



MONITORING AND DOCUMENTATION UNIT APRIL - JUNE 2005 JULY - SEPTEMBER 2005 COMBINED REPORT

Introduction

This is the combined second and third quarterly reports of Al-Haq's Monitoring and Documentation Unit. The report covers the period from April to September 2005 and highlights specific human rights violations and/or patterns of abuse that come to the attention of the Unit.

First-hand documentation by Al-Haq's Monitoring and Documentation Unit constitutes the backbone for all other projects and activities of the organisation, and is gathered throughout the West Bank by Al-Haq's five fieldworkers who obtain data and affidavits from victims of human rights violations and/or eyewitnesses. Al-Haq has no fieldworkers in the Gaza Strip, for which it therefore relies on the documentation of Palestinian partner organisations. While the unit documents only a certain number of human rights violations in a comprehensive manner (killings, house demolitions – both punitive and for a lack of licence, curfews and deportations), other violations are also documented regularly, as necessary, and according to the needs and activities of Al-Haq's other units. The information gathered is channelled into Al-Haq's various activities, such as campaigns; advocacy at the local and international levels; press releases and research reports.

In light of Israel's occupation of the Occupied Palestinian Territories (OPT) since 1967, Al-Haq's monitoring and documentation activities have traditionally been directed towards the violations committed by Israel, the Occupying Power. However, after the inception of the Palestinian National Authority (PNA), Al-Haq has also begun to monitor and document the violations of the PNA.

The Human Rights Situation since the Beginning of the Current *Intifada*

In order to understand the human rights violations taking place in 2005, it is important to put them within the context of the deterioration in the general human rights situation since the outbreak of the second *intifada* in 2000, and the continuous disregard by Israel for international human rights and humanitarian law in the OPT. Israeli measures have systematically failed to respect the principles of necessity and proportionality, and have often amounted to collective punishment and/or measures of intimidation, which under international law are prohibited at all times.

According to Al-Haq's documentation, in the West Bank since the outbreak of the second *intifada* until the end of September 2005, 1,542 Palestinians were killed, 298 of which are children, and 85 of which are women and young girls. It is estimated that 244 were killed in targeted assassinations. In most cases the killings were committed either by Israeli occupying forces or by special undercover units, and occurred in situations where there were no confrontations. In the case of house demolitions, Al-Haq noted that during the same time period, 436 homes were totally demolished in the West Bank, thereby displacing 3,004 persons. Hebron and Nablus registered the largest number of houses demolished as a punitive measure. Israel have also carried out a large number of house demolitions on the pretext that they were built without the required license. Since 2004, 292 houses have been administratively demolished for lack of license, 135 of which took place in East Jerusalem alone.

The second *intifada* has also nearly eliminated the already limited authority of the PNA in the OPT, calling for a greater focus to be placed on the violations carried out by the Occupying Power. With the gradual re-establishment of the authority of the PNA, the main problem encountered is its inability to uphold law and order.

Violations in April-September 2005

Israel

Restrictions on the **freedom of movement** of Palestinians continue to form one of the most pervasive features of Israel's occupation of the West Bank and Gaza Strip. In August 2005, the UN Office for the Coordination of Humanitarian Affairs (OCHA), estimated there were 376 physical barriers to movement in the OPT. This sizeable decline since February 2005 mainly reflects the removal of some unmanned obstacles and the fact that OCHA has changed its definitions of what constitutes an obstacle. In addition to preventing Palestinians from freely travelling between the West Bank and the Gaza Strip, the system of checkpoints, roadblocks and permit requirements continues to create difficulties for travel within both of these areas. The continued construction of the Annexation Wall is also an increasingly severe obstacle to movement that renders obsolete some of the previous obstacles. As of March 2005, OCHA counted 63 gates incorporated into the completed sections of the Wall.

The manned **checkpoints** located across the West Bank are not only obstacles to the freedom of movement, they also constitute a recurrent setting for ill-treatment. Al-Haq's field information indicates

"On Saturday, 14 May 2005, I went to my land through Tayasir checkpoint with my permit. I reached the checkpoint at 11 am, and there were three cars waiting to be inspected. At 11:30 I got out of my car and went on foot towards the two soldiers who were at the checkpoint. As I was approaching them, one of the soldiers aimed his weapon at me. That soldier, approximately 20 years old, had a red beard, and was wearing the full military uniform. I gave him my ID card and the permit. He looked at these documents and started to laugh and speak Hebrew with me. Then he asked me, "Where are you going?" I told him that I was going to my land and pointed at it with my hand. The two soldiers started talking with each other and one of them said to the other, "This man is a liar". Meanwhile, one of the two soldiers threw my ID card on the ground between his feet and asked me to pick it up. I obliged myself and bent between the legs of that soldier and picked up my card while the two soldiers were laughing."

Extract from Al-Haq Affidavit No. 2415/2005

Given by Tawfiq Daraghma (aged 58, resident of Toubas, Jenin Governorate, West Bank)

that the treatment of Palestinians at checkpoints frequently varies in arbitrary and unpredictable ways, including denial of passage to holders of valid permits and other discriminatory behaviour. On 19 April 2005, Muhammad Wahdan, resident of Balata Camp in the Nablus Governorate, and his children were denied passage through the Beit Iba checkpoint when an Israeli soldier declared: "You are from Balata camp and you are not allowed to pass through the barrier because you people carry out suicide bombings inside Israel." (Al-Haq Affidavit No. 2314/2005). Penalising someone for acts that he/she has not personally committed amounts to collective punishment or measures of intimidation, illegal under international law. Moreover, Al-Haq fieldworkers continue to receive complaints of **humiliating treatment** by Israeli occupying forces at checkpoints. In this

regard, international humanitarian law entitles civilians in all circumstances to humane treatment and to respect for their person, including their right not to be subjected to humiliating or degrading treatment.

"One of the soldiers told me to take off my clothes while two other soldiers were aiming their guns towards me. I took off my shirt first and refused to take off my pants. But one of the soldiers put the muzzle of the gun on my back and threatened to shoot me if I do not take off my pants, as I understood from him. I lowered the pants until they were bunched at the bottom of my feet and then the same soldier told me to kneel with my face towards southwest, which is opposite to the direction where they are standing, and to remain in the same position. I did what they ordered me to do. Meanwhile, I heard them inspecting the car sometimes and hitting it some other times. All of a sudden, I felt that one of them was urinating beside me and then finished by urinating on my back. When I felt wet, I tried to get up but the soldier was ready and hit me on my head and put the gun to the back of my head and so I sat again. The soldier went away and joined his group who started to laugh at me. This situation made me feel bad. I tried to talk to the soldiers several times but every time the soldiers beat me and gave me more orders and threatened to shoot me."

Extract from Al-Haq Affidavit No. 2482/2005

Given by Ibrahim Fou'ad Rayyan (resident of Deir Samet, Hebron Governorate, West Bank)

Al-Haq has also documented instances of persistent **harassment** by Israeli soldiers. The al-Ahli Club in Hebron is, on an almost weekly basis, stormed by soldiers, who make all the Palestinians in the Club stand up against a wall while the soldiers inspect the premises. On several occasions during the reporting period, the soldiers have used this as an occasion to monopolise the Club for the purpose of playing billiards or table tennis (Al-Haq Affidavit No. 2427/2005).

Al-Haq's fieldworkers have reported incidents of the Israeli occupying forces using **excessive lethal force** against unarmed Palestinians, including children. In these cases, Israel systematically failed to conduct thorough, prompt and impartial investigations capable of leading to the prosecution of the individuals responsible for the illegal deaths of Palestinians. This situation promotes a culture of impunity among the occupying forces.

Despite Israeli assurances that the official policy of targeted assassinations had come to an end, Al-Haq's documentation during the time period for this report shows that **targeted assassinations and other extrajudicial executions** were still carried out, denying the targeted people of their fundamental rights to life and to due process. Since August, there has been a significant increase in extrajudicial executions across the OPT. At approximately 11:30 pm on 24 August 2005, in Toulkarem Camp, Israeli undercover forces carried out the targeted assassination of two wanted activists, 'Adel al-Ghawi and Majdi Husein. Although the situation was completely calm prior to the arrival of the undercover forces, three other Palestinians, Mahmoud Hudeib, Muhammed Tareq and Anas Abu-Zeina, who were not wanted by the Israelis, were also killed in the heavy Israeli fire. Of these three, the two latter were sitting in a separate group five metres away from the one in which the wanted individuals were present.

"The target lights of their weapons were aimed at us and the other group. At this point I realised that these two men were from the Israeli special squads. I got up, as did Tareq Zayet, Marwan, Muhammad Tareq, and Anas Abu-Zeina. We tried to run and escape, and so did the group sitting near the Hudeib house. Without any prior warning, they opened heavy fire at us. As I ran away, I was hit with a bullet in my left shoulder from the back. Tareq Zayet was hit in his right hand, while after running five metres, Anas Abu-Zeina was hit directly with bullets and fell to the ground and did not move. Tareq Zayet and I entered the 'Abd-al-Rahman shop and from there the Qeisi family house where we were protected for approximately an hour and a half until the Israeli army and the special squads withdrew. As soon as the shooting started, I saw Mushir Mansour run into the Hudeib family house while Mahmoud Hudeib, Majdi Husein, and 'Adel al-Ghawi were each directly hit from a short range. I was sitting beside Muhammad Tareq, who tried to run away with us from the first moment and who managed to run five metres inside a narrow lane but the members of the special squad shot at him again until they killed him. At one a.m. on Thursday, 25 August 2005, the Israeli army and the special squads withdrew from the camp after an hour and a half of continuous shooting. After we went out, blood was flowing heavily on the ground of the scene."

Extract from Al-Haq Affidavit No. 2525/2005

Given by Samer Mahmoud Mir'i (aged 15, resident of Toulkarem Camp, Toulkarem Governorate, West Bank)

"The sufferings of [al-Khas] village began when the Israeli occupying forces started constructing the Separation Wall on the village lands. It separates the village from more than 2000 dunums of its lands (previously declared to be lands inside Jerusalem). At the beginning of 2000, the construction of the Wall and a bypass road connecting the central part of Jerusalem with the settlements in the southern West Bank started on the lands of al-Khas village. Moreover, the Wall and the bypass road intersect on the village lands. In 2003, 500 olive trees were uprooted and tens of dunums were bulldozed for the construction of the Wall and the road. Moreover, the citizens of al-Khas received military orders confiscating 150 dunums of al-Khas lands for the construction of a commercial road linking Jerusalem with the southern West Bank."

Extract from Al-Haq Affidavit No. 2307/2005

Given by Ziyad Muhammed Shihada (resident of al-Khas village, Bethlehem Governorate, West Bank)

While world attention was turned towards Israel's unilateral withdrawal from the Gaza Strip and evacuation of four small settlements in the north of the West Bank, Israel continued its policy of **land confiscation** and **property destruction** for the construction of the **Annexation Wall**. Palestinians with property in the vicinity of the Wall continue to be denied access to this property in what Israeli authorities declare to be closed military areas.

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

While the Israeli occupying forces have officially announced the end of the policy of punitive **house demolitions**, other house demolitions continue under the pretext that the houses were built without a proper Israeli building licence. In reality, Israel's overly restrictive policy of granting such licences, especially in areas where it wishes to increase the Jewish population, shows its inherently political nature. To date, houses in the OPT are demolished for their proximity to illegal Israeli settlements, bypass roads and the Annexation Wall.

"On 3 April 2005, when I came back from my work in Toulkarem, I was surprised when a number of citizens from Far'on village told me that Israeli jeeps were standing in front of my home. On that day my wife was visiting her family in Sabastiya village in Nablus governorate. I hurriedly went home where I found a piece of paper under a stone. I read the paper and discovered that it was a notification to stop the construction of my home and another similar paper concerning the sheep enclosure of four square metres built close to my home [*such notifications are usually followed by the demolition of the house*]. I was shocked by the threat of demolition of my house because it is not licensed. [...] Since receiving the notification, I have been living in continuous fear and worry with my wife Iman Taysir Mahmoud and my daughter Rawan who is 10 months old. If my home is demolished, we will become dependent on my family or my wife's family. Please help me to stop the Israeli threat to demolish my home under the pretext that it is not licensed. I am sure that the real reason for the demolition is its proximity to the Separation Wall."

Extract from Al-Haq Affidavit No. 2317/2005

Given by Basem 'Awad (resident of Far'on village, Toulkarem Governorate, West Bank)

Al-Haq's fieldworkers bring disturbing reports regarding the operation of the **gates in the Wall** that have begun to function in the north of the West Bank, where the construction of the Wall is already complete. The gates become a crucial and deeply frustrating part of the lives of those who either live on the eastern

"A few months after the occupying authorities completed the construction of this Fence, it constructed two gates for the residents of the village, especially for citizens whose lands are located behind the Fence, in order to enable them reach their lands. One of these gates is on the western side and the second is in the south. To pass through these gates, which are under the control of Israeli soldiers, you have to obtain a special permit. The soldiers control the gates' opening and closure and although our permits specify the opening hours (from 5 in the morning until 7 in the evening), the soldiers do not follow the directives. This made us wait for long hours for the soldiers to open the gates. This is one problem. Another is that the permit is usually effective for six months and when it expires, it is difficult to obtain a new one. Look at my disaster, look at my home, look at the Fence which is only 50 metres away from my home. Look at my land, which the Fence separated from my home and which is only 70 metres from the Fence. I have to go a distance of more than 12 kilometres to reach the western gate through which I can go to my lands behind the Fence. Not to mention the long hours spent waiting for the soldiers to have pity on us and open the gate. Imagine this dark and racial reality. Where do such things happen and in which ethics, customs and traditions can such things happen? My land, which I used to reach in less than one minute, I now have to cross 12 kilometres to get to."

Extract from Al-Haq Affidavit No. 2453/2005

Given by 'Umar 'Izzat Mustafa (resident of Jayyous village, Qalqiliya Governorate, West Bank)

side of the Wall but have their agricultural lands on the western side (in the "Seam Zone" between the Wall and the Green Line), or live in the Seam Zone, isolated from the rest of the West Bank. These people are submitted to non-transparent, seemingly arbitrary and very restrictive regulations for the issuance of permits to pass through the gates. Permits are often denied and, when granted, only cover a limited time period. The gates have limited working hours but even these are not consistently respected by the Israeli soldiers that operate them. Moreover, inspections can sometimes take several hours and involve taking apart and reassemble an entire taxi. Palestinians attempting to

pass can therefore be kept waiting for many hours at the gates before being allowed through, or even be denied access for unclear reasons.

Al-Haq's documentation indicates that Palestinian civilians continue to suffer from acts of vandalism, violence and destruction of their private property by **Israeli settlers**, most notably their agricultural land and crops. In the majority of these cases, complaints by Palestinian residents of the affected areas to Israeli law enforcement and military authorities are either neglected or result in minimal intervention that does not amount to ending the violation in question. Not only does this violate Israel's duty to protect the Palestinian population under its control, but it also perpetuates a culture of impunity among Israeli settlers. This pattern is especially pronounced in the city of Hebron.

A particularly tragic instance of settler violence took place on 17 August 2005 when an Israeli settler killed four of his five Palestinian colleagues in an aluminium workshop in the Shilo settlement, leaving only one to tell the story. After finishing their days work at around 16:45 on 17 August 2005, four of the five Palestinian workers got into a car to set out on their journey home. The car stopped at the gate of the settlement and the driver, an Israeli settler named Asher Weissgan, got out of the car, ostensibly to collect the Palestinian workers' ID cards from the security guard. In the words of the survivor:

"On Saturday 11 June 2005, while my husband, children and I were sitting on our balcony on the second floor, which overlooks our lands, we saw trees, approximately 50 meters away from us, shaking and we also heard a sound like that of somebody breaking a tree. As our lands are close to the settlement, my brother-in-law Munther Jaber (40 years) went to the police station near al-Haram al-Ibrahimi. It was 11 p.m. and he submitted a complaint against the settlers accusing them of destroying the trees. The policemen told him to go and that they would follow him. We waited but neither the police nor the soldiers came. We saw the settlers leave the field and go back to the Kiryat Arba' settlement. In the morning of the next day, we went to our field and found the olive and peach trees broken and their fruits fallen on the earth. The site was not visited by any policeman. On Sunday morning 18 June 2005, we discovered that 12 olive trees had been cut and all the peaches were damaged."

Extract from Al-Haq Affidavit No. 2479/2005

Given by Huda Jaber (resident of Hebron City, Hebron Governorate, West Bank)

"After Asher got out of the car, we were suddenly subjected to intermittent shooting. We were shocked, surprised, and amazed at what was happening. We did not know where the bullets were coming from. I looked at my friends and saw that the three of them were bleeding. Usama was shouting out of pain while Muhammad and Bassam were silent. I realised that their situation was very dire. Meanwhile, I was looking around me, bewildered, trying to figure out what was going on. Here was the shock. I did not believe my eyes when I saw Asher, our colleague and the driver of the car, who went to get the ID cards, standing approximately a metre and a half to the right and carrying an M-16 and shooting at us. I have only seen such a thing in films and dreams. I was hit by one bullet in my right cheek. After a few seconds, I saw Asher head into the workshop. I got out of the car, as did Usama, and started shouting at Asher (although he was 50 metres away from me) for mercy. I was asking him, "Why did you do this to your colleagues, Asher?" I repeated that several times but he did not say anything in response. He only shot one bullet at me and then proceeded towards the settlement [*where he shot and killed the last Palestinian worker*]."

Extract from Al-Haq Affidavit No. 2531/2005

Given by Rawhi Muhammad Kassab (resident of Qaryout village, Nablus Governorate, West Bank)

Finally, a new campaign of **mass arrests** throughout the West Bank has just begun on 25 September, when around 200 Palestinians were seized by the Israeli occupying forces. Many more Palestinians were arrested in the following days. Most of those arrested were taken to the Ofer Military Camp. It is particularly disturbing that many of those arrested are Hamas candidates in the municipal elections, making the mass arrests appear as an inference in the Palestinian democratic process.

The Palestinian National Authority

Al-Haq's Monitoring and Documentation Unit also monitors the PNA's respect for international human rights in the West Bank. Al-Haq field reports confirm that the PNA's inability to uphold law and order in the face of a growing trend of **vigilantism** threatens to make all or parts of the OPT descend into chaos. In light of recent clashes between the Palestinian police and Hamas, shootings inside and around court buildings, numerous kidnappings and the summary execution of Moussa Arafat on 7 September, the situation could even degenerate into civil war. Such a scenario would inevitably have dire consequences on the respect for human rights in the OPT.

In a disturbing new development, the PNA resumed its implementation of **capital punishment**. In Gaza on 12 June 2005 at approximately 4:00 a.m., four men were executed without prior notice - Muhammad Daoud al-Khawaja, Wa'el Sha'ban al-Shobaki,

'Ouda Muhammad Abu-'Azab, and Salah Khalil Musallem. Three of the men were executed by hanging and one by firing squad. Al-Haq believes that the imposition of the death penalty, which runs contrary to a growing international trend to prohibit judicial executions, is a violation of the fundamental right to life.

"On 29 May 2005, I went [to the premises of the Ramallah Police] to visit my son. He told me about the torture he was subjected to. He showed me his hands from which flesh had been removed by pincers. I also saw marks of torture on his back. He told me that he was subjected to torture several times. According to my son, no serious investigation of him has taken place and he was taken to al-Sheikh Zayed Hospital on the same day of his arrest as a result of the severe beating he was subjected to. On 30 May 2005, I obtained a medical report from al-Sheikh Zayed Hospital. Until now, my son is still detained in the Ramallah Police Station in 'Ein Misbah and he has not been brought before any court concerning the extension of his detention period. Nobody visited him except me and during my visits to him, he looked tired and severely beaten. I fear for his life."

Extract from Al-Haq Affidavit No. 2364/2005

Given by Khamis Fheid Dar 'Awwad (resident of Turmus'ayya, Ramallah Governorate, West Bank)

"Before I arrived [at the scene of an apparent car accident], I heard intermittent shooting from an unknown direction. I was hit in my right leg and fell down on the ground near the tanker truck. I looked around and saw that the tanker truck collided with another small car. The collision was so strong that I could not distinguish between the front and the back of the car. I also saw an unrecognisable person in the car with his head open and another person carrying a metallic tube and standing over his head outside the car. I tried to stand up but I could not because of the injury in my leg. I saw another person outside the car and asked him to help me stand up and told him that I was injured but he did not help and told me that it was not his business. For minutes I could not understand what was going on around me. Then a person approached me and put me beside a white car near me but I fell down again on the ground. At that moment my brothers arrived and put me in a car that carried me to Qabalan Medical Centre in the village where I received first aid. In the Medical Centre and while I was under treatment, I heard people saying that what happened was not a traffic accident but an intentional murder implemented by the sons of 'Abdallah al-Asmar, who was killed during the first *intifada*, against Sheikh 'Ali Faraj and his brother Husam. The sons of 'Abdallah al-Asmar accuse Sheikh 'Ali and his brother Husam of killing 'Abdallah al-Asmar because they were leading the Fateh Movement at that time."

Extract from Al-Haq Affidavit No. 2430/2005

Given by Ashraf 'Abd-al-Razzaq Humeid (resident of Nablus, Nablus Governorate, West Bank)

Alarming, Al-Haq field workers have received reports of incidents of **torture** and other forms of prohibited ill-treatment in places of detention under PNA authority. It is unclear at present whether these constitute isolated incidents or form part of a wider trend.



MONITORING AND DOCUMENTATION UNIT
APRIL - JUNE 2005
JULY - SEPTEMBER 2005
STATISTICS

KILLINGS

Categories	Adults	Children	Total
Total	43	15	58
Death in custody	7	-	7
Targeted assassination	14	1	15
Assassination in custody	1	-	1
Death at checkpoints	4	-	4
Women	1	-	1

Killings by District

Bethlehem	-
Hebron	7
Jenin	17
Jericho	-
Jerusalem	-
Nablus	10
Ramallah	6
Toulkarem	18

Killings by Age Groups

Less than 12	2
13-17	13
18-25	18
26-35	19
36-50	4
Over 50	2
Unknown	-

Killing by Perpetrator

Israeli Occupying Forces	
Soldiers	38
Special undercover units	8
Snipers	1
Israeli Border Guards	1
Israeli Policemen	-
General Security Services	-
Settlers	4
Armed Israeli civilians	-
Unknown	4
Collaborators	2

Situation During Killing

Normal/calm	38
Incursion	1
Demonstration and stone-throwing	4
Armed clashes	7
Shelling	-
Closed military area	-
Bystanders killed during attempted assassination	3
Unclear	2
Curfew	3

Methods of Killing

Live bullet	45
Fragmented bullet	3
Rubber-coated metal bullet	-
Explosives and small missiles	2
Shrapnel	-
Mine	-
Tear gas	-
Blunt instrument	2
Sharp instrument	-
Other	4
Missile	2

HOUSE DEMOLITIONS

House Demolition by Military Order

Total Demolition of House	4
Partial Demolition of House	-
Sealed Houses	-
Displaced Persons	20

House Demolition for Lack of License

Total Demolition of House	69	
Displaced Persons	279 Adults	120 Children

House Demolition by Military Orders by District

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

House Demolition for Lack of License by District

Bethlehem	7
Hebron	11
Jenin	8
Jericho	9
Jerusalem	26
Nablus	8
Ramallah	-
Toulkarem	-

CURFEWS**Curfew by District**

District	Hours
Bethlehem	-
Jenin	51
Nablus	96
Toulkarem	399
Jerusalem	9
Ramallah	14
Hebron	72
Jericho	-
Total:	641