards my uncle. However, my uncle pushed him to the ground and dropped down on top of him. I stopped filming and immediately went back to my uncle and his children's houses with the camera. As soon as I arrived there, a growing number of settlers had also arrived at the scene. I saw a number of settlers, including a settlement security guard wearing a special uniform, holding my uncle 'Abd-al-Hayy beside the settler. The settler was also injured from stones which my relatives had thrown in order to repel him from the house and defend themselves. I also saw a settler kick my uncle's wounded arm with his foot and throw three stones in his direction. Along with two other settlers, the settlement security guard standing near my uncle opened fire towards the houses. My brother Hisham, who is about 39 years old, along with the women of the family, including my cousin Fida', who is about 22 years old, and Hisham's wife, tried to rescue my uncle from the settlers. I filmed all of this from a distance of approximately 40 metres from my uncle.

One of the settlers, who had been firing an M16 automatic rifle, saw me filming. He stepped nearly four metres towards me and fired at my feet, but did not injure me. I stopped filming for a few moments. Meanwhile, a settler had arrived, holding a pistol in his hand and driving an all-terrain vehicle of the kind which they call by the name "tractoron." He approached me until he was about eight metres away, at which point he screamed and fired seven bullets in my direction. As a preventive measure, I dropped down flat on the ground. Then, he left for the area where my uncle was located. His family members rescued my uncle from the settlers and the women of the family were gathered around him, trying to get him out of the area. The settler who drove the all-terrain vehicle stopped about four metres east of the group and opened fire, but did not wound anyone. The settler riding the all-terrain vehicle left northwards, heading back towards the settlement. While he was leaving, I resumed filming. I filmed both his departure and his return, as he sped back towards my injured uncle who was, as I noticed at the time, lying on the ground to rest a little. The settler was only about 20 centimetres away from my uncle and tried to run over him with the all-terrain vehicle. However, large rocks in front of him prevented him from doing so.

Neighbours arrived and helped my relatives transport my uncle to our neighbour Ghaleb al-Ja'bari's house, which is near the street, to wait for ambulances. My uncle stayed there next to his son Husni, who had been moved to the same house about 15 minutes before his father. At about 5:15 pm, both were transported from there to the hospital. When my uncle was moved to Ghaleb al-Ja'bari's house, settlers were still throwing stones and firing indiscriminately. After my uncle had been moved, I went to our neighbour Muhammad 'Ali Nasr al-Ja'bari's house, about 200 metres west of my uncle's houses, to finish filming. Radwan Muhammad Ziyada followed me there. At about 3:10 pm, when I was in Muhammad 'Ali Nasr al-Ja'bari's house, I saw settlers set fire to our neighbour Fadel al-Razem's house, which is only 12 metres northwest of my uncle and his children's houses. They threw burning objects inside

the house. Through the window they had broken, settlers threw a mattress into the house and set it on fire. I also saw settlers gather around al-Razem's house. They carried sticks, measuring about half a metre in length, that were wrapped on one end with pieces of cloth or sponge. Then, they dipped them into a flammable liquid, which they had in cans. Once they were burning, they threw the sticks inside Fadel al-Razem's house. Fadel's family consists of six members, including four children. Meanwhile, about ten press photographers and correspondents, most of whom if not all, were Israelis, gathered around al-Razem's house. A camera man from the press who was not standing close to his colleagues was taken by the settlers. A large number of masked settlers beat him and I saw them take his equipment from him. They assaulted him for about five minutes, but left him when two Israeli soldiers arrived at the scene.

While I was in our neighbour Muhammad 'Ali Nasr al-Ja'bari's house, soldiers saw me filming. Consequently, the soldiers came into the house and examined the ID cards of all present. According to what a soldier told me, I was not allowed to film, because the area was a closed military zone. The soldiers left and locked the door on us from the outside with what seemed to be a metal wire. About five minutes after the soldiers left, and in sight of them, dozens of settlers gathered around the house crowded with residents and threw stones at it. It became clear that the families of the house owner's sons who lived nearby had come to the same house seeking protection. The settlers continued throwing stones at the house for about five minutes.

Then, I, along with other men in the house, forced open the door that the soldiers had locked from the outside and started to throw stones at the assailants. As we were leaving the house, a stone hit Nassar Muhammad 'Ali al-Ja'bari, about 42 years old, in his left ear. Therefore, he went to Ghaleb al-Ja'bari's house, where my injured uncle and his son Husni were. Also, Nassar's brother 'Adel, about 18 years old, sustained a wound to his right hand and broke his little finger. Thus, 'Adel followed his brother Nasser and went to Ghaleb al-Ja'bari's house as well. After a stone hit Radwan Muhammad Ziyada on the right side of his face, breaking a number of his teeth and damaging a silver dental bridge on his front teeth, he also went to Ghaleb al-Ja'bari's house.

Meanwhile, settlers attacked my uncle and his sons' houses, my house, and my brothers' houses. They climbed on the roofs of our houses as well as knocked down water tanks, satellite dishes and everything else present on our roof tops. They also set fire to a room in my uncle's house. His family members managed to extinguish the fire, which had already damaged furniture, including mattresses and a carpet. They burned the laundry that was hanging outside the bathroom in Husni's house and the settlers spread the fire inside the bathroom. They tried to burn down my brother Hisham's house by throwing burning torches inside. I also saw individuals dressed in military uniform participating in the settlers' attacks.

Later, I learned that the Hebron Municipality fire trucks had been denied access to extinguish the fires. I also learned later that the Israeli journalist Avi Zacharov from Haaretz newspaper, along with his colleague and other media photographers and correspondents, who had arrived to cover the events after the burning of al-Razem's house, sought protection in our houses. Some of them sustained wounds from the settlers' stones and one of them was injured in the head. These journalists contacted Israeli authorities, who dispatched Israeli Special Forces. A little while after 5:00 pm, Israeli forces drove the settlers away, back towards the settlement. I should note that the settlers' attack on our houses and on all of those houses neighbouring ours took place while a large number of Israeli occupying security forces was deployed in the

area. Israeli Special Forces had to intervene to provide protection to the Israeli journalists who were crowded inside our houses alongside my relatives.

At about 8:00 pm, settlers gathered again and attacked Sa'id Da'na's house. They threw torches and fired shots towards the house, causing external damage. They continued their attack there for about ten minutes until occupying security forces evacuated them from the area. At around 9:30 pm, the settlers came back and burned sofas which had been put behind my brother Hisham's house. After that, the situation calmed down. Several days later, the occupying police announced that in light of video footage shot on the day of the al-Rajabi house evacuation which showed a soldier joining the settlers in stoning a Palestinian house and which showed another soldier throwing stones at an Israeli police officer who was evacuating settlers from the house, these soldiers were transferred to the Israeli Military Police.

This is my declaration and hereby I sign, 18 December 2008.

Signature: Jamal Abu-S'eifan

Name not withheld

Field researcher: Hisham Sharabati

Affidavit No. 4735/2009

### **Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Sha'ban Shafiq Khaled Zyoud, of Palestinian nationality, holder of ID No. 970683876, born on 20 January 1961, a farmer and a resident of the town of al-Sila al-Harithiyya, Jenin Governorate, would like to declare the following:

I live in the town of al-Sila al-Harithiyya, west of Jenin, in a rugged area known as "We'ret Isma'il Al-Ali." I live in a one-floor house, built over an area of 110 square metres. It consists of three rooms, a kitchen, and a bathroom. I live in it together with my family of nine. My wife, Rahma Fawzi Zyoud (44 years old), my sons 'Ala'-al-Din Sha'ban Zyoud (24 years old), Mhanna (22 years old and currently imprisoned and serving a 25 year sentence in the custody of the Israeli occupation), Baha' (20 years old), Hani (19 years old), Ja'far (17 years old), Muhammad (12 years old), and my daughter Jinan (two years old).

For about three years, my son 'Ala'-al-Din has been wanted by the Israeli occupation on charges of membership in the Islamic Jihad Movement. Since 'Ala' became wanted, the Israeli occupation storms the house on the pretext of searching for him. These stormings have become frequent; they come to our house looking for 'Ala'-al-Din every one or two months. The last storming took place on 25 February 2009, at around 1:00 am. We were all asleep, but woke up to very strong knocking at our door, accompanied by shouts of: "Open the door quickly. Israeli Defense Forces are surrounding the place." I rushed to the door and opened it, and saw around ten Israeli soldiers wearing their familiar dark green military uniform as well as helmets on their heads. They had two large dogs with them, one of them grey and the other brown. There was a camera fixed at the neck of each dog.

One of the soldiers addressed me and asked me to get out of the house. My family and I went out and were seated near an external wall of the house, five metres away from the house door. From there, I saw another number of soldiers spread out around the house. There were flashlights on the long, black weapons the soldiers carried. They would aim the flashlights at us, which enabled me to see what was happening. First, the soldiers brought the dogs inside the house. The soldiers asked me if there was anyone inside the house, to which I responded no. The dogs were brought in and, a short while later, six to seven soldiers entered, followed by ten other soldiers. I was watching one of the soldiers holding a photographic camera taking pictures of the house. I was sitting on the ground across from the door to the house with no barriers to hinder visibility of what was going on inside my house. Then, the soldiers started a process of wrecking and destroying the contents of the house. I could hear the sounds of breaking and smashing the contents.

The search operation continued and we were outside in the severe cold for one hour and a half. At around 2:30 am on the same day, the soldiers asked us to enter the house, where they locked my family and I inside a bedroom, guarded by three soldiers who stayed at the door of the room while other soldiers remained spread out inside the house. At around 3:30 am, the soldiers moved us to another room, and I saw the contents of the house piled on top of each other. In this room, the Israeli officer in charge of the force came. I recognized him because he continuously came to the house and

interrogated us. He is of medium height, light brown complexion, is around 35 years old, and speaks fluent Arabic. He was dressed in full military uniform and carrying weapons. This officer entered into the room where we were locked, sat on one of the seats, and asked my son Hani, "Who is your best friend?" Hani answered. Then he asked my son Muhammad, "Do you want to become like your terrorist brothers?" My son, mentioned above, remained silent. Then the officer said, "this house is the house of terrorists." He threatened that once he gets my son Ala'a, they will seek to kill him because he is "a terrorist." We were in a state of extreme fear and terror, especially my younger daughter, Jinan, who was crying and shaking as her mother held her tight.

They stayed until 4:00 am on the same day, when several other military jeeps arrived in front of the house. They started mounting the vehicles, which means that a number of them had arrived to our house on foot. A short while before they left, the officer said in Arabic, "We are going to visit you soon." Then they left. When they left, we immediately began to check the house. We discovered that the soldiers had stolen an amount of 1000 NIS from my bedroom, which my wife had in her purse. Everything was messed up in the house, the closets were destroyed, and several doors were broken. The food items in the kitchen, such as oil and olives, were thrown on the floor and mixed up together. The house was largely ruined along with all of its contents, as you can see. The thing that terrorized us the most, especially my younger sons, was the dogs they had with them. The soldiers were holding these dogs and were always close to us. I was concerned that they would release them to attack us. Fortunately, this did not happen. My son 'Ala'-al-Din never comes home, and hence I am astonished that the Israeli occupation forces would frequently storm my house. I demand that this practice against us stops.

This is my declaration and hereby I sign, 26 February 2009.

Signature: Sha'ban Shafiq Khaled Zyoud

Name: Not withheld

Field Researcher: Tareq al-Haj Mahmoud

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I the undersigned, Suleiman Ahmad Suleiman Abu-Mifreh, of Palestinian nationality, holder of I.D. No. 943190744, born on 5 December 1965, an employee at the Ministry of Local Government and a resident of Tqou', Bethlehem Governorate, would like to declare the following:

I am a resident of Tqou' which is a village located 15 kilometres south of Bethlehem. My home consists of two floors, each of which comprises an area of 120 square metres. I live with my wife and six children in a flat on the first floor. My home is two kilometres away from Tqou's Main Street. This Street is used by Israeli settlers who travel between the settlements of Tiqwa' and Frat.

On 21 May 2008 I was at home with my family, including my brothers and father. On the evening of that day Israeli occupying forces had raided the village. Some youngsters were throwing stones at the soldiers. I was surprised by someone knocking on the door, at 7:30 pm, and loudly ordering me to open it.

When I opened the door, I saw three agitated Israeli soldiers. One of them ordered me to move everyone in the house into one room. He spoke Hebrew, which I understand. Then he entered the house alongside the other soldiers. I asked all my family members to assemble in one room. They did so while I stood at the door of that room.

Then the soldier ordered me to shut the door of the room where the family was congregated. I refused to obey his order. Then he said that he wanted to search the house also. I replied that I would not allow them to search the house without my presence. He said I should not worry, that he would let me search him before he left my home. Three soldiers were inside my home, and dozens of other soldiers were present around the house. I believe that the soldier who was talking to me was an officer because he was responsible for the other two soldiers. Other than that, he was indistinguishable from the other soldiers, he had an M16 machine gun, wore a military uniform and a helmet.

I insisted on accompanying the soldiers during their search of my home. The soldier closed the door of the room where my family members had assembled. He then walked all over the house with me. He saw a picture of Abu-'Ammar (the late Palestinian President Yaser 'Arafat) and tore it off the wall, without justifying his action. After that, the soldier forced me into the room with my family.

I stayed with my family in that room for around three hours. I called the soldier from time to time and asked him how long we would be withheld. I also asked why we were being detained. I asked several times. He responded, finally, by saying "You are being punished because the village children are throwing stones at us!".

While we were detained, the soldier- who I suspect is an officer- opened the door several times and asked if we needed water or food. If we said yes, he would escort one of us to the kitchen to bring back food. After three hours the soldier said that they were leaving our house. After they finally left our house, I discovered that they searched the

house thoroughly. The neighbours informed me that the soldiers had also climbed the roof while I was held in the room. They stayed in front of the house for about an hour. They left the village at 12:00 am. At that time I heard one gunshot, which the soldiers fired from a distance of 50 metres from my home. They had fired the bullet at my water cistern, which is located on the roof of our house. They intended to damage it and they did.

It is worth noting that, four other families in the village had also been detained by Israeli soldiers. The soldiers treated these people in the same manner as they had treated me. Israeli soldiers practice collective punishment against our village. The whole village is punished for the actions of adolescents who throw stones at vehicles which belong to Israel's military or to settlers. These vehicles drive down Tqou' Main Street which, as I mentioned previously, is located two kilometres away from my home.

This is my declaration and hereby I sign, 26 May 2008

Signature: Suleiman Abu-Mifreh

Name not withheld

Field Researcher: Ziyad Hmeidan

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, 'Umar Husni Husein Subuh, of Palestinian nationality, holder of ID No. 927784850, born on 10 January 1970, a grocery owner and a resident of al- Far'a refugee camp, Toubas Governorate, would like to declare the following:

Housing a population of 8,000, al-Far'a refugee camp is approximately five kilometres south of the city of Tubas. I live along al- 'Araja Street in al-Far'a refugee camp. Since the beginning of October 2008 the Israeli occupying soldiers have been carrying out raids on our refugee camp almost every night. The raids start at about 12:00 am and last until about 4:00 am. During these raids, Israeli soldiers enter and search houses, and particularly target houses located at the eastern entrance to the refugee camp – the only entrance to the refugee camp.

At about 9:00 am on 7 October 2008, I was in the kitchen of my house and my wife Asma' Subuh and my daughter Ghayda', seven months, were also in the kitchen. The main door of the house was open, through which I was surprised to see two Israeli soldiers. The soldiers were in the dark green military uniform and carried long, black weapons. As soon as I saw them, they fired a bullet that hit my stomach. I fell to the ground, but I was aware of what was going on. My wife and daughter were in the kitchen and I could hear my wife scream several times, "You killed my husband." A soldier asked her about my name. "Umar Subuh," she answered.

He repeated the questions several times and then asked me about my name. I saw him take out a photograph from his pocket; he looked at it and at me repeatedly. That soldier, who seemed to be the officer because he spoke colloquial Arabic, requested my ID card. My wife brought it and gave it to him. He looked at it and threw it down on the ground. During this time my stomach bled heavily. A number of soldiers, who also entered my house, moved me to the sitting room. The said Israeli soldier, who was blond and of about 40 years of age, requested that I calm down and said that he would bring persons to offer me first aid medical treatment. Indeed, several persons wearing the military uniform and carrying weapons came in and offered me first aid. "I will bring a helicopter to transport you to areas inside the Green Line [inside of Israel] for medical treatment," the same officer said to me.

Members of that Israeli force stayed for about half an hour and at around 9:30 am they left, however, they did not take me with them to receive the promised medical treatment. Before he left the house, the officer had not spoken with me again.

"Ambulance! Ambulance!" My wife shouted. Several minutes later, I was taken to an ambulance belonging to the Palestinian Red Crescent Society, which transported me to Rafidiya Hospital in the city of Nablus, approximately 15 kilometres south of the refugee camp. I was immediately admitted to the operation room and had a surgical operation that lasted for three hours. I was wounded with a bullet similar to a dum dum bullet, although the front part of the bullet, which hit me, contained something like very sharp iron blades. As the bullet was fired from a distance of not more than two metres, it caused damage to my large intestine. However, I survived but stayed in the hospital for 16 days. Now, my wound is healing.

I am not a wanted man or an activist in any Palestinian faction. It should be mentioned that a neighbour of mine called Samer al-Ghoul, lived at a distance of about 100 metres north of my house. He is fat like me and we are somewhat identical

to each other. It seemed that members of that Israeli Special Forces had arrived to the area to assassinate Samer al-Ghoul, but they entered the wrong house. Having contrived their will to murder, they almost killed me. I must emphasise that I had not received any warning before the soldiers fired at me. Despite such a grave error, the Israeli occupying soldiers continued to raid the refugee camp, especially over night, claiming to be searching for Palestinian activists.

On 3 November 2008, the largest raid on al-Far'a refugee camp took place. At about 3:00 am, a huge Israeli force, including approximately 80 jeeps and an armed personnel carrier, raided the refugee camp. Everything took place quietly, although we woke up when the Israeli forces were declaring, through loudspeakers, that a curfew was imposed on the refugee camp. Troops started to search houses and forced citizens out of their houses or detained them in one room. The troops searched one house and then moved to another until they had searched the majority of houses in the refugee camp.

At about 5:30 am, soldiers reached my house, and detained us in one room while approximately seven or eight soldiers, who were in the complete military uniform and carried modern, black weapons, searched my house. About 20 minutes later, they left without a question, only examining my ID card. At about 2:00 pm on the same day, they raided and searched my house again. At about 3:00 pm, another group, including approximately 16 soldiers, raided my house for the third time. This time however, they forced me and my family out of the house and only then entered the house.

They had a large, brown dog with an iron muzzle on its mouth. This last search operation lasted for about half an hour, after which they left and did not come back. The curfew was imposed on al-Far'a refugee camp until 10:00 pm that night. Although no citizens were arrested, confrontations took place between Israeli troops and a number of youths, who threw stones. Consequently, troops opened fire and fired rubber-coated steel bullets as well as tear gas grenades, injuring eight citizens.

Take into account that the Israeli troops had already seized full control of the refugee camp, thereby controlling confrontations with the Palestinian youths. It should also be noted that school classes were disrupted and employees could not go to their workplaces and no one could enter or leave the refugee camp. Finally, I would like to state that we are afraid the last raid may be repeated as the Israeli army did not arrest any of those they had claimed to have come for, because they were allegedly wanted.

This is my declaration and hereby I sign, 8 November 2008.

Signature: 'Umar Subuh

Name not withheld

Field researcher: Tareq al-Haj Mahmoud

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I the undersigned, Iman Mas'oud Yousef Diwwaya, of Palestinian nationality, holder of I.D. No.904656725, born on 30 January 1977, an employee at a dentist clinic and a resident of Nablus old city, Nablus Governorate, would like to declare the following:

On 17 June 2008, Ayman, my 28 year old brother, Sujoud, his 18 year old wife, and I were sleeping in our apartment in the second floor. The apartment located next to ours, our very same building, is that of Fayez al-Jallad, who is 38 years old. He lives with his wife 'Alia who is 35 years old, and their children, 'Abdallah, who is 12 years old, and Diya', who is nine years old. On the first floor of the same building, Yihiya 'Ayyad who is 38 years old, lives with his 35 year old wife Hiba and their children, Aya, who is 11 years old, 'Abed, who is ten years old, Muhammad, who is nine years old and 'Uday, who is a year and a half old. This building is located in the old city of Nablus, near al-Khader Mosque and is adjacent to the sub-street there.

We were all sleeping in our respective bedrooms when a strong and sudden blast roused us. I knew the explosion was directly near our building because it was very loud and forceful. In fact, it was powerful to the extent that I fell out of my bed to the ground. Immediately afterwards, I heard a sound bomb, which from its noise, I realised, was fired into the stairwell. I got up and turned on the lights on. Then I looked at my watch; it was 12:30 am. I left my room and headed towards the building's internal stairwell. I yelled: "Who is doing this?"

I was surprised when somebody answered my question, in Arabic, from the bottom of the stairwell that they are Israeli soldiers. And he asked me if there were other people in my apartment. I told him about the family members. He asked me to quickly bring them to the street downstairs to the front of the building. He also told me that we had to have our identity cards with us when we came down.

I went to my brother's room and found that they were awake. I told them what happened. We went down together at the entrance to the internal staircase. I saw around eight Israeli soldiers on the stairs. They were all dressed in military uniforms, carried long weapons and wore helmets. When the soldiers noticed us, one of them told us to go to the street. He spoke in Arabic, stood 3 metres away from us and aimed the flashlight of his gun at us. His voice helped me identify him as the person who had spoken to me at the beginning of the ordeal. The Israeli soldiers followed us when we left the building and went to the street.

In the meantime, when I was outside, I saw all the family members who live on the first floor, the ones I had mentioned earlier, on the street. They were surrounded by 20 Israeli soldiers, who were also dressed in military uniforms, carrying long weapons and wearing helmets, and I saw a number of Israeli patrols standing in the vicinity of the families. Several soldiers were putting on masks.

The second I reached the street, the soldier I mentioned earlier, stood a few metres away from me and asked if there were more people in the building. I told him that the family that lived in the flat opposite from ours was still upstairs. He ordered me to go upstairs and bring them down. I went up the stairs, knocked on their door and told them that the Israeli army wanted them to evacuate the building. They opened the door immediately and we went downstairs together to the street.

In the meantime, the same soldier again. He was not masked and was not wearing any badges and wore nothing that would indicate his position. He was collecting the identity cards of all the residents of the building. When he finished he approached my brother

Ayman and began speaking to him. I did not hear what the soldier was saying. Then the soldier asked the women and children to move away from the rest of the men and the Israeli soldiers surrounded us. Two minutes later the same soldier that stood next to my brother yelled: "Iman, Ayman's sister, come here!" I heeded his order and walked towards him. He asked for my ID.

In the meantime, I glanced at the building's entrance and discovered that the soldiers had opened the main door using explosives. The door was blown out of the way. I had not noticed that previously because I had not looked at it carefully. Two minutes later and after having taken my ID, the soldier tied my hands behind my back using plastic cuffs, and blindfolded me with a piece of cloth. Then a group of soldiers grabbed my hand and put me in a nonmoving military jeep located a few metres away. Then the jeep started moving. I did not know where they were taking me. After 20 minutes or less the jeep stopped and the soldiers took me out of it and put me on the ground. I asked the soldiers to remove the blindfolds because they were hurting my eyes. When they removed it I saw more than 10 soldiers standing around me. Many army jeeps were also positioned on the street. I realised that we were in front of 'al-Dardouk and Hawwash' building. This building consists of seven floors and is located in the Nablus city neighbourhood of Ras al-'Ein. My brother Ziyad, who is 34 years old, his wife Yasmin, who is 26 years old, and their children Safa', who is ten years old, Wafa', who is eight years old, Masoud, who is three years old and Manar, who is two months old, live in an apartment on the fourth floor of this building.

As I stood outside, amongst the soldiers, I noticed that the metal bars on the window were blasted off. White smoke was ascending out from the flat. I also heard explosions in the building. What I saw and heard frightened me. I was confused and puzzled. I kept wondering about my brother and the fate of his family. What was happening to everyone in the building? I was scared. One of the soldiers noticed my fear and told me not to worry. Then the soldiers put me in a bigger jeep located near the northeast side of the building. I stayed in that jeep for around 20 minutes and I was stopped between more than ten soldiers for about 15 minutes. In the meantime, another military jeep arrived and stopped next to ours. Israeli soldiers escorted my brother Ayman out of the jeep. His hands were tied behind his back and he was blindfolded with a piece of cloth. I coughed to let Ayman know that I was there. He knew it was me and nodded his head.

After that one of the soldiers standing around me ordered me to enter the building in front of them. There was still shooting going on in the building. I heard gunfire; at times it was heavy and at others it was light. I followed the order. Seven soldiers followed me into the building. We went to the third floor of the building. It was Samih Hawwash's apartment. The main door of his apartment was destroyed. As I entered I saw more than 20 soldiers inside the apartment. They took me to a bedroom and locked the door. I was alone in that room. Half an hour later two soldiers entered the room. The first was blonde and tall. He carried a long weapon, was dressed in the regular military uniform and wore

a helmet on his head. The other soldier had light brown skin. He carried a long weapon, was dressed in the regular military uniform and did not wear a helmet on his head. I heard a lot of loud gunshots in the building. The sound was coming from the upper floors. Directly after entering the room the blonde soldier asked me if I knew him. I said no and he replied: "Iman, I know you and I want to introduce myself to you." He said that he was the Intelligence officer in charge of Huwwara. Then he asked me about my age and I told him that I was 29. Then he said that he was 6-7 years older than I was. Then he pointed to the other soldier and told me that he was an officer. He continued and said that he wanted to ask me several questions.

He started by asking me about the political movements and actions of young people. I told him I did not know anything. He accused me of lying. He repeated the question approximately ten times. I gave him the same answer every time. A threat directly followed; he said that he would blow up my brother Ayman's house if I did not talk. I told him I had nothing to say. He replied by telling me to keep in mind that he knows everything about my family, even what we eat and drink. He then said that he knew that yesterday Ayman, his wife and I went out together. I said "Yes, we did." I told him that we went to visit the doctor because Ayman's wife was pregnant. He said he knew that she was pregnant and that she is in her third month of pregnancy. I added that I did not know anything about the questions he asked me. Then he asked me if I was married. I said no. He said that I had been married and that I was now divorced. I said "Yes, that is true". Then he asked me how many children I have. I said four. He said that the Israeli military would imprison me for one year and that my imprisonment would be a second scandal, after the scandal of my divorce. I replied that being a political prisoner would be an honor for me.

Approximately half an hour later he left the room with the other soldier. The light brown skinned soldier did not ask me any questions. He appeared to be the same age as the other soldier. I still heard gunfire. It occurred at different intensities. Then a number of soldiers came and took me to another room and locked me in it. I was alone in that room as well. A little less than an hour later three soldiers brought my brother, Ayman, to the same room. He was still handcuffed and blindfolded and let him sit next to me on the bed and then went out. I did not talk to Ayman. I only coughed and he nodded his head. After five minutes the same soldiers came and took Ayman. Then they took me to the salon. There were more than 20 soldiers in the salon. Afterwards, three soldiers brought my brother 'Imad, who is 32 years old, to the salon. His hands were tied behind his back with plastic cuffs. The soldiers made him sit on the chair next to me. He saw me the moment he entered the room and said "My sister Iman." Then one of the soldiers hit him with the butt of his machine gun on his legs and told him to shut up. At that moment I looked at my watch. It was 5:00 am and the gunfire was starting to diminish.

My brother 'Imad lives in a rented apartment owned by Fatayer family. This apartment is located in Ras al-'Ein neighbourhood which is located near 'Aj'aj mosque in the city of Nablus. At around 6:15 am a number of soldiers took my brothers Ayman and 'Imad. Several soldiers were surrounding them. I did not know where they were taking them and they took them out of the flat. Then one of the soldiers came to the room I was in, untied my hands and gave me my identity card. Then the soldiers withdrew from the apartment of Samih Hawwash who, together with his family, was in Jordan at the time.

I called Yasmin, my sister in law, using my mobile phone which was with me, two minutes after the Israeli soldiers withdrew from the building and I noticed them leave the building's vicinity. I asked her where she was. She said that she with her family and my brother 'Imad were on the second floor of the same building I was in. She told me she was in Abu-al-Leil's apartment. I headed towards them rapidly. When I got there I found out that all the building's residents were withheld inside Abu-al-Leil's apartment. Yasmin told me that the soldiers arrested her husband Ziyad. Ayman was not present. Therefore I concluded that the Israeli soldiers arrested him as well.

Then Yasmin, my brother 'Imad and I went to Yasmin's apartment. The immensity of the destruction shocked us. The apartment's infrastructure and furniture were destroyed. More than 20 bullets were fired into the main bedroom, which is the room of my brother and his wife, and hit the closet. As a result all the clothes in the closets were torn or burnt. The children's three beds had collapsed. Dozens of bullets had hit the beds. 30 bullets hit their closets and cupboards. The apartment's curtains had 20 bullet holes. The

curtains were burnt as well. The walls were hit with dozens of bullets and so was the fridge. All the kitchen utensils; pots, dishes and plastic plates were on the ground. Moreover, the balcony on the northwest side of the house, which is more than four metres long and three metres wide, was destroyed. The window I mentioned before was part of this balcony.

As for the building, the elevator was blasted and so was the door of the apartment I was held in; which is the apartment whose owner was in Jordan at the time. Abu-al-Leil's apartment door was blown up as well. Abu-al-Leil's family was not home that day. They were guests at a relative's house.

This is my declaration and hereby I sign, 17 June 2008

Signature: Iman Diwwaya

Name not withheld

Field Researcher: Yousef Qawariq

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I the undersigned, Jalal Ahmad Khalil al-Toukhi, holder of I.D. # 907746705, born on 6 August 1975, a worker and a resident of Balata Camp, Nablus Governorate, would like to declare the following:

On 19 February 2006, while inside my three-floor home located in Balata Camp, I heard a loud knocking on the main door. The knocking woke up my 23-member family, including the 12 children. It was 3:30 am. Having heard the loud knocking, my brother 'Isam quickly moved to open the door. Immediately, more than 20 Israeli soldiers had entered the courtyard of our home.

Most of the soldiers were wearing masks. They asked for the ID cards and mobiles of the men who were present. Moments later, they gathered all of us in one room located on the second floor. Three soldiers stood guard at the doorway of the room to watch us. The room was too small to accommodate us (not more than 16 square metres for 23 people). The children were crying and the adults were scared and at a loss as to what was happening. From time to time, we heard shooting coming from our house. It was headed in an unknown direction.

In the morning, we asked the soldiers to allow us to go to the kitchen to prepare food and milk for the children. They let us have two meals a day; one at 8:00 am and the other at 6:00 pm. Two women were allowed to go to the kitchen to prepare the food. In the evening, the soldiers intentionally turned off the light in the room. This frightened the children and adults.

In the evening of the second day, after a long discussion (lasting more than 15 minutes) with the Israeli soldiers, we were allowed to use a small lamp so that we could at least see one another and move around; although it was not easy to move or sleep in such a crowded place. The formula (Materna) for my eight-month-old nephew, Samir, ran out. This formula was used as a supplement because Samir's mother's breast milk was not sufficient. We asked the soldiers to let us go out and buy milk but they strongly refused our request.

We had been detained in the room for two consecutive days when the soldiers standing guard outside the room left at 1:30 am. We waited a half-an-hour after they left; as we did not hear any movement in the home, we left the room in which we were detained. We found our confiscated ID cards and mobiles. One Nokia mobile was missing. Then we inspected our home and found that the furniture was thrown on the floor and some of the windows were broken.

We lived through a real tragedy in that room where we were piled on top of each other with little food. We were also not able to sleep or pray because of the lack of space. Moreover, the children were yelling and crying the entire time and our movement was restricted. We could only leave the room when we wanted to use the bathroom. In addition to me, three of my brothers were married.

This is my declaration and hereby I sign, 27 February 2006

Signature: Jalal Ahmad Khalil

Name not withheld

Field researcher: Yousef Qawariq



### **Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Mahmoud Shams al-Din 'Abd-al-Mun'im al-Khatib, of Palestinian nationality, holder of ID No. 040409020, born on 1 September 1980, a merchant, and a resident of the neighbourhood of Ras Khamis, Jerusalem Governorate, would like to declare the following:

I am a Palestinian young man. I live in the city of East Jerusalem, hold an Israeli ID card, and own a simple shop for selling computer accessories. In 2005, I got married to a Jerusalemite girl and rented a house in the old city of Jerusalem. The house measures 50 square metres and comprises a bedroom, a small kitchen, a bathroom, and a three-square-metre veranda. I use the veranda as a sitting room. In 2007, two friends of mine and I decided to buy a piece of land. The land was located near the Ras Khamis gate at a distance of 30 metres away from the Wall. In other words, the land is inside East Jerusalem. In 2008, my partners and I decided to build a first floor, which consisted of three flats of 140 square metres each. This way, my friends Hatem Husein Muhammad Khalil and Majdi Khalawi Busseiliyya would have their own flats and I would have mine. Construction of the house's 'shell' was completed. My flat cost me approximately USD 50,000, including the price of the land as well as the construction of the foundation and the flat itself. I borrowed the majority of this sum: I was indebted to my father-in-law for the price of the land; the constructor for about USD 10,000; and the owner of the hydraulic excavator for about USD 5,000. I was also indebted to several other persons.

On Monday, 2 February 2009, my wife and I were at my father-in-law's house, which is adjacent to the land on which we constructed our house. As we were having our breakfast, I heard a noise. I looked through the southern window and saw a large number of Israeli occupying troops from the Border Guard, police officers, and two hydraulic excavators heading towards our building. We went down to see what was going on. However, a number of Border Guard officers stood at the door of my father-in-law's house and prevented us from leaving. They also said that no one would be allowed to leave the house until demolition of the neighbouring building was complete. "I am the owner of the building that you want to demolish, and I did not receive any demolition order." I said. An officer replied, "My order is to demolish. If you have any objection, go to the court." I was prevented from leaving the house for three hours. I saw the Israeli machines demolish my dream of having a healthy and spacious home that would protect me, my wife and children in the future. My wife cried bitterly. Her dream of owning a house and building a beautiful family was also undermined. The occupying authorities destroyed our dream.

I thought about how I would possibly manage to repay my debts and whether or not I would be able to rebuild my house. My tears gushed out as I saw the excavator destroy everything, including the stones near the building. I was further tormented as I remembered that I would continue living in the little house in the old city of Jerusalem. Even the sun does not reach it. I cannot afford to rent a suitable house for me and my wife as rental prices in East Jerusalem are very high. Also, I cannot reside in Palestinian towns around the city of Jerusalem despite the fact that their leases are less than those in Jerusalem. These towns are located in the West Bank. If I live there, I will lose my right to the Israeli ID card which secures my residence in the city in Jerusalem as well as my health insurance, which is indispensable for me. I reiterate that I had not received any order for the cessation of construction or demolition. The demolition was abrupt.

This is my declaration and hereby I sign, 4 February 2009.

Signature: Mahmoud al-Khatib

Name not withheld

Field researcher: Manaf 'Abbas

Affidavit No. 4519/2008

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Jamal 'Abd-al-Muhsen Daoud Abu-Daoud, of Palestinian nationality, holder of ID No. 0806938891, born on 5 December 1964, unemployed and a resident of al-'Eisawiyya village, Jerusalem Governorate, would like to declare the following:

I am a Palestinian citizen and I have been living in the city of Jerusalem since 1996. I also hold a temporary Israeli ID card. My family consists of my wife Najah as well as my children Tareq, 24 years old, Fahed, 22 years old, Munir, 21 years old, and Du'a', 14 years old. In 2008, I bought this land in the town of al-'Eisawiyya. I paid a price of around 180,000 Israeli shekels for it, which was my life savings for me and my children. I knew that it was "yellow land" according to the structural plan of al-'Eisawiyya and in the year 2006, I submitted an application for a construction permit for this land. However, the municipality rejected my application, claiming that the land was "green land."

In this same year, I decided to build a house on this land. My family and I needed a larger place and I could no longer afford the monthly house rent in al-'Eisawiyya of 1,000 shekels, excluding water and electricity bills as well as the Arnona tax. Such a room was not able to accommodate me and my children, especially considering that my sons are getting older and several of them want to get married and make a family. Therefore, I decided to build a house on the land. Having completed construction of the house and lived in it for a period of one year, I received the first demolition decision from them in March 2008. I then went to a lawyer. After three sessions in the Municipal Court, the judge ruled in favour of the demolition decision. After that, I appealed the decision to the Central Court. However, the judge there confirmed the demolition decision. Finally, I went to the High Court, but did not attend the court sessions. The High Court supported the Central Court's decision to carry out the demolition as of 11 November 2008.

Indeed, at about 9:00 am on Tuesday, 18 November 2008, when I was on the roof of the house, I saw several intelligence officers and Israeli occupying soldiers dispatched in the area. A Druze officer, whom I knew well from the Border Guard, arrived at the door of my house. "You have three minutes to evacuate the house in preparation for its demolition," he told me. Indeed, my children and I removed the furniture from the house. They only allowed me ten minutes to evacuate the house. At gunpoint, the soldiers and Border Guards forced us to stay more than 30 metres away from the house. Before my eyes, hydraulic excavators began to demolish the house. During the demolition, soldiers assaulted my nephew Ahmad Mousa Abu-Daoud Abu-Sneina. They dragged him by the shoulder and put his head under the roof gutter. Then, a number of Border Guards handcuffed him, placed him onboard a military jeep, and took him to an unknown location.

This is my declaration and hereby I sign, 19 November 2008.

Signature: Jamal Abu-Daoud

Name not withheld

Field researcher: Manaf 'Abbas

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I the undersigned, Ihab Zuhdi Fayyad al-Tawil, of Palestinian nationality, holder of ID No. 053275198, born on 18 April 1970, a laborer and a resident of Beit Hanina, Jerusalem Governorate, would like to declare the following:

I finished building my home in East Jerusalem in 2005. The house was located in Wad al-Damm Neighbourhood West of Beit Hanina. The house has an area of approximately 120 square metres. My wife, our three children, and I lived in it. Please note that I applied for a building permit from the Jerusalem municipality many times. Every time I would apply they would tell me the land I wanted to build on was "green land", and that I am not allowed to build on it. Please note, also, that the municipality confiscated part of my land, along with parts of the adjacent land. Their excuse was that they wanted to use it to build public facilities like opening new roads, building a park and a playground for the children. They have done nothing of what they promised, other than making a street. Even so, they still refused to give me a permit to build.

In 2005 the occupying Israeli authority in East Jerusalem forced me to pay a fine of 36,000 Israeli Shekels because I built my home without a permit. They said I had six months to apply for and get a permit. If I did not get one, then they said they would demolish my house. I could not get a building permit. A demolition order was issued. My home was flattened in the same year. The demolition, however, does not override the 500 Israeli Shekel fine I have to pay monthly. My family and I stayed at my father's house. I had a fourth child at my parent's house. My parents' home was very tight and uncomfortable. It seemed to be getting smaller every day.

I thus had to build a small cement house which had an area of 50 square metres. The house consists of two bedrooms, a bathroom, and a kitchen. The roof was made out of Zinc. I built the house on top of the ruins of the old one; that is on the same piece of land I had built my first house on. All I wanted was to have my wife and our children to live comfortably. I finished building the house and I resided there. I had my fifth child in this house in April of 2006. A few days after I moved in, the municipality inspectors came. They did not find me at home and posted a demolition order on the door. The municipality only gave us 48 hours to vacate our home. I hired a lawyer. His name was Akram Abu-Libda. The lawyer succeeded in postponing the demolition for a few months. Nevertheless, we reached a dead end with the municipality.

A few of my friends recommended Sami Irsheid, a well known lawyer. I hired him and he succeeded in postponing the demolition until 20 May 2008. In the end, however, the municipality persisted on the demolition of the house and gave me until 30 May 2008 to vacate it. They said I could not leave a thing in the house because it had to be ready for demolition. Ten days, however, are a short period of time to find an apartment in East Jerusalem, which is bustling with people. People know that finding a house in Jerusalem is very difficult. Even if I had found a place to live, I could never pay the rent, which would not be less than USD 600.

On 11 June 2008 municipality inspectors came to my home, took pictures of it, and told me that it was going to be demolished on 12 June 2008. At 8:00 am on 17 June 2008, military jeeps belonging to the Israeli police and border patrol surrounded my home. Several members of the border patrol came to my door and ordered my family and me to leave the house. Amidst the commotion one of the soldiers beat me, hit my abdomen, and my legs. They moved me away from the house, about 100 meters far. I sent my wife and children to my mother's house. Half an hour after the soldiers had arrived an Israeli bulldozer and demolition

equipment arrived and began demolishing the house. The house cost me 48,000 New Israeli Shekels. I now live in a tent that was supplied by the Red Cross. My wife, five children and I all live in the tent. The oldest of my children is 9 years old and the youngest is 5 months old and suffers from asthma.

This is my declaration and hereby I sign, 28 June 2008

Signature: Ihab al-Tawil

Name not withheld

Field Researcher: Manaf 'Abbas

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Jalal Kamel Mustafa Ighbariyya, of Palestinian nationality, holder of ID No. 990931453, born on 23 October 1954, unemployed and a resident of Rummana village, Jenin Governorate, would like to declare the following:

I own a 1-dunum piece of land north of the village of Rummana. In mid 2005, I started constructing a house for me and my family on the land. Now, I live in a house along with my three brothers in the north-western neighbourhood in Rummana. I intended to build a larger house to shelter me and my seven children. I have been building my new house over phases. The house is now in the last construction stage. Constructed over an area of 170 square metres, the house comprises four rooms.

During construction works, Israeli authorities did not visit me, nor did they require that I obtain a construction licence. On 3 June 2008, however, an Israeli army force, including 3 military jeeps and 1 white jeep belonging to the Israeli Planning and Zoning Department), raided the area. Israeli officers inspected a number of houses under construction in the village as well as in the surrounding area. They also distributed notices to six house owners for cessation of construction works. That was the first time my house was subjected to the threat of demolition.

Given that my land is located outside the structural plan of the village of Rummana, it is virtually impossible for me and for all other owners of affected houses to obtain construction licences from the Israeli competent authorities. Most often, these authorities reject to issue such licences for us. I am now unemployed and cannot afford to retain a lawyer to follow up with the Israeli threat to demolish my house.

I also own a 10-dunum piece of agricultural land northwest of Rummana. In 2003, the Israeli occupation authorities confiscated and isolated the land behind the Separation Wall. After I lost it I was forced to purchase a new piece of land to construct my new house. I intend to live in a more spacious house now that we cannot live in my old shared house anymore. The Separation Wall is approximately 1,500 metres away from my house. If demolished, my and my family's dream to live in an independent home will be undermined too.

This is my declaration and hereby I sign, 4 June 2008.

Signature: Jalal Ighbariyya

Name not withheld

Field researcher: Tareq al Haj Mahmoud

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned 'Abir Wasef 'Abd-al-Majid 'Ali Ahmad, of Palestinian nationality, holder of ID No. 934147729, born on 4 April 1974, a housewife and a resident of Kufr al-Dik village, Salfit Governorate, would like to declare the following:

Early in the morning of 25 May 2007, my four children (aged five to 15 years old), my sister, her two children and I were sleeping in my house. I live alone with my children because my husband Mazen Abu-al-Wafa was killed by the Israeli military in 2002, but my sister and her children were staying over that night. I was woken by a call on my mobile phone, but I was very scared since it was very early in the morning, so I did not answer it. At the same time, I heard noises coming from outside the house so I looked out a window that overlooks a street on the southern side of our house. There I saw Israeli soldiers, whom I recognised from the equipment they carried.

I immediately phoned my brother and informed him of the presence of Israeli soldiers in front of my house. I told him that I would call him after ten minutes to let him know of any developments. We decided that if I did not call back, it would mean that the soldiers had entered my house. I also phoned my aunt and informed her of the situation. Then I woke my sister up and we went to the ground floor, leaving the children sleeping on the top floor. At the door, I asked who was there and someone replied "soldiers." I told him that I was alone at home and did not want to open the door. However, he continued asking me to open the door so I got scared and did what he asked.

The moment I opened the door, the soldier, who was part of a larger group of soldiers, confiscated my mobile phone and disconnected our house's landline. Then he asked me about my children in broken Arabic so I told him that they were sleeping. The soldiers started by inspecting the ground floor and then went up to the first floor. When they reached the children's rooms, one of them asked me to wake them up and bring them down to the ground floor with me so that I would not have to go up again. The captain, who was tall, skinny and blond, was the one giving orders. The soldiers used the boys' room and slept there. They locked the girls' room and drew all of the house's curtains. Residents from the neighbourhood came by the house, but the soldiers did not let them in so they had to remain in front of the house.

My brother phoned the Palestinian-Israeli security liaison office, where the Israeli officials told him that the soldiers were carrying out a military mission. When the time came for my children to go to school I informed the captain and gathered their things to go to the house of our neighbour, Latifa al-Thaher. There I dressed my children and sent them to school. Then, Mr. Abu-Haron, who works for a Palestinian security force in the city of Ramallah, called me on my brother's mobile phone. He told me that there was nothing to worry about and that the Israeli soldiers had also occupied other houses as part of a military training mission. I therefore returned to my house with my mother, aunt, two uncles and sister. We remained on the ground floor while the Israeli soldiers occupied the top floor.

Later that day, I went to get mattresses from the upper floor and discovered that the soldiers had dismantled the windows of the boys' room. Some of the soldiers were sleeping on the stairs and others on the children's beds. I took the mattresses and went down to the ground floor. At 11:30 pm, three Humvee vehicles, a military jeep and an armoured personal carrier arrived to pick up the soldiers. I counted the soldiers as they were leaving and established that there were 18 of them, aged 20 to 35 years old, except for the captain who was older.

This is my declaration and hereby I sign, 29 May 2007.

Signature:

Name not withheld

Field researcher: Husniyya Tawfiq 'Ali Ahmad

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Mu'tasem As'ad 'Abd-al-Ghani al-Atrash, of Palestinian nationality, holder of ID No. 040989592, born on 14 February 1981, an employee and a resident of Jerusalem city, Jerusalem governorate, would like to declare the following:

At around 3:30 am on Thursday, 9 June 2005, I got up when the door of the flat, where I sleep in the old city of Jerusalem, was knocked heavily. When I opened the door, a strong light was directed at my face. As I opened my eyes, I saw my room full of occupying troops. They were members of the Israeli Intelligence agency in the civil uniform. I asked "what do you want?"

"Are you Mu'tasem al-Atrash?" they inquired.

"Yes." I answered

"Get up. You are under arrest."

I got up from my bed and walked with them out to the road leading to the Chain Gate, which is adjacent to al-Aqsa Mosque. There, they tied my hands with iron handcuffs and took me to the Western Gate, where their cars waited. Near the cars, I saw a young man from the old city of Hebron. The Israeli troops then took me to the detention centre at Jaffa Gate (al-Qishla). After I was searched, they subjected me to interrogation.

"Do you know why you are here?" the interrogator asked me.

"No, I haven't yet." I replied.

"Mu'tasem, you are accused of throwing stones at soldiers, police officers, and settlers during your sit-in in the yards of al-Aqsa Mosque several days ago." He addressed me.

"I did not throw any stones." I responded.

It should be noted that no stones were thrown on that day. The interrogator raised routine questions. He asked if I saw any person whom I know on that day. It was Monday, 6 June 2005. He also asked whether persons who were present in al-Aqsa Mosque compound had been from Jerusalem or from outside. Then, the interrogator told me that I would be held in custody for 24 hours. Although I opposed, they detained me. At around 10:00 am, I was summoned from the detention room. There, the interrogator told me that they would grant me a conditional release. First, I had to bring a sponsor and sign a pledge that I would not enter yards of al-Aqsa Mosque compound for a period of two week. And he said "If you reject, you will be detained for two weeks, its better for you to agree", which I did. a neighbour of mine came and sponsored me. He and I also signed the pledge that I should not access al-Aqsa Mosque for two weeks. The pledge was kept at the detention centre.

I told the interrogator that I was an employee at al-Aqsa Mosque, but he totally ignored that. This was the second time an order was issued to prevent me from accessing al-Aqsa Mosque compound. The last time I was prevented was in 2004 for the same period.

This is my declaration and hereby I sign, 18 June 2005.

Signature: Mu'tasem al-Atrash

Name not withheld

Field researcher: Manaf 'Abbas

Affidavit No. 2422/2005

### **Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Lou'ay Fahmi 'Abd-al-Majid Naser-al-Din, of Palestinian nationality, holder of ID No. 043135623, born on 30 October 1981, an employee and a resident of the old city of Jerusalem, Jerusalem governorate, would like to declare the following:

In the morning of Friday, 17 June 2005, I went to al-Aqsa Mosque to perform Friday prayers and unite in solidarity with a number of youths from the old city of Jerusalem. The occupying authorities had prevented these youths from accessing yards of al-Aqsa Mosque compound for various periods of time. I stood with these youths at the **Lion's Gate**, where a sit-in tent was erected. I stayed for one hour. When it was time to perform Friday prayers, I went to the Lion's Gate near the sit-in tent. At that time, an officer in the Israeli Police uniform requested my ID card and told me to follow him. He then took me in his car to al-Moscobiya (the Russian Compound) Detention and Interrogation Centre in West Jerusalem. There, I waited in the reception hall for over two hours. No one talked to me. Later, an Intelligence officer called and interrogated me.

"You will be detained for 24 hours." He said.

"What for?" I asked.

"There are many charges against you. Most importantly, you were present in al-Aqsa Mosque compound on 6 June 2005 and you incited people to confront soldiers and beat settlers." He accused me.

Following several deliberations between me and him, he said that he would not send me to court nor arrest me. As he put it, it would be enough to deprive me from accessing yards of al-Aqsa Mosque for a period of 15 days.

I said I was an employee at al-Awqaf [Religious Affairs] Department. It was natural that I was present there. My presence in the Mosque on 6 June 2005 – the Day of Perseverance – was also normal. I also stated that I did not take part in anything and that I did not throw stones. That day was also peaceful. Confrontations did not take place between citizens and occupying troops. However, the officer insisted to issue an order to prevent me from accessing al-Aqsa Mosque. I also signed a pledge as to implement the order. At around 4:00 pm on the same day, I left al-Moscobiya Detention and Interrogation Centre.

This is my declaration and hereby I sign, 18 June 2005.

Signature: Lou'ay Naser-al-Din

Name not withheld

Field researcher: Manaf 'Abbas

Affidavit No. 2423/2005

### **Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I, the undersigned, Hamza Badr Younes al-Zghayyar, of Palestinian nationality, holder of ID No. 040423667, born on 5 November 1980, an employee and a resident of the old city of Jerusalem, Jerusalem governorate, would like to declare the following:

At around 2:00 am on Thursday, 9 June 2005, I got up when my brother Iyad was shouting and quarrelling with a group of Border Guard and Intelligence officers, who had entered the first gate of our house. Border Guard and Intelligence officers raided my room and stood right beside me. Of these, an officer who was in the civil uniform approached me and asked what my name was.

“Hamza.” I answered.

He told me to get dressed, which I did. Intelligence officers led me out of the house. They also took my brother Iyad because he confronted and rebuked them for raiding the house in such a manner. Immediately then, my hands were tied with iron handcuffs. A Police and Intelligence officers took me to the **Western Wall**.

I remember that when I left my house in the area of al-Nazer Gate, I saw two young men. They were brothers of Majed al-Ju’ba, whom the Israeli officers wanted to arrest, but he was on night duty at al-Aqsa Mosque compound. Along with the soldiers, I stood in the area of the **Western Wall** for over one hour in the cold weather. The occupying soldiers also brought Baha’ al-Haddad to the same area, where I was held. They put us onboard a military jeep, which drove to al-Qishla Detention Centre. There, they placed each one of us in a room. Then, they summoned me to interrogation. The officer on duty inquired where I was on 6 June 2005. I said I was at work.

“Where do you work?” he asked.

“At the Jerusalem Electricity Company.” I replied.

Meanwhile, the officer watched some videotapes on his desk and laughed. He said that my pictures appeared on a tape on that day and that I was present in al-Aqsa Mosque compound.

“Bring the tape with you to the judge at court. I will be satisfied with the court’s decision.” I commented.

Then, the officer called another interrogator and told him to take my affidavit. As he was writing my statement, the interrogator said I was in al-Aqsa Mosque compound on 6 June 2005 and incited people. I denied that and said I was at work and that many witnesses could testify. Later, they took me back to the detention room and stated that I would be detained for 24 hours.

At around 6:00 am, Israeli officers brought a number of youths, who were residents of the old city of Jerusalem. These included my brother Jihad as well as Majed al-Ju’ba, Ya’qoub Ishtayya, Amin Abu-Zahra, Ala’ al-Haddad, and Mu’tasem al-Atrash. At around 10:00 am, an

Israeli officer called me in order to release me, but he declined and he said “not you”. And they sent me back to the room.. At around 1:00 pm, Majed al-Zghayyar, Majed al-Ju'ba, Jihad al-Zughayyer and I were summoned and handcuffed. Meanwhile, interrogators negotiated with us until 6:00 pm. They wanted to prevent us from accessing al-Aqsa Mosque compounds for four months and not be taken to court. However, we insisted that we appear before the court.

In the court, the Attorney General demanded that we be prevented from entering al-Aqsa Mosque compound for 120 days. He also requested each one of us be fined with 2,000 NIS in cash. However, the judge said the evidence was not sufficient. Still, she decided that we be prevented from accessing al-Aqsa Mosque for a whole month. Each one of us was also fined with 750 NIS as well as 10,000 NIS as a financial bail. In addition, the judge decided that we stay at a distance of 50 metres away from gates of al-Aqsa Mosque compound.

I should note that my house is only 20 metres away from al-Nazer Gate leading to al-Aqsa Mosque compound. This was the fourth time I have been prevented from entering al-Aqsa Mosque.

This is my declaration and hereby I sign, 18 June 2005.

Signature: Hamza al-Zghayyar

Name not withheld

Field researcher: Manaf 'Abbas

**Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I the undersigned, Muhammad 'Abd-al-Razzaq 'Abdallah al-Baba, of Palestinian nationality, holder of ID No. 919882646, born on 21 September 1968, a press photographer at the French Press Agency and a resident of al-Sheikh Radwan – Third Street, Gaza Governorate, would like to declare the following:

On Wednesday 16 April 2008, around 4:30 pm, I realised that a number of Palestinians had been killed during a raid of the Israeli occupying forces in Johar al-Dik area, east of al-Breij Camp in the Gaza Strip. As a result, I headed into the area, accompanied by my two colleagues Wisam Nassar and Ashraf Abu-'Amra in a white jeep owned by the French Press Agency, where I work. We took the Salah al-Din Road on the Eastern Line in order to reach the Johar al-Deik area as quickly as possible.

Around 15 minutes after we arrived, I heard a very loud explosion and saw black smoke and dust ascending from the side street in the al-Wad area, specifically the Eastern Bridge in the Wadi area, which is branched from Salah al-Din Street, from the eastern direction. I saw a number of children and adolescents pointing toward the location of the explosion and fleeing toward the main street. We stopped the jeep and my colleagues Ashraf and Wisam and I carried the photography equipment in order to start taking photos of the incident. Through my long experience as a press photographer, I was certain that a number of people had been killed.

As we reached the entrance of the side street, I saw my colleague, the press photographer Wafa' Abu-Mizyed, shouting in a hysterical manner and asking for help. I asked him why he was crying. He said that our colleague 24-year-old colleague Fadel Subhi Shana'a, who is working for Reuters, had been injured and was lying on the ground in front of the silver jeep, which he uses for his work. Wafa' was pointing to eastwards, down the side street. Along with my two colleagues Ashraf and Wisam, I headed toward that street where three children were lying motionless on the ground, bleeding. My colleagues started taking photographs of the children, while a number of Palestinian citizens and children gathered around the corpses of the children lying on the ground.

I looked east and saw the silver jeep, owned by Reuters, that my colleague Fadel Shana'a always used for his work. I have been a friend of Fadel's for more than five years and I also knew him through work. The jeep was stopped in the middle of the side street, 60 metres east of the location where the three children were killed.

My colleagues Ashraf, Wisam, Wafa' and I headed toward the jeep which was preventing us from seeing Fadel. When we were 25 metres from where Fadel was lying on the ground, we heard another very loud explosion and fire was ascending from the backside of the jeep. My colleagues and I took cover on the ground fearing that another explosion might take place and retreated back. When we saw fire and smoke ascending from the back of Fadel's jeep, we started screaming and crying and we were in a state of fear and horror. We also started checking ourselves, fearing that shrapnel had certainly hit us.

I called the ambulance, while remaining on the ground. After ten minutes an ambulance arrived, which encouraged us. We got up and headed to the place where Fadel was lying in front of the jeep. I saw Fadel five metres beyond the burned jeep. He was lying on his back with his head pointed toward the south. I moved closer and saw that his neck and chest were completely opened and bleeding heavily. The camera and the carrier of the camera had fallen on his chest and other photography equipment was around him. I also saw two children, aged 12 and 16, lying beside Fadel and also bleeding heavily.

I was strongly shocked and panicked by the sight of Fadel, who looked like he had been slaughtered, and the two innocent children. I started crying and shouting and so did my two colleagues Ashraf and Wisam.

Four ambulance men carried the corpses of Fadel and the two children on stretchers to the ambulance and the ambulance headed quickly to al-Aqsa Martyrs' Hospital in Deir al-Balah, in central Gaza. My colleagues and I followed the ambulance to the hospital.

I swear to God that I had not heard any firing since my arrival at the place nor did I see any veiled person or fighter or any piece of weapon in the entire area. Moreover, there was not any manifestation of Palestinian resistance. I have only seen civilians, most of them are children or adolescents, who usually gather whenever they see oncoming Israeli tanks and vehicles. I had also seen the Israeli occupation tanks positioning at around one kilometre and a half from the location where my friend Fadel, and the rest of the children were killed.

It is worth noting that the place was fully visible to occupation tanks and so was the place where Fadel was standing to take photos for the raiding tanks. He was standing in front of the silver coloured jeep, a two door Mitsubishi Pajero, with the words Press and TV clearly written on it. There were no cars or bodies around obscuring Fadel's visibility.

It is also worth noting that the occupation tanks shelled the place using heavy artillery that are internationally prohibited. They committed a massacre against the civilian children, in which 13 Palestinians including nine children whose ages did not exceed 17 years were killed. My colleague Fadel Shana'a was 24 years old when he was killed.

This is my declaration and hereby I sign, 19 April 2008

Signature: Muhammad al-Baba

Name not withheld

Field researcher: Muhammad Abu-Rahma

### **Sworn Statement**

After having been warned to tell the truth and nothing but the truth or else I shall be subjected to penal action, I the undersigned, Muhammad Ibrahim Mousa Barghouthi, holder of ID # 933533845, Palestinian Nationality, born on 5 November 1968, Minister of Labour and a resident of Kobar village, Ramallah Governorate, would like to declare the following:

At approximately 11:30 pm on Wednesday, 28 June 2006, I was in my car with my brothers heading towards my village, Kobar. As I came towards Birzeit University, I saw a queue of cars. I immediately realised that there was a flying military check point. There were four Israeli military jeeps; one of which was at the end of the queue of cars. I also saw from a distance that the Israeli soldiers were obliging the citizens to take off their clothes or lift them up in a humiliating manner. I also saw one of my friends coming back to Ramallah.

After seeing that, I told my brothers to continue on their way to Kobar while I returned to Ramallah, as it was impossible for me to put myself in this embarrassing situation. I got into my friend's car and left the place. All of a sudden, the jeep at the end of the queue warned us to stop, from a distance of 20 metres. We stopped the car and the Israeli soldiers ordered us to take off our upper clothes and turn around.

I refused to do so, despite the soldier's insistence, and despite the fact that he began aiming his weapon directly at me, and threatening to open fire on me. I saw the laser light on my body. After long discussions, I came closer to him. The soldier took my ID card. I told him that I am a minister in the Palestinian National Authority. After a few minutes, two soldiers approached me and grasped both my hands, while a third took a photograph of me. They then took my mobile phone, blindfolded me, handcuffed me, and forced me into a military jeep.

The jeep travelled for a short time before it stopped and I was taken out of the jeep. One of the soldiers told me that we were in Beit El. On Thursday, 29 June 2006, at around 4:00 am, a group of Palestinian ministers and PLC members were arrested and brought to Beit El. I knew that Wasfi Kabaha, 'Umar 'Abd-al-Razeq and Samir Abu-'Aeisha were among the arrested.

I remained in Beit El handcuffed, blindfolded and watched by one of the Israeli soldiers until noon on Thursday, 29 June 2006. In Beit El, I was not interrogated and nobody talked to me except the soldier who was watching me. He told me of his intention to tell his father and his friends that he spent the night watching a Palestinian minister. At approximately 12:00 pm on Thursday, 29 June 2006, I was forced, along with other detainees, by the Israeli soldiers into a military jeep. The soldiers treated us aggressively and pushed us, saying, "Do you believe that you are a minister?" One of the female soldiers cursed me and the other detainees, and repeated "God's curse on your father" several times.

I was then transferred to 'Ofar, blindfolded and handcuffed, until 5:00 pm that evening. In 'Ofar, my hands were untied, my blindfold was removed, and I was put in a room after having being physically inspected, in preparation for the first round of interrogation. Abu-Yousef carried out the first round of interrogation with me. He is in his fifties, has white hair and is of medium build and height. The interrogation lasted for approximately an hour and a half. Most of the questions were about my affiliation with Hamas, being a minister in a government led by Hamas. I told him that I was not

nominated for the elections on the Reform and Change list of Hamas. Most of the discussion was political. Abu-Yousef affirmed that the reason for my arrest was the kidnapping of the Israeli soldier by Hamas, and had the soldier not been kidnapped, I would not have been arrested. He placed the responsibility for the kidnap of the Israeli soldier on me as a minister of the Hamas government, saying that we encourage "terror operations." Abu-Yousef was writing something on paper while he was interrogating me. He then asked me to sign it but I refused.

At 7:00 pm on Thursday, 29 June 2006, we were transferred to "Ayalon", where we were distributed between several rooms. The rooms were very uncomfortable, dirty and humid and without enough mattresses to sleep on. Ten detainees were put in each room. We were isolated from the outer world. The food was very bad. We were moved between 'Ofar and Ayalon. In Ayalon detention center, we were not interrogated.

After more than one week of my detention, I was taken to al-Maskobiya prison in Jerusalem where my hands and feet were cuffed, and dark glasses placed on my eyes. I was submitted to *shabeh* for long hours with interrogation rounds in between. The interrogations were rotated among a number of interrogators and most of the interrogation concentrated on the Hamas movement, how I became a minister, the work of Hamas' military arm and my connection to it. I was also accused of implementing the instructions of Prime Minister Isma'il Haniyya and of also taking instructions from Khaled Mish'al. The interrogators continuously emphasised to me that these accusations are enough to be convicted of having links with a terrorist organisation.

I spent 37 days in al-Maskobiya prison, between *shabeh* and the cell. During these 37 days, I did not see my face. The *shabeh* and interrogation were not regular. The cruellest interrogators were "Itsek," who was in his thirties with Western features, and the female interrogator "Nora." Both of them threatened to bring my wife to the interrogation room to oblige me to confess. Nora emphasised that she would do that as she had done it before, and that she had her own methods to oblige me to confess. Nora said cruel things about me and the government, which led me to yell in her face and refuse to talk to her. This obliged Itsek to relieve her of interrogating me.

During the interrogation rounds, Itsek threatened to arrest me on other occasions and said that this time I will spend many years in detention, especially given the extent of the evidence. He also said that the press interviews and TV interviews in which I spoke on behalf of the government are enough to convict me as it is a Hamas government.

Finally, in court, a bill of indictment, which included two charges, was made against me. The first charge accused me of providing assistance to a terrorist organisation, and the second accused me of undertaking a position in a government that supports terror. After a number of hearings, the judge decided, on 14 August 2006, to release me for the lack of evidence against me. It is worth noting that this same judge decided in one of the sessions to release me with a fine of 80,000 shekels and to sign three times in Beit El but I refused that decision. I did not sign anything during the detention period. I was released at 12:00 pm when one of the policemen took me to al-Maskobiya door and told me to go. At that time, I did not receive my belongings such as my money and my ID. My appearance was terrifying because I did not shave my beard during my detention and I was wearing a training suit and slippers. I found a friend 200 metres from al-Maskobiya who gave me 50 shekels to help me reach Ramallah. I lost 12 kilos and I suffered from pains in my ear, back and neck during my time in detention.

This is my declaration and hereby I sign, 24 August 2006  
Signature: Muhammad Barghouthi  
Name not withheld  
Field researcher: Manaf 'Abbas