

# ISRAEL AND THE OCCUPIED TERRITORIES

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## STATE OF ISRAEL

Head of state: Moshe Katzav

Head of government: Ariel Sharon

Death penalty: abolitionist for ordinary crimes

International Criminal Court: nullified signature

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At least 1,000 Palestinians were killed by the Israeli army, most of them unlawfully. They included some 150 children and at least 35 individuals killed in targeted assassinations. Palestinian armed groups killed more than 420 Israelis, at least 265 of them civilians and including 47 children, and some 20 foreign nationals, in targeted or indiscriminate attacks. Prolonged closures and curfews were imposed throughout the Occupied Territories and more than 2,000 homes were destroyed. Thousands of Palestinians were arrested. Most were released without charge, but more than 3,000 remained in military jails. More than 1,900 were held in administrative detention without charge or trial, and some 5,000 were charged with security offences, including involvement in attacks against Israelis. More than 3,800 were tried before military courts in trials that did not meet international standards. Ill-treatment of Palestinian detainees was widespread. Israeli soldiers used Palestinians as "human shields" during military operations. Certain abuses committed by the Israeli army constituted war crimes. These included unlawful killings, obstruction of medical assistance and targeting of medical personnel, extensive and wanton destruction of property, torture and cruel and inhuman treatment, unlawful confinement and the use of "human shields". The deliberate targeting of civilians by Palestinian armed groups constituted crimes against humanity. At least 158 Israeli conscientious objectors and reservists who refused to serve in the Occupied Territories were imprisoned. Several Israeli soldiers and settlers were arrested on charges of selling weapons and munitions to armed Palestinian groups, and four Israeli settlers were arrested and charged with attempting to bomb a Palestinian school.

## Background

In November the Labour Party withdrew from the government coalition headed by Prime Minister Ariel Sharon. Labour leader and Minister of Defence, Benyamin Ben Eliezer, resigned and was replaced by Shaul Mofaz, former Israeli Defence Forces (IDF) Chief of Staff. Israeli colonies, known as settlements, in the Occupied Territories continued to be expanded and new ones were established. Israel pursued its policy of seizing Palestinian land to expand the infrastructure for settlements.

## IDF operations in the Occupied Territories

The Palestinian uprising, known as the *al-Aqsa intifada*, continued throughout 2002. Israeli army incursions in areas under the jurisdiction of the Palestinian Authority (PA) intensified at the beginning of the year. From March, following a series of attacks on Israeli civilians by Palestinian armed groups, the IDF launched a series of major offensives against refugee camps and most towns throughout the West Bank. Operation "Defensive Shield" began on 29 March with an attack on the headquarters of Yasser 'Arafat, President of the PA, in Ramallah. The IDF then entered Bethlehem, Tulkarem, Qalqiliya, Jenin and Nablus, declaring them "closed military areas", barring access to the outside world, cutting water and electricity supplies in most areas, and imposing strict curfews on residents. Access by international non-governmental organizations (NGOs) and media to these areas was often denied and a UN fact-finding team was refused permission to visit the country. In the course of this and other operations, the IDF destroyed more than 2,000 Palestinian homes, scores of public buildings and destroyed or damaged water and electricity infrastructure. Soldiers also damaged and ransacked hundreds of other houses as well as public and private buildings, including the offices of non-governmental organizations.

The IDF continued to demolish houses and destroy agricultural land and industrial installations throughout the Gaza Strip, especially in areas close to Jewish settlements, settlers' roads and borders. The army also resumed the practice of blowing up houses of relatives of people known or suspected of involvement in attacks against Israelis. The destruction of Palestinian homes left thousands homeless, most of them children. The construction of the initial phase of a barrier around some West Bank cities resulted in the destruction of vast areas of Palestinian agricultural land. Other collective punishment in the form of closures and curfews was imposed throughout the Occupied Territories on an unprecedented scale.

The IDF routinely used F16 fighter jets, helicopter gunships and tanks to bomb and shell Palestinian residential areas in response to gunfire or mortar attacks by Palestinians or in reprisal for suicide bombings and other attacks by Palestinian armed groups in Israeli cities and against Israeli settlements in the Occupied Territories.

Israeli soldiers often used Palestinians as "human shields" during military operations, forcing them to carry out tasks that endangered their lives, including entering houses to make the inhabitants leave, searching houses for explosives, removing potentially dangerous objects, and providing cover for them when they shot at other Palestinians. At least one Palestinian was killed while being used as a "human shield" by the IDF.

Impunity for IDF members remained a key problem. Some soldiers were tried for stealing Palestinian property, two were sentenced to 28 days' imprisonment for using a Palestinian as a "human shield", and one was sentenced to 65 days' imprisonment for killing a 95-year-old Palestinian woman. According to the IDF, since the beginning of the *intifada* 127 military police investigations were initiated against IDF members, resulting in 12 indictments, eight of which resulted in

convictions. However, in the overwhelming majority of the thousands of cases of unlawful killings and other grave human rights violations committed by Israeli soldiers since the beginning of the *intifada*, no independent and impartial investigation was known to have been carried out. This was despite a government commitment in October to investigate all killings of children.

### Killings by the Israeli army

Hundreds of unarmed Palestinians, including more than 100 children, were killed by the Israeli army in random and reckless shooting, shelling and bombings or as a result of excessive use of force, including in enforcement of curfews. Hundreds of others were killed in armed clashes with the Israeli army and at least 35 were killed in targeted assassinations, which often also resulted in the deaths of uninvolved bystanders. Some Palestinians were killed when the IDF demolished their homes on top of them.

☞ Ahmad Ghazawi, aged six, and his 12-year-old brother Jamil were killed on 21 June by a tank shell fired by the IDF in a residential area on the edge of Jenin city. Their 11-year-old brother Tareq and a neighbour, Samer al-Ahmad, were seriously wounded in the same incident, which was caught on video by a neighbour.

☞ During the night of 22 July, the IDF dropped a one-ton bomb from an F16 fighter jet on a densely populated neighbourhood of Gaza City, killing *Hamas* activist Salah Shehada, the target of the IDF attack. Seven other adults and nine children were also killed, and more than 70 injured. The IDF accused Salah Shehada of having organized attacks against Israelis. Six nearby houses were also destroyed in the attack. The following day Prime Minister Ariel Sharon called the attack "one of the most successful operations".

☞ Baha al-Bahesh, aged 13, was killed by a single bullet fired from an IDF armoured personnel carrier on 22 September in Nablus while standing with four international aid workers from the International Solidarity Movement.

☞ Nine-year-old Shaima 'Abu Shammala was killed on 17 October in her home in front of her parents and siblings by a shell fired by the IDF into a densely populated refugee camp in Rafah, in the Gaza Strip. In the same incident five other residents were killed, including a 15-year-old boy and a 70-year-old woman.

☞ Iain Hook, a United Kingdom national working with the UN Relief and Works Agency (UNRWA), was shot by IDF troops while inside the UNRWA compound in Jenin refugee camp on 22 November. The ambulance was delayed by the IDF and he died shortly afterwards. On the same day Cahome Butterly, an Irish aid worker, was injured by a shot fired by an IDF armoured personnel carrier inside Jenin refugee camp.

### Killings by Palestinian armed groups

Palestinian armed groups killed at least 265 Israeli civilians, including 47 children, and some 20 foreign nationals. Of these, some 180 were killed in suicide bombings, often in crowded areas such as cafés, and in other attacks inside Israel. More than 80 were killed in shootings and other attacks in the Occupied Territories. Also killed were over 150 soldiers, more

than 100 of them in the Occupied Territories and 47 inside Israel.

☞ Pinhas Tokatli, aged 81, was killed and more than 100 people were injured on 27 January, when Wafa Idris blew herself up in Jaffa Street in Jerusalem. Wafa Idris was the first female Palestinian suicide bomber. Al-Qsa Martyrs Brigades (an offshoot of *Fatah*) claimed responsibility.

☞ Five-year-old Danielle Shefi was killed on 27 April by three armed Palestinians in Adora, an Israeli settlement in the Occupied Territories. She was shot dead and her mother and two brothers, aged two and four, were injured. Elsewhere in the settlement, the gunmen killed three adults. The Izz al-Din al-Qassam Brigades, the military wing of *Hamas*, claimed responsibility for what it described as an "heroic and daring operation".

☞ Levina Shapira, aged 53, and David Ladovski, aged 29, were among seven people killed on 31 July when a bomb exploded in a cafeteria at an international students' centre in Jerusalem's Hebrew University. More than 70 people were injured. The Izz al-Din al-Qassam Brigades claimed responsibility.

☞ Eleven people were killed and 47 injured on 21 November when a Palestinian blew himself up on a bus in the Kiryat Menachem district of Jerusalem. Hadassah Ben David, aged 13, and Michael Sharshevsky, aged 16, were among those killed. Both *Hamas* and Islamic *Jihad* claimed responsibility.

### Attacks on Palestinians by Israeli settlers in the Occupied Territories

Israeli settlers repeatedly attacked Palestinians and destroyed their property in the Occupied Territories.

In October during the olive harvest, Israeli settlers frequently attacked Palestinian villagers, preventing them from picking their olives and burning and destroying olive trees and other property. Several of the attacks occurred around Nablus. In the village of Yanun, all the Palestinian residents were forced to flee the village because of repeated attacks by Israeli settlers. The villagers later returned home under the protection of international and Israeli peace activists. In most cases the IDF did not intervene to protect the Palestinians under attack and often declared the areas closed to Palestinian farmers. In August, six Israeli settlers were arrested as they placed a bomb outside a girls' school in East Jerusalem. Their trial started in September but was not concluded by the end of the year.

☞ Nivin Jamjun, aged 14, was shot dead on 28 June in Hebron by Israeli settlers who destroyed and vandalized Palestinian houses and property.

### Closures and curfews

The IDF imposed closures and curfews on an unprecedented level throughout the Occupied Territories. Most Palestinian towns and villages were cut off from one another and from surrounding areas for most of the year, and prolonged curfews were imposed on the major population centres. From the beginning of August, Nablus, home to around 120,000 Palestinians, was under strict 24-hour curfew for 106 consecutive days. These sweeping measures of collective punishment affected millions of Palestinians, whose access to

work, school and medical care was denied or severely restricted for most of the year. AI delegates were denied access to towns in the West Bank and Gaza Strip by Israeli soldiers at checkpoints on several occasions, as were other international aid workers, medical personnel and journalists.

### **Destruction of homes, agricultural land and other property**

The Israeli army destroyed more than 2,000 Palestinian homes and vast areas of agricultural land, where tens of thousands of trees were uprooted. The IDF usually destroyed houses without giving prior warning to the inhabitants, who were not allowed to salvage any of their belongings.

Hundreds of homes were destroyed during military operations. In April, after the armed confrontation between the IDF and armed Palestinians had ended, the IDF destroyed an entire quarter in Jenin refugee camp, leaving about 800 families homeless.

☞ In Nablus on 6 April the IDF bulldozed a house on top of 10 members of the al-Shu'bi family. Eight of them were killed, including three children, their pregnant mother and 85-year-old grandfather. Two other elderly relatives were found alive under the rubble a week later.

Hundreds of homes and large areas of cultivated land were destroyed by the IDF in the Gaza Strip in areas near Israeli settlements, along settlers' roads and along the borders with Egypt and Israel.

☞ On 10 January the IDF destroyed some 60 houses in Rafah refugee camp, leaving about 500 people homeless.

The IDF destroyed around 100 homes of relatives of people known to have been or suspected of involvement in attacks against Israelis. This practice had been used by the IDF in previous decades but had been discontinued in 1993. In most cases the IDF blew up the houses, destroying or seriously damaging nearby houses and in some cases injuring residents.

In the second half of the year, large areas of agricultural land were destroyed by the IDF around Qalqiliya, Tulkarem and Jenin to make way for a barrier being built to stop Palestinians from the West Bank from entering Israel. The barrier was being built to the East of the Green Line (the border with Israel), inside the West Bank, cutting off local farmers from much of their land, which is their main or sole means of subsistence.

### **Mass arrests, detention and torture or ill-treatment of Palestinians**

The IDF arrested thousands of Palestinians, including hundreds of minors, throughout the Occupied Territories. Most were released without charge and many without having been questioned. Ill-treatment was widespread during arrest and interrogation, and there were numerous reports of torture in detention. Detainees reported various forms of torture and ill-treatment, including beatings, being handcuffed and tied in uncomfortable positions for prolonged periods, threats to the detainee and their relatives, and sleep deprivation. At least one detainee died in custody after he was beaten.

More than 1,900 of those arrested were held in administrative detention for up to one year. They were not charged with any offence and were held on the basis of

"secret evidence", which neither they nor their lawyers were allowed to see or to challenge in court. Around 1,000 other people who were arrested were charged with involvement in attacks against Israelis and more than 3,800 were tried by military courts in trials that fell short of international fair trial standards.

Most Palestinian detainees were not allowed to receive visits from their relatives, even when, according to the International Committee of the Red Cross, the relatives fulfilled the necessary security requirements.

### **Conscientious objectors**

At least 158 Jewish Israelis who refused to perform military service or to serve in the Occupied Territories were sentenced to terms of imprisonment of up to six months. They were prisoners of conscience.

### **Forcible transfer**

On 4 September Intisar and Kifah 'Ajuri were forcibly transferred from their home town of Nablus to the Gaza Strip on the grounds that they had allegedly assisted their brother, who was assassinated by the IDF on 6 August, to commit attacks against Israelis. The two had been in detention since 4 June and 18 July respectively, but were never charged and no proceedings were initiated to bring them to trial.

### **United Nations**

In April a UN delegation headed by the UN High Commissioner for Human Rights was unable to travel to the Occupied Territories because of lack of cooperation by the Israeli government. After initially agreeing to a visit by a UN fact-finding team, pursuant to UN Security Council Resolution 1405 of 19 April, the Israeli government refused access to the team, which was disbanded by the UN Secretary-General on 3 May.

In August the Israeli government informed the UN Secretary-General of the nullification of its signature of the Rome Statute of the International Criminal Court.

In October the UN Committee on the Rights of the Child recommended that Israel refrain from targeting children and noted: "[T]he illegal occupation of Palestinian territory, the bombing of civilian areas, extra-judicial killings, the disproportionate use of force by the Israeli Defence Forces, the demolition of homes, the destruction of infrastructure, mobility restrictions, and the daily humiliation of Palestinians continues to contribute to the cycle of violence".

### **AI country reports/visits**

#### **Reports**

- Israel/Occupied Territories: The heavy price of Israeli incursions (AI Index: MDE 15/042/2002)
- Israel/Occupied Territories: Mass detention in cruel, inhuman and degrading conditions (AI Index: MDE 15/074/2002)
- Israel/Occupied Territories/Palestinian Authority: Without distinction — attacks on civilians by Palestinian armed groups (AI Index: MDE 02/003/2002)
- Israel/Occupied Territories/Palestinian Authority: Killing the Future — children in the line of fire (AI Index: MDE 02/005/2002)

- Israel/Occupied Territories: Shielded from scrutiny – IDF violations in Jenin and Nablus (AI Index: MDE 15/143/2002)

#### Visits

AI delegations visited Israel and the Occupied Territories in January, March, April, May, June, July, August, October and November. AI's Secretary General visited the area in April/May. AI delegates met Israeli government authorities and IDF officials on several occasions and raised the organization's concerns and requested clarification on dozens of cases. Replies were received on two of these cases, both concerning detainees.