TABLE OF CONTENTS

Israel and the Occupied Territories

Shielded from scrutiny: IDF violations in Jenin and Nablus

Introduction

"IDF soldiers and officers have been given clear orders: to enter cities and villages which have become havens for terrorists; to catch and arrest terrorists and, primarily, their dispatchers and those who finance and support them; to confiscate weapons intended to be used against Israeli citizens; to expose and destroy terrorist facilities and explosives, laboratories, weapons production factories and secret installations. The orders are clear: target and paralyse anyone who takes up weapons and tries to oppose our troops, resists them or endangers them - and to avoid harming the civilian population."

[Ariel Sharon, Israel's Prime Minister, before the Knesset, 8 April 2002]

"I have been in urban environments where house to house fighting has happened: Rwanda, Nicaragua, El Salvador, Colombia, and a city struck by a massive earthquake: Mexico city. The devastation seen in Jenin camp had the worst elements of both situations. Houses not just bulldozed or dynamited but reduced almost to dust by the repeated and deliberate coming and goings of bulldozers and tanks. Houses pierced from wall to wall by tank or helicopter gun ships. Houses cut down the middle as if by giant scissors. Inside, an eerie vision of dining or bedrooms almost intact. No signs whatsoever that that bedroom or dining room or indeed the house had been used by fighters. Gratuitous, wanton, unnecessary destruction. Children's prams, toys, beds everywhere. Where were those children? I do not know, but I do know where the survivors will be in the future."

[Javier Zuniga Amnesty International's Director of Regional Strategy who entered Jenin refugee camp on 17 April 2002]

On 29 March 2002 the Israeli Defence Forces (IDF) launched a new offensive, Operation Defensive Shield, in Palestinian residential areas. According to the IDF, the purpose of the offensive, like the incursions into refugee camps which preceded it in March and the occupation of the West Bank which followed in June, was to eradicate the infrastructure of "terrorism", in particular following Palestinian armed groups' killing of 80 Israeli civilians between 1 March and 1 April.[1]

1 For the earlier IDF incursions in March see *Israel and the Occupied Territories: the heavy price of Israeli incursions*, April 2002 (AI Index: MDE 15/042/2002).

The offensive began with an attack on President Yasser Arafat's headquarters in Ramallah. The IDF then entered Bethlehem, Tulkarem and Qalqiliya from 1 April, followed by Jenin and Nablus from the nights of 3 and 4 April. They declared areas "closed military areas", barring access to the outside world. The IDF cut water and electricity in most areas, and imposed strict curfews on residents within the towns.

In Jenin and Nablus a tight cordon of tanks, armoured personnel carriers and soldiers was thrown around the areas where the IDF carried out operations: Jenin refugee camp and Nablus old city. Houses were intensively attacked by missiles from Apache helicopters.

After the first day those killed or wounded in Jenin and Nablus were left without burial or medical treatment. Bodies remained in the street as residents who ventured outside to collect or attend to the dead or injured were shot. Tanks travelling through narrow streets ruthlessly sliced off the outer walls of houses; much destruction of property by tanks was wanton and unnecessary. In one appalling and extensive operation, the IDF demolished, destroyed by explosives, or flattened by army bulldozers, a large residential area of Jenin refugee camp, much of it after the fighting had apparently ended.

In the four months between 27 February and the end of June 2002 – the period of the two major IDF offensives and the reoccupation of the West Bank - the IDF killed nearly 500 Palestinians. Although many Palestinians died during armed confrontations many of these IDF killings appeared to be unlawful and at least 16% of the victims, more than 70, were children. More than 8,000 Palestinians detained in mass round-ups over the same period were routinely subjected to ill-treatment[2] and more than 3,000 Palestinian homes were demolished.

The number of Israelis killed by Palestinian armed groups and individuals also increased: the number doubled during the month of March during the first Israeli incursions; in the four months up to the end of June 2002 more than 250 Israelis had been killed, including 164 civilians; 32 of those killed were children.[3]

Israel has the right and responsibility to take measures to prevent unlawful violence. The Israeli government equally has an obligation to ensure that the measures it takes to protect Israelis are carried out in accordance with international human rights and humanitarian law. As the occupying power of the West Bank, including East Jerusalem, and the Gaza Strip, Israel has an obligation to respect and protect the human rights of all people in these areas.

2 The pattern of detention has been documented in: Amnesty International, *Israel and the Occupied Territories: Mass detention in cruel, inhuman and degrading conditions*, May 2002 (AI Index: MDE 15/074/2002).

3 See Amnesty International, *Israel and the Occupied Territories and the Palestinian Authority: Without distinction: Attacks on civilians by Palestinian armed groups*, July 2002 (AI Index: MDE 02/003/2002) and *Israel and the Occupied Territories and the Palestinian Authority: Killing the Future: Children in the line of fire*, October 2002 (AI Index: MDE 02/005/2002).

Avoiding Scrutiny

Throughout the period 4-15 April, the IDF denied access to Jenin refugee camp to all, including medical doctors and nurses, ambulances, humanitarian relief services, human rights organizations, and journalists**.** Amnesty International and other organizations tried to get information by the only means that seemed possible: constantly telephoning residents under curfew. By 12 April residents said that the continuous curfew had led to an acute food and water shortage. In some cases children were drinking waste water and became sick as a result. One resident from the edge of the camp said that: "the camp smells of death due to the scattered bodies, some bodies are buried under the rubble, others crushed by tanks, and the rest are left lying in the streets."

In the old city area of Nablus, the situation was quite similar. Cut off from the outside world by a cordon of IDF tanks from 3 to 22 April, Amnesty International and other human rights defenders relied on the telephone to find out what was happening; each resident was cut off and could speak only of the immediate surroundings. They described the lack of food and water and the fact they were unable to move from their houses. Occupants of one house reported the body, apparently of a Palestinian fighter, lying in the street outside; they said that when people had tried to go to him IDF soldiers shot at them. From inside the house they had watched the unknown Palestinian die; then they watched dogs eat the body as it decomposed.

Day after day residents begged for help by telephone, describing the sight and smell to medical organizations and human rights defenders unable to gain access and powerless to help.

The barriers erected by the IDF against the eyes of the outside world in Jenin and Nablus during April 2002 are typical of the barriers erected by the Israeli authorities over the past two years of the *intifada*. Today, every Palestinian town or village is blocked by heaps of earth, concrete blocks or IDF manned barriers. Israeli citizens are not allowed to enter the Occupied Palestinian Territories without special permission which is difficult to obtain. Palestinians from the Occupied Territories are banned from traveling on main roads and checked – and often turned back - at the Israeli-manned barrier outside every town. Since May 2002 a Palestinian cannot travel from one town to another in the Occupied Territories without a special pass. Most Palestinians do not have permits and thus do not travel. Gaza is cut off from the West Bank and entry to Jerusalem prohibited without special permission to all Palestinians from the Occupied Territories.

The Israeli authorities claim that there are reasons for this. No Israeli may enter a Palestinian area as many Israeli civilians have been targeted and killed by Palestinian armed groups. No Palestinian may enter Jerusalem or travel on certain roads as many armed Palestinians have carried out attacks on Israelis. Apart from IDF tanks, armoured personnel carriers and jeeps no one now travels freely along the roads of the Occupied Territories. In April 2002 not only ambulances from the Palestine Red Crescent Society (PRCS) were banned from access to Jenin and Nablus: those from the International Committee of the Red Cross (ICRC) were equally banned. Not only Israelis and Palestinians were banned from seeing what was happening in Jenin and Nablus, but diplomats, journalists and international

human rights and humanitarian organizations were prevented from entrance to closed military areas.

A United Nations (UN) visiting mission ordered by the UN Commission on Human Rights on 5 April 2002 and headed by Mary Robinson, UN High Commissioner for Human Rights was not allowed to enter Israel and disbanded; even a high level Fact-Finding mission agreed between Foreign Minister Shimon Peres and UN Secretary-General Kofi Annan and welcomed by unanimous vote of the UN Security Council was not allowed to enter Israel and disbanded after weeks of negotiations.

The Israeli State has the primary obligation under international law to investigate human rights violations, prosecute perpetrators, effect punishment, provide mechanisms that ensure prompt and adequate reparations for victims and ensure that violations are not repeated. However, the Israeli government, which set up the Or Commission of Inquiry to investigate the killing by security forces of 13 Palestinians killed in Israel at the beginning of the *intifada* in September/October 2000, has not carried out a prompt, thorough and independent investigation of any of the 1700 killings of Palestinians in the Occupied Territories.

"If you wish to get to a particular point in the West Bank that has been designated by Israel as a "closed military area" there are not too many options …We witnessed UN relief convoys prevented from entering Jenin on 15 April. We saw cars with diplomatic number plates and ICRC delegates made to wait hours before been allowed to proceed to the next check point. Authorisation to enter seems to be arbitrary and taken by operational commanders, Palestinian citizens of Israel were not allowed in even if we stated that they were helping us with translations and therefore could be considered as part of the delegation.

"Between checkpoints you can cross tank columns that may not know that you have been given authorisation to enter. We were stopped by one of these. They had to radio to seek confirmation that we had been allowed to get into the zone. They drive at high speed and with all doors and traps closed. There is always the danger that they consider that you are violating the 24-hour curfew and shoot you."

Javier Zuniga, Amnesty International

Background to this Report

Since the beginning of the current *intifada* Amnesty International has sent 15 research missions to the region; more than half of them have taken place during the second year of the *intifada*. Eight reports were issued during the same period.

After Operation Defensive Shield began an Amnesty International delegate, Dr Kathleen Cavanaugh, an expert in international law, remained in the Occupied Territories for more than two months to monitor human rights developments. Among Amnesty International's delegates during April and May 2002 were Amnesty International's Secretary General Irene Khan, Derrick Pounder, Professor of Forensic Medicine, who visited Jenin and performed autopsies on bodies, and Major (ret) David Holley, a military advisor, who spent several weeks in the area in order to analyse military strategies and assess military necessity.

This report looks specifically at the actions of the IDF in Jenin and Nablus between April and June 2002. It examines allegations of unlawful killings; the use of "human shields"; torture and other cruel, inhuman or degrading treatment of people detained; blocking of medical assistance, food and water; and the destruction of property, including damage or destruction of the civil infrastructure, commercial buildings, historic and religious buildings and homes. This report also reflects the means employed by the State of Israel to keep its human rights practices shielded from internal and external scrutiny.

Amnesty International delegates visited the sites of cases documented in the report and examined scenes of alleged violations. Their research included a review of Israeli High Court cases and an examination of written records (hospital lists, medical records, ambulance logs), public statements, and video documentation. Delegates conducted interviews with representatives of municipalities, local and international medical personnel, observers from the media and many Israelis, Palestinians and internationals working for local and international human rights and humanitarian organizations, and carried out scores of interviews with residents of Jenin and Nablus, victims or their families. Testimony and other evidence were cross-checked for accuracy.

In this way Amnesty International researchers pieced together the events of Jenin and Nablus.

The concerns regarding military operations that are raised in this report were discussed in May with Major General Giora Eiland, Head of the IDF Plans and Policy Directorate, and with Colonel Daniel Reisner, the head of the International Law Department of the IDF. Their comments and explanations are reflected in this report. In June and July Amnesty International submitted all the cases in the report to the IDF for comment; by the end of September 2002 no response had been received

In Jenin and Nablus the IDF carried out actions which violate international human rights and humanitarian law; some of these actions amount to grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 (the Fourth Geneva Convention) and are war crimes.

Summary of Events

In **Jenin** the IDF entered the refugee camp from all sides but the largest IDF incursion appeared to be in the al-Damaj area during 3 April 2002. IDF soldiers then proceeded through the Jurrat al-Dahab area of the camp and finally into the Hawashin district. This pattern of movement is consistent with the path of destruction visible in the camp. IDF troops often used bulldozers to widen the alleyways, shaving off the outside walls of houses to allow the passage of tanks and other military vehicles through the narrow roads of the camp. The fighting was the most intense between 3 and 9 April. The IDF broadcast calls to evacuate but many residents said that they had not heard or understood the call; others said that when they tried to evacuate they were caught in crossfire and took refuge in their own or other houses. At various times the IDF called by loudspeaker for all males between the ages of 15 and 45 to report. Many said they did not dare to leave their homes. The Palestinian men who were rounded up were mostly forced to strip to their underwear and marched or driven out to a holding station in Bir Salem for some days; most were released in outlying villages which they were told not to leave. The IDF told women who were rounded up to leave the camp.

House frontages destroyed by tanks in Jenin refugee camp © AI

During the earlier March incursions into refugee camps the IDF entered Jenin refugee camp with very little resistance from members of armed Palestinian groups; this time, a member of *Fatah* told Amnesty International researchers, they had decided to resist the IDF invasion.

> *"The decision to stand and fight was made by the community after what happened in March. And otherwise, where would we go? The Israelis had put a cordon around the town; we had no choice. We had nowhere else to fight."*

There were about 120-150 fighters, most but not all armed with weapons; they included about 30 members of the Palestinian security forces, mostly the Preventive Security Service, who were members of *Tanzim*, the armed wing of *Fatah*. Members of armed groups told Amnesty International that women brought food to fighters and children ran messages.

In the refugee camp, the IDF moved from house to house, searching for weapons or members of armed groups. The IDF told Amnesty International that soldiers treated each of

the 1,800 houses in the camp individually, warning people to leave; if no one came out of a house IDF soldiers would use a loudspeaker instructing those inside to leave. Numerous testimonies show that IDF units frequently forced Palestinians to take part in operations by making a Palestinian camp resident enter a house first and then search it; they also used Palestinians as "human shields" to shelter behind. IDF patrols blew open the doors of houses often without waiting to see whether those inside were going to open them. Houses were destroyed, sometimes without ensuring that the residents had left.

Palestinian armed groups used empty houses as bases from which to fight and often laid booby traps as they withdrew to another building. The fighting was the most intense between 3 and 9 April and especially fierce on 5-6 April. The armed groups' tactics caused a heavy loss of life amongst the IDF who had already lost 10 men in Jenin by 9 April, when 13 more soldiers were killed in a single ambush. The bulldozing of Palestinian houses by heavy D-9 bulldozers, (which was not confined to this period) was accelerated after this date. Major-General Giora Eiland, Head of the IDF Plans and Policy Directorate, told Amnesty International:

"After seven to eight days, and after 23 dead, we decided to change tactics and use bulldozers. You bring the bulldozer close to the house, you call on the people to come out, then you destroy it. ... In the last five to six days we had no casualties. On their way bulldozers had to crush more houses, because they needed to get through. This was the most humanitarian way to deal with the situation."

A D-9 bulldozer in Jenin © AI

The negotiated surrender to the IDF on 11 April 2002 of some 34 armed Palestinians surrounded in a building appeared to mark the end of armed resistance in the camp. Palestinian armed groups told Amnesty International delegates that after 10 April they tried to hide or leave; some allowed themselves to be arrested with other men rounded up not involved in fighting. People in the camp, as well as foreign and local relief workers and journalists on the perimeters of the camp confirmed that little or no gunfire could be heard after this date. However, as the aerial photos of the refugee camp on page 8 show, much of the property destruction (bulldozing of houses) in the Hawashin area, an area of 400 x 500 metres, was undertaken between 11 and 14 April.

Ambulances of the PRCS and the ICRC were allowed into the refugee camp for the first time on 15 April 2002 and the IDF blockade was only lifted on 17 April. Most of those camp residents who could had tried to leave the camp during the invasion; after the blockade

Jenin refugee camp – 11 April 2002

Jenin refugee camp – 13 April 2002

The arrows on these aerial photos of Jenin refugee camp show which area of the Hawashin neighbourhood was demolished between 11 and 13 April 2002, when fighting had reportedly ended. (source: Israeli Minister of Foreign Affairs website)

was raised they streamed back; Amnesty International delegates watched dazed Palestinians staring unbelievingly at the rubble of houses and digging urgently, with bare hands, to try to rescue anyone buried and still alive.

Amnesty International researchers entered Jenin refugee camp on 17 April, minutes after the Israeli blockade was lifted. On 14 April one of the delegates, Derrick Pounder, Professor of Forensic Medicine, had waited outside the Israeli High Court to see whether access would be granted to medical organizations. On 15 April the ICRC and the PRCS were allowed for the first time into the camp. Amnesty International delegates waited for three hours at Salem checkpoint; when they were allowed through, without any vehicle, they walked 12 kilometres through a silent countryside, carrying heavy medical equipment, arriving at dusk to a town under curfew. Most homes in Jenin city had no electricity and only water which had been stored. To find electricity to charge their mobile phones delegates risked a night journey after curfew to a quarter with functioning electricity. On 16 April delegates waited the entire day, their entrance blocked by the IDF, outside Jenin Public Hospital on the edge of the refugee camp. There they saw a woman in labour struggling to walk the final 100 metres after the IDF halted her ambulance. The hospital director told them that bodies of Palestinians who had been killed lay in piles of earth in the hospital grounds, but Professor Pounder was not allowed to enter to carry out forensic examinations.

On the morning of 17 April the IDF blocking entrance to the hospital allowed Professor Pounder to enter. As the news came through that the Israeli blockade was lifted, delegates entered Jenin refugee camp. They looked at Hawashin, a neighbourhood that once housed over 800 families and was now reduced to rubble. An elderly man stood near the remains of a house at the area=s western edge, calling that his daughter was buried under the rubble.

After the IDF closure and curfew were raised on 17 April 2002, they were repeatedly reimposed. In June, Dr Kathleen Cavanaugh, an international law expert and Amnesty International delegate, trying to carry out research in the few hours when the curfew was lifted, moved from house to house taking shelter and interviewing residents as she tried to investigate recent killings of children in Jenin during the curfew. As she was interviewing eyewitnesses the IDF killed another child breaking the curfew.

Though the IDF offensive against **Nablus** in April 2002 has not received the attention of Jenin, there were more Palestinian casualties (80 killed) and fewer Israeli soldiers killed (four). In the old city the injured lay dying without medical help in the streets and in homes damaged or demolished by missiles or bulldozers while the curfew and the blockade remained in force for some 20 days. Though the scale of house demolition was not equal to the devastation of Hawashin, many homes and historic buildings were destroyed or damaged.

The IDF placed a military cordon around Nablus by 3 April. The IDF first placed snipers in high buildings, mainly concentrated around the old city. As in Jenin, the IDF began its assault by firing missiles at certain buildings, but the quantity of missile fire did not appear to have been as high as in Jenin. Ground troops followed and by 6 April members of armed

Palestinian groups were apparently driven back and concentrated in two main areas of the old city, al-Yasmina and the Qasbah, with a population of 3,000. Unlike in Jenin the IDF did not apparently commit large numbers of infantry to fight house-to-house; this was presumably because the houses of the old city were more strongly built and not so easy to demolish as in Jenin. However, a number of homes were damaged by missiles and the IDF demolished several houses by D-9 bulldozers, on at least two occasions while their occupants were alive. They made no attempt to check or to rescue them. The IDF also targeted commercial buildings important to the economy of Nablus: the soap factory and the Hindiyeh building. There was not the same house to house fighting as in Jenin and by 11 April most of the fighting had ended and the IDF had assumed control of the city.

Palestinian armed groups had anticipated the IDF incursion into Nablus, but found their tactics circumvented by the accuracy of the IDF snipers. Two Fatah members in Nablus described the situation during the hostilities to Amnesty International delegates:

> *"It is difficult to assess how many fighters there were because fighters were split into two groups: one to lay bombs, the other to fight with rifles; maybe there were around 400 in all; approximately 60 from the refugee camps. There was good cooperation between the resistance groups; it was decided to use bombs only in the beginning of the attack against the Israeli tanks. Once the tanks had broken into the city and were on the outskirts of the old city, this took the IDF three days, it was decided to resist with small-arms fire.*
>
> *"Once the IDF surrounded the old city there were five days of fighting concentrating in two parts of the old city: the Qasbah and al-Yasmina. The Israeli soldiers had good street maps and aerial photos of the town, they seemed to know where to go and what houses to enter and search. The fighting was very difficult because we did not have good communications and the Israeli snipers were so accurate: movement in the alleys and streets was virtually impossible because of the snipers and attacks from helicopters using missiles.*
>
> *"There was no order from Ramallah to resist, we decided to do it ourselves once we saw pictures of the fighting from Ramallah. Groups were concentrated in their own area of houses each with their own leader but communication between groups was primitive and difficult. During the first three days of the fight there was no shooting from our fighters just the use of bombs against the Israeli tanks. Some fighters tried to supply food and water to those who had run out but these were easy targets for the snipers: I was shocked at their accuracy. I also thought that they would never enter the old city but they did, I don't think we were prepared for this."*

As in Jenin the IDF cut water and electricity supplies to most houses. There appears to have been no general order to evacuate before 10 April, when men were also told to report for arrest. Some residents were afraid to leave. A curfew was imposed throughout Nablus, including the refugee camps, from the first day of the IDF incursion and remained in place until 22 April. Thus the curfew lasted even longer than in Jenin; families suffered severe hardship as stocks of food and water diminished and no one dared to venture out for fear of

snipers who targeted anyone in the streets. According to many reports snipers continued to shoot even when the curfew was lifted. Access to the hospitals and to dead and wounded in the old city was completely barred between 3-8 April. Elsewhere, with ambulances unable to move, field hospitals were set up in mosques or any suitable building. The curfew was lifted on 10 April for a one-hour period and then approximately every 48 hours until 22 April.

While the IDF lifted the internal closure and curfew on 22 April, Nablus continued to be placed under a general closure and there remained a visible military presence, particularly near the Balata and ‘Askar refugee camps (‘Askar refugee camp lies on a Zone A-Zone C border). Military operations in and around the camps continued. During the course of one visit by an Amnesty International researcher to Nablus, tanks were positioned on the hills just above the Balata refugee camp and on the eastern side of the ‘Askar camp and tanks and armed personnel carriers moved frequently along the main ‘Askar road. Amnesty International researchers continued their work with difficulty, never sure whether they would gain access or not. On another occasion Amnesty International researchers walked six kilometres over the hills from Burin dropping down to the edge of the old city; road intersections were barred by tanks and IDF patrols and the whole town was under curfew. Unable to reach the houses of the human rights defenders they had contacted, they left the town going eight kilometres through streets away from the centre.

Jenin

Before the second *intifada* began, Jenin was one of the Palestinian towns with the closest links to Israel. In part this closeness is geographical, as the town lies only 12 kilometres away from the “green line” separating the West Bank from Israel. Many of the refugees in Jenin come from villages in Israel only a few kilometres away, many families living in Jenin have relatives in Israel. Previously a large number of Palestinians from Jenin governorate worked in Israel and many Israelis came to Jenin to purchase cheap goods.

Major-General Giora Eiland told Amnesty International delegates that the IDF considered Jenin refugee camp a centre of suicide bombers where the PA funded a huge industry of “terrorist” capabilities. He said that 90 of the Israelis killed in the 18 months up to May 2002 were killed by people coming from Jenin. According to the Israeli Government, from October 2000 to April 2002, 28 suicide attacks were planned and launched from Jenin camp.

The PA Governor of Jenin, in a discussion with Amnesty International delegates in January 2002, stressed previous good relations between Jenin residents and Israelis and stated his belief that the number of attacks on Israelis from Jenin was related to the number of people from Jenin Governorate who had been killed during the *intifada*; each killing of a Palestinian might motivate friends and relatives to avenge him. The first suicide attack by a

resident of Jenin during the present *intifada* took place in May 2001, eight months after the beginning of the *intifada.*[4]

During 2001 the IDF had heavily bombed Jenin's administrative and police buildings, including the prison, and had carried out a number of incursions into Jenin before April 2002. In December 2001 for 27 days all roads leaving the town were blocked and the town was cut off from the surrounding area; afterwards the Israeli security presence and closures continued to weigh heavily on the life of the people.

The IDF launched a three-day incursion into Jenin refugee camp on 28 February 2002 withdrawing on 2 March. During the incursion into Jenin refugee camp under Operation Defensive Shield Jenin and many neighbouring villages were declared closed military areas, barred to the outside world. Operations in Jenin and the refugee camp lasted from 3 until 18 April. However, IDF incursions into Jenin city and refugee camp took place on numerous occasions during April, June and July until the IDF reoccupied Jenin with other West Bank cities during Operation Determined Path.

Unlawful killings

According to hospital lists reviewed by Amnesty International there were 54 Palestinian deaths between 3 and 17 April 2002 in both Jenin refugee camp and Jenin city as a result of the incursion and subsequent fighting. This figure includes seven women, four children and six men over the age of 55. Six had been crushed by houses. The body of one person known to have died by being crushed in his house has not been recovered.[5]

The records of Palestinians killed in the incursion and admitted to Jenin City Hospital reflect the impact of the IDF blockade round the hospital between 5 and 15 April. Five bodies were brought to the hospital, which is just at the edge of the refugee camp, on 3 April, the first day of the IDF incursion into the camp. One body was brought in on 4 April. After that the hospital and the camp were under tight siege and although the hospital stands at the entrance to the camp, not a single corpse was brought into the hospital from 5 until 15 April, the day after a petition filed by two human rights organizations, Adalah and LAW, before the Israeli High Court resulted in the State agreeing to allow the ICRC access to the refugee camp. Most bodies of those fighters or those not involved in fighting killed between 5 and 15 April remained where they lay; a few were taken from streets to homes, a few were buried by their

4. Five Israelis, including three women, were killed by a suicide bomber in a crowded shopping mall in Hasharon Netanya on 18 May 2001. The attack was claimed by *Hamas*.

5 IDF figures give 52 Palestinians killed and say that only 14 were not fighters (i.e every Palestinian male between 15 and 55 was counted as a fighter). Amnesty International has not studied each case; according to Palestinian statistics and Human Rights Watch about 22 of those killed were fighters. According to an UNRWA survey taken in the Jenin refugee camp after the IDF left the camp in April, only one person is currently reported as missing. *See Israel, the Occupied West Bank and Gaza Strip, and Palestinian Authority Territories : Jenin IDF Military Operations*, Human Rights Watch Report.

families in yards or back gardens, and four were taken to the al-Razi Hospital. Amnesty International delegates who entered the refugee camp on the departure of the IDF on 17 April found ruins smelling of death, with parts of human bodies sticking out of the rubble of destroyed houses.

Body bags in the Jenin hospital compound © AI

The list of the wounded brought to Jenin City Hospital shows that on 3 and 4 April, 24 wounded Palestinians were admitted to the hospital. In the 10 days between 5 and 15 April only 10 wounded Palestinians, who had succeeded in crossing the IDF cordon, managed to enter the hospital. The admission lists of the al-Shifa Hospital tell the same story; between 4 and 10 April only one person, a child, was apparently admitted to the hospital. On 10 and 11 April a total of nine wounded people were admitted. After that there were no admissions of wounded Palestinians until the IDF started to withdraw from the camp on 16-17 April.

During the fighting Palestinian residents and Palestinian and foreign journalists and others outside the camp saw hundreds of missiles being fired into the houses of the camp from Apache helicopters flying sortie after sortie. The sight of the firepower being thrown at Jenin refugee camp led those who witnessed the air raids, including military experts and the media, to believe that scores, at least, of Palestinians had been killed. The tight cordon round the refugee camp and the main hospital from 4-17 April meant that the outside world had no means of knowing what was going on inside the refugee camp; a few journalists were able to slip into the area at risk to their lives after 13 April, but only saw a small portion of the camp, including some dead bodies before leaving. Those within the camp reachable by telephone were confined to their homes and could not tell what was happening. It was in these circumstances that stories of a "massacre" spread. Even the IDF leadership appeared unclear as to how many Palestinians had died: General Ron Kitrey said on 12 April that hundreds had died in Jenin before correcting himself a few hours later saying that hundreds had died or been wounded.

When Amnesty International delegates went to Jenin Hospital on 17 April they found only "walking wounded" - those who had managed to make their own way through the IDF cordon. Doctors and diplomatic or other military experts who visited the scene, aware that in armed combat there is usually a ratio of three or four seriously wounded people to one dead person, wondered where were the heavily wounded. Stories of bodies buried in secret places

or carried away in refrigerated vans spread. After the IDF temporarily withdrew from Jenin refugee camp on 17 April, UNRWA set up teams to use the census lists to account for all the Palestinians (some 14,000) believed to be resident of the camp on 3 April 2002. Within five weeks all but one of the residents was accounted for.

The following cases of unlawful killings were amongst those documented during the course of Amnesty International=s research in Jenin. Amnesty International submitted all of these cases to the IDF for clarification and comment in June and July 2002 but has received no answer. In none of these cases does it appear that the Israeli authorities initiated proper investigations. Amnesty International is concerned that the failure to investigate cases of unlawful killings gives members of the IDF a *carte blanche* to continue.

Mundher Muhammad Amin al-Hajj

On 3 April, the first day of the incursion, 21-year-old Mundher al-Hajj, reportedly a member of a Palestinian armed group, was shot and injured. Staff at the al-Razi hospital told Amnesty International that they made three attempts to rescue Mundher al-Hajj carrying white flags but each time they were fired upon by the IDF. Hospital staff were able to reach him approximately two hours after he was first reported in need of medical help. By that time he was dead.

Samar Qasrawi, a nurse, was one of the first to attempt to reach the injured man; she stated:

> *"On the morning of 3 April ... between about 11.30 and 12, we could hear shooting around the hospital area from helicopters and tanks. Around this time, someone came passing from the stairs in the mosque into the hospital and yelled that someone was injured. I went with some other nurses down the stairs and toward the mosque gate. When we were outside, we headed towards the injured man. We were carrying white flags. I saw three tanks. They began to shoot at us. They told us in Arabic, 'if you come back, I will shoot at you'. I could not see the injured man but I heard him say 'God help us'. We returned to the hospital and took cover on the second floor. When the firing stopped, we made a second attempt to reach the injured man. We changed direction and decided to go towards the bathroom in the mosque. There is a wall and then some windows and the injured man was lying on the stairs on the other side. I could not see him.*
>
> *"I started to talk to him. When I began to speak, I realized he was so close. He said to me, 'please my sister I am dying, can you rescue me because I am dying'. I tried to calm him. When I was talking to him he was shouting, his voice was like fire. I saw a soldier then and he was coming towards me and he took up a position like a sniper. I again left and went back to the second floor of the hospital. After about 10 minutes, I went back. On the third attempt, I asked the injured man if he could move closer to the gate. He told me that he was not able to and that he had been shot in both his arms and legs. I told him then to speak slowly and softly because if the soldiers hear*

they will shoot him. I then asked him if I were to throw a rope toward him, could he pull himself toward me. He said 'No, I am injured in my arms and legs'. At this time, the soldiers began to shoot towards the mosque and hospital. There was a spray of fire towards the man. I think he was hit in the back.

"I again went back to the hospital. The doctors in the hospital had been trying to coordinate the injured man's rescue through the ICRC and the PRCS. They were continuing to try and get permission to reach the man. I again went back to the mosque and tried to talk to the man. I said 'my brother, my brother'. He said to me in a very soft voice, 'I cannot hear you very well'. Unlike the other times, his voice was not strong. So I went back to the hospital and spoke with the head of the hospital. He told me that the ICRC had negotiated for two nurses to rescue the injured man and asked if I would go. I told him I would and together with another nurse and a female doctor, we left. But when we reached the man, he was dead. His eyes were open. We tried but we could not carry his body. So I went back to get help and two other people went and together with the two who stayed with the body, he was carried to the hospital. He arrived roughly two hours after we first tried to rescue him."

The hospital medical report on Mundher al-Hajj=s injuries shows that in addition to injuries to his arms and legs, there were shots to his back. Interviews with Samar Qasrawi as well as with Dr Mahmud Abu Alaih, who examined him after death, suggested that the wound to the back may have been inflicted by a sniper while he was lying on the steps. When he described his injuries to the nurse he did not mention any back wound. Amnesty International delegates examined the site and saw that IDF soldiers were in a building above and to the left of the place where Mundher al-Hajj was lying and would have been able to see him clearly. International humanitarian law is clear in this regard. No medical care can be denied a person who is wounded and no longer engaged in hostilities. At the time Mundher al-Hajj was wounded, no longer armed, and did not pose a threat to soldiers, he became *hors de combat*.

'Afaf 'Ali Hassan al-Desuqi

During the military operations in Jenin refugee camp, as elsewhere, the IDF has frequently used explosives to open doors of homes and buildings, sometimes without waiting to allow residents to open them, resulting in the death or injury of a number of women and men. On 5 April 'Afaf al-Desuqi, 59, was killed when an explosive was used on the door of her home as she went to open it. She had been called to open the door by her neighbour, Ismahan Abu Murad, who was used as a "human shield" by the IDF to lead the way to the house. Ismahan Abu Murad confirmed the account given by 'Afaf's sister, 'Aisha 'Ali Hassan al-Desuqi, who told Amnesty International:

"My family was at home on Friday 5 April. It was about 3 or 3.15 in the afternoon. We heard the knocking and calling for us to open the door. My sister 'Afaf said 'Just a moment'. She said this right away. At that time, we were in the salon, which faces the street. 'Afaf left to answer the door; we were following her. When she reached the

door, she had just put her hand out to touch the handle of the door and it exploded. The door exploded in on her and the right side of her face was blown off. Her left hand was injured as well as the left part of her chest. I think she must have died instantly. We started shouting. The soldiers were just outside that door. The IDF began to shoot at the walls as if to try and scare us. We yelled at them to get an ambulance but they did not answer us. My brother then went and took 'Afaf's body. We did not have a telephone; it had been cut off since 10am that morning. The neighbours phoned the hospital and they were told that the ambulance had to wait to get clearance. We waited but no ambulance came.

"On Friday and Saturday, I kept putting perfume on her. On Sunday, we changed her clothes as they were covered in blood, and we bandaged her injuries. Because I am a nurse, I knew what it would be like to keep the body in the house with us for this time, so we went to stay with my brother to sleep at night and returned to the house to be with my sister in the day. On Thursday [11 April], the curfew was lifted for a few hours and 'Afaf's body was carried in a neighbour's car to al- Razi hospital. We could not reach Jenin City Hospital, as it was a controlled military zone. We buried 'Afaf in a cemetery in the east part of the city.

"After her killing, the IDF tried to say 'Afaf was a suicide bomber and that she blew herself up. That is not true. Look at the door: it was blown from the outside. My sister was not political; she was not involved in anything."

Amnesty International visited the site and was able to examine the door, as well as the explosive device, which the family had kept. The impression on the door clearly indicates that the door had been blown in from an explosion outside; this evidence is consistent with the testimony cited above.

Jamal al-Sabbagh

On 6 April 2002, 33-year-old Jamal al-Sabbagh was shot by the IDF after he had been taken into their custody. According to a witness, at the time Jamal al-Sabbagh was shot, he was unarmed and had posed no threat to the soldiers who had detained him.

The day before Jamal al-Sabbagh's killing, a missile had destroyed his house. On 6 April Jamal al-Sabbagh, along with other men aged between 16 and 45 years from the camp, were instructed by an IDF loudspeaker to come into the streets. This occurred at approximately 6pm.

At this time, 16-year-old Muzaffar Jamal Zubaidi, from the Hawashin district of the camp, was at home. He heard the loudspeaker instructing men in the district to go out into the street but he was alone and afraid. Soldiers were moving around on foot and in tanks. He told Amnesty International delegates that he waited beside his house and was looking to see if he recognised anyone going out into the street. When he saw his neighbour, Jamal al-Sabbagh, he left his house to walk with him. It was getting dark by this time. He said that soldiers had

each man strip to their underwear and provide their details, including name and ID number. Jamal al-Sabbagh was carrying a sack with him and he explained that the soldiers allowed him to carry his medicine, as he was diabetic, and to keep his clothes on. The soldiers had instructed the men to walk to a square near the health clinic. Muzaffar Zubaidi and Jamal al-Sabbagh walked there together:

> *"We were ordered to lie on the ground, we did. Jamal was just a short distance, a few metres or so, away from me. Jamal lay on the ground but held on to his bag. Then the soldiers told us to stand up and told Jamal to put his bag on the ground away from him. He put it just to the side of him. The soldiers then said for us to take off our trousers. I had begun to take off my trousers and I heard some shots. One of the bullets came very close to me. I fell to the ground. Jamal was shot in the side of the head. I could hear Jamal praying and then nothing. I stayed silent on the ground. I think the shot came from a sniper in a third floor window. A short time after, I am not sure how long, another group of men came into the square. The soldiers ordered them to strip to their underwear. Together with these men, I went into a room and the soldiers tied most of our hands behind our backs. There were three men whose hands were not tied. They carried his body to the entrance of the door and the soldiers told them to search him. They searched him but they did not find anything. The IDF then put his body in a fridge – it was a dairy store that the IDF had taken over."*

Muzaffar Zubaidi returned to Jenin after two days in detention and 11 days in Rumaneh village. He contacted Jamal al-Sabbagh=s relatives, but he could not find his body. The Director of Jenin City Hospital, Dr Mohammad Abu Ghali said:

> *"At 5pm on 15 April we found the remains of a body, mutilated by a tank, by the dairy store - a finger, some pieces of flesh, a pair of trousers beside the traces of the body of a human being. I called the IDF over and said 'Where is the body?' They did not say anything."*

The remains of the body, which had been run over several times by a tank, are believed to be Jamal al-Sabbagh.

'Abd al-Karim Yusuf Sa'adi and Wadah Fathi Shalabi

On 6 April 2002, 27-year-old 'Abd al-Karim Sa'adi and 37-year-old Wadah Shalabi were shot dead by the IDF in an alleyway close to the Sa'adi home. The two men were neighbours who lived near the entrance to the Jenin refugee camp. At the time of their killing, the two men were with Wadah Shalabi=s father, Fathi Shalabi, who managed to escape uninjured. He described the events of that day:

> *"My son Wadah has six children– four boys and two girls. The oldest child is 10 years old and the youngest is four months. It was 6 April at about 6.30pm. The IDF had gone to the house of Yusuf 'Abd al-Karim Sa'adi. He lives not far from my house, maybe 15 metres. Yusuf's son, 'Abd al-Karim was at my house at the time. The IDF*

then moved from this house to my neighbour's house. My son, Wadah, does not normally stay with us but because of the situation, he had come to stay here with his family. Myself, my wife, my son and his family and my daughter and her family were all here with me. The IDF ... saw my children playing in my backyard and told them to go to the basement of my house. We all went to the basement, there were 17 of us, and we were there for about five minutes. We were then told to go next door but instead of letting us pass through the main entry, they made us walk along the street and then approach my neighbour's house through an alley. When we reached the end of the alley, the soldiers separated the men from the women and children. Both my son and 'Abd al-Karim were holding children. They handed the children to the women and remained in the alley. The women and children went to a back garden of 'Abd al-Karim's house, which was located through a metal door off the alleyway. When the women and children were in the garden, the soldier closed the door. Some of the soldiers went with the women and three stayed with us; they were only two metres away in the narrow alley. Two were called Gabi and David. .... They told us to lift our shirts.

"We did not have anything in our hands. When they told us to raise our shirts, we did. I heard Gaby say in Hebrew 'Kill them, kill them', then the other soldier took his gun and sprayed us with bullets. He shot from left to right, so 'Abd al-Karim was hit first and then Wadah. I don't know how I wasn't shot except that when I heard the shots, I fell to the ground. My son's body was resting on mine. I could feel something wet underneath and I could see it was blood. I could see that my son was shot. I kept very quiet and pretended to be dead".

According to Fathi Shalabi, the soldiers remained there for over one hour. They checked the bodies from time to time and one had shone a light near his eyes. He tried to remain still. After he was sure that the soldiers were gone, he went and hid in his home. He knew both his son and 'Abd al-Karim Sa'adi were dead. He stayed at home until later that morning and then left to the Sa'adi home where his family was sheltering. The bodies of the two men remained in the alley for nine days (the hospital record shows that they were brought in on 15 April).

Amnesty International visited the site of the shooting. There was under two metres distance between the position of the soldiers and that of the victims. At the time the shootings would have occurred, it would have been early evening, but would not yet have been dark. It has been suggested that 'Abd al-Karim Sa'adi was wearing a back-brace and the soldiers might have mistaken it for an explosive belt; however, the brother and father of 'Abd al-Karim Sa'adi insisted that he did not wear a back-brace. Professor Derrick Pounder carried out an autopsy on the body of Wadah Shalabi and concluded that he died from a shot into the left back and out of the right front. Wadah Shalabi was also shot in the foot.

Major-General Giora Eiland, the Head of the IDF Plans and Policy Directorate, described this case as one where IDF soldiers found three men hiding, one with a suicide bomb belt. He said:

"There was one time when a company commander called on people to come out. Some women came out. The soldiers asked them if there were other people in the house. 'Some visitors', they replied. 'Tell them to get out'. Three men got out; one held a baby. The IDF officer told him to give the baby to the women, he refused, the officer insisted, eventually he did so. Then they told the men to come closer and take off their shirts. Two took off shirts, one refused. Eventually he did and had a belt. He was shot."

This explanation of the case is difficult to reconcile with the location of the bodies, in such a narrow alley way that it would have been unlikely for a soldier, only 1.7 metres away, to order detainees to come any closer. This is a case which has been widely reported, and the first names of two of the soldiers involved in the shooting are known. It remains unclear why a full and public investigation to establish the circumstances of death has not been carried out.

'Ali Na'el Salim Muqasqas

Professor Derrick Pounder conducted an autopsy on the body of a 52-year-old man, later identified as 'Ali Na'el Salim Muqasqas, in Jenin City Hospital on 17 April 2002. The autopsy disclosed a single fatal gunshot wound to the right chest and heart which would have caused rapid death.

Hassan, the son of 'Ali Muqasqas, said:

"It was Saturday 6 April. We were all in a bedroom. There were nine persons– four children, one young woman and four men, including my father and myself. There was shooting coming from the Israelis. I knew it was from the IDF, as it sounds different than from the resistance. On the first day of the invasion, a sniper had hit our water tank, so we stored some water under the stairs just outside. At about 12.30pm on that day, my father went out to get some water for the family. My father knew where he could walk, as we had seen the sniper before and had been shot at before. We knew the sniper's range and so my father knew to stay in certain areas or hurry through certain areas or he would be shot. On that day, my father ran through the first zone, the first area of danger. I then heard 2 shots. I heard my father's voice saying that he was injured. I went outside to try and reach my father but there was shooting towards me. I could not reach him. I tried to speak with him, but he did not reply. The stairs were about 20 metres from the room we were staying in. I tried to call my neighbour to see if he could get to my father by a different way, maybe to climb over the wall. My neighbour, Abu Khaled, told me that he could not go over the wall, he was too old. He then came and was pounding on the door. He was pounding so hard, that I just ran to open the door. At that time there was a helicopter flying overhead and sniper fire. Shooting began and Abu Khaled was shot in the chest. It wasn't a deep wound; it was as if the bullet had scratched him. I now had two problems.

"I brought my neighbour into the back room and we tried to give him first aid. After Abu Khaled was shot, I realised that the sniper was not in the usual place. I looked

out of the back window from the room we were in and saw movement in the house across the way. I knew then that the IDF were in that house, as most of our neighbours had left the area. I am the eldest son and it was my decision then and I decided to take my family out of the house, it was too dangerous. At the time we left, we still had hope that my father was alive. We kept calling to him, 'Father, father,' but there was no reply. We broke a window in the backroom and climbed through. This led to an alleyway and to my uncle's house, which is just close by. We stayed in this house until after the invasion. From this window we would call out to our father. It was too dangerous to go back, but we would try to speak with him and to see if there was any sign of life. We were unable to reach him until the Red Cross and some doctors came and retrieved his body on 15 April. He was dead."

The autopsy findings are consistent with the family's account of his killing.

Jamal Fayed

It is clear that people were not always given sufficient time to evacuate homes before the IDF began bulldozing them. In one such case, Jamal Fayed, a 38-year-old man, was killed when the bulldozing of his home caused a wall of his house to collapse on him.

Jamal Fayed's mother, Fathiya Muhammad Sulayman Shalabi, told Amnesty International delegates that her son was disabled from birth. He was unable to move on his own accord and he could not speak. The family's home is in the Jurrat al-Dahab area of the camp, close to the Hawashin district. She described heavy fighting in and around her area on 10 April, roughly one week after the first incursion to the camp. She said that on the following day, a missile hit their house and the upper floors of the house had begun to burn. When they tried to leave the house, her aunt Fawziya Muhammad was hurt. The family then climbed out through a side window but was unable to carry Jamal Fayed with them. When they left the house, they informed the IDF, who had taken up position in a house nearby, that Jamal Fayed was in the house and they should hold their fire. An IDF medic was there and treated Fawziya Muhammad's wound. The family then sought shelter in an uncle's house where they remained for the evening.

The wheelchair of Jamal Fayed, on a wall opposite the destroyed family house © AI

The following day, Jamal's mother and sister went back to their home to check on Jamal. At that point Jamal was alive and had not been injured. His mother says:

"We left the house and went to the soldiers to tell them that Jamal was in the house and that he was paralyzed. I took his ID card with me as proof. We asked them to let

us have some help to get him moved. At this time, all of the younger men had been arrested but there were some elderly men there and we asked the soldiers if they could help us. They said no. But we kept asking and then found some other soldiers in another house and asked them the same question. They finally let us enter our home, but only the women. There were five of us – my daughter, sister, two neighbours, and myself. Soon after we entered the house, I heard the sound of a bulldozer. It was coming towards the house. It began to destroy the house and so we went out to the street and yelled at him [the driver] to stop. We were yelling, 'There are women inside' and that Jamal was inside and could not move. Even the IDF were yelling at him to stop. He did not listen. We could see the eastern wall of the house coming down. We ran out of the house. What could we do?"

When Amnesty International delegates first visited the site three weeks after the incident, Jamal Fayed's mother was sitting in despair on the rubble of her demolished house.

Ahmad and Jamil Yusuf Ghazawi

Photo caption: Ahmad Yusuf Ghazawi © Private

Photo caption: Jamil Yusuf Ghazawi © Private

On 21 June 2002, two months after Operation Defensive Shield, during the first days of Operation Determined Path and the IDF reoccupation of the West Bank, the IDF shot from a tank at Dr Samer al-Ahmad, and killed two brothers, six-year-old Ahmad and 12-year-old Jamil Yusuf Ghazawi, seriously wounding their brother, Tareq, and Dr al-Ahmad.

Following an IDF announcement that the curfew was lifted, six-year-old Ahmad Ghazawi took a shekel from his father to buy candy. He went with his brothers Jamil, aged 12, and Tareq, aged 11. The area where the family lives is a residential area on the edge of Jenin city, in Area C (under full Israeli control). Part of the incident was caught on video by a neighbour on a rooftop. The film showed Dr Samer al-Ahmad's car and seven children (aged between six and 12) four of them riding about on bicycles. There was no sound of firing, but suddenly there was a red flash and a blast. Ahmad was dead with one leg severed and the other almost severed, Jamil was covered in cuts and blood and Tareq lay near an electricity pole with a hole in his side and stomach.

Dr Samer al-Ahmad, aged 40, a veterinary doctor and Director of the Palestinian Agricultural Relief Committees for the Jenin district, said that after the IDF announced the lifting the curfew from 10am to 2pm, he went by car to his office to collect faxes and then went to a local shop, where he was told that the army was about and he should go home. The shop was 200 metres from his home. As he drove into the main road he saw a tank moving down the road which fired at him, wounding him through the back windscreen. He quickly turned off the road down the first side-street where he saw a group of children playing, some on bicycles. The tank shot again, a tank round which apparently fragmented off the wall.

One of the boys, Rami, aged 12, said:

"I heard that the curfew had been lifted. When I heard this, I went out and joined my friends, Jamil, Tareq, Ahmad, Muhammad, Wa'el and Wissam. We all headed off to the main street. Jamil, Tareq, Ahmad and Wa'el were on their bikes and the rest of us were on foot. When we reached the intersection with the main street, we saw IDF jeeps by the square and became afraid. We headed back toward home, and stopped and stood to the side of a building on our street when we heard the sound of a tank go by. We then saw another tank about 300 metres from us, so we left the building and began to hurry back home. Jamil was telling Ahmad and Tareq to leave quickly as there were tanks. The tank was now at the end of the street and then I saw Dr. Samer's car coming toward us. He was blowing the horn to warn us to get out of the way. The next thing I remember is a red light and then an explosion.

"I moved toward the side when I heard the bomb. After that I came back towards the street and first saw Ahmad. He did not have a left leg and his stomach was on the road. I saw Jamil: he was injured in his back and was shaking his hands. He opened his eyes for a minute and then closed them. Tareq was near an electric pole, we found him last. One of his legs had a hole in it and pieces of the bomb were in his stomach, his ear and his back.

"Dr. Samer stopped his car in front of our house and was walking towards our garage. When he got out of the car, the neighbours told him to come inside, he then collapsed. Our neighbour Yazid carried him. Dr. Samer had no shoes and he was dressed in a T-shirt and trousers."

Ahmad died in the road, Jamil died in hospital. The tank moved on, not waiting to see the destruction. People in the neighbourhood say that they were informed that the curfew had been lifted. The IDF dispute this and say the curfew at the time of the shooting was still in place. Amnesty International delegates interviewed witnesses of the shooting and reviewed the videotape which captured the incident: it is clear that the IDF did not meet two primary obligations – to protect the civilian population and to use force that is proportional to the perceived threat. The IDF said that it would investigate the killings, but the results of the investigation are not yet known; none of the witnesses have been summoned to provide their testimonies, including Dr Samer al-Ahmad, who stayed nine days in an Israeli hospital.

On the same day as Jamil and Ahmad were killed a girl, Sujud Fahmawi, was killed, apparently also after she had left the house believing that the curfew was lifted. On 26 June, the day Amnesty International interviewed the Ghazawi family in Jenin, IDF soldiers shot and killed a seven-year-old child in Jenin, apparently in similar circumstances.

Fares Hassan al-Sa'adi

On the evening of 21 June 2002, the IDF blew up an unoccupied house in the old city area of Jenin. The explosion also demolished an adjacent house, which contained eight family

members, all of whom were trapped in the rubble. Two were seriously injured and one 12-year-old child, Fares, died. According to the family and neighbours no warning was given to the family before the explosion, despite protests from a neighbour who had been used during this military operation to check the adjacent house. Amnesty International interviewed neighbours, as well as family members. Their accounts of the incident are consistent. The IDF has claimed the targeted property was used to store munitions. Regardless of whether this was the case, the responsibility remains for those members of the IDF involved in the operations to secure the safety of the civilian population in the immediate area.

A neighbour of the al-Sa'adi family described how an IDF unit compelled him to check the rooms of an empty house for explosives:

> *"[...]The soldiers told me that they were going to demolish the house. I saw the bomb. I explained to the soldiers that there were actually two houses, not just this one, and that only a common wall separated them. I told them that if they exploded this house the other one would also fall. I said that there were children next door. I asked the soldiers to give me permission to knock on the door and warn them, but they said 'No'."*

Hassan Fares al-Sa'adi, Fares's father, told Amnesty International:

> *"All of a sudden, there was an explosion and the roof fell down. I was then under the rubble. When I got out, I was calling to my children. I first heard Mahmud (11), who was injured on his left ankle. I then heard my daughter Asil (8),whose leg was broken and had a head injury. My wife had injuries all over the left side of her body and she was cut and bleeding. Up until now she cannot hear well in her left ear. I then found my daughter Hadil who was unconscious. After that I found my niece Muna; she had a back and leg injury. We then found Fares. At that moment, I didn't know if he was alive or dead."*

Fares al-Sa'adi died in the ambulance on the way to hospital.

International standards, including the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions require prompt, thorough, and impartial inquiries into these killings. The primary responsibility for these investigations lies with the State. Amnesty International urges the government to initiate without further delay a thorough and transparent investigation into the above cases and to make these findings public. The international community has a responsibility to ensure that these investigations take place and are carried out according to the UN Principles and that those responsible for unlawful killings are brought to justice.

Compelling Palestinians to participate in military operations and to act as "human shields"

The IDF systematically compelled Palestinians to take part in military operations. Several Palestinians interviewed by Amnesty International in relation to other subjects said that they had been compelled to take part in military operations and as "human shields". These practices violate international humanitarian law. Although the IDF announced through the State Attorney on 24 May 2002 that it would not use civilians in military operations, Amnesty International has continued to receive reports of cases in which Palestinians were used by members of the IDF during military operations, including as "human shields" (see, for example, the description of the case resulting in the killing of Fares al-Sa'adi above).

The large number of cases of Palestinians used as "human shields" in IDF military operations reveal a clear pattern. Typically the IDF would compel an adult male[6] in their military operation to search property in each area of the refugee camp. A Palestinian would be held by the IDF for a certain period, sometimes for days. These Palestinians were placed at serious risk, in some cases resulting in injury, as the following case illustrates.

Faisal Abu Sariya

Faisal Abu Sariya, a 42-year-old teacher, told Amnesty International delegates that he was forced to accompany the IDF on military operations for two days and during this period was used as a "human shield". During the time he was in the custody of IDF soldiers, he reports being subjected to beatings and other ill-treatment. During the time he acted as a "human shield" he sustained a gunshot wound to the knee but was not given adequate medical care and was unable to seek treatment until three days later.

On 4 April 2002, the second day of the incursion, Faisal Abu Sariya was at home with his family in Jenin refugee camp. At approximately 4am there was knocking at the door. A 15-year-old neighbour had been told by IDF soldiers to enter Faisal Abu Sariya's home and to instruct the family to go to one room. The soldiers then searched and occupied the house that day and evening. Faisal Abu Sariya said that during this time he was taken into a side room and beaten. He told Amnesty International delegates:

> *"An officer, whom I came to know as Eitan, told me to call another soldier [a derogatory term]. I refused. He then told me that 'This was an order', but I kept refusing. They then began to beat me with their boots and their fists on my shoulders and on my legs. After this they went to the television and pushed it on the floor."*

On the morning of 5 April, Faisal Abu Sariya was taken by IDF soldiers from his home:

6 But women and children were also used: for example the 15-year-old boy below and Ismahan Abu Murad in the case involving the killing of 'Afaf al-Desuqi.

"The officer, Eitan, said to me: 'Come with us'. I asked him 'Why should I go with you? I am not wanted'. He told me to come with him just for 10 minutes, just to a neighbour's house. I told him that if I go my children will start crying. He again told me to come just for 10 minutes and then said, 'I would prefer not to use force'. After this, I went with them. When we were leaving the house the officer looked left and right and then grabbed me by the collar and put me in front of him as we exited and went towards the neighbour's house. There was no firing at the time, but Eitan crouched down just below me and began firing to the left while the other soldiers moved towards the neighbour's house.

"We entered the neighbour's house. There was no one there. About 15 soldiers were with us at that time. I was told to stay in one room. I was then taken from this house and told to go to another house alone, and to knock on the door. I did this but no one answered. They told me to come back. I saw that they had a type of metal box that they were carrying and they brought it to the door. I then heard an explosion. I was then told to go back to the house and to go in and if there were any people in the house to tell them to go to one room. When I went back, I found another door. Again, I knocked but no one replied. The soldiers exploded this door. At this time, they sent in a dog and then told me to go in and if I was to find any closed doors, to open them. The soldiers then came in after me.

"It was now about 3.30pm, I told the soldiers that I wanted to go home and one of them replied that I could go back when they found someone else to replace me. The soldiers were searching the house and then we went to the bottom floor of the house where they put a hole in the wall between this house and the next. I was taken by the soldiers and told to go through the hole first. There were about six to seven soldiers that followed behind me. From there, I was taken to another house. Again, the soldiers searched the house; there was no one home. When leaving this house, Eitan grabbed me by the neck and put his machine gun against my right hip. I walked about 20 metres like this. I was then taken to another house of a neighbour, Ibrahim Fraihat, whom I know. When we entered, there were already soldiers there. I was placed with Ibrahim in one room. We stayed there for the night"

During this period and the day that followed, Faisal Abu Sariya continued to ask the soldiers to release him. In each case, the soldiers would tell him that his release would be secured when they found someone else to replace him. He said that during this period he or another detainee would be placed in front of soldiers during house-to-house searches. On three separate occasions he stated that a soldier placed his gun near or on his body and in one case, he was made to stand in front of a soldier when he opened fire. At approximately 5pm on 6 April Faisal Abu Sariya was instructed to cross a small road and to knock on a door of a building opposite as the soldiers could see some wires running from the building. While he was crossing the road, an IDF unit that was positioned on a nearby roof opened fire, wounding Faisal Abu Sariya seriously in the leg. He made his way back to the IDF unit he was with who gave him some initial first aid, but did not arrange for him to be taken to a

hospital. Instead, the soldiers had some Palestinian youths carry him. They were unable to reach the hospital and so they left him in a home in the al-Damaj district of the camp. It was not until 9 April, when the IDF told residents in this area to evacuate their homes, that he was able to receive medical treatment.

Torture and cruel, inhuman or degrading treatment of detainees

During their operations in Jenin refugee camp between March and June 2002, the IDF ill-treated and sometimes tortured hundreds of detained men mostly between the ages of 16 and 55.[7] The IDF announced that 685 Palestinians had been arrested in Jenin by 11 April. It appears that the only requirement for detention was gender, nationality, and age.[8] Men were separated from women, children and men over 55. They were stripped to their underwear, blindfolded and their hands were bound with plastic cuffs. Reports of ill-treatment were frequent and some said they were beaten; one detainee died as a result of these beatings.

Those detained were removed from the refugee camp and taken first to Bir Sa'adeh where they were held for between two and five days. During this period they were ill-treated: former detainees interviewed said they were forced to squat, with their heads lowered, for protracted periods of time; their hands were still bound behind their back with plastic cuffs and they were blindfolded. For the first 24 hours no food was reportedly supplied and water distribution was not systematic (some report receiving some water, others none at all). Most said that no blankets were furnished despite the cool temperatures at night and there was limited or no access (or access permitted in difficult or degrading circumstances) to toilet facilities. From Bir Sa'adeh detainees were transferred to Salem detention centre; most were released after three to 11 days' detention.

At the end of their detention, detainees were interrogated for periods ranging from 15 to 60 minutes. Some indicated being asked basic questions; others indicated that they were asked questions about political or armed activity in the refugee camp or their own political views. Some detainees were then transferred to other detention centres, sometimes to secret detention centres; some were later released, others issued with administrative detention orders or held pending trial before a military court. Each detainee who was released was photographed at the conclusion of the interview, usually twice. One photograph was given to the detainee marked with his ID number and the authorities kept the other photo. For some, the photograph now remains their only source of identification.[9]

Detainees were released several kilometres from one of three villages around Salem, usually Rumaneh village. They were made to walk to the town; they were frequently still

7 See Amnesty International *Israel and the Occupied Territories: Mass detention in cruel, inhuman and degrading conditions*, May 2002 (AI Index: MDE 15/074/2002).
8 Some children under the age of 16 or over 55 were arrested; also a few women.
9 Many detainees report having their ID taken by IDF soldiers during detention but not returned, others said that they had been arrested during the night and did not have their ID with them.

without clothing and most without shoes. They were told to remain in the village. Amnesty International interviewed several detainees upon their release. They were being housed in temporary accommodation in public buildings (in Rumaneh village, a school was converted into a temporary shelter); families took others in. As the blockade was still continuing most had no idea of what had happened to their families, who had remained in the camp, or their property. They returned to Jenin only after 17 April 2002, following the temporary IDF withdrawal from the refugee camp.

'Amer Muhammad 'Abd al-Karim

'Amer 'Abd al-Karim, aged 24, was arrested in Jenin refugee camp on 9 April 2002. He told Amnesty International how all those sheltering in a house with him came out when they saw that houses were being bulldozed around them:

> *"There were 60 people in the same building, there were three women, a newborn baby, about seven children and five or so old men. ... the shelling began again and the house next door was being bulldozed. The people in the house decided to leave rather than face the bulldozer. When they left, they gave the sign of surrender. The IDF told them to sit on the ground and place their hands behind their back; their hands were bound with plastic ties. Men were separated from women and taken 10 by 10 and told to strip to their underwear. They were then told to parade around in a circle. We were not blindfolded. We then were marched for about 20 metres and then separated from one another. When we were marching I saw an injured woman who had just one leg. We asked the IDF to help her and get an ambulance. They refused and said not to fear. At that time, I heard shooting coming from the left, which lasted about 10 minutes. During this period, the Israeli soldiers were using people as human shields. The soldiers would have us walk in front of them, sometimes with them resting their rifles on our shoulders. At times they were exchanging gunfire and shooting from people's shoulders. After about 10 minutes, we were blindfolded and then taken to a big area. I tried to take off my blindfold to see if friends were with me. I asked about the injured woman and was told that they left the woman there. We were then bound together in groups of five by the hands. We then walked about 30 minutes... we were then made to sit on the ground for about five minutes. I heard a soldier say to put 20 into four columns. There was a tank in front and one behind, I heard it. It was now late at night. We were gathered in one area and sat in a row. I tried to get off my blindfold with my leg. I was worried I was going to be run over by a tank. ... They started to beat us on the body and chest with rifle butts ... after the beating we were seated with our head on our knees with our arms behind our back. We all gathered in a large area near Bir Sa'adeh, near Jenin outpost. We were all gathered there in our underwear. It was cold. When we asked for blankets, we were beaten. We were not given any water. We were there from about midnight to about 10am.*

"We were then taken to Salem by a bus or something like a truck with chairs. We were taken off the bus one by one and asked for ID and names. They started gathering information then – names and personal details. One soldier asked who knew Hebrew. I put my hand up. They took off the blindfold. I was given a gallon or so of water that was hot and told to give to the thirsty. There were about 31 or so men there. Because I knew Hebrew, I was asked to tell the soldiers that some people were injured. The soldiers told me that they would deal with it later. The water ran out before everyone had a drink. One soldier told me to tell the others that 'You fighters don't deserve to live – you should die'. I told him, 'We came to you for surrender, we are ordinary people'. It was quite hot and some of them tried to lie on the ground but the soldiers told us to put our heads between our legs. There was a man about 68 years old who would not do it so the soldiers beat him with their rifle butts and their boots. We stayed in this squatting position from about 10am until night-time. We did not have a break. Only when I was pouring water was I allowed to be in a different position. We were at Salem from Tuesday night until Wednesday night. There was one man with us who had diabetes but there was no medical help provided during this time. I was released at a gas station. I was still blindfolded but with my hands handcuffed in front. When I left the bus I was told not to go back to Jenin or the camp."

Muhammad and Husni Ahmad 'Amer

On Sunday 7 April, two brothers, Muhammad and Husni Ahmad 'Amer, were taken into custody by the IDF. Muhammad 'Amer described how Husni, who had been compelled to participate in an IDF operation, was subjected to severe beatings, and taken from Salem detention centre by ambulance later that day. At the time Amnesty International interviewed him, he was searching for information about his brother. Almost two months later, Muhammad 'Amer was informed that his brother Husni had died.

Muhammad 'Amer told Amnesty International:

"I was at my mother's house in the Jurrat al-Dahab area of the camp on the morning of 7 April. It was a Sunday and it was about 8am. I was with my son, another brother and my mother. I heard a knock on the door. We opened the door and found that it was my brother Husni, he was with the IDF. The IDF ordered us to leave the house and about 20-25 soldiers entered the house. We were on the balcony. They were in the house for about 5 minutes. They arrested my son Amir and left my mother and my other brother Maher (who is disabled). They took myself and my brother Husni and led us to Husni's house, which is a very short distance away.

"When we reached Husni's house, we entered and went to the basement. When we reached the basement, the soldiers saw many pictures on the basement walls and an officer said to us, 'these are maps to show the fighters the roads'. We both answered and told them that these were just children's drawings. When my brother told him

that these were the drawings of his children, his hands were handcuffed behind his back with plastic and they had him sit. They did not touch me. I was just standing near my brother at the time.

"They began to hit my brother on the shoulder and his bottom with a type of baton. The beating continued for about half an hour. The soldier kept saying to him, 'You must say these are maps of the militants'. For a while, my brother was screaming. After a while, though, his face became almost white. He kept telling them that these were just his children's drawings. He told the soldiers, 'I can get my children so that they could tell you'.

"My brother then began to complain about a pain in his stomach and asked the soldiers for some water. They did not give him any water. They beat him about four to five times and in between each beating, they would ask him about the drawings.

"When they finished beating my brother, they told me: 'Okay, now it is your turn'. I told them in Hebrew that I am ill and that I have a problem with my heart. They left me for about five minutes and when they came back they said, 'Okay you can go to the other room'. It was just next to the one I was in with my brother. When I went to the other room, I was told to sit on the ground. The door was left opened. I could see my brother. I spent about half an hour in this room. After this, they took both my brother and me out of the house. My brother was leaning on me. The IDF took us to the entrance of the camp. We walked about 200-250 metres. Once inside the camp, they handcuffed us with plastic ties and blindfolded us. We were told to sit. We were kept there for about one to two hours, I am not sure.

"My brother kept complaining about his pain. At first they took us to Bir Sa'adeh. My brother was screaming now from the pain. He kept saying he was hurt. When we arrived at Bir Sa'adeh, my brother and I were separated. At one stage, I asked to use the bathroom and a soldier took me. He let me take my blindfold off then. When I returned, I sat in a different place, under a tree. I was allowed to keep my blindfold off. I could hear my brother asking for water and complaining about the pain in his stomach. After a short time, the soldier told me to put my blindfold back on. During the time I had the blindfold off, I could see my brother at the bottom of the hill. They didn't give him any water or any medical help. We were kept there for about 6 hours.

"We were then put in an armed personnel carrier (APC) and taken to Salem detention centre. We realized we were in Salem when we heard the call for prayer. When we arrived at Salem, we were ordered to sit on the gravel. When I was there, I was taken for interrogation and asked a few questions. They asked me if I would like to work with them and told me that if I agreed, they would get me permission to work inside Israel. I refused. They questioned me for about 10-15 minutes. They then photographed me and kept the photo. I heard them saying to each other in Hebrew 'You can release him'. They put the handcuffs and blindfold back on me.

"After the interrogation, I returned to the gravel and I was placed near my brother. The soldier gave me his ID card. He was moaning very loudly at this point and seemed to have problems breathing. The other prisoners started to yell that he was dying. I heard the soldiers trying to give him some medical help, and then I heard one of them ask for an ambulance. I could still see a bit through the bottom of the blindfold and saw them taking my brother away. It was about 7.30pm. I remained there for one night. The following morning, I was released. I have not seen my brother again."

The family, as well as local human rights organizations including HaMoked, made repeated inquiries regarding Husni 'Amer. They were told by the IDF that there was no record either of his detention or of his hospitalization. On 1 June, nearly two months after his detention, the District Coordination Office (DCO, the centre for coordination between Israel and the Palestinian Authority) informed Husni 'Amer's family that his body was being held at the Abu Kabir Centre for Forensic Medicine. On 6 June, the Israeli High Court, acting on a petition from the family, prevented any further examinations on the body. On 13 June, Muhammad 'Amer was called to Abu Kabir to identify the body. The family has requested independent forensic examination to determine the cause of death.

Access to essential supplies

Residents of Jenin town and refugee camp reported to Amnesty International delegates their increasing fear as stocks of food and water diminished. The delegates in the town between 15 and 17 April witnessed the trauma of families who had spent the previous two weeks confined to their houses, with water and electricity cut off for most of the period.

The electricity supply was cut in the city on 3 April 2002; in most places service was restored within four to 10 days but, according to UNRWA, it was not until 25 April that even a partial electricity supply was restored to the lower part of the refugee camp. In an interview with Amnesty International, the head of electricity services for the Jenin City Municipality provided a detailed log of service interruptions as well as a report of damage assessment by engineers. Several of the main feeders had been, in his view, targeted and repair crews had been subjected to IDF gunfire when they attempted to repair damaged cables.

Water supplies were also cut by the IDF and, in addition, many of the water storage tanks on the tops of houses were damaged by IDF fire; in some places the water supply was not restored for 20 days. The Director of the Water Sector for Jenin city told Amnesty International delegates that in one pumping station supplying Jenin city and the western villages the pumps were inoperable; damage to the network was extensive and "mainlines from the reservoirs or pumping stations were cut intentionally by bulldozers or indirectly through heavy tank traffic. Seven of 11 booster pumps [which help water reach high areas] were hit or destroyed by heavy machine gun fire or tanks. Damage to the network inside the refugee camp was beyond repair." On 5 April the IDF occupied one pumping station and dismissed the operator for four days. Camp residents and those living in the upper areas of the

town remained without water for up to three weeks; UNRWA reports that water points to the camp were not restored until 28 April.

The IDF Head of Plans and Policy Directorate told Amnesty International delegates that there was no policy to cut either electricity or water and said that Palestinians used water pipes to make bombs. However, between March and May 2002 Amnesty International's delegates inspected damaged electric feeders and water pipes in many Palestinian towns and refugee camps. They concluded that damage to electricity cables and water pipes was deliberate and widespread.

The prolonged curfew made it impossible for those in Jenin city or the refugee camp to obtain alternative water supplies, except during the period in which curfews were lifted. Humanitarian relief services were unable to provide water, medical or food supplies until 17 April 2002. Most houses had reserves of food; residents had suffered previous incursions and periods of curfew and laid in supplies of rice, lentils, beans, as well as storing water in bottles or buckets within their homes. Fresh milk and water and fresh food were unavailable. Hospitals reported six cases within Jenin refugee camp of children with complications resulting from drinking wastewater. Hospitals had their own generators but services were affected by water and food shortages; for days Jenin City Hospital patients and staff lived mainly on biscuits.

Blocking medical and humanitarian relief

Medical relief services were denied access to Jenin refugee camp for nearly 11 days, from 12 noon on 4 April until 15 April 2002. In addition the IDF shot at ambulances[10] or fired warning shots around them. Ambulance drivers were harassed or arrested. Meanwhile the dead in Jenin refugee camp remained in the street or in houses for days. The wounded lay for hours untended or were treated at home. In several cases people are reported to have died in circumstances where lack of access medical care may have caused or hastened their death. Many testimonies show families desperately telephoning for help in vain and compelled to stay alone with dying or dead relatives. Many cases of Palestinians killed by the IDF show the difficulty or impossibility of obtaining medical care or an ambulance to remove the dead; three such cases – of 'Atiya Abu Irmaila, Nayef Qasem 'Abd al-Jaber and 'Amid 'Azmi Abu Hassan Fayed – are described below. In two cases investigated by Amnesty International the delay in obtaining medical treatment will have long term medical consequences for patients.

Medical personnel said that for the first 30 hours of the incursion, from early morning on 3 April until noon on 4 April 2002, ambulances were able to move. During this time ambulances brought five dead bodies and about 45 wounded to Jenin City Hospital. Among the first Palestinians killed was a 27-year-old nurse, Fadwa Fathi >Abdallah Jamal, wearing

10 At least three, two from the PRCS and one from the Patients' Friends Society were severely damaged during April and May by IDF fire.

her uniform, shot by the IDF as she walked early in the morning of 3 April with her sister, also a nurse, to go to a medical centre in the refugee camp.

From 12 noon on 4 April 2002 the IDF imposed a medical blockade and prevented ambulances from entering the camp. Jenin City Hospital was surrounded by tanks and the building opposite the hospital was used as an IDF base. All those in the hospital at noon on 4 April were confined there: the visitors, the staff and the sick - about 300 people: 100 medical personnel, 105 patients, and their relatives. For some days they lived largely on biscuits, chocolate and water. On 4 April the ICRC was prevented from delivering oxygen to the hospital, which was running out of supplies, but the deliveries were allowed the following day. The ICRC also delivered drugs, blood and food. By 5 April the hospital had received six dead bodies (increasing to seven when one wounded man died the next day in hospital), its morgue large enough for only one body. IDF authorization was sought to bury the bodies in the small patch of garden behind the hospital, and this was granted on 6 April.

"The PRCS station took in nearly 200 refugees [who fled Jenin refugee camp]. Most of them were women and children. We had no food or water and no mattresses for them to sleep on. Because of this difficult situation, on about 9-10 April, some of those housed here decided to try and go to Jenin City. When they left the station, they were going to have to pass the checkpoint, so I sent an ambulance with them. When the people reached the checkpoint, another ambulance joined them from the other side. On 10 April, the IDF arrested four ambulance staff – two from each vehicle. They were held at Salem detention centre for two days and then released in a nearby village and told not to return to Jenin for an additional three days"

Ibrahim Dababneh, Head of the PRCS in Jenin

"We tried, at this stage, to find alternative routes into the camp but unfortunately all the roads were either blocked or made impassable. We then concluded that the IDF had totally blocked the camp. At the intersection of the road that leads to the Jenin City Hospital, the IDF had set up a military checkpoint, which also inhibited our movement to and from Jenin City. Each time we passed, the IDF made us take off our shirts and then would search the vehicles. This often took a very long time and so in a number of cases when we eventually reached the place where we were called, either the injured person was moved or sometimes had died as a result of the wait."

Ibrahim Dababneh, Head of the PRCS in Jenin

On 6 April ambulances were still denied access to Jenin refugee camp. On 7 April ICRC landcruisers carrying supplies to the Jenin City Hospital were blocked; however supplies were transferred to local ambulances and taken to the hospital. On 8 April continuing negotiations between the ICRC, the DCO and the army appeared to have brought about an agreement. The PRCS tried to send three teams with the ICRC to the refugee camp to collect the wounded. The ambulances were lengthily checked and the ambulance drivers forced to lie on the ground. Around 5pm the IDF said that three people could be brought in; the hospital should examine them but not ask them questions.

The wounded men were brought to hospital blindfolded. After examining them, Dr Abu Ghali, the hospital director said that all needed urgent hospital treatment. The IDF, however, allowed only one patient to enter the hospital.

"This whole operation and the negotiations with the IDF and the ICRC took from 8am until 11pm and - at the end of the day - only one wounded man was admitted into the hospital" said Dr Abu Ghali.

Between 9 and 14 April there was a standoff, day after day, outside Jenin refugee camp, with up to five ICRC ambulances and doctors and about six PRCS ambulances waiting in vain to be allowed by the IDF to enter the camp to evacuate dead and wounded.

On the evening of 11 April an ICRC delegate and Dr Abu Ghali, the hospital director, were sitting in Dr Abu Ghali=s office on the top floor of the hospital when two sniper bullets came through the window and hit the ceiling. They telephoned the IDF commander who reportedly apologized saying an IDF sniper had made a mistake.

On 14 April, three days after fighting had ended, Jenin refugee camp remained cut off from the outside world. It had been nine days since the last dead body had been brought out of the refugee camp. Only those wounded in the camp who could struggle out themselves were in hospital.

Meanwhile a number of petitions had been brought to the Israeli High Court of Justice. On 8 April the court, commenting on a petition which challenged the Israeli army's "prevention of access to medical treatment for the sick and wounded in Jenin and Nablus; restriction of access of medical personnel and transport to the areas; and obstruction of the right to bury the dead in a respectful manner", had stated:

> *"Although it is not possible to address the specific incidents in the petition that on their face look harsh, we have to stress that our fighting forces are obliged to apply humanitarian rules which refer to treating the injured, in the hospitals and the bodies of the dead. Wrongful use of medical teams and of hospitals and ambulances obliges the IDF to act in order to prevent such activity; however, this by itself does not allow a sweeping violation of humanitarian rules. In fact, this is also the declared position of the State. This attitude is not only required by international law, on which the petitioners are relying, but also by the values of the State of Israel as a Jewish and democratic state."*[11]

On 14 April three petitions were heard by the High Court of Justice including a request that the ICRC and PRCS enter the camp to remove dead bodies. They had been brought by Knesset members Muhammad Barakeh and Ahmad Tibi, and by the human rights organizations Adalah and LAW. The representative of the Attorney General initially stated that the Israeli army could not permit humanitarian organizations to enter the area because

11 H.C. 2941/02, *Badia Ra'ik Suabta and Law v. Commander of the Israeli Army in the West Bank* (filed 7 April 2002; joined for decision by the Court with H.C. 2936/02; *Physicians for Human Rights-Israel v. Commander of the Israeli Army in the West Bank*; decision delivered 8 April 2002).

some of the bodies might be booby-trapped with bombs; it then agreed to allow entry. The court dismissed the petitions but ordered that the ICRC be allowed to accompany and assist the Israeli army in locating bodies and that the PRCS also be permitted to join them.

After the High Court judgment, for the first time for 11 days, ICRC and PRCS ambulances were allowed into the camp. They left at 6.30am on 15 April but were delayed by the routine IDF searches. One team was told to remain with their IDF escort; apparently the army limited their access and they found no bodies. Dr Abu Ghali accompanied the other ambulance and described the scene:

> *"I went in with my small video camera and I first saw one body. Then I saw a second body. The third body I saw was a woman of 59, lying two metres from a door, hit in the chest and head, her body was decomposed. So the IDF said: 'That is all you have. In the centre of the camp you have no survivors'. I went on. In a room of a house I found a man of 85, alone, with no water, dehydrated. I said, 'I must go further to see.' The IDF said: 'This is the only region cleared by the Israeli army, if you go further we don't guarantee you.' I walked 35 metres into the region not cleared and found 10 bodies. Five were in one house; we could not collect them, the ICRC told the IDF to bring them. I saw a lot of people looking from the windows and doors of their houses, afraid, I said 'I will bring you food. Have you anything to eat?' They said, 'Nothing'. I asked to be allowed to bring food and medication for the survivors, the IDF said: 'You have two hours in the camp'."*

During the two hours the IDF allowed them in the camp on 15 April Palestinian and international medical and humanitarian teams were able to distribute some food, water and milk into the camp. On 16 April the IDF allowed ICRC and UNRWA personnel to enter the camp; the ICRC reported, in its daily summary: "Part of the camp looks as if it had been hit by an earthquake ... Civilians in the camp are under shock and report urgent need for medicine, water and food."

On 16 April Jenin City Hospital contained 15 bodies - with one more brought during the day. The High Court statement had ordered the ICRC and Israeli army to identify the bodies in accordance with the requirements of international humanitarian law. However, the entrance to the hospital was still blocked by an IDF checkpoint with tanks. Dr Abu Ghali asked the IDF to allow Professor Derrick Pounder, delegated by Amnesty International, access to the hospital to perform autopsies, but an IDF doctor who was stationed at the checkpoint told Professor Pounder: "If you were a doctor treating people we would allow you in, but we are not interested in a forensic doctor".

On 16 April Professor Pounder telephoned Amnesty International's headquarters in London:

> *"There is no forensic expertise in Jenin and no one in the hospital with any forensic training. Under international humanitarian law there is a requirement to examine decomposed bodies in order to obtain evidence as to the cause of death. This is in order to elucidate the circumstances of death and also to help in identification of the*

body. The identification is necessary so that the family may know and bury the body and for documentation. The longer a body deteriorates the more the evidence deteriorates and the fewer hard facts there are in order to get the evidence."

But it was only on the following day, after the Israeli Attorney General Elyakim Rubinstein agreed that Professor Pounder should be given access, that he was able to enter Jenin City Hospital where he carried out two autopsies and three examinations. Examinations were performed on three of the five bodies found in a single house and brought in that day by the IDF; they all appeared to be combatants. The findings of the autopsies, according to Professor Pounder "gave rise to suspicion"; they were on bodies later identified as those of 'Ali Na'el Salim Muqasqas and Wadah Fathi Shalabi (see above).

Amnesty International delegates discussed the failure to allow access to medical aid in Jenin, Nablus and elsewhere on many occasions with members of the IDF. The Head of Plans and Policy Directorate, Major-General Giora Eiland, denied that ambulances had been prevented from entry to Jenin for more than two days, and this was only because the PRCS refused to allow their ambulances to be checked. He mentioned a number of incidents when ambulances were said to have been misused in order to carry healthy men, bodies to increase the number of alleged dead in the refugee camp, or a suicide belt.[12] He accepted there were difficulties in coordinating medical assistance with ICRC and UNRWA. "Some problems were caused by our mistakes, some difficulties were not necessary. But we gave Palestinians food, water and medication in Jenin, and even electricity. We tried to evacuate injured Palestinians."

Notwithstanding the remarks of Major-General Giora Eiland, the evidence of the blocking of medical and humanitarian aid to Jenin refugee camp for over 10 days is overwhelming.[13]

'Atiya Hassan Abu Irmaila

'Atiya Abu Irmaila, aged 44, was killed on 5 April by a single IDF gunshot wound to the head. At the time he was shot he was in his home with his wife and three children. According to his family, he was not involved in fighting.[14] The case is an example of the IDF's failure to

12 Amnesty International knows of one, widely publicized occasion, when, on 27 March 2002, a suicide belt was found in a PRCS ambulance from Nablus. There are several suspicious circumstances about it. The ambulance passed through four checkpoints on the way to Jerusalem without being searched (which is abnormal) and then was delayed for more than an hour before being searched to allow TV cameras to arrive (which suggests that the IDF had, at the least, prior knowledge of something hidden there). The doctor and passengers in the ambulance were immediately released; Amnesty International asked the IDF for information as to the legal status of the ambulance driver but has received no reply. See also "The ICRC calls for the respect of the medical mission", 27 March 2002; and PRCS statements on 27 and 28 March 2002.

13 "ICRC activities in Jenin from 03.04.02 until 21.04.02 (Public Information)"; ICRC.

14 'Atiya Abu Irmaila's son, Hani 'Atiya Abu Irmaila, aged 20, was shot and killed two days earlier.

distinguish between fighters and those not involved in fighting. It also illustrates the impact of the IDF's refusal to allow the ICRC or the PRCS to operate ambulances to collect the dead and care for the wounded.

'Atiya's wife, Hala, told Amnesty International:

"The night before Ati was killed, there were many shells that had fallen on our house so we slept in the kitchen. The following day, at about 1pm, a tank had sent a rocket that landed between our house and the neighbour's house. Later that afternoon, we began to assess the damage to our house. My husband was crawling through the house. The balcony did not have any windows and faces on to the street. There is a clear view from there to the street. I was the first to move about the house and came back and told my husband that the windows had been blown in. In the beginning, he said he would go and see the damage, but I convinced him not to move. We moved to the sitting room of the house. After a while, the shooting calmed a bit and my husband decided to go and check the rest of the house. He crawled to the next room, which is a guestroom. When he reached there, he found broken glass on the floor, so came back to the sitting room to get his shoes. It was about 5.25pm. If you are wondering why I know the time so precisely it is because we were just sitting and doing nothing, so I kept checking my watch.

"I could see the tanks and soldiers just opposite to my house and I could hear the helicopters. When Ati went back to the guestroom, about two minutes or so passed and I heard him say 'Hala, Hala, come, come.' Just before he called me, I had heard a single gunshot. I took my children and ran to where my husband was. I entered the room and I found him standing. I asked him 'what's up, what's up?' He intended to say something but didn't manage. I then saw him bleeding from the mouth and nose. I ran toward him, he was slowly moving and then falling down. When he fell on the floor, I asked him where he was injured. I had thought he was shot in the chest as I could see blood on his shirt. The children were screaming. Ati did not speak. He looked at me one more time and then convulsed. I had a feeling he died then.

"I went back to the sitting room with my children. I don't remember how I went back. My three children were holding on to me crying. I tried to reach an ambulance by mobile phone. Finally, I managed to remember my brother's number and rang him and told him Ati was injured and asked him to please call an ambulance. I didn't tell him that I thought Ati had died. He told me he would ring and to be patient. When I was waiting for him to call back, Ati's brother-in-law called. I told him what had happened and asked him to phone ambulances. After a while he rang back and said that the ambulances have no access to reach us, and told me to try and give Ati some help. I then told him that I thought Ati had died. He told me that I was just afraid and he is probably unconscious. I told him, 'No. He is dead'.

According to his family, he was engaged in fighting.

"At this moment, I was convinced no ambulance would reach us; I started to shout for help from neighbours. It was getting dark. I broke a window in a room that was close to one of our neighbours and started shouting for help. One of the neighbours replied and I asked for a ladder. They could not reach me with one, so I tried to jump from the first floor but the neighbours started shouting that it was too high. I went back inside. My children told me that they were scared. I managed to get them to sleep and then I used the mobile to try and call people for help. It became dark. I had no electricity. I was alone. My brothers and sisters rang but then the battery on my mobile phone died. I had tried to use the mobile to see when it grew dark. At this time, I remembered Ati had no blankets. I brought him some blankets and put them over him. I then went back and stayed with my children. I didn't sleep.

"The next morning, I decided to try and reach Ati's family. I tried to jump from the balcony but didn't manage. It was just too high. I went back into the sitting room and asked my son Muhammad, who is seven years, if he would jump down. I tied some of my scarves together and put around his waist. I lowered him to the ground and told him to go to his grandfather's house and to tell them that Ati was killed. Muhammad went and reached his grandfather's house and told his grandfather and his aunt. Together with Ati's mother, they made their way back to my house.

"It is a week I will never forget. Imagine someone you live with, you talk with and now he is just a dead body. My children kept speaking with him as if he were alive. My four-year-old son would go to his father, asking him things – he would say to his father that he wanted cake and milk. When the children would fight, they would go to him.

"Ati's body remained with us for seven days. When I knew that the ambulance was not coming, I cleaned the blood off his face. Ati's mother stayed with us and slept next to his body during the nights. On the seventh day, when the curfew was lifted for two hours, an ambulance came and took his body. He was buried in the East Cemetery in Jenin..

Nayef Qasem 'Abd al-Jaber and 'Amid 'Azmi Abu Hassan Fayed

Photo caption: Nayef al-Jaber © Private
Photo caption: 'Amid Fayed © Private

On 10 April Nayef 'Abd al-Jaber (19) and 'Amid Fayed (20) were killed by helicopter machine gun fire in the al-Marah area of Jenin city, just outside Jenin refugee camp. Just before the shooting, the two young men had been visiting the home of their friend Muhammad Shalabi (20), with a fourth friend, Ra'ed Ahmad 'Azzam (20). Amnesty International delegates were told that none of the young men were members of any armed group and there was no shooting from armed Palestinians at the time. The account of the killings shows the failure of the IDF to protect the population and highlights the near

impossibility of the wounded getting access to medical help while the IDF blocked the access of ICRC and PRCS ambulances.

Muhammad Shalabi described what he saw:

"At approximately 2.30pm on 10 April, I was together with my friends Nayef, 'Amid and Ra'ed. We decided to leave my house as Nayef and 'Amid wanted to go home. We walked into the street just in front of my house, about five metres, and began to hear shooting. It was from a helicopter. The shooting lasted about 5-6 minutes. When I thought the firing had stopped, I began to look around. I saw my neighbour open his door. He looked confused and frightened. He was looking towards where we all had been standing before the firing began... Then I saw 'Amid lying on his stomach. I could see blood coming from his mouth and ears. My neighbour came out and helped me carry his body into another neighbour=s house. 'Amid said only, "Where are they?" We began to shout for people to call an ambulance. 'Amid's father then cameY."

'Amid's father, 'Azmi Abu Hassan Fayed, had been told that a young girl, Rina Hassan, was injured, when he heard people shouting his son's name. He ran toward the shouts and saw 'Amid lying in a pool of blood. He said:

"When I first saw 'Amid, there was blood coming from his mouth and ears, both of his legs had also been injured. My brother, Ghassan, called a doctor and someone he knew from the municipality and asked them to send an ambulance, a Civil Defence or municipality car. But in each case, he was told it was impossible. Ambulances and vehicles were not safe to move. At this time, I could hear the faint beating of 'Amid's heart. We waited about 10 or 15 minutes. I tried to do something for my son, but he was leaving us. I could see this. When we realized that no ambulances or cars would come, together with 6-8 other people, we decided to carry 'Amid and Rina to the hospital by foot. We put them on two doors and my brother and the others carried him to the al-Razi hospital. I received a call shortly after to say 'Amid died en route to hospital.

"My son is a civilian. He got shot in a civilian neighbourhood. There are no militants in this neighbourhood and even in the camp, the battle was mostly over. The Israelis said that they didn't kill civilians but my son was a civilian."

Ghassan Abu Hassan described the search for an ambulance using his mobile phone. Then, after waiting 10 minutes,

"We knew that ambulances could not move freely so we decided, myself and my neighbours, to carry 'Amid and Rina to the hospital. We found two metal doors and placed some wood on each and then carried them toward al-Razi hospital.

"On the way to the hospital, we faced a tank on one of the streets, and then another tank. One of the tanks pointed its gun at us. When we passed the tanks, we raised the

bodies over our head so that they would see we were carrying injured. When I had arrived at the house, 'Amid was breathing but when we arrived at the hospital, I put my hand on his neck and was fairly sure he had died.

"When we first arrived at the hospital we were told to be careful as there was a sniper situated opposite the hospital. We were told that the hospital needed oxygen but that when they tried to access it, they were being shot at. The doctors told me, at that point, that 'Amid was dead but they needed to try and get oxygen for Rina."

Meanwhile, Qasem 'Abd al-Jaber, Nayef's father, was still looking for his son, telephoning round the neighbourhood, not daring to go out as tanks were outside his house. Eventually, around 4 or 5pm neighbours went out and found Nayef dying under a car. Nayef's father was still afraid to leave his house, but his wife insisted. Qasem 'Abd al-Jaber told Amnesty International delegates:

"We reached the place near where they found my son. They had put him on a ladder. I put my face just near his head. He was still breathing. He was alive. I called a relative who was a doctor at al-Razi Hospital and asked him to send an ambulance or some medical help. He told me that he could not and that some of the ambulance staff had been arrested.

"We then lifted Nayef's body and brought him to the Shalabi family house. Someone with us who had a mobile called another ambulance and more hospitals, but the battery on the mobile died. No one came. I could see that my son had been shot in the left foot, right knee, right chest and in the left side of the neck. There was also a gash in the right side of his temple. Later on, we would realize he also had an injury to the back of his head.

"We took his body to the basement of the house. There was just my son, my wife and myself. We waited there for eight or nine hours. We were too afraid to go outside, so we stayed. Finally, the Civil Defence came about 2am the following day and brought him to the hospital. He remained in the intensive care unit until his death at 8pm on 11 April."

At the al-Razi Hospital they had received the call around 5pm to say that Nayef was seriously injured and needed an ambulance. The Director of the hospital called the PRCS and the head of Jenin City Hospital, Dr. Abu Ghali, to find the ICRC. The Civil Defence also tried to retrieve Nayef, but their first car broke down and failed to arrive. After many hours, a Civil Defence car succeeded in reaching Nayef Qasem 'Abd al-Jaber and returning with him.

Medical care was not only delayed or rendered impossible for those affected by the hostilities in the camp, but those living within Jenin city were also often unable to obtain ambulance services or access to either routine or emergency health care.

Destruction of property and civil infrastructure

> *"There is total devastation, no whole standing house, as though someone has bulldozed a whole community. If anyone was in a house they could not have survived…. There is nothing but rubble and people walking around looking dazed. There is a smell of death under the rubble."*
>
> Amnesty International delegate, 17 April 2002

This was the sight that greeted Amnesty International delegates who entered Jenin refugee camp when the IDF lifted their blockade on 17 April 2002.

Destroyed house in Jenin refugee camp © AI

The IDF demolished Palestinian homes in Jenin refugee camp from the beginning of their offensive though, as testimonies and aerial photos show, the razing of the Hawashin quarter took place mostly after 11 April. But the IDF demolition of homes in the Jenin refugee camp was already the subject of a petition to the High Court filed on 8 April 2002. The petitioners argued that by failing to provide adequate warnings to allow the residents to be heard and to give adequate time to escape before demolishing houses, the State was failing in both its own domestic obligations under Israeli Basic Law: Human Dignity and Liberty, as well as international humanitarian law under the Fourth Geneva Convention. The State argued (and its position was accepted by the Court) that residents were given adequate notice and that under Article 23 of the Hague Regulations, property destruction was allowed to accomplish military objectives. However, the representative of the Attorney General admitted that in some cases houses were demolished by army bulldozers before Palestinians had left their home:

> *"The Palestinian residents were given from one to one and a half hours between the call [of the army to evacuate] and the movement of the bulldozers. During the IDF's operation at the centre of the camp, there were homes that were evacuated after the call from the speaker, and there were homes from which the residents did not come out after the call. Rather, they came out after the bulldozer hit one of the walls of the home and before the home was demolished."*[15]

15 See H.C. 2977/02, Adalah and LAW v. Commander of the Israeli Army in the West Bank (filed 8 April 2002; decision delivered 9 April 2002).

Between 11 April when the last group of Palestinian fighters had surrendered and 15 April when, after the High Court hearing, the IDF allowed ambulances to enter under strict IDF supervision, about a tenth of the area of Jenin refugee camp was destroyed. According to Palestinian combatants and the IDF some of the fiercest fighting had taken place in this part of the refugee camp and it was in Hawashin that 13 Israeli soldiers were killed in an ambush. But the evidence strongly suggests that the fighting had already stopped when most of the demolition of houses took place.

Given the density of population in the one square kilometre refugee camp, which had a population of around 14,000 before the events of 3 April 2002, the complete destruction of the Hawashin quarter and the partial destruction of two additional quarters of the camp, have left more than 800 families, totalling some 4000 persons, homeless, living in tents or with relatives. About 169 houses with 374 apartment units have been completely destroyed with additional units partially destroyed.[16] Additionally, widespread IDF vandalism and property damage to the interior of homes was visible in a number of areas of the camp, especially in the al-Damaj quarter.

Under the Fourth Geneva Convention destruction of property can be justified only if there is an absolute military necessity. Amnesty International delegates who entered Jenin refugee camp on 17 April, the day the IDF withdrew, saw that the IDF had used bulldozers not just to destroy the houses but to drive backwards and forwards over them, impacting the rubble and rendering it very difficult for residents to dig in search of their possessions, valuables, or missing family members.

The IDF told Amnesty International delegates that fighting had continued after 11 April 2002 and Palestinian snipers remained in buildings. They also argued that the destruction of property, in the wake of hostilities, was necessary because of the proliferation of booby trap bombs and unexploded ordinance.[17] However, today the work of clearing Israeli unexploded bombs and Palestinian booby traps under the crushed rubble is continuing; military specialists have stressed to Amnesty International that buried ordnance under crushed rubble is far harder to clear than if left in undemolished houses.

Palestinian and foreign eyewitnesses inside and outside Jenin refugee camp state that fighting had essentially ceased after 10 April. The aerial photos of the destruction of the Israeli Ministry of Foreign Affairs, dated 11 and 13 April, show that the bulk of destruction took place then. In the opinion of an Amnesty International delegate, Major David Holley:

> "*There were events post 11 April that were neither militarily justifiable nor had any military necessity: the IDF levelled the final battlefield completely after the cessation of hostilities."* He added: "*It is surmised that the complete destruction of the ruins of battle, therefore, is punishment for its inhabitants."*

16 Information supplied to Amnesty International by UNRWA on 13 June 2002.
17 Amnesty International interview with Major-General Giora Eiland, 14 May 2002.

Jenin city was also extensively damaged during Operation Defensive Shield. According to official records over 1200 residential properties have been damaged. Forty homes have been completely demolished. Other homes were either partially damaged, burned, had interior damage or damage to exterior walls or water tanks. Nine schools in the Jenin city area were damaged as was the Department of Education.[18] In Jenin's old city and the market district of al-Sibat, a number of homes and businesses were destroyed or partially damaged including the Jenin Municipality Public Library.

Testimonies of residents

The Hawashin/Saha neighbourhood of Jenin refugee camp experienced the most extensive property destruction. Most of the homes in this area were completely destroyed. Amnesty International interviewed two families from this neighbourhood whose homes were demolished; in both houses Palestinians were sheltering in the back of the house while the front was being bulldozed.

People walking amongst the rubble of destroyed buildings in Jenin refugee camp © AI

Zana Hassan Abu Sari remained in her home for a number of days after the incursion began. Many camp residents told Amnesty International that they remained for two primary reasons; they had nowhere else to go, and once the fighting began, they were afraid to leave as there was no safe passage. Zana Hassan Abu Sari told Amnesty International:

> *"During the first four days of the invasion [April 3-6], the shooting was like rain. I couldn't even look out the windows, as it was too dangerous. I was so afraid. The shooting was coming from the sky, from the tanks and from the resistance in the neighbourhood. During this period, I did not hear any IDF announcement to evacuate. I chose not to leave my house, as I was too afraid. During these four days, I was with my family. There were nine persons in total, three adults and six children*

18 These include: Jenin Secondary School, Jenin Basic School, Al-Zahra Girls= Secondary School, Al-Karama Co-ed Basic School, Hitin Basic School, Jenin Basic Girls= School, Jenin Secondary School for Girls, Taht al-Nitaqain Basic Girls= School, and the Fatima Khatoun Girls= School.

ranging in age from two to 10 years old. We stayed in a corridor, near the bathroom, for this time. There was no electricity after the first two days and no water because the water tank had been destroyed. After four days had passed, two other families whose homes had been destroyed by missiles joined us. Now we were about 22 people. They remained with us for about three days.

"On the seventh day of the invasion [approximately 10 April] a missile hit my house on the second floor and came through the ceiling but did not manage to reach where we were. So we left and went to a house directly across the street. When we arrived at the house, there were already nine persons there. On the second day in the afternoon a bulldozer came and began to destroy the house, but not the part of the house we were hiding in. We stayed in a back room. We were just too afraid to move so we stayed. Part of the house was destroyed but the back part where we were remained standing and we stayed there for another five days. We were without a kitchen, without anything.

"We finally decided to leave this house, as it was quiet, there was no shooting, so we left. When we came out, we were told by the IDF to walk a certain route that took us through the mountains to Hadif. I walked a bit of this route but then decided to try and make it into Jenin city where I had family. I managed to reach there. When I left I could see so many houses had been destroyed, had been bulldozed or hit by missiles. I could also smell corpses rotting. I was not able to take anything from my house. We escaped only with ourselves and the clothes we were wearing, but we are alive."

The home of a 40-year-old woman from the Sa=ha neighbourhood was destroyed at some point between 10 and 13 April. She described the following:

"I stayed in my house for about 10 days after the invasion. I am not exactly sure of the time. I didn't leave my house as I was afraid, there were rockets and there was so much shooting, I thought it was safer in my house. I only left when the bulldozer came. Just before I left my house there was intense fighting. From the third day, I had no electricity, no water and no food. We stayed in the back of the house in what used to be a bedroom but we then used to store things. Normally there are seven people in the house but because of the situation, my daughter and her two children came to stay, so we were ten in all. There were six adults (two women and four men) and four children from 22 years to 11 years old. The day before I left my house, there was a shop next door to my house that was hit by two missiles. The next day, about 5pm, a bulldozer came and destroyed the main wall of my house that faces on to the main street. They destroyed about 50% of the house. When the bulldozer came, we were in the back of the house. When I heard the bulldozer, we put the children through a window, and then I left. My husband was the last to leave. When we left we were even without shoes; I didn't have a scarf or anything. We just ran. We went to a nearby house in al-Damaj. When we arrived, there were already so many people in the house, maybe 100. We remained in the house only for about 10 minutes, as it was still too dangerous. We then left the camp for Jenin city.

"When I returned to my house there was nothing left. It was completely destroyed; my neighbourhood is completely destroyed. There were about 60 houses, they are all gone. I can't describe to you what I felt when I left, when I heard the bulldozer. I just wanted to run away. I have nothing left. Why our family?"

Nablus

Nablus, with a population of 120,000 people, is the second largest city in the West Bank and was one of the main commercial and manufacturing centres. It was also known as one of the centres of resistance to Israeli occupation. There are three camps housing Palestinians who were exiled from their homes in 1948, including 'Askar and Balata refugee camps (Balata had been the scene of fighting during the March incursion). The Qasbah and al-Yasmina areas (Old City) form a small quarter of the modern city; they lie under Mount Gerizim and are dominated by new buildings that overlook the area from higher slopes. Within the Qasbah and al-Yasmina areas there is a labyrinth of alleys many of which run under dwellings and a series of tight and narrow lanes connecting neighbourhoods. The buildings are of extremely solid, stone construction, some dating back to the fifteenth century.

The IDF launched a major incursion into Balata refugee camp in Nablus from 27 February until 3 March, first firing missiles from Apache helicopters and then entering the camp, often using "mouse-holes" from house to house. The IDF demolished the house of a family of Nasser Abu Aways, a Palestinian wanted by the IDF, damaging six other houses around it. The incursion into Nablus during Operation Defensive Shield focused on the old city, in the centre of Nablus, although the whole of Nablus and the refugee camps in the city were under curfew between 4 and 22 April.

The IDF launched a second incursion into Nablus from 31 May to 6 June 2002. A curfew was imposed in the city during this period. Approximately 4,000 Palestinians were rounded up, with 65 detained. The IDF conducted house-to-house searches in both the Balata and 'Askar refugee camp detaining adult males. Two houses were destroyed as a punitive measure, one in the Balata refugee camp and one in Nablus city.

Nablus was reoccupied by the IDF during Operation Determined Path on 21 June 2002; the town remained under IDF occupation at the end of September; over these three months there had been more than 70 days of full 24-hours curfew.

Unlawful killings

At least 80 Palestinians were killed in Nablus by the IDF between 29 March and 22 April 2002. This figure includes seven women, and nine children under the age of 15. According to hospital records examined by Amnesty International, the Rafidiyeh Hospital treated 255

people injured during the incursions, while 65 were treated at smaller hospitals. Many others were treated in field hospitals set up by the Medical Relief Society and local clinics. A number of the killings appear to have been unlawful killings of those not engaged in fighting the IDF.

Rasha Fayez Fraitekh and Zaha Fayez Fraitekh

The killing of two sisters, Rasha and Zaha Fraitekh, took place because the IDF failed to distinguish between fighters and residents not engaged in fighting and shelled residential areas. On 3 April 2002 Bashar Fraitekh and his family were at home when a missile hit their three-storey house at approximately 9.30pm.

Bashar Fraitekh described to Amnesty International what happened:

"On the night of 3 April, myself and some of my family were sitting in the courtyard of my house. We were all together except my aunts, Rasha and Zaha, and my sister, Ra'eda, who were on the second floor of the house at the time. We heard a missile coming. You can tell the sound, and so we all scattered. The missile hit the supporting poles of the house and the three floors collapsed.

"Before the missile hit, we heard gunfire but it was outside of the city. Ours was the first house to be hit by a missile in the old city and there was no warning. After the house collapsed, I was taken along with my brothers and sister by ambulance to a hospital near al-Najah University. My leg was injured. After a few hours, I left the hospital but at this point, the IDF had entered the old city and so I went to a friend's house to stay. I stayed there for 5 days. There was also shelling in the area of my friend's house, so I left and went to another part of the city where I remained for an additional two days. On about 10 April, there was an announcement by loudspeakers that all men were to leave their houses. I was taken and detained, first at a nearby school and then at the Huwara Detention Centre. At this point, I did not know what happened to my aunts. I was held for two days and then released."

The body of Rasha Fraitekh, 49, was recovered from the ruins of her home on 17 April and Zaha Fraitekh, 37, on 19 April. Ra'eda Fraitekh, 29, remains paralysed as a result of the injuries sustained during the shelling and the collapse of the house.

Mahmud Rawhi al-'Ukkeh

On the morning of 4 April, Mahmud Rawhi al-'Ukkeh, aged 42, was killed by an IDF sniper by a single gunshot wound to the head. His 17-year-old son, Haytham, who was with his father at the time he was killed, told Amnesty International:

"A friend had called me early that morning and said that there were tanks in our area. My father and I went to the window to look and he pointed them out to me but I didn't have my glasses, so I could not see them. After I retrieved my glasses, I could see

something but it was still just faint. It was now about 7am and we heard the Israelis calling for Abu Salah to open the door. It was in a heavy Arabic accent. This person lives in a building that is high up and faces the northern part of the city. The IDF had occupied this building during the first intifada. When we heard the IDF, we left the front room and went into the salon. When we arrived in the salon, my grandmother asked my aunt Jihad to bring her medicine. But because my grandmother's room, where her medicine is kept, is towards the front of the house and there were so many tanks, my father said that he would go and get it for her. I followed him.

"My father went ahead of me and stood in front of a window that faces the north; he pointed out to me that he could see another tank but I could not see it. He was clapping and laughing and saying I was so blind. The curtain was closed but he pulled it back a bit. We looked out only for about 10 seconds and then went near where the medicine is kept in a cabinet on the eastern wall. We then heard some knocking or banging but we could not tell where it was coming from. I was lying half way on the bed, with my knees on the floor. My father moved a bit to a space between the cabinet and window and had just begun to pull the curtain back slightly when I heard a sound. He had only been to the window a second. I am sure he didn't even get a chance to see out.

"When my father was hit, there was something on my face, which looked like blood. The first few minutes, I thought I was shot. He had fallen back toward the bed and I felt his hand touching me. When I looked at him, his body was half on the bed. I yelled for my father to get up but he did not answer. I kept wondering, is he shot or am I? I then took his head in my hand and saw that the left side of his head had been hit. I started screaming and shouting and everyone came in. I remember my Aunt Jihad saying something like, 'God bless'. I just kept screaming.

"I don't know how but I ended up in my parents' room. When I became calmer, I realized my father was dead. I then came back to the salon. I saw my uncle Ahmad was in the room and that he was crying. I stood beside my uncle and looked over to my father. He was now lying on the ground and I could only see the right side of his head where there was no injury. I crawled toward him; I wanted to see him. When I reached him, I looked at his head and the bones were exposed on the left and a sea of blood was under his head. It was real then."

The family telephoned the PRCS and Medical Relief Society for an ambulance, but they could not reach the house. It was not until 27 hours later that the family were able to remove his body.

The al-Shu'bi family

On 6 April, a house in the Qasbah of Nablus was bulldozed by the IDF on top of 10 members of the al-Shu'bi family. Eight members of the al-Shu'bi family were killed including three

children, their pregnant mother and 85-year-old grandfather. The IDF clearly failed to ensure that there were no people in the house when they destroyed it.

Ahmad Fu'ad al-Najjar, a next-door neighbour of the al-Shu'bi family told Amnesty International:

> *"In previous incursions into the old city, the Israelis have used the area where we live as an entry point. The residents of this area knew this and knew that it could be dangerous. We were, as a result, in close contact with each other during this incursion. We kept alert as we anticipated danger. I had warned my other neighbours that this would be used as an entryway to the old city and we agreed amongst ourselves that we would warn each other if we suspected anything. On Thursday 4 April, I spoke with Samir al-Shu'bi and warned him of the danger. On Friday, Samir's wife, Nabila yelled to me from a window at about 10am and said that there were many tanks behind the house and some bulldozers on the road. She said she could see them from her house. Behind the al-Shu'bi house there is a big open area where the tanks used to come and go. Things at that moment didn't seem dangerous. On Saturday 6 April there was a lot of tank and bulldozer activity. On that day, I spoke with Nabila and she said that there were lots of bulldozers working but she didn't know what they were doing. At about 7pm that night, the bulldozing of houses began.*
>
> *"I saw the bulldozing of the Ghanem house from my house. I saw Sulayman Ghanem and his wife on the street. I shouted to them from the window and asked if the rest of the neighbours had left. He told me his family had all left and I asked about the al-Shu'bi family and he said that he thought they had left as well. I then looked and I saw one of the large bulldozers coming from the west side bulldozing the al-Shu'bi family house and I saw the house tilt over. Without even thinking, I yelled to the soldier in the bulldozer, 'Let the residents leave the house.' At this point the soldier came out of the bulldozer, took his weapon and started to fire in my direction. I moved out of the way and the bullets hit the wall of my house. You can still see the holes. At this moment, I told my children to leave the house and I told two other families nearby also to leave. We headed for the mosque."*

Ahmad al-Najjar stated that no warnings were given before the IDF began to bulldoze the houses. He said that residents were on such a high state of alert that if any warning had been given they would have left the area.

Ahmad al-Najjar returned to his home when the curfew was briefly lifted on Wednesday 10 April. When neighbours started to come back into the area, they began to ask about the al-Shu'bi family.

Mahmud 'Umar al-Shu'bi told Amnesty International that on the afternoon of 12 April the curfew was lifted for two hours and he went to find his father and sister. When he arrived at the family house, he found that it had been demolished. Mahmud al-Shu'bi said that he started to dig with the help of his neighbours, hoping to find survivors in the rubble.

Because it started to rain, the mud made the process difficult. They carried on digging after the curfew was reimposed, and the IDF fired warning shots in their direction several times. Late that night, the rescuers came across a small opening on the ground floor of where the house once stood; miraculously, in the small space that remained, were ‘Abdullah al-Shu’bi, 68, and his wife, Shamsa, 67, both of them alive. The rescuers went on digging throughout the night and came across the rest of the family huddled in a circle, in one small room: Mahmud al-Shu’bi’s father ‘Umar, 85; Mahmud’s sisters Fatima, 57; and ‘Abir, 38; Mahmud’s brother Samir, 48, and his 7-month pregnant wife, Nabila 40; and Samir and Nabila’s three children: ‘Abdallah, 9, ‘Azzam, 7, and Anas, 4. They were all dead.

‘Amid Muhammad Abu Sa’ir

Photo caption: ‘Amid Abu Sa’ir © Private

Military operations in and around Nablus continued after Operation Defensive Shield and every week IDF soldiers killed Palestinians, often as a result of random and disproportionate use of lethal force. For example, on 17 May 2002 a tank round killed seven-year-old ‘Amid Abu Sa’ir who was with his father on his way to Friday prayers. Father and son were both shot while sheltering behind a door in the passage leading to their house. According to eyewitnesses two IDF tanks fired in response to several boys aged between eight and 13 who were on the main >Askar Road and were throwing stones at the tanks. No gunfire was reported at the time.

The Israeli authorities have failed to initiate independent, impartial and thorough investigations into the killing of ‘Amid Abu Sa’ir or the injury, during the same incident, of eight-year-old Ya’qub Yusuf al-Bishawi, who is now partially paralysed after he was hit by a shot from one of the IDF tanks while he was playing marbles near his grandfather’s house nearby.

Compelling Palestinians to participate in military operations and to act as “human shields”

In Nablus, as in Jenin, the IDF frequently compelled Palestinians to participate in military operations, including as “human shields”. The IDF compelled Palestinians to scout areas to ensure safe passage of soldiers, to enter the homes of other Palestinians during military operations and as a first person through “mouse-holes” (the holes drilled through house walls by the IDF to enable them to move from house to house).

Maher Muhammad Hassan Salim

Maher Salim, 45, was at home with his family in the early hours of 6 April. According to his statement, at approximately 1.30am, he heard banging coming from the neighbour's house. He knew the neighbours were not at home. When he heard noises coming from upstairs, he suspected that the IDF were trying to enter his home. After half an hour had passed, five IDF soldiers came into his home by the kitchen. They broke down a door in the guest bedroom and then came into the bedroom where he, his wife and children had been sleeping. Keeping their guns pointed at him the soldiers instructed him and his wife and their seven children aged six to 19 to raise their arms and to accompany them into the room next door. They were told to sit down. Meanwhile he could hear the soldiers going through the rooms of his house and the sound of windows breaking. After two hours the soldiers came back and told him that they were leaving and instructed the family to remain in the room.

The next morning the soldiers returned to Maher Salim's house. This time, there were approximately 20-25 soldiers with two dogs who came in through a "mouse-hole" in the wall. The soldiers instructed Maher Salim to accompany them:

> *"The soldiers asked me about a certain door, it was one that led to an alleyway. They told me to open the door on both sides. They told me to look both up and down the alleyway and to let them know if there were any fighters. They threatened to shoot my family if I were to lie. I was then asked about another door that was just across the street from us. I told them it was the shop of my neighbour. They told me to go and open the door. I tried but it was locked. The soldier told me to come back and within a few seconds, the soldier fired two rounds at the lock. He told me to go back and open the door and to look inside. He asked me what was inside and I told him 'wood'. He called me back and then grabbed me by the collar of my shirt and held a gun at my back. We walked toward the shop. He was walking behind me. When we entered the shop, he called the rest of the soldiers.*
>
> *"At that point he saw a car parked in front of my house. He asked me how long it had been there and I said 'about 10 days'. He asked me if it was my car and I said 'no'. He threatened to shoot my family if I were lying. I could see wires coming from the bottom of the car and then soldiers told me to go back to the house. Within about a minute, I heard an explosion. When I entered back into my house, there were soldiers on the stairs. They kept me on the stairs with them. Shortly after the explosion, another soldier came back and told me to come with him. Again, he grabbed me by the collar and held a gun to my back. The soldier took me to my neighbour's house, about five metres away. It was now about 9am on Sunday. There were about 6-7 soldiers behind me. My neighbour saw me and shouted out my name. The soldier told me that if I said anything, he would shoot me.*
>
> *"We entered my neighbour's house. The soldiers began to drill a hole in the wall that led to another house. I went with three soldiers and the dog through the wall into the next building. The soldier kept the gun positioned at my head. When we arrived in the next building, it was empty. It wasn't a house, just an empty building. The soldiers*

then opened a hole in another wall. This happened about six or seven times. In each case, when we passed from wall to wall and building to building, the soldiers always kept me in front of them.

"At the last place, there was an iron door. One of the soldiers opened the iron door and told me to go out. I pulled the door back and just as I was walking out, I heard shooting. The soldiers pulled me back from the alley and began to return fire. I was about one metre behind the soldiers. I was crouching down while they were firing. After about half an hour, I told the soldiers that I wanted to see an officer. He asked me why and I told him that I am sick and I need my medicine. The soldier gave me some Acamol and then told me that after another half hour, he would take me back. The medicine I needed was for my cough and a bronchial infection. After I took the Acamol, I was dizzy and collapsed. I don't know for how long I was unconscious. When I woke up, the soldiers told me, 'Okay, you can go now' but they told me that I could not leave my house or they would shoot me. They also told me to leave the main door to my house open."

Ghazi Kamal Abu Kishik

Ghazi Kamal Abu Kishik was compelled to accompany soldiers and to participate in military operations, which endangered his life. Furthermore, his family home was partially demolished with explosives.

Late in the morning of 7 April 2002 the IDF occupied the house of Ghazi Abu Kishik, a local news reporter. The IDF told Ghazi Abu Kishik that fighters had been seen coming from his house; he denied this and said that fighters had been in the alleyways around his home.

Ghazi Abu Kishik told Amnesty International:

"We live in a very old house that was built under the Ottoman Empire. When the IDF first came to the door, we rushed to open it so that they would not explode it, as I know they have done with others. I was in the house with my family and my brother and his family. There were about 12 children between 3-18 years, four women, my brother, and myself. When they entered the house they asked me where were the fighters? I told them there were no fighters. I had seen fighters in the passages below my house but they were never in my house. They said that I must tell them where the fighters were or they will demolish the house. I did not answer them. Within a few seconds, they brought a huge hammer. After that they opened a large hole in the guestroom wall and planted some dynamite in it. They took us out to the courtyard, and with a remote control they blew up part of the house. It was now about 12pm.

"I thought that after this they would go, but instead the IDF set up an operation in the neighbour=s house. After the explosion, the neighbour's house and my house had no divide. From my neighbour's balcony the IDF would have a view to the east. The IDF

told us to go to one room and not to leave. We had no water, no electricity and no communications. We asked the soldiers through the bathroom window for coffee and water, they told me to shut the window. During the days the soldiers were in the house, they continued to fire from the house. I can understand Hebrew and I heard a soldier bragging that he had shot three Palestinians.

"On 7 April, the first day they occupied the house, the IDF came and told me to go and open the metal entrance door. It had been blocked by rubble from the blast. They gave me a hammer. I told them that if I were to try and open it, I was afraid the ceiling would collapse. One soldier replied to me that it was not his problem. I could hear shooting coming from the other side of the door and the soldier was firing from behind me as well. I was finally able to open the door. During this period I was so afraid.

"At the end of the four days, no one came and told us we could go. I didn't hear anything so I then threw some stones at the door and when they did not come, I finally went outside."

There is extensive damage to the home of Ghazi Abu Kishik. Two rooms are completely demolished. A third guest room is extensively damaged. Most of the interior furnishings were destroyed. Ghazi Abu Kishik said that an engineer from the municipality told him that the building was unsafe to live in. "This has had such an effect on my family", he said. "They were already refugees from Jaffa, now they have been made refugees twice over."

Torture and cruel, inhuman or degrading treatment of detainees

In Nablus the IDF ill-treated and sometimes tortured detainees arrested in mass roundups of males between 15 and 45 years old. The IDF made some loudspeaker announcements for males to report to the IDF (apparently on 10 April); in addition they carried out arrests of Palestinians through house-to-house searches once they had secured the old city. Released detainees interviewed by Amnesty International consistently alleged that they had been ill-treated by the IDF immediately after arrest. Those ill-treated or tortured included a paralysed man in a wheelchair.

Immediately after arrest detainees from Nablus said they were transported to Shomron temporary detention centre (known as Huwara to the Palestinians, a nearby village). Palestinians who had been detained reported that beatings continued in the detention centre. They said that the centre was overcrowded and they were given insufficient water, little food and were sometimes denied access to toilet facilities.

Palestinians detained in the IDF operation in Nablus between 3 and 21 April 2002 and then released at the Huwara checkpoint were placed at serious risk from IDF shooting as, until 21 April, a strict curfew was imposed on the city of Nablus, with only short periods in which the curfew was lifted. Detainees report that upon their release, they were given a release paper,

which provided them with a limited window of opportunity, usually one day, to return to their home. As they walked home many detainees stated that the IDF soldiers shot in their direction. People who had been detained and released at the checkpoint said that they feared for their lives, as there was still heavy firing coming from the IDF, and those trying to pass into the old city were, on occasion, caught in the crossfire.

Muhammad Daraghmeh

Muhammad Daraghmeh lives in Nablus and is a reporter for *al-Ayyam* newspaper as well as for Associated Press. He told Amnesty International that on 16 April 2002 at about 3am, the IDF came to his neighbourhood and forced a neighbour from an adjacent building to go to each home and instruct all men over the age of 16 to go outside. Muhammad Daraghmeh went outside and was asked to produce his ID card. At this point the IDF told some of the residents to go back home and took others into custody. Muhammad Daraghmeh was among 20 men taken into custody. He described to Amnesty International what happened next:

> *"The soldiers bound our hands in front with plastic handcuffs. We were taken into APCs and IDF soldiers told us to keep our eyes to the ground. There were about eight other men with me. They took us to an apartment building in Rafidiyeh. When we reached there, we were blindfolded and told to sit on the stairs. From just under my blindfold I could see soldiers going up and down the stairs. I could also hear the sound of children on the upper floors and I assumed residents were still inside the building.*
>
> *"We were kept there for three hours. We were told to keep our heads lowered and not to move Y At about 12pm, we were told to form a human chain with our hands and were put in a truck. There must have been about 50 men at this stage. We were driven about 11 kilometres to Huwara military base. When we arrived there, we were taken to an open place and told to sit. We were still blindfolded and still had our hands tiedY our personal belongings were taken from us. We were then taken into a tent. The soldiers told us not to speak to one another, and not to move the blindfolds from our eyes. There was a young man there, maybe 18 years old, who moved his blindfold a bit. I saw from below my blindfold a soldier approach the man and hit him on the head with a baton. Then a soldier came in and asked who could speak Hebrew. Someone raised his hand and the soldier told him to translate and asked us to repeat what he said. He said, 'Bring me humus', 'Bring me ful [beans]' and 'I like the IDF'.*
>
> *"At this point, I needed to use the bathroom. I asked the soldier and he took me. When we reached the place, I asked him how I was meant to use the bathroom with my hands tied. He told me to just to do it in my pants, it wasn't his problem. I was taken back and remained in this place and in the same position until 11pm. At this point a soldier came and called my name."*

Muhammad Daraghmeh was taken for questioning and then brought to the entrance of the base and told he could return home. He was given a release paper, which listed his name, ID number, the date he was detained and the date of release. There was heavy gunfire in the area at the time. He walked about two kilometres to Huwara checkpoint and after being stopped and questioned by the soldiers, he was allowed to pass. He was approximately 11 kilometres from his home at the other side of Nablus. He went about 200 metres from the checkpoint and decided to return back as there was gunfire all around him:

> *"When I returned to the checkpoint, one of the soldiers asked me what I was doing. I told him that I couldn't go any further; there was too much gunfire. The soldier said, 'So what? This is your city.' I then asked him if I could remain at the checkpoint and he said no, it is not allowed. I then asked him if I could go back to the detention centre. He told me no, it was not a hotel. I then told the soldier that the soldiers at Huwara said that I should come back if I had any problems. It was not true, but I said it. At about 2.30am, a military jeep came from the camp. The soldiers asked, 'Where is he?' The other soldier pointed at me. They told me to approach them and asked me what I was doing there. I told them that there was too much heavy gunfire for me to walk safely back home. One of the soldiers told me I could not remain there, as it was a controlled military zone. I then said that there was too much shooting up ahead. The soldier then said to me that I must go forward or he would be the one to shoot me. I then asked him what I should do if I came across a tank. He said to walk into the city with my arms raised, with my ID and release paper in my hand and to say in Hebrew, 'I was just released from prison'.*
>
> *"I walked about 300 metres and came across two tanks. I kept my hands in the air and said the phrase about four times. I walked another 20 or so metres and came across another tank. I was in such a dangerous situation that I decided not to go any further. I began to look to my left and right for a house with lights on so that I could get out of the road and wait a bit until things calmed."*

Muhammad Daraghmeh found a house and stayed for the night. The following morning he left and again tried to walk back to his home. He reached a second checkpoint just by Balata refugee camp and was stopped by soldiers. They questioned him as to why it had taken so long for him to reach this point (as the date and time of his release was marked on his release paper). When he tried to explain he was told to shut up. The soldiers made him sit on the ground with his head lowered and began to question him. When he told the soldiers he was a reporter, they began to ask him what he wrote about and his political views.

Muhammad Daraghmeh was delayed at the checkpoint for more than half an hour and then released. He began to walk toward the city and in the first house he saw, he telephoned members of the foreign press service, knowing that they would have the best chance to move freely around the city and might be able to reach him. Two journalists subsequently picked him up and brought him home.

Maher Musa Hussain al-Naqib

Twenty-five-year-old Maher al-Naqib is paralyzed from the waist down and confined to a wheelchair as a result of two gunshot wounds he received in 1994. He lives in 'Askar refugee camp in Nablus. On the afternoon of 16 April 2002, the IDF moved into Maher al-Naqib's neighbourhood and instructed a neighbour to come to the house where Maher al-Naqib's four sisters, his father, mother, sister-in-law and 8-month-old niece were staying. At the time of Amnesty International=s interview with Maher al-Naqib there were visible signs of cuts and faint bruising on his lower leg and knees.

Maher al-Naqib told Amnesty International:

"When the soldiers entered the house they asked my father and me for our IDs. I gave them my ID along with another card, which shows that I am partially paralyzed. There were about 20-25 soldiers in the house at this time. One of the soldiers who kept speaking on a walkie-talkie was referred to as Amir … Once they checked the IDs they began to search the house, while some of the other soldiers stayed with us in the living room, moving us from side to side while they searched the room. During the search, they broke the cabinets, and made holes in the couch using their boots and some other tools they had with them. They were searching the living room for about four hours. After about two hours, they asked the family to stand. I said to them in Hebrew I could not stand and that I was paralyzed. The soldier said back to me, 'You are not paralyzed'.

"When I did not stand, three soldiers took me to my parents' bedroom and closed the door. When we reached the bedroom, they tried to lift me up under the arms. At the same time as they were lifting me, they were hitting me on the lower legs, hands, chest and back of my head using their hands and feet, as well as their rifles. We were in that room for more than half an hour. During this entire time, they kept telling me to stand and when I could not they would hit me. They finally flipped me over on to the floor and then began to kick me around the head and all over my body. This lasted for about five minutes. They then lifted me back up and put me in my chair. I had cuts on my knees and right thigh. When they put me on the chair, one of the soldiers was standing on top of the bed and had his rifle on my temple. He told me to stand up. I just kept telling them I could not stand.

"I was then handcuffed with a plastic tie and taken back to the living room. Amir then called another soldier and that soldier took me to the entryway of the house. There are some stairs that lead down to a courtyard and then to the street. The soldier pushed me down the stairs. I was unconscious."

When Maher al-Naqib regained consciousness, he found himself in his wheelchair in the boys' school in the camp. He was in a corner, away from the other Palestinian men who

had been detained. He was taken by truck to Huwara detention centre, and said that soldiers pushed him off the truck, so that he fell on his back, hitting his head on the ground. He said during the period he was in detention in the camp, on five occasions he was taken by soldiers who would run, flip him over in the wheelchair and then have other detainees pick him up. At one time his shirt was removed and he was placed outside. He was not given any food, water or blankets and remained outside for two days. He was eventually moved into one of the tents. During the four days he spent in detention, he says he was given food only once. On 19 April, he was questioned and released. He was taken by a large jeep to Huwara checkpoint, along with some other detainees, and dropped off. The journey home was difficult, as the wheels on his chair were damaged. It took him three hours.

Blocking medical and humanitarian relief

During the conduct of Operation Defensive Shield in Nablus the Israeli authorities failed to respect the principles of medical neutrality and in so doing violated the right to life.

During the curfew, medical teams and ambulances were routinely prevented from access to the sick and wounded. From 3 until 8 April, no medical services were allowed to operate in the Nablus area. On the evening of 8 April, the IDF began to allow partial movement of ambulances and medical teams, requiring coordination between the ICRC and the DCO in order for ambulances to operate. This procedure was time-consuming and would invariably significantly delay the response to medical requests. Sometimes the IDF did not allow ambulances to respond to calls at all; even after authorization was given checkpoints often held ambulances up for hours, even when the patients inside were critically ill. The head of the PRCS in Nablus provided Amnesty International delegates with a log of calls that indicated significant delays in the medical teams' responses to emergencies. Palestinian medical personnel told Amnesty International that some patients were prevented from reaching the hospital for periods of 48 to 72 hours after their initial call for an ambulance.

According to the PRCS and the Union of Palestinian Medical Relief Committees (UPMRC), IDF soldiers shot at ambulances responding to calls on many occasions between 3 and 21 April. In addition, on at least four occasions the IDF stopped ambulances and required ambulance workers to remove their clothes. UPMRC staff told Amnesty International delegates that after stopping ambulances for two to three hours the IDF would usually tell the personnel to return to where they came from.

Firing at ambulances

Muhammad Ramadan Mahmud Saqa, an ambulance driver with the PRCS, said that on 8 April 2002, he and his partner attempted to respond to a call near the Kan'an soap factory. The response had been co-ordinated with the ICRC and had been delayed for one and a half hours whilst waiting for clearance. When the ambulance approached the western entrance of the city, there were large piles of rocks and debris, which prevented its movement. He and his partner

physically cleared the first barrier and proceeded slowly, clearing debris as they went. When they reached the area just outside the factory, there was heavy gunfire in their direction. They shouted in both Arabic and Hebrew that they were from the ambulance service. They returned to the ambulance and the firing ceased. However, when they attempted again to try to remove the barriers on the approach to the factory, the firing resumed and they were forced to retreat. Shots continued to be fired toward the ambulance and they returned to base.

A nurse from the PRCS, Khaled Khalil, reported that his ambulance was fired upon on 25 April 2002, when responding to a call in the village of Salem (four kilometres from Nablus). He was unable to continue his journey.

Before the IDF incursions into Nablus, nine field hospitals had been set up in the Nablus area. The largest of these was in a mosque in the old city. Dr Muhammad ‘Abd al-Muti Quraini, who was among the medical staff who set up a field hospital in ‘Askar refugee camp, said that he was unable to travel safely to tend to patients in need of medical care. On one occasion, while responding to a critical injury inside the camp on 7 April, he was fired at by IDF soldiers. He said that between 3 and 19 April, he treated 175 patients who were unable to reach hospitals outside ‘Askar refugee camp and that it was not until 21 April that ambulances could move safely in and out of the camp.

Hafez Sabreh and Suna Hafez Sabreh

On 7 April 2002 Hafez Sabreh, aged 65, a metalworker, was killed by a shot in the back while in the courtyard of his house in ‘Askar refugee camp; his daughter, Suna Hafez Sabreh, 35, was shot and seriously injured in the same incident. Ambulances were unable to reach them and medical help was delayed. According to witnesses, there was no shooting coming from the area before the incident.

Manal Hafez Sabreh, 34, Hafez Sabreh’s daughter, who was with her father at the time, told Amnesty International:

> *“Around 5pm on that Sunday, tanks came into ‘Askar camp. … My sister Suna was standing by the metal door, which leads on to the road. My father was in the courtyard. I then heard shooting. I called on my father to take the children inside. There were about seven children all around him. He gathered them and went inside. I did not see him come out again.*
>
> *“My neighbour Ahmad then yelled that Suna had been hit. Suna had just been closing the door when she said she felt something hit her head. At that moment, we did not realize my father had also been shot. We went into his room after about 10 minutes and saw that he looked very ill but we thought he had a heart attack.*
>
> *“We called on a friend that worked close to a medical relief centre that had opened up in an empty house and asked him if he could make contact with a doctor, as we knew no ambulance could reach us. After about one hour, the doctor and some nurses came. The doctor provided Suna with some first aid and rang the PRCS for an*

ambulance. The ambulance tried to reach us on three occasions. When my brother called a final time, someone told him that on the third attempt to reach us, the ambulance had been shot at and turned back. The doctor examined my father. He had died."

By 9 April, Suna's condition had grown worse and the doctor decided that she needed an operation to alleviate some of the pressure in her lungs. The ambulance did not arrive until 1pm that day. She has since had five more operations.

Destruction of property and civil infrastructure

An inventory carried out by Nablus Municipality in conjunction with the Engineers Association and Nablus University indicates that during Operation Defensive Shield 64 buildings in the old city, including 22 residential buildings and 17 part-commercial part-residential buildings, were very badly damaged or completely destroyed, with a further 221 buildings partially damaged. There was additional, but less severe, damage to neighbourhoods outside the old city.

A number of religious or historical sites were partially destroyed or severely damaged in what frequently appeared to be wanton destruction without military necessity. They include: the Shaikh Musallam mausoleum, the Great Mosque, the Ottoman Sarail, the al-Fatimiyeh School, al-Khadra Mosque, the Merchants= Khan (Khan al-Tujjar), the Greek Orthodox church, and al-Hammam al-Jadideh, an eighteenth century bathhouse. Three soap factories were also destroyed: the Kan'an, al-Nabulsi and Abu Shamat. There appeared to be no absolute military necessity for targeting any of these buildings. The oldest mosque in Nablus, the Jami'a al-Khadra (1187 AD) sustained extensive damage. The main prayer hall was completely destroyed and the western side of the roof collapsed. There has been no indication that any members of armed Palestinian groups were in or immediately around the mosque and therefore the military necessity of the destruction of this religious and historic site must be questioned. In the case of the Kan'an and al-Nabulsi soap factories, again serious questions must be raised as to the military necessity of demolishing these buildings. The head of the Greek Orthodox Church in Nablus, Father George 'Awad, whose church and living quarters faced the soap factories, told Amnesty International that the two days before the demolition of the factories on 10 April the area was quiet. He stated that the buildings were used solely as a warehouse for soap products and as offices and he had seen members of the IDF within the factory before the demolition. The Palestinian homes adjacent to the soap factories were also destroyed or damaged in what was a disproportionate use of force.

Six schools in Nablus also suffered damage from IDF action, ranging from minor exterior damage to partial destruction. Commercial properties, including 35 shops, were destroyed throughout the old city and in wider Nablus. Seven buildings were completely burned. Most notably, the Hindiyeh Building on the Balata Road to Nablus was burned and then demolished with explosives by the IDF on 4 April. The building housed four commercial offices and 11 residential units. At the base of the building there were 24 additional

businesses. The IDF had previously occupied the building on 28 February for 15 days, during an earlier incursion into Nablus. The seven-storey building is now completely destroyed, leaving a number of families who lived there homeless and the total loss of all businesses. Both the location of the building and the fact that residents and eyewitnesses in the area maintain that there was no firing coming from either within the building or from around the building at the time of the destruction raise serious questions as to the possible military necessity for its destruction. Residents told Amnesty International that the IDF sent one of the residents from the building to knock from door to door to tell them to leave. They were given just 10 minutes to leave and there was no time to collect personal belongings.

Amnesty International obtained several testimonies which describe a pattern of destruction by IDF soldiers of the furnishings of houses, and looting of apartments during their occupation of apartments. ‘Abd al-Rezaq Wasif Riyafa, who lives in the Qamhawi Building in Nablus, told Amnesty International that the IDF occupied his apartment for six days. When he returned he found that

> *“all the furniture had been damaged and the curtains had been torn down. The IDF had gone into each room and damaged some of the furniture and had ripped open couches and mattresses. They had ripped my wife=s clothes and the baby clothes for the child my wife is expecting. They had burned the carpets, blankets and some of the mattresses.”*

He also said that his wife=s gold jewelry that he had given her for their wedding, worth about 1700 Jordanian Dinars (JD, about $2,430), was also missing. Father George Awad told Amnesty International that items were missing from both the church and from his residence near the church including 2,000 JD (about $2,850), a stereo, and some small appliances.

The Legal Framework

International human rights and humanitarian law applicable in the West Bank and Gaza Strip

There are two sets of complementary legal frameworks that govern Israel’s conduct in the Occupied Territories: international human rights law and international humanitarian law.

International Human Rights Law

International human rights law seeks to protect individuals at all times by limiting the power of the state over individuals, and requiring states to ensure, protect and respect individuals’ human rights. International human rights standards include: those set out in treaties which are agreed by and between states; codified principles, including those set out in Declarations, Principles, Codes of Conduct, Rules and Guidelines, agreed by states (sometimes known as

non-treaty standards); and principles that have become universally accepted by states and thus are considered customary international law and are therefore binding on all states.

Israel is a party to several international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

As a party to the International Covenant on Civil and Political Rights (ICCPR), Israel has agreed and is obligated to respect, protect and ensure the rights set out in the treaties to all persons within its territory or subject to its jurisdiction.

Israel has argued that its obligations under international human rights treaties to which it is a party do not apply to persons in the Occupied Territories. The Human Rights Committee, the expert-body which monitors states' implementation of the ICCPR and issues authoritative interpretation of the treaty, and other treaty monitoring bodies, however, have stated that they do apply, and that Israel remains bound to ensure, respect and protect the human rights of all persons living in the West Bank and the Gaza Strip.[19]

Under certain human rights treaties, including Article 4 of the ICCPR, some rights may be suspended, in narrowly defined circumstances – including in times of public emergency which threaten the life of the state – to the extent strictly required by the situation.

The human rights which may not be suspended even during times of public emergency include, among others:

- the right to life
- the prohibition of torture and cruel, inhuman or degrading treatment

While Israel has suspended its obligations under Article 9 of the ICCPR, protecting the right to liberty and security of the person, the Human Rights Committee has made it clear that, in addition to the rights expressly set out in Article 4 of the ICCPR that are not subject to derogation at any time, there are other rights which may not be suspended.[20] These include:

- the prohibition of arbitrary detention

19 Concluding Observations of the Human Rights Committee: Israel, UN Doc: CCPR/C/79/Add.93 (18 August 1998) at para 10; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Israel, UN Doc: CERD/C/304/Add.45, (30 March 1998) at para 12; Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel, UN Doc: E/C.12/Add.69 (31 August 2001).
20 Human Rights Committee General Comment 29: States of Emergencies, UN Doc CCPR/C/21/Rev.1/Add.11 (31 August 2001).

- the duty to treat all persons deprived of their liberty with humanity and respect for the inherent dignity of the human person
- the right to take proceedings before a court to enable the court to decide without delay on the lawfulness of detention
- fundamental principles of the right to a fair trial, including the presumption of innocence and the right to trial before an independent impartial court
- the prohibition of collective punishments

Non-treaty human rights standards that are particularly relevant for the Israeli government's treatment of Palestinians are the UN Code of Conduct for Law Enforcement Officials (Code of Conduct); the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles); the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles); and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

In particular, failure by members of the IDF to adhere to the standards in the Code of Conduct and the Body of Principles have resulted in the excessive and disproportionate use of force and led to unlawful killing of Palestinians.

Article 2 of the Code of Conduct states that "*In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons."*

Article 3 of the Code of Conduct states*: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty*.@ The commentary on this article clarifies that the use of firearms is considered as an extreme measure and states specifically that *"Every effort should be made to exclude the use of firearms, especially against children."*

Principle 9 of the Basic Principles states: *"Law enforcement officials shall not use firearms against persons except in self-defence or in defence of others against the imminent threat of death or serious injury…and only when less extreme means are insufficient to achieve these objectives…In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."*

International Humanitarian Law

International humanitarian law, also known as the law of armed conflict, applies to situations of armed conflict and belligerent occupation. It aims to limit the effects of armed conflict and to limit human suffering, by regulating the ways military operations are conducted, including in occupied territories and by protecting people not or no longer actively participating in

hostilities. The body of international humanitarian law consists of customary rules and general principles.

Israel is a party to the four Geneva Conventions of 1949, which are among the treaties which codify international humanitarian law.

Rules governing the conduct of an Occupying Power in occupied territories, aimed at protecting the population, are set out in the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (the Fourth Geneva Convention).

Persons protected by the Fourth Geneva Convention are all those who *"at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals"*(Article 4).

The obligations of an Occupying Power to protected persons under the Fourth Geneva Convention include the duties to:

- Treat them humanely at all times and protect them from all acts or threats of violence (Article 27)
- Respect their persons, honour, family rights, religious convictions, practices and their customs (Article 27)

The Occupying Power must also:

- Ensure that the basic medical, and nutritional needs of the population are met (Article 55)
- Agree, ensure and facilitate relief if all or part of the population of the occupied territory is inadequately supplied, and permit free passage of consignments of food, medical supplies and clothing (Article 59)
- Ensure and maintain medical and hospital services, public health and hygiene in the occupied territory (Article 56)
- Ensure that medical personnel are allowed to carry out their duties and are respected and protected (Articles 56 and Article 20 and 21)
- Not destroy real or personal property of individuals, organizations or public authorities unless such destruction is "rendered absolutely necessary by military operations" (Article 53). Pillage is also prohibited (Article 33)
- Not carry out "individual or mass forcible transfers, as well as deportations of protected persons". The Occupying Power must not "deport or transfer parts of its own civilian population into the territory it occupies" (Article 49)

Protected persons may not be:

- Wilfully [*unlawfully*] killed, tortured, ill-treated, subjected to corporal punishment or suffer humiliating and degrading treatment (Articles 27 and 32)
- Punished for an offence he or she has not personally committed or subjected to collective punishments or reprisals against their persons or property (Article 33)
- Compelled by the occupying power to assist in military operations (Article 51), and cannot be used as "human shields" (Article 28)

According to international humanitarian law, persons who take direct part in hostilities may temporarily lose their status as protected persons, but they do so only for such time as they take direct part in hostilities. However, at all times they must be treated with respect for their humanity; if they are tried, their rights to a fair trial must be respected. In addition, all other of their applicable human rights must be respected.

While Israel is a party to the Fourth Geneva Convention, it maintains that this Convention does not formally apply to the West Bank and Gaza Strip.[21] In practice Israel has agreed to apply what it has termed "humanitarian provisions" of the Geneva Convention to the Occupied Territories although the definition of what constitutes humanitarian provisions is unclear. The ICRC, which works to ensure the application of international humanitarian law including as set out in the 1949 Geneva Conventions and their two Additional Protocols), as well as the other states which are parties to this treaty (known as High Contracting Parties), disagree with the Israeli government's view. The Conference of the High Contracting Parties to the Fourth Geneva Convention, which took place in December 2001, issued a Declaration which reaffirmed "the applicability of the [Fourth Geneva] Convention to the Occupied Palestinian Territory, including East Jerusalem" and reiterated the need for full respect of its provisions.[22] The position of the ICRC and the High Contracting Parties of the Geneva Conventions on the applicability of Israel's obligations under the Fourth Geneva Convention to the West Bank and Gaza Strip has been supported by numerous resolutions of the United Nations Security Council.[23]

Amnesty International considers that all Palestinians in the West Bank and Gaza are "protected persons" under the Fourth Geneva Convention. As noted above, Palestinians in the Occupied Territories who take direct part in hostilities temporarily lose their status as protected persons for such time as they take direct part in hostilities; at all times they must be

21 Israel has argued that this Convention only applies to the sovereign territory of a High Contracting Party, and as Jordan and Egypt never had legal sovereignty over the West Bank and Gaza Strip, these areas could not be considered as occupied territories under international law. http://www.israelemb.org/public_affairs/FAQ/currentFAQ.html#8.

22 Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention, Geneva 5 December 2001, at para 3.

23 See, for example, UN Security Council Resolution 465 (1980) of 1 March 1980; UN Security Council Resolution 681 (1990) of 20 December 1990; UN Security Council Resolution 799 (1992) of 18 December 1992.

treated with respect for their humanity. If tried, their rights to a fair trial must be ensured respected and protected, as must all of their other applicable human rights.

Amnesty International considers the frameworks of international human rights law and humanitarian law apply to the hostilities/events which took place in Jenin and Nablus in April 2002.

International law applicable to the fighting in Jenin and Nablus

There is considerable debate as to whether the violence in Israel and the Occupied Territories has reached a scale and intensity whereby the rules of international humanitarian law on the conduct of hostilities in international armed conflicts apply, and if so to what extent. It may be argued that military operations in Jenin and Nablus in April, in particular, reached the requisite threshold. In such situations, international humanitarian law sets out standards of humane conduct applicable to both state forces and armed groups. These rules are codified in Protocol I Additional to the Geneva Conventions of 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I). Protocol I applies to international armed conflicts including "armed conflicts in which people are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their rights of self-determination" (Article 1 (4) of Protocol I).

Protocol I's provisions regarding the protection of the civilian population are regarded as norms of customary international law.

Protocol I affirms the customary rule that "the civilian population and individual citizens shall enjoy protection against dangers from military operations" (Article 51 (1)) and specifies rules to ensure such protection. The civilian population as well as individual civilians must not be the object of attack.

The principle of distinction in international humanitarian law ensures the respect for and protection of civilian lives. Article 48 of Protocol I codifies this fundamental rule of customary international humanitarian law, which is binding on all parties to armed conflicts:

> *"In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives."*

In addition to prohibiting direct attacks on civilians, international humanitarian law prohibits indiscriminate and disproportionate attacks. Indiscriminate attacks include those that fail to distinguish between civilians and those taking part in the hostilities and/or civilian objects and military objectives. They also include attacks, which although directed at a military target, are carried out without regard to the likely consequences for civilians. They can involve the use of methods or weapons which are not capable of hitting a military target with precision – either by their nature or as a result of the circumstances in which they are employed.

The principle of proportionality is also a fundamental rule of customary international law. Protocol I prohibits disproportionate attacks – those attacks "which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."(Article 51 (5) (b)).

In order to spare civilians and comply fully with the principles of distinction and proportionality, parties to a conflict must take necessary precautions in planning and carrying out attacks. Article 57 (2) specifies precautionary measures required:

"With respect to attacks, the following precautions shall be taken:

(a) those who plan or decide upon an attack shall:

(i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;

(ii) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects;

(iii) refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

(b) an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

(c) effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit."

The protection of civilians under international humanitarian law also requires all sides to remove civilians from the vicinity of military objectives and to avoid locating military objectives in or near densely populated areas. (Article 58 of Protocol I).

The fact that some people within the population are not civilians does not deprive the population of its civilian character and thus of its protection from direct attack (Article 50 (2) and (3), Protocol I). However, the presence of a protected person at a military objective does not, in itself, render it immune from attack; the use of civilians as "human shields" – in attempts to shield military objectives from attack or to shield military operations – is strictly prohibited. (Article 28 of the Fourth Geneva Convention and Article 50 (7) of Protocol I).

As specified in Article 51 (8) of Protocol I, the shielding of one side behind civilians does not absolve the parties from their obligations to respect and protect the civilian population, including taking precautionary measures.

Israeli officials have stated, including in meetings with Amnesty International, that in its operations in Jenin and Nablus the IDF strictly adhered to the principles of distinction and proportionality included in Protocol I. Amnesty International's examination of individual cases in Jenin and Nablus, however, suggests that the IDF failed to uphold these principles.

Accountability for violations of international law

> *"A pattern we observed during our multiple discussions with soldiers manning the checkpoints was that we were never told who was taking the decision on our admission, we were never able to talk to a superior or indeed to find out who was the superior. As for the soldiers, they refused systematically to identify themselves to us or to take any responsibility for their obstructive actions. It is clear that this behaviour is intended to make very difficult for victims of abuses by the IDF to identify the culprits and the line of command."*
>
> Javier Zuniga, Amnesty International

International human rights treaties to which it is a party and the Fourth Geneva Convention require Israel to be accountable for violations of human rights and humanitarian law. Accountability includes the duty to promptly initiate independent, impartial and thorough investigations of allegations of violations and bring perpetrators to justice in the course of proceedings which meet international standards of fairness. Under human right law, victims of violations are entitled to redress and reparation – including compensation; rehabilitation; and satisfaction and guarantees of non-repetition; to this end Israel is required to ensure the availability of effective remedies.

For example, Israel is obligated to ensure effective remedies and redress for violations of the rights set out in the ICCPR. This duty carries with it the obligation to promptly initiate independent, impartial and thorough investigations into allegations of violations of the rights set out in the treaty, including the right to life, and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

Both human rights law and international humanitarian law require other states to investigate and either prosecute or extradite to another state for trial persons suspected of certain crimes under international law and grave breaches of the Fourth Geneva Convention regardless of where the act took place.

The list of grave breaches of the Fourth Geneva Convention is set out in Article 147. These include the following acts committed against persons or property protected under the Convention:

- wilful killing
- torture or inhuman treatment
- wilfully causing great suffering or serious injury to body or health
- unlawful deportation or transfer
- unlawful confinement of a protected person
- compelling a protected person to serve in the forces of a hostile Power
- wilfully depriving a protected person of the rights of fair and regular trial
- taking of hostages
- extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly

Grave breaches of Article 147 of the Fourth Geneva Convention constitute war crimes.[24] Some of the acts by the IDF described in this report amount to grave breaches of the Fourth Geneva Convention. These acts include some of the unlawful killings described in this report; the torture and ill-treatment of prisoners; wanton destruction of property after the end of military operations; the blocking of ambulances and denial of humanitarian assistance; and the use of Palestinian civilians to assist in military operations.

Article 7 of the Rome Statute of the International Criminal Court defines crimes against humanity as various specified acts when committed as part of a "widespread or systematic attack directed against any civilian population, with knowledge of the attack", "pursuant to or in furtherance of a State or organization's policy to commit such attack". Crimes against humanity do not require a link to an armed conflict - they can be committed either in peacetime or in wartime. The specified acts include murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape and other forms of sexual violence; persecution against any identifiable group or collectivity; enforced disappearance; apartheid; and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

For many years, Amnesty International has documented unlawful killings; torture and ill-treatment; arbitrary detention; unfair trials; collective punishments such as punitive closures of areas and destruction of homes; extensive and wanton destruction of property; deportations; and discriminatory treatment of Palestinians as compared to Israeli settlers.

24 See Article 8 of the Rome Statute of the International Criminal Court. Grave breaches and other serious violations of Protocol I are also listed as war crimes in Article 8.

Many of these violations have been committed in a widespread and systematic manner, and in pursuit of government policy (some, such as targeted killings or deportations, were carried out in pursuit of a publicly declared policy); such violations meet the definition of crimes against humanity under international law.

Some of the violations reported during the Jenin and Nablus incursions are part of the pattern of such crimes.

Amnesty International has condemned attacks by Palestinians on Israeli civilians as crimes against humanity.[25] The deliberate killings of civilians by members of Palestinian individuals or armed groups, such as *Hamas*, Islamic *Jihad*, and the *al-Aqsa* Martyrs Brigade, are both widespread and systematic, and are perpetrated as part of a publicly announced policy to target civilians. They therefore satisfy the definition of crimes against humanity under international law.

War crimes and crimes against humanity are among the most serious crimes under international law, and represent offences against humanity as a whole. Bringing the perpetrators of these crimes to justice is therefore the concern and the responsibility of the international community. This view is illustrated in the Preamble to the Rome Statute of the International Criminal Court, adopted in July 1998, which affirms that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation.[26]

Israeli authorities have prime responsibility for bringing to justice the perpetrators of serious violations, including war crimes and crimes against humanity. But all High Contracting Parties to the Geneva Conventions have a particular obligation, under Article 146 of the Fourth Geneva Convention, to search for persons alleged to have committed or to have ordered to be committed grave breaches, and to bring such persons, regardless of their nationality or the place where the act took place, to justice before its courts or to hand over such person for trial to another state party to the Convention. All proceedings against such persons must be conducted in accordance with international standards for fair trials. Amnesty International has urged that the death penalty not be imposed against anyone convicted of such crimes.

25 See Amnesty International, *Israel and the Occupied Territories and the Palestinian Authority: Without distinction: Attacks on civilians by Palestinian armed groups*, July 2002 (AI Index: MDE 02/003/2002).

26 It should be noted that Israel is not yet a party to the Rome Statute. In the absence of a UN Security Council referral, the International Criminal Court will not be able to prosecute nationals of a country which has not ratified the Rome Statute or if the crime was committed in a country that has not ratified it unless either such country makes a declaration accepting the jurisdiction of the Court.

Amnesty International's Conclusions

The following section gives a summary of Amnesty International's findings related to the impact of the IDF operations, in particular Operation Defensive Shield, on the human rights of the Palestinian population and an assessment of Israel's obligations under international human rights and humanitarian law in each case.

The State of Israel has not only a right but also an obligation to protect the lives of its citizens and those under its protection, but measures taken must be in accordance with international human rights and humanitarian law. Human rights abuses by armed groups can never justify violations of fundamental human rights by governments. The information in this report suggests that the IDF committed violations of international law during the course of military operations in Jenin and Nablus, including war crimes, for which they must be held accountable.

Unlawful killings

Amnesty International has documented cases in Jenin and Nablus where people were killed or injured in circumstances suggesting that they were unlawfully and deliberately targeted, or were killed as a result of disproportionate use of force or gross negligence in protecting those not or no longer involved in the fighting.

In several cases the IDF caused the deaths of Palestinians by demolishing homes while residents were still inside. IDF soldiers frequently failed to give adequate warnings before demolishing houses, refused to allow family and neighbours to warn residents, failed to offer help themselves or to call rescue units or ambulances and sometimes shot at those who tried to help. The failure to properly investigate killings in disputed circumstances and those clearly unlawful have created a climate where members of the IDF believe that they may carry out such violations of the right to life with impunity.

Unlawful killings violate the "right to life" laid down in Article 6 of the ICCPR. Amnesty International considers that some of these abuses of the right to life would amount to "wilful killings" and "wilfully causing great suffering or serious injury to body or health" within the meaning of Article 147 of the Fourth Geneva Convention dealing with grave breaches of the Convention; "grave breaches" of the Geneva Convention are war crimes.

Failure to ensure medical or humanitarian relief

In both Jenin and Nablus, the IDF denied medical and humanitarian relief organizations access to the affected areas – including Jenin refugee camp and the old city of Nablus – even after it was reported that the fighting had ceased. Medical relief services had no access to Jenin refugee camp for nearly 11 days, from 4-15 April 2002. From 9 April until 14 April there were up to five ICRC ambulances and doctors and about six Palestine Red Crescent Society (PRCS) ambulances waiting to be allowed to enter the camp. In the Nablus area no ambulances were allowed to move between 3 and 8 April and medical services were severely

restricted until 19 April. Meanwhile Palestinians died without receiving medical attention and bodies remained decomposing where they were killed for days.

On 12 April 2002 the Israeli organization HaMoked, the Centre for the Defence of the Individual, petitioned the High Court to know why the Minister of Defence did not send the special rescue unit to "search for and locate all persons buried alive under the ruins in the Jenin refugee camp and rescue them." In its judgment the court stated that "Law and morality both justify the entry of the rescue unit". However the petition was rejected by the court after the Counsel for the Ministry of Defence said that "the unit will attempt to locate people". Amnesty International has received no information which would indicate that after the 14 April judgment the IDF rescue unit entered into Jenin refugee camp.

Under the Fourth Geneva Convention, States are obliged to respect and protect the wounded (Article 16), to allow the removal from besieged areas of the wounded or sick, and the passage of medical personnel to such areas (Article 17), and for the distribution of medical and humanitarian supplies to besieged areas (Article 55). The obstruction and targeting of medical personnel contravene the prohibition against "willfully" causing great suffering or serious injury to body or health" under Article 147 and as such are a grave breach of the Convention and are therefore war crimes.

Demolition of houses and property

According to UNRWA, 2,629 Palestinian homes, housing 13,145 refugees, sustained serious damage during the period 29 March-23 April 2002. These figures do not include the scores of destroyed or damaged homes of Palestinians who were not registered as refugees with UNRWA during this period, nor the homes demolished later in the year. Amnesty International delegates, including a military adviser, witnessed the effects of the demolition of Palestinian homes, especially in Jenin, in the vast majority of cases without apparent military necessity. IDF forces who entered Jenin and Nablus brought tanks or bulldozers through narrow roads stripping off the fronts of houses; sometimes the house front was stripped off even in wider roads. In Hawashin and neighbouring areas of Jenin refugee camp 169 houses with 374 apartment units, were bulldozed mostly after the fighting had ceased. Amnesty International delegates who witnessed the devastated site on 17 April, when the IDF blockade of the town was at last lifted came to the conclusion that there was no absolute military necessity in this destruction.

In both Jenin and in Nablus, there were instances when the IDF bulldozed houses while residents were still inside. The IDF either gave inadequate warnings or no warnings before houses were demolished, and subsequently not only failed to take measures to rescue those trapped in the rubble but even prevented others from searching for them. Amnesty International documented three incidents leading to the deaths of 10 people between the ages of four and 85; six others on the hospital lists of those killed in Jenin are recorded as a result of being crushed by rubble.

During military operations, commercial, religious, cultural, and civic buildings, were also destroyed without absolute military necessity. Nablus suffered particularly severely from

such destruction not only of its commercial buildings but also of religious and cultural buildings dating back several centuries.

Amnesty International has also documented incidents where personal property inside apartments or homes occupied by the IDF was intentionally damaged and sometimes looted. In September the Israeli Government announced that it had prosecuted 18 soldiers for looting. The numerous incidents of vandalism and looting by a number of IDF units in various towns raises concern that some of these actions, which violate international humanitarian law, may have been sanctioned or condoned by the Israeli authorities or IDF commanders.

Article 33 of the Fourth Geneva Convention prohibits collective punishment, such as the demolition of houses, stating that: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited." This same article also prohibits pillage and reprisals against protected persons and their property. Article 53 of the Fourth Geneva Convention states that: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations." In November 2001 the Committee against Torture, in its conclusions after its review of Israel's report, stated that Israel's policy of closures and its demolitions of Palestinian homes "may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment" in breach of Article 16 of the United Nations Convention against Torture.

Article 147 of the Fourth Geneva Convention lists "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" as a grave breach of the Convention. It is therefore a war crime.

Cutting water and electricity supplies

In Jenin the electricity supply was cut in the city on 3 April; in the lower refugee camp even a partial electricity supply was not restored until 25 April. The Jenin municipality claimed that main feeders had been targeted and repair crews subjected to gunfire. Water was also cut and many storage tanks on houses were damaged by IDF fire. Camp residents and those living in the upper areas remained without water for up to three weeks; UNRWA reports that water points to the camp were not restored until 28 April. In Nablus water and electricity were also cut from 3 April.

The cutting of water and electricity supplies constitutes collective punishment prohibited under Article 33 of the Fourth Geneva Convention.

Torture or other cruel, inhuman or degrading treatment in arbitrary detention

In the towns and refugee camps occupied by the Israeli army the IDF ill-treated and sometimes reportedly tortured Palestinians detained in mass roundups of males aged 15-55.

Amnesty International interviewed many Palestinians from Jenin who had been released from detention while they were still in Rumaneh, a village near Jenin, prevented from returning to their homes. Amnesty International delegates also interviewed former Palestinian detainees arrested during Operation Defensive Shield in Jenin and Nablus, who described the cruel, inhuman or degrading treatment or punishment to which they had routinely been subjected. Most were humiliated and many were insulted. Many described treatment amounting to torture, mostly in the form of random beatings with rifle butts.

Article 7 of the ICCPR prohibits torture and cruel, inhuman or degrading treatment or punishment; this article is non-derogable. Israel has also ratified the Convention against Torture which states that "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture" (Article 2(b)) and requires investigations into every allegation of torture or ill-treatment (Article 12).

Under Article 147 of the Fourth Geneva Convention "torture or inhuman treatment… unlawful confinement of a protected person," and "wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention" are all grave breaches of the Convention and therefore war crimes.

The use of Palestinians for military operations or as "human shields"

In both Jenin and Nablus, as many testimonies show, there was a pattern of forcing Palestinians to participate in military operations or to act as "human shields". Women as well as men were used in this way.

The use of Palestinians as "human shields" and to conduct military operations was the subject of a petition in the Israeli High Court in May 2002. Seven human rights organizations submitted a petition seeking to prevent the IDF from using Palestinian civilians as "human shields". The State response was to indicate that the army had issued a ban on all forces from using "human shields" (although it did not admit or deny that such a practice, known by the IDF as the "neighbour procedure", was employed) and that it was to begin an internal investigation on the issues raised in the petition. In light of the State response, the Court decided not to issue an injunction but requested that the State submit a written copy of its orders.[27] This had not yet been done. Meanwhile, the practice of compelling Palestinians to act as a "human shield" in military operations has continued. In August a Palestinian used as a "human shield" by the IDF was killed in crossfire and the High Court of Justice issued an interim injunction against this procedure; nevertheless, it still continues.[28]

27 See H.C. 3799/02, Adalah et. Al. v. Yitzhak Eitan, Commander of the Israeli Army in the West Bank et al (filed 5 May 2002; case pending). The IDF calls the compelling of civilians to search houses "neighbour procedure".

28 See *Contrary to Injunction of the High Court of Justice - IDF Continues Use of "Neighbour Procedure"*, B'Tselem, 28 August 2002.

Article 51 of the Fourth Geneva Convention prohibits the Occupying Power from compelling protected persons to assist in military operations. Article 28 prohibits the use of protected persons as "human shields". Article 147 lists "wilfully causing great suffering or serious injury to body or health" as a "grave breach". It is therefore also a war crime.

Keeping the world away: the failure of international action

The Israeli State has the primary obligation to respect articles of the Fourth Geneva Convention. In addition, under Article 1 of the Fourth Geneva Convention all states which are High Contracting Parties to the Geneva Conventions have an obligation to "respect and ensure respect" of the Convention.

The international community, governments, organizations and individuals, have taken a keen interest in the situation in the Occupied Palestinian Territories. The relationship of the conflict to the deteriorating human rights situation has led to a growing understanding that there can be no peace or security for the region until human rights are respected. The failure to bring change has not been through a failure of awareness or even of will of most members of the international community. In the United Nations, the European Union, the League of Arab States and in other intergovernmental organizations, statements have been made and resolutions passed. Delegations have been sent to the area and peace plans projected. But all attempts to end human rights violations and install a system of international protection in Israel and the Occupied Territories, in particular by introducing monitors with a clear human rights mandate, have been undermined by the refusal of the government of Israel, frequently supported by the United States, which as a permanent member of the UN Security Council, is able to exercise its support for Israel by vetoing a Security Council resolution.

During April 2002, as Operation Defensive Shield continued, concern swiftly mounted on what was happening in areas the IDF had closed to the outside world, such as Jenin and Nablus. There was unprecedented international pressure on the Israeli government, including debates leading to resolutions and action in national parliaments throughout the world, the European Parliament, the Parliamentary Assembly of the Council of Europe; in United Nations bodies, including the Security Council, the General Assembly and the Commission on Human Rights as well as scores of diplomatic interventions and visits of governmental and parliamentary delegations to Israel.

> *"We need to be very clear that self-defence is not a blank cheque. It is important to understand that responding to terrorism does not in any way free Israel from its obligations under international law, nor does it justify creating a human rights and humanitarian crisis within the occupied Palestinian territory. There is an urgent need to comply with all provisions of international law, particularly those that ban indiscriminate and disproportionate use of force, as well as the humiliating treatment of a civilian population."*
> UN Secretary-General Kofi Annan in a statement to the UN Security Council on 4 April 2002

However, the willingness of the international community under the auspices of the United Nations to act to ensure protection of human rights, including the human rights of Israeli civilians targeted by Palestinian armed groups, were consistently blocked by the Israeli government.

Only two days after the invasion of Jenin and Nablus, the UN Commission on Human Rights, meeting in Geneva on 5 April, requested the UN High Commissioner for Human Rights to head a visiting mission to travel immediately and return expeditiously to submit its findings and recommendations to the current session of the Commission. The mission was set up on 8 April. However, on 19 April the Israeli Foreign Ministry informed the mission that the Israeli Government would not facilitate their visit. At the request of the Commission on Human Rights the High Commissioner for Human Rights issued a report on 24 April 2002 calling for full applicability of the Fourth Geneva Convention, for both sides to end the violence and for accountability on all sides:

> *"Failure to investigate widespread allegations of serious human rights violations and to seek accountability risks undermining the integrity of the human rights system."*[29]

The European Union High Representative for the Common Foreign and Security Policy, Javier Solana, and Josep Pique, Foreign Minister of Spain, holding the European Union's Presidency at the time, visited Israel on 4 April. They were not allowed to meet President Arafat. On 10 April the European Parliament called for the immediate suspension of the EU-Israel Association Agreement. At the Euro-Mediterranean ministerial summit in Valencia on 22-24 April the human rights situation in the Occupied Territories dominated the agenda; Javier Solana again visited Israel and the Occupied Territories on 25 April holding meetings with Prime Minister Ariel Sharon and, after some difficulty, was allowed to meet President Yasser Arafat, then confined to his headquarters in Ramallah.

The UN Security Council under Resolutions 1397 and 1402 in March and Resolution 1403 in April, expressed concern at the deterioration of the situation and called for a meaningful ceasefire. On 10 April the "Quartet", made up of representatives of the United States, the United Nations, the European Union and Russia, issued a public statement urging Israel to implement Resolutions 1402 and 1403. US Secretary of State Colin Powell spent six days in Israel, from 11 to 17 April, in an attempt at mediation.

As a result of increasing disquiet over the situation in Jenin and the devastation of demolished houses which greeted the first observers from the international community able to enter Jenin refugee camp after 15 April, the UN responded to calls for an international investigation which came from many groups, including Amnesty International. An agreement to send a fact-finding team to "develop accurate information" regarding events in Jenin was agreed between the UN Secretary General, Kofi Annan, and Israel's Foreign Minister Shimon Peres and welcomed by a unanimous vote in Security Council resolution 1405 (2002) of 19 April 2002. The resolution also stressed the need for all to ensure the safety of civilians and to respect universally accepted norms of international humanitarian law. The Fact-finding team

29 Para 63, E/CN.4/2002/184.

was composed of three eminent independent experts, (Martti Ahtisaari, former Prime Minister of Finland, Sadako Ogata, former UN High Commissioner for Refugees, and Cornelio Sommaruga, former President of the ICRC), and included military, police, legal, and medical advisers, including forensic expertise. After initially agreeing to the UN Fact-finding team, the Israeli Government raised a series of objections relating to the membership and mandate of the team. The Israeli Government then withdrew its cooperation and blocked its access to Israel. The team was disbanded by the UN Secretary General on 3 May.

On 7 May 2002, the UN General Assembly requested the UN Secretary-General "to present a report, drawing on the available resources and information, on the recent events that took place in Jenin and other Palestinian cities".[30] This report was written without a visit to Jenin or other Palestinian cities. It was based solely on submissions from member states, observer missions and non- governmental organizations, as well as documents already in the public domain. Israel did not respond to a request by the UN Under-Secretary-General for Political Affairs to provide information for the report. The report, made public in July 2002, reaffirms Israel's obligations under the Geneva Conventions - and the Palestinian Authority's obligation under customary international law - to respect human rights. Factually, many of its conclusions are in line with those of Amnesty International and other human rights organizations. The report raises Israel's imposition of round the clock curfews, "restrictions on and sometimes completely barring, the movement of international personnel, including at times humanitarian and medical personnel" and stresses the "severe hardships" suffered by the civilian population (Para. 24). The report mentions numerous reports of the IDF use of Palestinians to accompany them on house searches, detentions and ill-treatment of Palestinians, vandalism by the IDF and "the widespread destruction of Palestinian and private property". It also states accusations that Palestinian armed groups breached international humanitarian law by basing themselves in a densely populated area and by the use of children to transport and possibly lay booby traps.

The Secretary General's report on events in Jenin and other Palestinian cities can not be a substitute for a full, independent, impartial and thorough investigation or inquiry. Amnesty International is conscious that there is still an overriding need for such an investigation of the events of Operation Defensive Shield. A full international Commission of Inquiry with access to testimonies from individuals and records of both sides could thoroughly investigate each killing, using forensic, legal and military expertise, to determine whether the killing was lawful or unlawful; it could investigate the circumstances of the demolition and damage of each Palestinian home and building to determine the "absolute military necessity" of its demolition; it could fully investigate the treatment of Palestinian detainees after arrest; the extent of the use of "human shields" and the facts about the denial of medical and humanitarian aid. It could also fully examine alleged breaches of international humanitarian law by Palestinian armed groups, and by the Palestinian Authority during Operation Defensive Shield. A Commission of Inquiry could make clear recommendations with the force of its investigations behind them.

30 Resolution ES-10/10.

War crimes and crimes against humanity are among the most serious crimes under international law, and represent offences against humanity as a whole and are prohibited in the Rome Statute of the International Criminal Court. The international community cannot therefore remain as ineffective witnesses of the grave violations which continue to take place in Israel and the Occupied Territories.

Recommendations

These recommendations relate to the human rights violations in Jenin and Nablus alone. Other Amnesty International reports contain recommendations of general application.

Amnesty International calls on the Government of Israel:

- to ensure that IDF operations are conducted in full respect of international human rights and humanitarian law;
- to initiate a full, thorough, transparent and impartial investigation into all allegations of violations of international human rights and humanitarian law, including those documented in this report, and to make the results public;
- to cooperate with United Nations investigations;
- to bring to justice those alleged to have committed serious violations of international human rights or humanitarian law in proceedings that meet international standards for fair trial;
- to ensure prompt and adequate reparation for victims of serious human rights or humanitarian law violations;
- to respect and protect the human rights of all persons living in the Occupied Territories without discrimination;
- to include the practices of Israeli authorities in the Occupied Territories in all reporting to UN human rights treaty bodies;
- to take immediate action to prevent the IDF from compelling Palestinians to take part in military operations or to act as "human shields" and to take measures against any soldier or military commander who undertakes or sanctions such practices;
- to fulfill its international legal obligations by ensuring that medical staff and ambulances are allowed to carry out duties without undue delays, and with safe passage;
- to ensure safe access for humanitarian and medical supplies;
- to immediately stop the use of lethal force to enforce curfews;
- to end collective punishments including house destruction, closures and curfews, cutting of water and electricity;

- to end torture or other ill-treatment of those in custody;
- to end administrative detention and release all administrative detainees unless they are to be brought to trial for a recognizably criminal offence in a trial which is in accordance with UN fair trial standards;
- to accept an international monitoring presence in Israel's Occupied Territories with a strong human rights component.

On the Palestinian Authority:

- to take all action possible to prevent anyone under its jurisdiction from attacking or otherwise endangering the safety of civilians.

On the Palestinian armed groups:

- to respect fundamental principles of international law which prohibit the killing of civilians;
- to end any use of children in any armed operations.

On the international community:

The international community has an obligation under Article 1 of the Fourth Geneva Convention to "respect and ensure respect for" the Convention. Despite the information that has been provided by Amnesty International and other international human rights and humanitarian organizations, which clearly documents violations of the Convention, including grave breaches under Article 147, these abuses continue with impunity. Amnesty International calls on the international community and, in particular, the United States government:

- to immediately stop the sale or transfer of weaponry that are used to commit human rights violations to Israeli forces until such time as guarantees can be secured that equipment will not be used to commit violations of international human rights or humanitarian law;
- to ensure that Israel=s human rights and humanitarian law obligations, most specifically its obligations as an occupying power under the Fourth Geneva Convention, are met;
- to ensure that human rights are central to all negotiations, interim accords and any final agreement;
- to bring to justice anyone suspected of war crimes, crimes against humanity, or torture who may be within their jurisdiction;

- to take steps to set up an international monitoring presence in Israel's Occupied Territories with a human rights component.