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### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Periodic report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

### **Situation of human rights of the Palestinian people in the Occupied Territories: Gaza, West Bank and East Jerusalem**

#### **Note by the Secretary-General\***

The General Assembly, at its fifty-sixth session, adopted resolution 56/59 of 10 December 2001 on the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, in which, among other matters, it requested the Special Committee:

(a) Pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arose thereafter;

(b) To submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including Jerusalem;

(c) To continue to investigate the treatment of prisoners in the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967.

The Special Committee, as in previous years, reports to the General Assembly through the Secretary-General.

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\* This report is being submitted on 20 September 2002 so as to include as much updated information as possible.

### *Summary*

The present report contains a summary of articles which appeared during the period July-August 2002. In preparing this summary, the newspapers listed below have been taken into account. Reference to reports appearing in other newspapers is made when they contain relevant material not found in the newspapers listed below. The terminology used in the summary is that found in the original version of the reports summarized.

*Ha'aretz* (Hebrew-language daily)

*Jerusalem Post* (English-language daily)

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## Situation of human rights of the Palestinian people in the Occupied Territories

### A. Restrictions relating to land, housing and roads

#### Land

1. On 2 July, it was reported that the Israel Defense Forces had completed the previous day its de facto takeover of most of the West Bank, including all major towns and cities except Jericho. As part of the final takeover of Area A, IDF also entered several villages north of Ramallah. Soldiers took control of positions in Arura and Beit Rima and in the town of Salfet. By the end of the operation, which did not meet with any Palestinian resistance, the IDF redeployment throughout the West Bank was complete. (*Ha'aretz, Jerusalem Post*, 2 July)

#### Housing

2. On 7 August, the High Court of Justice rejected a petition demanding that IDF give prior warning to the families of Palestinians involved in terror attacks whose homes were scheduled for demolition, thus enabling them to take legal measures to block the demolition orders. Justices Aharon Barak, Shlomo Levin and Eliezer Rivlin explained that they could not hand down a sweeping ruling on the matter, and that the courts would have to deal with demolitions on a case-by-case basis. The justices ruled that it was up to the army to decide which families to warn about the planned demolitions, and thus to weigh what was more important, the right of the alleged terrorists' families to appeal against the damage to their property or the public's interest in a successful military operation and the desire to protect soldiers' lives. The petitions were filed on behalf of 49 families related to terrorists by attorneys Andre Rosenthal and Hanan Khatib, Hamoked — the Centre for the Defence of the Individual, and Canon, another human rights group. Three houses were demolished before the hearing. Rosenthal, speaking for the petitioners, rejected the State's claim that house demolitions were a legitimate part of the war on terror. He argued that house demolitions constituted collective punishment of families who had nothing to do with the terrorists' actions. He also charged that the house demolitions were not part of an ongoing war, as IDF had argued, but were special operations involving forces brought in specifically for the purpose and then removed afterward. According to the Palestinian human rights organization Al-Haq, there were currently 107 demolition orders against homes that housed suicide bombers in the West Bank. In addition, it said, there were hundreds of homes belonging to other suspected terrorists that the army was also likely to demolish. The petitions were filed after the Government decided to adopt house demolitions as a policy. (*Ha'aretz, Jerusalem Post*, 7 August)

3. On 14 August, it was reported that IDF had destroyed the previous day the houses of two more Palestinian terrorists, as part of the Government's new policy of trying to deter suicide bombers by threatening consequences to their families. The previous day's demolitions brought the total to 21 since the new policy was established, and more were expected in the near future. One house demolished the previous day belonged to Mohammed Batat, of the village of Dahariya south of Hebron. Batat went on a shooting spree in Be'er Sheva on 10 December, killing two Israelis and wounding 18. He was killed by security forces. The second belonged to

Issa Badir of the village of Doha west of Bethlehem. Badir committed a suicide bombing in Rishon Letzion on 22 May that killed two and wounded 36. (*Ha'aretz*, *Jerusalem Post*, 14 August)

### **Roads**

4. On 6 August, it was reported that the defence establishment was building four new bypass roads for settlers in the West Bank at a cost of NIS 150 million. Defence sources told *Ha'aretz* that in the current budget year, the State would spend NIS 50 million on the initial stages of construction, and that the remaining stages would be approved next year. The Defence Ministry had spent NIS 250 million on the construction of roads in the West Bank in the previous three years. (*Ha'aretz*, 6 August)

## **B. Settlements and settlers**

5. On 23 July, it was reported that construction had begun on several outposts in the occupied territories that had been dismantled during the Barak era, according to a report published in the latest issue of *Amanah*, the settler movement's journal. At the Pelgei Maim neighbourhood near the settlement of Eli, formerly the Shuna outpost, groundwork had been completed for the construction of permanent housing for 15 families currently living in mobile homes in the area. At Mitzpeh Keramim on the Alon Road, another outpost disbanded under the terms of an agreement between the Barak Government and the Yesha Council, infrastructure was being prepared for construction of another five mobile homes, while groundwork had begun for preparing homes for six of the 11 families currently living in mobile homes in the area. At the Amuna outpost near Ofra, which had been "frozen" under the agreement with Barak, work had begun to prepare the construction of 19 homes. At Adei Ad near Shvut Rachel, groundwork had begun on six homes and work was also under way at the nearby outpost of Mitzpeh Achiya. Beruchim was being expanded by six mobile homes, bringing the number to 22, while work was under way to prepare for the building of 25 permanent homes. (*Ha'aretz*, 23 July)

6. On 25 July, it was reported that the Jewish settler population in the territories had continued to grow over the previous 12 months, increasing by 10,847 from June 2001 to reach a total of 218,862. This constituted a 5.21 per cent growth, according to a periodic report by the Interior Ministry. Compared to previous years, that growth rate is relatively low. The year 2000 saw a 7.8 per cent increase in the territories' Jewish population, with an 8 per cent growth rate in each of the preceding five years. The latest figures showed that in practice, a net total of around 3,500 people had moved to the territories between June 2001 and June 2002, while the remaining 7,000 or so were the result of natural growth. More than 50 per cent of the Jewish population's growth in the territories was comprised of the growth in three ultra-Orthodox settlements: Upper Modi'in (an increase of 3,047 people), Upper Betar (which grew by 1,644 people) and Kochav Yaakov (with an increase of 832 people). (*Ha'aretz*, 25 July)

7. On 29 July, it was reported that a 14-year-old Palestinian girl had been killed and her brothers wounded when they tried to rescue her, as Hebron settlers and supporters attending the funeral of Elazar Leibovitz, an Avraham Avinu settlement resident, rampaged through the Arab town, shooting at Palestinian buildings. During

the funeral procession for Leibovitz, who was born in the Jewish enclave in the town, calls for revenge turned into rock-throwing at Palestinians in the neighbourhoods between the Tomb of the Patriarchs and the Jewish cemetery in the town. Eyewitnesses, including foreign press photographers on the scene, reported that the incitement during the funeral march had quickly turned into rock-throwing and a rampage through the open market, where settlers overturned stalls and burned a house. In the chaos, extensive shooting took place, with IDF troops, deployed in large numbers, firing into the air and settlers shooting at buildings. IDF said that no Palestinians had been shooting. There was extensive shooting at buildings and, according to Palestinian sources, the girl, Nizin Jamjoum, 14, was standing on the balcony of her home when she was fatally shot in the head. Her brother, Marwan, 26, was injured in the incident. At least six more Palestinians had also been injured, doctors at the city's Alia Hospital said. The injured included Ahmed Natcha, 8, who was stabbed when a group of settlers broke into his home and smashed furniture, said the boy's father, Hussain Natcha. The boy was in stable condition, the father said. In other developments the previous day, IDF blew up a suspicious car near Burkin, but the car turned out not to be carrying a bomb. Palestinian sources said the car had been found near a house where the army had arrested three wanted men, including a senior Islamic Jihad commander and two of his aides, after the army had surrounded the building and had then blown up parts of it. (*Ha'aretz*, *Jerusalem Post*, 29 July)

8. On 30 July, Col. (res.) Moshe Givati, an adviser on settlement security for Public Security Minister Uzi Landau, termed the rioting that took place during the funeral of Elazar Leibowitz, "a pogrom against the Arabs of Hebron, with no provocation on the Palestinian side". Givati, who attended the funeral on Sunday, said he witnessed "brutal acts" and rejected absolutely explanations by the Jewish Community of Hebron Council spokesmen who said they were acting in self-defence against Palestinian stone-throwing. Givati said that "the Palestinians did not throw any rocks or boulders at the funeral procession. There were 20 or 30 people, who were mostly not from Hebron." He suspected that most were from the outposts in the area of Itamar and Yitzhar. "For some reason they were all carrying army-issue weapons, and they charged into the Palestinian houses. That's when the fracas began. I saw everything from very close range. There were long bursts of fire by the Israelis — into the air and at the houses." It was during that fire that 14-year-old Nibin Jamjum was killed by a bullet to her head, and a Palestinian boy was stabbed. IDF sources said that the two and the other wounded — 15 Palestinians in all were reported wounded, and an equal number of police were hurt — were casualties of the Jewish violence. Givati believed the police and army "were too restrained. Considering the events, much more force should have been used. We cannot allow such harm to the rule of law. It's inconceivable that soldiers and police be cursed that way." He said that settlement leaders from outside the Hebron area were also shocked by the level of violence displayed by the settlers in Hebron. (*Ha'aretz*, 30 July)

9. On 9 August, it was reported that a B'Tselem report on the rioting in Hebron the previous month during the funeral procession of Hebron settler Elazar Leibovitz had severely criticized the behaviour of the security forces. "Not only did the forces not deploy to protect the Palestinians, but in many cases security personnel stood aside while the settlers attacked Palestinians and their property." Based on the testimony of Palestinian residents who were victims of violence or witnessed it,

B'Tselem included a description of how Nibin Jamjum, a 14-year-old Palestinian girl, was shot dead, 8-year-old Ahmed Natshe was stabbed, and his brother, 9-year-old Falah, was beaten unconscious. Marwan Jamjum, the dead girl's 22-year-old brother, said his sister was playing a video game. "The area had been under curfew since Friday morning and nobody could leave the house. Around 1:30 p.m., I heard shooting outside and people shouting that the settlers were coming. I looked out the window from the stairwell and saw more than 25 settlers in the street outside the house. They were armed and some carried knives. I was surprised to see two settlers coming in through the front door. They stood at the bottom of the stairs. My sister went past me and suddenly I heard two shots. I looked at my sister. She had fallen down. She didn't say a word. Blood was on her dress." Miriam Natshe, 39, described the beating of her son, Falah: "I opened the door a little and saw two settlers beating my son Falah [in the stairwell]. One picked him up by the ears and the other beat him with his fists. I took a pair of scissors and was going to attack them, but they were already down the stairs and on their way out. They must have seen me. Falah lay on the ground outside the door, unconscious. Ahmed stood there, and blood was coming out of his back. I thought he was shot. But when I hugged him I could tell he had been stabbed". (*Ha'aretz*, 9 August)

10. On 11 August, it was reported that a report compiled recently by security officials and presented to Prime Minister Ariel Sharon and Defence Minister Benjamin Ben-Eliezer called on the two to act immediately to enforce the law on Jewish settlers in Hebron. The report's authors claimed that the settlers were acting freely to "establish facts on the ground" in Hebron, without Israeli authorities acting decisively to stop them. The Hebron settlers were acting on the basis of a well-planned agenda, Israeli security officials told *Ha'aretz*. First, settler leaders "marked out" targets to be seized. Next, young Jewish activists used violence to remove Palestinian homeowners from their properties. Jewish youths then broke into the Palestinian homes; though they might originally be removed by the IDF troops and policemen on the scene, the young people returned to the homes, removed property owned by Palestinians and prepared them to be taken over by settlers. One Israeli security source contended that "an ongoing procedure of evicting Palestinians" was afoot in Hebron. Its aim was to "enlarge the Jewish territory". Jewish children and teenagers were sent to initiate such "evictions" and the youngsters "start by cutting water pipes, tossing around goods or overturning market stalls; in the end, the Arab families flee". During the past year, the source claimed, a few Jewish families had taken up residence in Palestinian stores located in a market abutting the settler enclave. The market was closed after the 1994 Cave of the Patriarchs massacre perpetrated by Baruch Goldstein. "These homes have been turned into residences for young [Jewish] couples, even though they don't belong to them. They, of course, claim that the property belongs to Jews from 1929 [Arab riots in the city] — but try to prove that. Nobody dares to deal with these young people", the Israeli security source says. The source claimed that the settlers were making no effort to conceal their objectives. They wanted to create new Jewish sections in areas such as Abu Sneinah, which were currently under Palestinian Authority control, and which overlooked Hebron's Jewish enclave. The report submitted to Sharon and Ben-Eliezer detailed a long list of incidents in which settlers had managed to seize Palestinian assets, or destroy property, while intimidating Palestinian residents. For instance, in April 2001, during a week of unrest in Hebron that followed the murder of the Jewish infant, Shalhevet Pas, by Tanzim terrorists, Palestinian stores were set ablaze, and attacks perpetrated by settlers continued for some time after the baby

girl was killed. The report claimed that “the Jewish settlement [in Hebron] is acting consistently and systematically to consolidate and expand”. The settlers preferred to act when they had government backing, but they would take steps in the absence of such official support, especially in areas in which Israeli authorities showed weakness, the report indicated. It concluded: “The State of Israel looks very bad when it comes to the rule of law in Hebron. Purposeful, clear law enforcement is needed. The current situation harms the state and serves the purposes of the other side [the Palestinians].” (*Ha’aretz*, 11 August)

### **C. Restrictions affecting the movement of Palestinians**

11. On 6 August, it was reported that the IDF had begun the previous day implementing orders to enforce a complete ban on the movement of Palestinian vehicles in the northern West Bank. “We are in a situation of total closure in the northern West Bank. No one goes in or out”, Defence Minister Benjamin Ben-Eliezer told Israel Radio. “We will continue with a long series of measures, which I cannot describe now, whose aim is to implement a much wider closure than we are doing now”, he said. To implement the travel ban, IDF began to send regular army infantry battalions that had been training back into the territories. The forces had received instructions to strictly enforce restrictions on Palestinian drivers and prevent them from travelling on roads in the northern West Bank. Palestinian residents reported that the travel ban was being strictly implemented and that troops were patrolling dirt roads that residents had used to bypass travel imitations. The travel ban did not apply to the Hebron and Bethlehem areas, which were considered quieter and where IDF was continuing to ease the restrictions on the Palestinian civilian population. IDF was also examining the possibility of reinstating the daytime curfew in some areas of the northern West Bank. In the Gaza Strip, forces had sealed off the pass between Khan Yunis and Rafah to the northern section of the strip. Meanwhile, IDF had begun the previous day to thin out its presence in Nablus after an operation in the old quarter of the city over the weekend. Defence sources admitted that the operation in Nablus had yielded only minor results: Four explosives laboratories were uncovered, weapons and explosives were found in a few apartments in the old quarter and dozens of Palestinians were arrested, although only a few of them were on the army’s wanted list. (*Ha’aretz*, *Jerusalem Post*, 6 August)

12. On 5 July, it was reported that the curfews in the West Bank towns were being shortened as it became clear that there was only marginal opposition to the IDF presence there, Israeli sources said. The curfew on Bethlehem was lifted for most of the day. In other cities, it was also lifted for several hours and the eight-day-long curfew on Tulkarem was relaxed. Military sources reported that IDF planned to gradually relax the curfew all over, enforcing it only at night. At a later stage, IDF was expected to begin withdrawing its forces from some of the towns and instead to encircle them from outlying districts. An experiment of that nature was tried during the week in Qalqilya, but the forces returned hastily because of intelligence information about “terrorists”. The members of a “terror cell” were subsequently arrested. Meanwhile it was reported that some 400 Ta’ayush (Arab Jewish Partnership) activists had brought medical equipment to the town of Salfit in the northern West Bank just as IDF lifted the curfew on the town. Residents of Salfit and the surrounding villages, totalling around 60,000, used to travel to Nablus or

Ramallah for their medical needs, but in recent months they had not been able to reach the big cities due to the IDF siege. (*Ha'aretz*, 5 July)

## **D. Administration of justice**

### **1. Interrogation procedures**

13. On 25 July, it was reported that since September 1999, when the Israeli High Court of Justice had outlawed torture during interrogations, the General Security Service (GSS) had used court-approved “extraordinary interrogation methods” in 90 “ticking bomb” cases where it was necessary to extract information from a prisoner as quickly as possible. But in only a few of those cases was “moderate physical pressure” applied, with the “extraordinary” measures usually consisting of denying prisoners sleep. A High Court ruling forbade holding prisoners in a state of “waiting for interrogation”. (*Ha'aretz*, 25 July)

### **2. Detention and conditions of detention**

14. On 2 July, it was reported that Israel continued to make widespread arrests as part of Operation “Determined Path”. In Toubas, east of Nablus, the head of the local branch of Islamic Jihad was arrested, and in Nablus, a senior activist in the military branch of Hamas was detained. In Nazareth, IDF arrested a Palestinian woman on suspicion of planning to carry out a suicide attack. In total, some 1,000 Palestinians were currently being held by IDF. That was the largest number of administrative detainees since the days of the first intifada. Meanwhile it was reported that two Reuters news agency cameramen, held for the nine hours by IDF, had been released the previous day. Hassan Titi and Abed Omar Kasini had been arrested during Operation Determined Path. The army said they were in a closed military area and refused to obey IDF orders to leave. Titi denied this, saying that he and his colleague were never informed the area was a closed military area. He said they were arrested while photographing International Solidarity Mission volunteers. The two, both Palestinian residents of Nablus, were held without any legal order. (*Ha'aretz*, 2 July)

15. On 5 July, it was reported that as Operation Determined Path entered its third week, IDF continued its round-up of suspects in the West Bank. The number of Palestinian detainees had climbed to more than 400 since the start of the operation. A large number were on Israel’s wanted list. The previous day, two Hamas militants from the village of Toubas were detained, three were apprehended in Tel a-Ras, and another two were picked up in Qalqilya and Hebron. Two other suspects were arrested in Tulkarem and one in Barta. (*Ha'aretz*, *Jerusalem Post*, 5 July)

16. On 12 July, it was reported that the Palestinian leader and Palestinian Legislative Council member Marwan Barghouti had announced the previous day that he was beginning a hunger strike to protest the conditions of his imprisonment. Jawad Boulos, one of Barghouti’s lawyers, said his client, who was transferred to the Russian Compound lock-up in Jerusalem the previous week, shared a cell with five other men amid very poor hygienic facilities. “It is very hot and full of insects”, he said. (*Ha'aretz*, *Jerusalem Post*, 12 July)

17. On 12 July, it was reported that Attorney General Elyakim Rubinstein had decided to try Palestinian leader Marwan Barghouti in a civilian rather than a

military court. Barghouti was secretary-general of Palestinian Authority Chairman Yasser Arafat's Fatah movement in the West Bank and a member of the Palestinian Legislative Council. Four other suspected senior activists would also be tried in civilian courts, Rubinstein decided. They were Nasser Awis, leader of the Al-Aqsa Martyrs Brigades in the Nablus region; Nasser Abu Hamayed, a senior Barghouti aide and key official in the Fatah military wing in the Ramallah area; Thabet Mardawi, a senior Islamic Jihad leader in the Jenin area; and Abbas al-Sayed, head of the Hamas military wing in Tulkarem. All five were arrested by IDF during Operation Defensive Shield in April 2002. While Israel accused the 42-year-old Barghouti of ordering and financing numerous deadly terrorist attacks, Barghouti consistently argued that he was a political leader whom Israel had no right to arrest. Barghouti's attorney, Jawad Boulos, said there was no difference between a military and a civilian court. "We do not recognize his detention and so we will not deal with any court, civilian or military", Boulos said. "In either case, my client has instructed me not to attend the proceedings. He will use the proceedings to protest his arrest and he plans to represent himself." (*Ha'aretz, Jerusalem Post*, 12 July)

18. On 15 August, it was reported that Marwan Barghouti had been charged the day before in Tel Aviv District Court with murder, incitement to murder, attempted murder, conspiracy, membership of a terrorist organization, acting as an accessory to murder, and activity in a terrorist organization. The indictment branded Barghouti an "arch-terrorist whose hands are bloodied by dozens of terror actions". Barghouti's lawyer said at the start of proceedings that he would present arguments pertaining to the court's lack of authority to charge his client. The State of Israel, he added, had committed acts in violation of international treaties. Before Judge Zvi Gurfinkel entered the court, Barghouti took the opportunity to comment to the awaiting press. He called himself a freedom fighter and said that as long as Israel chose the military option, there could be no peace. He raised his handcuffed hands, and said in Hebrew: "The intifada will be victorious". Continuing in English, he said, "I am a peaceful man. I was trying to do everything for peace between the two peoples. I believe the best solution is two States for two peoples." He added that Israel's "policy of occupation will not lead to security. Security will only be achieved in one way, by peace, and peace will only be achieved by an end to the occupation." As the short hearing neared its end, Barghouti turned to the judge and said that he had his own charge sheet against the State of Israel. But Gurfinkel cut him short, saying that the court was not a political stage and that Barghouti could voice his comments at the end of the proceedings. The court upheld the prosecution's request to detain Barghouti until the end of the legal proceedings against him. The prosecution pointed out that its evidence was not based only on the testimony of senior Palestinian commanders who served under the defendant, but also on Barghouti's comments during his interrogation and additional documents seized from his office during Operation Defensive Shield. The trial was set to resume in about three weeks' time. (*Ha'aretz, Jerusalem Post*, 15 August)

## **E. Question of the use of force**

19. On 19 August, it was reported that the IDF use of "neighbour practice" had been restrained the previous day by the High Court of Justice, at the request of a coalition of human rights groups. "Neighbour practice" involved soldiers ordering the neighbour of a wanted Palestinian suspect to go to the suspect's house to ask him

to give himself up, thus exposing the neighbour, not the soldiers, to the risk that the wanted man might open fire. The one-week restraining order prevented the army from using the practice until the High Court ruled on a previous petition, which asked the court to ban the use of Palestinian civilians as human shields. Via attorney Marwan Dalal, the human rights groups claimed that on 14 August, Nidal Abu Muhsein, 19, was killed when IDF soldiers forced him to walk ahead of them and knock on the door of his neighbour in the West Bank village of Toubas during an Israeli operation to arrest a wanted man in the village. In response to the earlier petition, filed at the end of May, IDF told the court, via the State Attorney, that it would issue an order banning the use of human shields. IDF claimed that “neighbour practice” is not the same as using human shields. According to IDF sources, each field commander has the discretion to use the practice or not. In his petition for a temporary restraining order, Dalal insisted that there was no difference between human shields and “neighbour practice”. According to Dalal, the Palestinians selected for neighbour practice or as human shields were forced to be collaborators in the effort to protect IDF soldiers, an infringement of the Geneva Convention, said Dalal, which granted a civilian living in occupied territory freedom from coercion. Dalal stressed that IDF was not entitled to force a civilian to carry out military missions that might endanger his or her life. The petition also included quotes from *Ha’aretz*, in which several IDF field commanders claimed “neighbour practice” was an efficient operative tactic. According to Dalal, that proved that, in the eyes of those IDF commanders, the value of a Palestinian life “is virtually nothing” and therefore the judgement of those commanders could not be trusted. (*Ha’aretz*, 19 August)

20. On 20 August, it was reported that a 13-year-old Palestinian boy, Mohammed Abu-Odah, had been shot and killed by IDF soldiers the previous afternoon, Palestinian sources reported. The incident reportedly took place at the entrance to the village of Burkin, near Jenin. According to the sources, the boys were trying to throw stones at an IDF tank and the soldiers opened fire at them, wounding Abu-Odah. The Palestinians said he had been left at the spot without medical attention for an hour and a half. Only then did a Palestinian ambulance team arrive, but it was too late, they claimed. IDF had not yet responded to the charges. (*Ha’aretz*, 20 August)

21. On 26 August, it was reported that IDF had accepted a two-week High Court extension of a temporary restraining order preventing the army from using “neighbour practice” so that the State Attorney might finish its arguments to the court against a petition by human rights groups claiming the practice was a violation of international law. The human rights groups — Adalah, the Legal Centre for Arab Minority Rights in Israel, Canon, Physicians for Human Rights, B’Tselem, the Public Committee against Torture, and Hamoked, the Centre for the Protection of the Individual — claimed that “neighbourhood practice” was a euphemism for human shields. The army says the two were different. In May, the human rights groups had filed a petition against the use of human shields, and before the court could delve into the issue, the army announced it would cease the practice. However, earlier that month, after a 19-year-old was killed in a West Bank village when the army sent him to knock on the door of a house the army believed was being used as a hiding place, the rights groups returned to court, demanding it issue a decision on the matter. (*Ha’aretz*, 26 August)

## F. Restrictions on freedom of expression and journalists

22. On 12 July, it was reported that Israeli authorities had failed to release a jailed Reuters cameraman despite a military court decision that he should be freed after 10 weeks' detention without trial. The Israeli army had arrested Jussry al-Jamal, a 23-year-old Palestinian, as he filmed near a hospital in Hebron on 30 April. A military court on 18 June rejected an appeal to release Jamal immediately, but decided he could go free on 10 July, three weeks before the scheduled end of his three-month term of detention without charge. Officials did not say why Jamal had not been released on Wednesday. Reuters Editor-in-Chief Geert Linnebank wrote in a letter of protest to the Israeli authorities that Reuters was "outraged and alarmed" by Jamal's continued detention, calling it "a gross violation of press freedoms and a blatant contravention of international standards of conduct towards journalists legitimately doing their jobs". (*Ha'aretz, Jerusalem Post*, 12 July)

23. On 11 August, it was reported that IDF soldiers and policemen had stopped 400 Israeli leftists from demonstrating in Bethlehem the day before. The Israeli protesters intended to demonstrate with some 700 Palestinian activists in a rally devoted to the slogan "Peace, Security and Freedom for Both Peoples". The demonstration was planned by the Israeli Jewish-Arab coexistence organization, Talayush, and also by the Bethlehem-based Islamic National Committee, composed of delegates from most of the city's political factions, including Hamas and the Popular Front for the Liberation of Palestine. According to Hillel Cohen, a Hebrew University lecturer and a Talayush activist, IDF officers led him to believe that if Israeli demonstrators managed to get into Bethlehem and protest at the rally's designated spot (the Church of the Nativity square) the army would immediately impose a curfew on the city. Hassan Abbad Rabu, a leading Fatah member in Bethlehem, told *Ha'aretz* that Palestinians in the city were braced for such an eventuality and believed that it would be worth enduring a curfew for the chance to protest together with Israelis and spread the message of "peace based on withdrawal and an end to the conquest". Police also closed off the Tunnel Road (running between Jerusalem's Gilo neighbourhood and Bethlehem) and stopped protesters' buses from travelling southward. IDF officers showed protesters documents that designated the area as a closed military zone. When some demonstrators got off the buses and started to head towards Bethlehem by foot, they were deterred by policemen, who used water cannons to disperse them. (*Ha'aretz*, 11 August)

24. On 12 August, it was reported that Defence Minister Ben-Eliezer had vowed that the IDF soldier who had opened fire the previous morning on a taxi carrying, among others, *Ha'aretz* correspondent Gideon Levy and his photographer, Miki Kratsman, would be put on trial. A soldier manning a lookout post in Tulkarem had fired directly at the front windshield of Levy and Kratsman's taxi, which also contained Salah Haj Yehiye, a representative of Physicians for Human Rights. The taxi was armoured and bore Israeli licence plates. Yehiye was sitting in the front, alongside the driver, Meno Lehrman. Their visit to Tulkarem had been coordinated in advance with IDF. Levy said they had been forced to wait for two hours at the Taibeh roadblock while soldiers confirmed with their superior that they were indeed entitled to proceed, despite a full curfew on the city. When they were finally allowed to enter Tulkarem, they travelled freely across the deserted city until they encountered an armoured personnel carrier at one of the main crossroads in the city. "One pleasant officer got out of the armoured personnel carrier", said Levy, "but it

turned out he didn't know we had permission to be there." The officers asked the four to drive to the IDF District Coordination Office in the west of the town to confirm that they were allowed inside the town. Levy said their taxi drove very slowly until they were 150 metres from the office. To their shock, a soldier stationed in a lookout post with a good view of the taxi's progress down the road suddenly and without prior warning opened fire on them. One bullet went over the top of the vehicle, said Levy, and the next second, a hail of bullets shattered the windscreen. Levy believes the soldier "was shooting to kill, because he shot at the centre of the front windshield, right at our heads". (*Ha'aretz*, 12 August)

25. On 26 August, it was reported that the Supreme Court had upheld the previous day a decision by the Interior Ministry barring a group of 48 French pro-Palestinian activists from entering Israel, rejecting a decision by Jerusalem District Court Judge Moshe Drori allowing them to enter. Justices Eliyahu Mazza, Dalia Dorner and Asher Grunis refrained from issuing deportation orders, however, since 37 members of the group were planning to fly back to France. The court ordered the remaining 11 French activists to report for questioning by the Interior Ministry. Under pressure from the justices, the attorney representing the French group, Leah Tzemel, agreed that the 11 wishing to remain in Israel would return to France if the ministry decided that they posed a threat to public safety. Already at the outset of the hearing, the justices expressed their view that Judge Drori had erred in overruling the Interior Ministry officials, who were fully authorized to question foreign citizens arriving in Israel and to prevent their entry. The French activists had come as guests of MK Issam Makhoul (Hadash) from Nazareth. An Interior Ministry official had decided to bar their entry because they were coming to express solidarity with the Palestinians and posed a threat to public order. Judge Drori had then agreed to a request by Tzemel to delay their deportation, but he ordered the group to remain in their hotel in Nazareth. During a hearing the next day, the judge lifted the ministry's deportation order. The only restriction the judge made was to bar the group from entering the West Bank without permission from IDF. The State Prosecutor's Office then appealed that ruling, effectively preventing the group from leaving Nazareth. Since the IDF Operation Defensive Shield in April, the Interior Ministry had issued about 300 orders barring the entry of left-wing activists and 150 deportation orders against leftist activists who had managed to enter the territories. (*Ha'aretz*, *Jerusalem Post*, 26 August)

## **G. Question of impunity and compensation**

26. On 3 July, it was reported that Attorney-General Elyakim Rubinstein the previous day had allowed the publication of former GSS Operations Chief Ehud Yatom's earlier testimony to the Zorea Commission. In 1984, the Commission had investigated the Ashkelon Bus 300 affair in which GSS agents had killed two captured terrorists taken prisoner off a hijacked bus. Also released the previous day were Yatom's statements to the police in 1986, except for some minor deletions due to military censorship. Based on his statement to the Zorea Commission, the panel ruled that Yatom had nothing to do with the killing of the terrorists, although two years later Yatom had confessed to police that he had killed the terrorists. He admitted that he and three other officers in the secret service, under orders from then GSS Chief Avraham Shalom, had taken the terrorists away and in an empty field not far from where the army had captured them, the four had beaten them to death.

Yatom and the other Shin Bet officers on the scene at the time were eventually granted presidential clemency — though they were never tried in the case — as the State's legal and political establishment tried to resolve the issue. Yatom and others had since argued that the norms in the service were such that, at all costs, Shin Bet operations must be concealed from the public and that as a result of the Ashkelon Bus 300 case, the norms in the service had changed. (*Ha'aretz*, 3 July)

27. On 11 July, it was reported that a preliminary investigation by IDF into the death of a Palestinian woman and her young daughter near the settlement of Netzarim in the Gaza Strip on 6 July 2002 had revealed that the Israeli soldiers acted in contravention of open-fire regulations. IDF was assuming the two had been killed by Israeli fire although it has not been established unequivocally. Randa al-Hindi, 42, and her daughter, 2-year-old Nur, were travelling on the road from Khan Yunis to Gaza City after visiting family members. Just south of Gaza, at a point close to Netzarim, the two were hit by light-weapons fire. According to the IDF investigation, a group of Givati soldiers stationed in a position west of the settlement had opened fire at two suspicious-looking men emerging from a vehicle between Netzarim and the Palestinian coastal road. The soldiers had received a warning that an attempt would be made to attack them in that area, similar to an earlier attack in which one of their comrades was seriously wounded, and suspected it was being mounted. They fired warning shots but did not notice a hit. The assumption was that they had missed the two men and hit the vehicle with the mother and baby instead. The investigation found the firing had been unnecessary. Even though the two men appeared suspicious to the soldiers, they were not carrying arms and therefore did not pose a threat to their lives. The warning shots also were not aimed at a suitable spot, which has to be a safe distance from Palestinian civilians. Meanwhile the judge-advocate had ordered a military police investigation into the deaths from Israeli fire of three Palestinian children and an adult in Jenin the previous month. They had been hit by tank fire when they left their homes to buy food, mistakenly thinking the curfew had been lifted. An investigation of the incident in the Central Command revealed that the tank crew had made serious mistakes and that its fire against civilians was unwarranted (*Ha'aretz*, 11 July)

28. On 25 July, Israeli sources claimed that IDF wrongly believed the bomb that killed Hamas leader Salah Shehadeh on Monday night would cause only minor injuries to residents in the surrounding buildings, according to a preliminary investigation of the disaster. The death toll from the operation rose to 17 when the bodies of two more Palestinian children were discovered in the rubble. Of the dead, 15 were civilians, including 11 children. (*Ha'aretz*, *Jerusalem Post*, 25 July)

29. On 24 July, it was reported that the Knesset had given final approval to the so-called "Intifada Law", severely restricting Palestinians' ability to sue Israel for damages incurred during the first intifada (1987-1993). To date, Israel had paid some NIS 320 million to settle such claims. The law essentially expanded the definition of "wartime activity", for which the State was exempt from paying compensation, to include military operations designed to counter terrorism or other forms of hostile activity that fell short of full-scale war. The law also put the burden of proof on the plaintiff rather than the State and required any Palestinian who planned to sue for intifada damages to inform the State of his intentions within 60 days. Finally, it reduced the statute of limitations on such claims to two years for adults and three years for minors. However, the courts would be able to extend the period for another year in exceptional cases. According to the Defence Ministry,

Palestinians had to date filed some 6,500 claims for compensation on account of the first intifada; around 3,600 of them have been for physical injury and the rest for property damage. Some 4,800 of the claims had already been settled; 850 were currently in court; and another 650 were still awaiting a court hearing. The suits in the latter category would now be heard according to the new law, as would any cases that had already begun but had not yet reached the presentation of evidence stage. The Government had also submitted an even more stringent bill dealing with the current intifada. This bill, which had passed its first reading the previous week, would virtually preclude Palestinian suits for damages incurred during the current intifada. To date, around 730 such suits had been filed. (*Ha'aretz, Jerusalem Post*, 25 July)

## **H. Economic situation**

30. On 4 July, it was reported that the Israeli cabinet had decided the previous day on what it billed as a change in the concept of Israel's control over the cities. Instead of closures, sieges and curfews that were occasionally opened, there would be a gradual easing of conditions starting in cities and towns that were relatively quiet. Permits for working in Israel would be issued for some 5,000 Palestinians, in addition to the estimated 2,000 already with such permits. The plan, proposed by IDF, was to eventually allow up to 30,000 Palestinians to work in Israel. (*Ha'aretz, Jerusalem Post*, 4 July)

31. On 23 August, it was reported that around 366,000 Palestinians, 44.7 per cent of the workforce, were unemployed in the second quarter of 2002, according to data released the previous day by the Palestinian Central Bureau of Statistics. That compared to 170,000 unemployed in the third quarter of 2000, just before the outbreak of the intifada, and 315,000 at the start of 2002. Of the Palestinians who did work during the second quarter, 59.2 per cent earned a salary that put them below the poverty line, defined as NIS 1,642 per month for a family of six. This compared to 43.2 per cent in the third quarter of 2000 and 54.2 per cent in the first quarter of 2002. Due to curfews and closures, there had also been a sharp rise in the incidence of absenteeism from work. In the third quarter of 2000, only 2.6 per cent of workers had been absent from their jobs for a continuous period of a week or more; in second-quarter 2002, the figure reached 12.6 per cent. The large rise in unemployment corresponded to a 45.5 per cent plunge in the total number of hours worked in the West Bank and Gaza, from 9.1 million hours a month prior to the outbreak of the intifada to 5.1 million in the second quarter of 2002. (*Ha'aretz*, 23 August)

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