



## MONITORING AND DOCUMENTATION UNIT JANUARY-MARCH 2005 REPORT

### Introduction

This is the first of regular three-monthly reports which Al-Haq's Monitoring and Documentation Unit intends on making available on the organisation's website, to highlight specific human rights violations and/or patterns of abuse that come to the attention of the Unit.

First-hand documentation by Al-Haq's Monitoring and Documentation Unit constitutes the backbone for all other projects and activities of the organisation, and is gathered throughout the West Bank by Al-Haq's five fieldworkers from its primary resources through getting data and affidavits from victims of human rights violations and/or eyewitnesses.<sup>1</sup> While the unit documents only a certain number of human rights violations in a comprehensive manner (namely killings, punitive house demolitions, those due to lack of license, curfews and deportations), other violations are documented regularly but not comprehensively through affidavits, and could vary depending on the needs and ongoing activities of Al-Haq's other units. Subsequently the information gathered is channelled into Al-Haq's various activities, such as campaigns; interventions at the local and international levels, press releases and research reports.

### The Human Rights Situation Since the Beginning of the Current *Intifada*

In order to understand the human rights violations that are taking place in 2005, it is important to put them within the context of the deterioration witnessed in the general human rights situation since the beginning of the current *intifada* in 2000, and the continuous disregard by Israel for international human rights and humanitarian law in the OPT.

As an Occupying Power in the West Bank and Gaza Strip, Israel remains in effective control of the territory, and therefore has legal obligations towards the protection of the Palestinian civilian population therein. Nevertheless, Israel persists with serious violations of human rights in the name of security and counter-terrorism. Since 2000, the majority of these measures have also failed to fulfil the principles of necessity and proportionality, and have in most cases amounted to collective punishment or measures of intimidation, which under international law, are prohibited at all times.

According to Al-Haq's documentation, from the beginning of the *intifada* until the end of 2004, 1,460 Palestinians were killed, 276 of which are children, and 83 of which are women and young girls. In addition, it is estimated that 228 were killed by in targeted assassinations. Moreover, Al-Haq's fieldwork confirms that in the majority of cases killings were committed either by Israeli occupying forces or by Special Undercover Units, and occurred in situations where there were no confrontations taking place. In the case of house demolitions, Al-Haq noted that during the same time period, 425 homes were totally demolished in the West Bank, thereby displacing an average 2,940 persons. So far, both Hebron and Nablus registered the largest number of houses demolished as a punitive measure. Israel also carried out a large number of house demolitions on the pretext of lack of license. By end of 2004, 138 houses were administratively demolished for lack of license, 60 of which took place in East Jerusalem alone.

### Trends in January-March 2005

On 8 February 2004, at the Sharm al-Sheikh summit, a truce was declared between Israel and the Palestinian National Authority. However, although the highest level round of talks between the two sides since Israeli Prime Minister Ariel Sharon came to power, as Al-Haq's monitoring of the human rights situation indicates, the summit failed to introduce a fundamental change in this situation. Nor has it translated itself into obligations, particularly on Israel, to desist from measures that violate the rights of the

Palestinians on a daily basis. In this regard, although Israeli authorities have declared that they will desist from measures such as extrajudicial killings, they have continued with numerous other measures that violate the Palestinian's fundamental rights.

Restrictions on the **freedom of movement** of Palestinians continue to form one of the most pervasive features of Israel's occupation of the West Bank and Gaza Strip. In November 2004, the UN Office for the Coordination of Humanitarian Affairs (OCHA), there were an estimated 719 physical barriers to movement in the OPT, including 61 checkpoints, 102 roadblocks, and 374 earth mounds.

In addition to preventing them from freely travelling between the West Bank and the Gaza Strip, the system of checkpoints, roadblocks and permit requirements continues to create difficulties for Palestinians travel within either of them. With the construction of the Annexation Wall, approximately 63 gates have been incorporated into the completed sections of the Wall as of February 2005. Fieldwork reports continue to highlight the inconsistent opening hours of these gates, and the difficulties that Palestinians face in their efforts to obtain permits to reach their agricultural lands trapped in the Seam Zone (the part of the West Bank that is trapped between the Green Line and the Wall).

Furthermore, according to unofficial Israeli and Palestinian sources, beginning in July 2005, Palestinian East Jerusalemites wishing to enter the West Bank, most notably the Ramallah and Bethlehem areas will be required to obtain special permits from the Israeli military authorities. Based on an amendment made to Military Order 378 on 5 October 2000, this law requires Israeli citizens and permanent residents to get prior official approval to enter Area A of the OPT. However, given the historically strong social ties between East Jerusalem and other cities of the West Bank, most notably Ramallah, the order had not previously been applied to Palestinian East Jerusalemites, thousands of whom have strong work, family and cultural links to the Palestinian community throughout the West Bank.

More alarmingly, individual complaints received by Al-Haq all indicate that since January 2005, Israeli occupying forces have begun implementing this policy, albeit informally, at checkpoints on the Jerusalem-Ramallah Road, such as the main Qalandiya checkpoint. Turning back those without the required permits has affected hundreds of Palestinian East Jerusalemites who commute to Ramallah on a daily basis. In addition, several complaints have highlighted that the criteria which Israeli forces used to justify turning them back were both haphazard and unclear in nature. For example, whilst several individuals reported that they were barred from entering Ramallah because their ID cards were issued in "Jerusalem" as opposed to "East Jerusalem," others with the same place of issue faced no problem.

In several cases, Al-Haq fieldworkers continue to receive complaints of humiliating treatment by Israeli

"On 17 February 2005, I left the city of Jenin to go to Barta'a village (where I was born), near Jenin. I arrived at the checkpoint at the eastern entrance of the village at 11:30 am to find many cars waiting to be inspected. Since I am an elderly man, I do not have the ability to wait for long periods of time. So I got out of the public taxi and started walking towards the Israeli soldiers at the checkpoint, where they asked me to go through a metal detector. Although it did not make any noise to indicate that I was carrying any metal, the six soldiers there asked me to go through the detector several times. When one soldier asked to inspect my ID, another came towards me and gave me a magazine, and asked me to put it on my chest to take a picture of me with it. When I looked at it, I realised to my horror that it was a pornographic magazine. My first reaction was to throw it towards the soldier who was preparing to take a picture of me."

**Extract from Al-Haq Affidavit No. 2174/2005**

Given by Mahmoud 'Abdallah Younes (resident of the village of Barta'a, nearby Jenin, West Bank)

occupying forces at many of these checkpoints. In this regard, international humanitarian law entitles civilians in all circumstances to humane treatment and to respect for their person, including their right to protection from slander, insults and humiliating treatment.

Incoming reports also confirm that residents have been subjected to curfew. For example, in January 2005, the 3,000 residents of Seida, a village in the Toulkarem Governorate in the northern West Bank, experienced at least four days of a severe curfew imposed by Israeli occupying forces, during which they were without water or electricity, and were running out of food and medicine. During that time, the area was surrounded by military vehicles and

Israeli soldiers, who searched from house to house for wanted individuals. The failure to respect, protect and fulfil the fundamental rights to food and water are violations of Israel's obligations under international humanitarian and human rights law, most notably the International Covenant on Economic, Social, and Cultural Rights.

"I am a resident of Seida, which is approximately 30 kilometres to the northeast of Toulkarem. On 25 January 2004, at around 6 am I was woken up by loudspeakers announcing a curfew. From my brother's window, I could see tens of Israeli military jeeps driving around in the village. After making a few phone calls to friends, I found out that Israeli soldiers had occupied five houses from the early morning hours. I later saw from the window several soldiers surrounding my house, so I hurried immediately to them. I was stopped by an officer who asked me where I was going. I told him that the soldiers were trying to enter my house and that I had come to open the door so they would not break in and cause damage. When he let me approach the soldiers, I told them that I had the keys to the house and that there was no need to enter the house by force. As soon as I finished speaking with them, I heard the sound of a large explosion coming from inside my house, after which the soldier commented: "We opened the door using our own method. Now go back to where you came from!!!" I stayed at my brother's home until the curfew was lifted on 28 January 2005. When my wife and I returned the following morning to the house, I found that it was severely damaged as a result of the explosion. They also damaged many of our belongings during their searches. During the curfew that lasted four days, the Israeli army cut off electricity and water and closed down schools. Economic activities were totally paralysed, and we started suffering from a shortage of food, especially bread. During this period, Israeli soldiers did house to house searches and arrested three young men. In addition, no one was allowed to enter or leave the village."

**Extract from Al-Haq Affidavit No. 2157/2005**

Given by Ashraf Fathi Mahmoud 'Ajaj (resident of the village of Seida, nearby Toulkarem, West Bank)

During January and February 2005, Al-Haq's fieldworkers have noted the continued resort by Israeli occupying forces to lethal force against unarmed Palestinian civilians, including children, not justified by either necessity or proportionality. In several cases, Al-Haq's documentation not only reveals failure by Israeli occupying forces to distinguish between civilians and combatants, but also a deliberate policy to kill, thereby amounting to **wilful killing** - a grave breach of the Fourth Geneva Convention. In this regard, it is worth reiterating the large number of children that have been killed: by end of 2004, 333 of Palestinians killed were children, 78 of whom were under 12. In the majority of these cases, Israel failed to ensure that criminal charges were brought against those responsible for such grave breaches, or to conduct thorough, prompt and impartial investigations therein.

Despite promises to end the targeting of political activists, Al-Haq's documentation during the time period for this report indicates that Israeli authorities continue with the unlawful policy of **targeted assassinations and other extrajudicial killings**, thereby denying those targeted fundamental rights protected under international law, most notably the right to life and to due process. On 26 January 2005, Israeli undercover forces carried out the targeted assassination of Maher Harb Abu-Sneina in Qalqiliya. A member of the al-Aqsa Brigade, and on Israel's wanted list, Mr. Abu-Sneina was hit by three

"On 20 January 2005, the first day of holy Eid, I went to visit my uncle's family in Toubas. My cousin Nimr asked me to fetch his brother Salah who was playing in the street of Toubas-Tayasir, so that we all go and visit some relatives. When I arrived in the aforementioned street, I found eight young boys playing with plastic objects. Looking to the east, I saw an Israeli jeep that was erecting a flying checkpoint, and four soldiers next to it. Salah and the rest of the boys were playing with the plastic objects, pretending that they were guns and shooting at each other. Suddenly, while I approached them to bring Salah home, I heard three gunshots fired. When I looked at Salah, who was running with his back turned to the soldiers, he was falling to the ground. I realised he had been hit. As I approached him, I heard four more gunshots fired. A taxi approached us, and the driver and I quickly put the boy, who was bleeding from his back and stomach, into the back seat of the car. We took him to the hospital in Toubas, where the nurses and doctors tried to save the life of the 13-year-old boy. However, he must have died as soon as he was hit."

**Extract from Al-Haq Affidavit No. 2126/2005**

Given by Saqr Fawwaz Fayege Daraghma (resident of Toubas, nearby Jenin, West Bank)

bullets in the chest, while he was driving his car, even though no military confrontations had taken place between him and Israeli forces prior to the incident.

"At around 3:00 pm on 26 January 2005, I was riding in a car driven by Maher Harb with Muhammad Khamis, in the city of Qalqiliya. Suddenly, a person caught us by surprise, shouting that we stop the car, as he was shooting at us. I then saw another person to the right, aiming his gun at Maher from a distance of not more than two metres. When Maher was shot in his neck, he immediately fell to the left, while the car hit a tree on the pavement and then stopped completely. I then saw a white Volkswagen park in front of us, and three men got out of it. They opened the car doors and shot my friend Muhammad, who was wounded. Then one of the persons, whom I then realised were Israeli special security forces, dragged me by my bleeding left arm, whilst he was asking me whether I was carrying any weapons, and hitting me with the end of his gun. I responded that I was not carrying any weapons. Both Muhammad and I were screaming with pain, while Maher was lying motionless on the ground."

**Extract from Al-Haq Affidavit No. 2149/2005**

Given by Yihya 'Abd-al-Qader Nazzal (resident of Kheyata, Qalqiliya, West Bank)

While world attention is turned towards the planned disengagement from the Gaza Strip, Israel continues its policy of **land confiscation** and **property destruction** for the continued construction of the **Annexation Wall** in the Hebron and Bethlehem areas.

During February and March 2005, the rate of land confiscation for the **expansion of Israeli settlements** inside the West Bank also increased dramatically, most notably around the areas of Jerusalem, Bethlehem and Toulkarem. Under the pretext of being state land, thousands of dunums were also confiscated in Bethlehem and in the villages of al-Jeeb and Bil'in. Rapid construction also continues in Jericho. As a result, hundreds of Palestinians continue to be subjected to violations of their fundamental rights, most notably the right to freedom of movement, to property, work, health and education. As Al-Haq's monitoring and documentation activities indicate, Palestinians with property in the vicinity of the wall continue to be denied access to this property in what Israeli military authorities declare as closed military areas.

Translating itself into a loss of their main source of livelihood, and vital family ties, this continues to have detrimental social and economic consequences for the majority of Palestinians, including poor access to health and educational facilities. Moreover, the Wall and associated Israeli measures, seek to create facts on the ground that may well become permanent, and which effectively amount to *de facto* annexation, prohibited under international law.

"Khirbet Jbara where I live lies west of the city of Toulkarem, and which has approximately 400 residents. After the completion of the Wall's construction in the area, we found ourselves west of the wall, surrounded by barbed wire. Israeli occupying forces made an iron gate (number 22) through the wall, and allowed only students going to school in the nearby village of al-Ras to go through it. Shortly afterwards, they also allowed the passage of farmers who had agricultural land in the area, provided that they got permits. These gates were opened twice a day, from 6:30 am to 7:00 am, and from 1:30 to 2:00 pm, thereby creating a lot of hardship. At the end of 2003 and at the beginning of 2004, Israeli occupying forces tried to impose the requirement on all village residents over the age of 13 wishing to enter and leave the village to get special permits. When we refused, the Israeli army closed down the checkpoint leading to the village for 30 days. After initially succumbing to outside pressure, they resumed the policy of demanding permits. Due to the strong social ties that exist between the village residents and those in Toulkarem, we had to accept. However, we soon discovered that the permits that we were required to have issued to enter and leave our village indicated that they were permits to a closed military area. The permit also stated clearly that, as a result, the permit holder does not have any property rights in the area. At the same time, no one other than the village residents were allowed entry, which undermined social ties to a great extent."

**Extract from Al-Haq Affidavit No. 2153/2005**

Given by Ihsan Tahsin Yousef 'Awad (resident of Khirbet Jbara, nearby Toulkarem, West Bank)

To date, houses in the OPT are demolished for their proximity to illegal Israeli settlements and bypass roads, and during illegal and indiscriminate shelling of Palestinian civilian areas, on the basis that this property allegedly poses a security threat. Nevertheless, the criteria used by the Israeli army to define "military/security needs" are extremely broad. Thousands more have been demolished on the basis that they were built in violation of the Israeli authorities housing permit "policy."

"I live in the area of Wadi Hems, otherwise known as al-Muntar, east of Sour Baher, nearby Jerusalem. The house that I currently reside in belongs to me personally, and is located outside what Israel considers to be the borders of the Jerusalem municipality. I am the holder of a Jerusalem ID, and the city is the centre of my life. A year ago, the construction of parts of the Wall began on the lands of Sour Baher. After complaints were submitted by the village residents, and they proved that they all carry Jerusalem IDs, and proved that Jerusalem is the centre of their lives, the route of the Wall was changed south-east. However, the Israeli National Insurance company soon after began nullifying the residents' health insurance, including those of the children and the elderly. My own family was one of the many to be affected by this policy, including my one-year and three-year old daughters and my wife, all of whom lost their health insurance in October 2004. When we took the case to court, the basis relied on by the National Insurance company was that we currently reside outside the Jerusalem municipality."

**Extract from Al-Haq Affidavit No. 2171/2005**

Given by Rani Ahmad Muhammad al-Bkeirat (resident of the village of Sour Baher nearby Easy Jerusalem, West Bank)

This has particularly been the case in the **East Jerusalem**, where Israeli authorities have escalated their policy of demolishing the houses of Palestinian East Jerusalemites on the pretext that they do not have necessary permits. In this regard, Israel's complex and sophisticated administrative planning, zoning and housing system discriminatorily denies Palestinians essential permits to build new homes. This has lead to the underdevelopment of Palestinian communities, and is an attempt to limit the number of Palestinians.

With the construction of the Wall, there have also been numerous incoming reports of attempts to strip Palestinian East Jerusalemites remaining on the west side of the wall from their blue ID cards, thereby denying them their health insurance and other benefits.

Al-Haq's documentation indicates that Palestinian civilians continue to suffer from acts of vandalism, violence and destruction of their private property by **Israeli settlers**, most notably their crop and arable land. In the majority of these cases, complaints by Palestinian residents of the affected areas to Israeli law enforcement and military authorities are either neglected or result in minimal intervention that does not amount to ending the violation in question. Not only does this violate Israel's duty as an Occupying Power to ensure the well-being and protection of the Palestinian civilian population under its control, but it also perpetuates a culture of impunity amongst Israeli settlers.

"I am a resident of the village of Nahhalin, almost 10 kilometres west of Bethlehem. It has 6,000 residents, covers a land area of 20,000 dunums, and has five springs, which are the source of irrigation in the village. In the 80s, it was surrounded by the [Israeli] settlement of Bitar Eleit to the west, and the settlement of Nabi Danial to the south, which resulted in the confiscation of half of the village's land. Since then, we have been suffering from the settlers dumping their sewage through pipes into the area, despite repeated complaints by the villages and demands to the settlers that they cease those activities. On 13 February 2005, three pipes were opened to dump sewage for three days into the area of 'Ein-Fares, where the spring is used for irrigation and domestic consumption. This destroyed crops such as grapes, vegetables, and olives, and we were unable to use the water for drinking or to give to our cattle. As a representative of the village council, I submitted until 16 February repeated complaints to the International Committee of the Red Cross, the Palestinian Authority, and the Israeli Civil Administration, where the Israeli commander told us to solve this problem on our own with the settlers."

**Extract from Al-Haq Affidavit No. 2164/2005**

Given by Mahmoud Mohammad Mousa Shakarna (resident of the village of Nahhalin, nearby Bethlehem, West Bank)

<sup>1</sup> Al-Haq has no fieldworkers in the Gaza Strip, and therefore relies for first-hand documentation on Palestinian partner organisations such as the Palestinian Centre for Human Rights and Al-Mezan.



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## MONITORING AND DOCUMENTATION UNIT JANUARY-MARCH 2005 STATISTICS

### KILLINGS

Categories	Adults	Children	Total
Total	14	7	21
Death in custody	1	1	2
Targeted assassination	1	-	1
Assassination in custody	1	-	1
Death at checkpoints	-	-	-
Women	-	-	-

### Killings by District

Bethlehem	-
Hebron	3
Jenin	4
Jericho	-
Jerusalem	-
Nablus	5
Ramallah	2
Toulkarem	6

### Killings by Age Groups

Less than 12	1
13-17	6
18-25	9
26-35	5
36-50	-
Over 50	-
Unknown	-

### Killing by Perpetrator

Israeli Occupying Forces	
Soldiers	14
Special undercover units	3
Snipers	-
Israeli Border Guards	-
Israeli Policemen	1
General Security Services	-
Settlers	-
Armed Israeli civilians	-
Unknown	3

### Situation During Killing

Normal/calm	13
Incursion	-
Demonstration and stone-throwing	2
Armed clashes	5
Shelling	-
Closed military area	-
Bystanders killed during attempted assassination	1
Unclear	-

### Methods of Killing

Live bullet	16
Fragmented bullet	-
Rubber-coated metal bullet	-
Explosives and small missiles	1
Shrapnel	-
Mine	2
Tear gas	-
Blunt instrument	-
Sharp instrument	-
Other	2

## HOUSE DEMOLITIONS

### House Demolition by Military Order

Total Demolition of House	9
Partial Demolition of House	-
Sealed Houses	-
Displaced Persons	46

### House Demolition for Lack of License

Total Demolition of House	48	
Displaced Persons	51 Adults	20 Children

**House Demolition by Military Orders by District**

Bethlehem	-
Hebron	-
Jenin	-
Jericho	-
Jerusalem	-
Nablus	5
Ramallah	1
Toulkarem	3

**House Demolition for Lack of License by District**

Bethlehem	4
Hebron	-
Jenin	-
Jericho	-
Jerusalem	44
Nablus	-
Ramallah	-
Toulkarem	-

**CURFEWS****Curfew by District**

District	Hours
Bethlehem	125
Jenin	30
Nablus	101
Toulkarem	147