

# **ISRAEL, THE OCCUPIED WEST BANK AND GAZA STRIP, AND THE PALESTINIAN AUTHORITY TERRITORIES**

## **IN A DARK HOUR: THE USE OF CIVILIANS DURING IDF ARREST OPERATIONS**

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## I. SUMMARY

This report documents the Israeli Defense Forces (IDF) practice of coercing civilians to assist military personnel and operations, a serious violation of international humanitarian law (IHL). The report is the result of investigations carried out regarding four IDF raids in late 2001 and early 2002 into the Palestinian towns of Beit Rima, Salfit, Artas, and Tulkarem.

The violations documented in these cases exemplify current IDF practices in other incursions, whether in villages, refugee camps, or towns. One journalist reported being forced to strip and march at gunpoint to search offices in Ramallah during the largest and most recent IDF operation, "Operation Defensive Shield."<sup>1</sup> Other civilians had similar testimony. Palestinian and Israeli human rights organizations have reported incidents in which the IDF coerced civilians to assist military operations in Nablus, Tulkarem, East Jerusalem, and elsewhere.<sup>2</sup>

The IDF raided more than thirty Palestinian villages, towns, and refugee camps to arrest "wanted" Palestinians between October 24, 2001 and March 31, 2002. The targets of these raids were persons alleged by the Israeli authorities to have planned or participated in attacks against Israeli military targets or against Israeli civilians. The raids began shortly after the assassination of then Israeli Tourism Minister Rehavam Ze'evi on October 18, 2001.

While the location and scale of the raids have varied, the dynamics have been the same. In the four cases researched in detail by Human Rights Watch, eyewitnesses described a night of panic and terror, including death threats, house demolitions, and wide-scale arrests. In each of these cases, the IDF routinely coerced civilians to perform life-endangering acts that assisted IDF military operations. Eyewitnesses and victims described to Human Rights Watch how friends, neighbors, and relatives of "wanted" Palestinians were taken at gunpoint to knock on doors, open strange packages, and search houses in which the IDF suspected armed Palestinians were present. Some families found their houses taken over and used as military positions by the IDF during an operation while they themselves were ordered to remain inside. In one case documented by Human Rights Watch, a civilian was held as a hostage in order to pressure his brother to surrender.

This report finds that the IDF is systematically coercing Palestinian civilians to assist military operations. This practice violates a fundamental principle of IHL: that of civilian immunity. It violates Israel's obligation to protect and respect civilian persons under Article 27 of the Fourth Geneva Convention,<sup>3</sup> and recklessly exposes civilians to danger. The threats and coercion used by the IDF to compel civilians to assist them are explicitly prohibited under Article 31 of the Convention. The IDF should immediately stop this practice and investigate the cases documented in this report, as well as those documented by other human rights organizations.

In the case of Ahmad al-Yas 'Aysh, who was shot in the upper leg in order to pressure his brother to surrender to IDF forces, the IDF's seizure and treatment of a civilian in order to force a "wanted" Palestinian to surrender amounts to hostage-taking. IHL prohibits hostage-taking at any time and in any place whatsoever. It is a serious violation of basic norms regulating international and internal armed conflict. It is a grave breach of the Fourth Geneva Convention, and as such, a war crime. Israel is obliged to investigate the case of Ahmad al-Yas 'Aysh, and bring to justice any individuals responsible for wrongdoing.

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<sup>1</sup> The case of Dubai Television journalist Maher Shalabi in Ramallah on March 30, 2002. Reported in CNN Saturday, "Israeli Ground Tactics for Occupation of Arafat Headquarters," 12:00 p.m., March 31, 2002.

<sup>2</sup> LAW, "Israeli forces surround house of LAW's Director Khader Shkirat," press release, March 7, 2002; Physicians for Human Rights Israel, "Palestinian Civilians Held Hostage by Israeli Army in Nablus," press release, February 21, 2002; B'Tselem, "Human Shields in Beit Jala," press release, September 5, 2001. On the use of civilian buildings during military operations, see UNRWA, "Director of UNRWA Operations in West Bank Expresses Deep Concern at the Use of the United Nations School in Tulkarem to Detain Palestinians," press release, March 9, 2002.

<sup>3</sup> Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, Art. 2, 6 UST 3516, TIAS No.3365, 75 UNTS 287 [hereinafter Geneva Convention IV].

The report also documents related IHL violations committed by IDF personnel against civilians, including acts of endangerment, physical ill-treatment, damage to civilian property, and collective punishment. These violations, which cause great suffering and hardship, should also cease.

In the case of Salfit, armed Palestinians fired at IDF soldiers who held Palestinian civilians in close physical proximity, thus exposing the civilians to the dangers of Palestinian fire and IDF return fire. Such actions recklessly endanger civilian lives and violate IHL. Human Rights Watch has previously documented instances in which armed Palestinians endangered civilians by firing on IDF soldiers from locations that exposed civilians to IDF return fire. The Palestinian security forces should act to the fullest extent possible under the law to prevent such reckless attacks, and should not participate in them.

## II. RECOMMENDATIONS

### To All Parties

Human Rights Watch calls on the government of Israel, the Palestinian Authority (PA), and the leaders of armed Palestinian groups to declare unequivocally that they will respect and abide by the principles and provisions of international humanitarian law (IHL). This includes upholding the principle of civilian immunity, acting to protect civilians, discriminating between military and civilian targets, and ensuring access to medical treatment for the wounded.

In addition, Human Rights Watch makes the following recommendations:

### To the Government of Israel

- Cease immediately the coerced use of civilians to assist IDF military operations.
- Order all IDF personnel to halt these practices and disseminate this order throughout the IDF chain of command.
- Instruct all military and security personnel that under no circumstances should they request or compel children under eighteen years of age to assist in military operations.
- Inform all military and security personnel that the perpetrators of such violations will bear individual responsibility and will be held to account.
- Investigate the violations of IHL by IDF personnel documented in this report. This investigation should include the coerced use of civilians, including children, to assist military operations; the taking of Ahmad al-Yas 'Aysh as a hostage, and the ill-treatment of individuals in the custody of armed personnel. Discipline or punish any individuals found responsible for wrongdoing.
- Cease immediately acts of collective punishment, including in particular the policy of punitive house demolitions.
- Facilitate the immediate deployment of independent international monitors in the West Bank and Gaza Strip with a mandate to monitor, verify, and report publicly on the compliance by all parties with international human rights and humanitarian law standards.

### **To the Palestinian Authority**

- Ensure that the Palestinian security forces act to the fullest extent possible under the law to prevent armed Palestinians from opening fire on IDF positions in situations where unarmed civilians are at risk of drawing return IDF fire.
- Ensure that members of the Palestinian security forces do not participate in such attacks, and investigate and bring to justice those who disobey such orders.

### **To the International Community**

- Publicly condemn the IDF's coerced use of civilians to assist military operations as a serious violation of IHL, and urge the government of Israel to end this practice immediately.
- Reiterate to the Israeli government that ill-treatment, collective punishments, and hostage-taking are prohibited under IHL, and that such actions should immediately cease.
- High Contracting Parties to the Geneva Conventions of 1949 should take immediate action, individually and jointly, to ensure respect for the provisions of the Fourth Geneva Convention, including prohibitions against ill-treatment, coercion, and collective punishments.
- Call upon the PA to ensure that its security forces act to the fullest extent possible under the law to prevent armed Palestinians from opening fire on IDF positions in situations where unarmed civilians are at risk of drawing return IDF fire, and to ensure that Palestinian security force members do not participate in such attacks.
- Promote efforts to address human rights and IHL violations by all parties, including the establishment of a permanent international presence to monitor, verify, and report publicly on the compliance by all parties with international human rights and humanitarian law standards.

## **III. INTRODUCTION**

### **Context**

The large-scale IDF incursions and arrest raids into Palestinian areas of March and April 2002 mark an intensified phase of what has become called the "al-Aqsa Intifada," as did the wave of suicide bombing attacks that preceded it. But as players, tactics, and locations vary, other factors remain constant.

One such factor is the civilian suffering that lies at the heart of this conflict. More than 1200 Palestinians and 370 Israelis have been killed, and the vast majority of them have been civilians. Thousands more, Palestinians and Israelis alike, have been badly injured or maimed for life.

Since violent clashes broke out in September 2000, the conflict has been marked by attacks on civilians and civilian objects, by Israeli security forces and Palestinian armed groups. Both Israeli and Palestinian authorities have failed to take the steps necessary to prevent the security forces under their control from committing abuses. They also have failed to investigate and punish the perpetrators.

The Israeli security forces committed extensive abuses during the first year of the al-Aqsa Intifada. These included the excessive use of lethal force against unarmed Palestinian demonstrators; unlawful or suspicious killings committed by IDF soldiers; and disproportionate IDF gunfire in response to Palestinian attacks. Israeli authorities, both military and police, failed to respond adequately to abuses against Palestinian civilians

committed by Israeli settlers.<sup>4</sup> The Israeli government instituted “closure” measures on Palestinian areas of a severity that amounted to collective punishment. And Israeli forces have killed a number of alleged Palestinian militants under the so-called “liquidations” policy; a policy Israeli officials have stated is directed against individuals alleged to be responsible for planning or participating in attacks against Israeli military targets and civilians. Human Rights Watch has previously criticized this policy as one of killing without accountability.<sup>5</sup>

During the same period, the PA failed to meet its obligation to prevent and punish attacks by Palestinian armed groups, including suicide bombers against Israeli civilians. The multiple PA security forces arbitrarily arrested alleged Palestinian “collaborators” with Israel, many of whom were tortured and held in prolonged detention without trial. Others were sentenced to death after unfair trials: two were executed.<sup>6</sup> The PA arrested some Islamist and other militants suspected of involvement in attacks against Israeli civilians and held them in untried detention. In other cases, detainees were released shortly after being taken into custody, in what has been termed a “revolving door” policy.

As the violence entered its second year, the conflict became more militarized and more intense, despite increasing restrictions on the freedom of movement. Many armed Palestinian groups resorted increasingly to suicide bombing attacks, the majority targeting Israeli civilians. Live fire exchanges and other attacks increased in frequency. IDF forces expanded the “liquidations” policy, and undertook large-scale punitive house demolitions. Israeli forces reoccupied Palestinian villages, towns, and refugee camps in progressively larger operations from October 2001. Israeli government officials have repeatedly stated that the purpose of these operations is to arrest or punish those responsible for planning and participating in attacks against Israeli military targets or Israeli civilians.

### **Arrest Raids**

From October 24, 2001 to March 31, 2002, the IDF raided more than thirty Palestinian villages, towns, and refugee camps to arrest “wanted” Palestinians. The raids continued as this report went to press. Israel stated that the targets of these raids were persons alleged by the Israeli authorities to have planned or participated in attacks against Israeli military targets or against Israeli civilians.<sup>7</sup> The majority of arrest raids took place in West Bank villages isolated by geography or by roadblocks and travel prohibitions imposed under the policy of strict internal closure instituted by the Israeli authorities in September 2000. Almost all of these took place in villages in Area A, defined under the Oslo Agreements as under Palestinian security control.

The raids followed a consistent pattern. Israeli soldiers, often members of non-uniformed undercover units, entered a village and took up positions between midnight and 200 a.m. Infantry and armored forces, including tanks, armored personnel carriers (APCs), and bulldozers, entered at a pre-arranged signal. Attack helicopters provided air cover and the IDF commander announced a curfew.

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<sup>4</sup> Human Rights Watch, “Investigation into the Unlawful Use of Force in the West Bank, Gaza Strip, and Northern Israel; October 4 through October 11, 2000,” *A Human Rights Watch Report*, vol. 12, no. 3 (E), October 2000; Human Rights Watch, *Center of the Storm: A Case Study of Human Rights Abuses in Hebron District*, (New York: Human Rights Watch, 2001).

<sup>5</sup> Human Rights Watch and other human rights organizations have strongly criticized the “liquidations” policy. See Human Rights Watch, “End ‘Liquidations’ of Palestinian Suspects,” press release, January 29, 2001. Human Rights Watch has previously documented a pattern of unjustified killings of “wanted” Palestinians in Human Rights Watch, *A License to Kill* (New York: Human Rights Watch, 1993).

<sup>6</sup> Human Rights Watch, “Justice Undermined: Balancing Security and Human Rights in the Palestinian Justice System,” *A Human Rights Watch Report*, vol. 13, no. 4 (E).

<sup>7</sup> Israeli authorities have said they were obliged to undertake these raids because the Palestinian Authority (PA) had failed to arrest such individuals, despite numerous requests to do so. Procedures for the arrest and transfer of individuals between the PA and Israel are set out in Annex IV of the Israel-Palestinian Interim Agreement on the West Bank and the Gaza Strip. Human Rights Watch was unable to confirm whether the Israeli lists of “wanted” Palestinians conformed to the procedures laid out in the Oslo Agreement. The PA’s responsibility for “internal security and public order” in the areas under its authority is set out in Article XIII of the Agreement.

In both Beit Rima and Salfit, Israeli authorities have stated that they warned Palestinian security officials of the impending operation, saying that any PA security personnel found on the streets would be considered legitimate military targets.<sup>8</sup> But in both cases local Palestinian security officials told Human Rights Watch they either received no warning or were warned after the raid had already commenced, denying those of their forces on patrol or asleep the opportunity to take protective cover. In every case studied, armed Palestinians exchanged fire with the Israeli forces. As the IDF moved in, villagers would be wakened by the sound of gunfire—or by the IDF knocking at their door.

The doors at which the IDF knocked were generally not those of the “wanted” Palestinians. Instead, the IDF chose others, usually neighbors or relatives of “wanted” individuals, and ordered them, often at gunpoint, to bring those persons to the Israeli forces. In each of the four case studies investigated by Human Rights Watch, the IDF compelled civilians with threats and intimidation to identify the houses of individuals “wanted” for questioning or arrest, and to walk with IDF soldiers, sometimes during live fire exchanges, to knock at the doors of those houses and ask the inhabitants to open the door and come out. The IDF coerced some into providing information about the families of “wanted” Palestinians, exposing those individuals to the potentially lethal accusation of acting as a “collaborator.”<sup>9</sup> Others were not just coerced and threatened, but also beaten.

Inhabitants of entire households and apartment buildings were made to wait on the street, men separated from women and children, often for several hours in cold and sometimes rainy weather. The IDF detained local Palestinian men, blindfolded and handcuffed them, and then took them away in jeeps and armored personnel carriers to be identified and individually questioned. The majority of those detained were released within twenty-four hours; others were transferred to Israel for interrogation, detention, and, in some cases, trial.<sup>10</sup>

Israeli forces frequently damaged cars, houses, and other civilian property during the raids. Electricity, water, and phone lines were cut. Three houses of family members of “wanted” Palestinians were demolished in both Beit Rima and Salfit, with another attempted demolition in Artas. In every case study, Human Rights Watch found other houses damaged by IDF gunfire and grenades. In some raids not documented in this report the IDF also carried out “liquidations” of Palestinians alleged to have planned, or participated in, attacks against Israeli targets.<sup>11</sup>

### **About this Research**

Human Rights Watch researched this report from January 27 to February 21, 2002, interviewing more than fifty eyewitnesses. The four case studies were selected in order to form a representative mix. Beit Rima (October 24, 2001) was the first IDF arrest raid into Palestinian-controlled territory. The IDF raid into Tulkarem (January 21, 2002) closely resembles the scale and dynamics of IDF incursions into Palestinian cities and refugee camps of March 2002. Salfit (December 14, 2001) and Artas (January 29, 2002) were included because they exemplify the typical but under-reported dynamics of IDF raids outside major West Bank cities. Human Rights Watch also met with humanitarian and medical personnel, Israeli and Palestinian human rights organizations, members of the

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<sup>8</sup> Briefing by Director of IDF Military Intelligence Major-General Amos Malka, October 25, 2001. <http://www.idf.il/english/announcements/2001/october/25.stm>

<sup>9</sup> Human Rights Watch, “Justice Undermined.” At least ten alleged collaborators were killed in street killings in the West Bank in March 2002.

<sup>10</sup> Of the some 161 persons detained in the incidents documented in this report, 133 were released shortly after arrest and twenty-eight were transferred to Israel. Human Rights Watch was only able to locate four instances in which individuals arrested during the raids investigated in this report had been put on trial by mid-February 2002.

<sup>11</sup> For example, an incursion into Nablus on January 21, 2002 that included the “liquidation” of four alleged Hamas members. See Mohammed Daraghmeh, “Four Islamic Militants Die in Raid,” *Associated Press*, January 22, 2002. Human Rights Watch has previously criticized this policy as one of killing without public accountability, often carried out in circumstances where arrest would have been possible.

Palestinian security forces, and Israeli government and PA officials. Human Rights Watch made numerous attempts to discuss its research and findings with the IDF, but without success.<sup>12</sup>

#### IV. APPLICABLE LAW

Human Rights Watch has identified an IDF practice of coercing civilians to assist IDF military operations. Such a practice involves serious violations of IHL. In one case documented here, IDF actions have amounted to hostage-taking, an act prohibited by IHL at all times and in any place whatsoever. Hostage-taking is a war crime.

##### **Palestinians Civilians as “Protected Persons”**

The Palestinian civilian inhabitants of the occupied West Bank and Gaza Strip are “Protected Persons” under the Fourth Geneva Convention. They are entitled to extensive protections under the laws of war. For example, under Article 27 of the Fourth Geneva Convention:

[p]rotected persons are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.<sup>13</sup>

This article is considered by the authoritative *Commentary* of the International Committee of the Red Cross (ICRC) as “the basis of the Convention, proclaiming as it does the principle on which the whole of ‘Geneva Law’ is founded.”<sup>14</sup> It requires States to actively “take all precautions and measures in their power to prevent such acts and to assist the victims in times of need.”<sup>15</sup> The use of physical and moral coercion is also explicitly prohibited under Article 31 of the Convention. Article 31 forbids coercion for “any purpose or motive whatsoever.” According to the ICRC *Commentary*:

The prohibition laid down in this Article is general in Character and applies to both physical and moral forms of coercion. It covers all cases, whether the pressure is direct or indirect, obvious or hidden (as for example a threat to subject other persons to severe measures, deprivation or ration cards or of work). Furthermore, coercion is forbidden for any purpose or motive whatever.<sup>16</sup>

The Fourth Geneva Convention also prohibits collective punishment: “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.”<sup>17</sup> As explained by the ICRC *Commentary*, Article 33 of the Geneva Convention prohibits “penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that these persons have not committed.”<sup>18</sup> The destruction of a house belonging to the family member of an alleged offender, a long-held IDF policy, is a textbook example of a collective penalty.<sup>19</sup>

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<sup>12</sup> Human Rights Watch initially requested a meeting in writing via facsimile to the IDF Spokesperson’s Office on January 28, 2002. Following the receipt of the fax, Human Rights Watch called the IDF Spokesperson’s more than fifteen times over a three week period, but did not receive an appointment.

<sup>13</sup> Geneva Convention IV, Article 27.

<sup>14</sup>International Committee of the Red Cross, *Commentary on the Geneva Conventions of 12 August 1949: IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, p. 204 (Jean S. Pictet, ed., 1958) [hereinafter ICRC, *Commentary IV*].

<sup>15</sup> Ibid.

<sup>16</sup> ICRC, *Commentary IV*, p. 219-220.

<sup>17</sup> Geneva Convention IV, Article 33.

<sup>18</sup> ICRC, *Commentary IV*, p. 225.

<sup>19</sup>“Such measures may take different forms, such as a curfew preventing the inhabitants from fulfilling their daily duties, punishment or detention of several members of a group or family for an alleged offense by one member, or the destruction of

Successive Israeli governments have taken the position that the Fourth Geneva Convention does not apply to the West Bank and Gaza Strip and that Israel is not bound by the Convention, a treaty that it has signed and ratified. Instead, Israel takes the position that it will voluntarily abide by the “humanitarian provisions” of the Fourth Geneva Convention. The Convention’s defining principle is the obligation to protect and respect civilians: nothing is more humanitarian.

Israel’s interpretation is not supported by the Convention’s language, nor is it accepted by the body charged with monitoring adherence to the Geneva Conventions, the International Committee of the Red Cross. The ICRC has consistently affirmed the application of the Fourth Geneva Convention in all its statements dealing with the Occupied Territories since Israel’s occupation of the West Bank and Gaza Strip.<sup>20</sup> On December 4, 2001, the Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention reaffirmed the applicability of the Fourth Geneva Convention to the West Bank, Gaza Strip, and East Jerusalem.<sup>21</sup>

### **Prohibitions on the Use of Civilians to Favor Military Operations**

The IDF’s coerced use of civilians to assist or favor military operations is a serious violation of IHL. Using civilians in this manner breaches the customary rule that civilians must be kept outside hostilities as far as possible, and that they enjoy general protections against danger arising from hostilities.<sup>22</sup> According to the widely-respected *Handbook of Humanitarian Law in Armed Conflict*, “the immunity granted to the civilian population may not be abused for military purposes. Civilians may not be used in order to gain a military advantage or to deny the adversary such an advantage.”<sup>23</sup>

Prohibitions against the forced involvement of civilians in military operations have been widely codified, including in Article 52 of Hague Regulations of 1907. For example, Article 51 of the Fourth Geneva Convention prevents a party from compelling civilians to serve in its armed or auxiliary forces. According to the ICRC *Commentary*, Article 51 forbids “all work involving Protected Persons in any form of participation in military operations.”<sup>24</sup> The *Commentary* further explains that “[a]ny action on the part of the Occupying Power which had the effect of involving [civilians], directly or indirectly in the fighting and so preventing them from benefiting by special protection under the Convention must be regarded as unlawful.”<sup>25</sup>

When civilians become directly involved in military operations as a result of direct pressure, indirect pressure, or threat, then their involvement also violates the prohibition on coercion contained in Article 31 of the Fourth Geneva Convention (see above).

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the house belonging to the family of an alleged offender.” From Dieter Fleck, ed., *The Handbook of Humanitarian Law in Armed Conflict*, p. 249.

<sup>20</sup> For previous Human Rights Watch discussion of this issue, see Human Rights Watch, *Center of the Storm*, p. 17-37.

<sup>21</sup> Declaration from the Conference of High Contracting Parties to the Fourth Geneva Convention, December 4, 2001. <http://www.eda.admin.ch/eda/e/home/foreign/hupol/4gc.html>.

<sup>22</sup> See ICRC, *Commentary on Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, p. 615 (Y. Sandoz et al., eds., 1987) [hereinafter ICRC, *Commentary on Protocol I*].

<sup>23</sup> Dieter Fleck, ed., *The Handbook of Humanitarian Law in Armed Conflicts* (New York: Oxford University Press New York, 1995), p. 218.

<sup>24</sup> ICRC *Commentary IV*, p. 296.

<sup>25</sup> *Ibid.*

## Children

In two of the cases documented by Human Rights Watch, IDF soldiers coerced children under the age of eighteen to approach the houses of “wanted” Palestinians. Children are entitled to all the protections of IHL, enhanced by special protections derived from their status as children.<sup>26</sup>

Israel is also a state party to the Convention on the Rights of the Child (CRC), the most widely-ratified international human rights treaty. Under article 38 (4) of the Convention, Israel’s obligations under IHL are supplemented by the obligation to take active steps to ensure the protection of children in armed conflict: “In accordance with their obligations under IHL to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.”<sup>27</sup>

## Hostage-Taking

In at least one case documented by Human Rights Watch, the IDF’s seizure and usage of a civilian to force a “wanted” Palestinian to surrender amounts to hostage-taking, an act IHL prohibits at any time and place, and under any circumstances.<sup>28</sup>

An important element of this prohibition is the notion that a hostage is held, usually under explicit or implicit threat, to influence the actions of a third party. According to the *ICRC Commentary*, Article 34 of the Fourth Geneva Convention defines as hostages people “who of their own free will or through compulsion are in the hands of the enemy and are answerable with their freedom or their life for the execution of his orders and the security of his armed forces.”<sup>29</sup>

Hostage-taking is forbidden under Article 3, common to the four Geneva Conventions of 1949, which regulates the conduct of parties to internal armed conflicts. It is also prohibited by Article 34 of the Fourth Geneva Convention, and is one of the acts defined as “grave breaches” in Article 147 of the Convention, making hostage-taking a war crime.

## V. CASE STUDIES

### Beit Rima

The IDF raid on Beit Rima on October 24, 2001 was the first large-scale Israeli arrest raid into Palestinian-controlled territory.<sup>30</sup> Israeli forces, including undercover units, tanks, bulldozers, and helicopters, entered the village between 1:30 and 2:00 a.m. Local security officials interviewed by Human Rights Watch said they had received no prior warning and were unable to inform their men, several of whom were sleeping in a nearby olive grove.<sup>31</sup> Three members of the Palestinian National Security Force were killed, as were two members of the Civil Police. At least seven Palestinians were injured.

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<sup>26</sup> For example, as Article 77 of Additional Protocol I specifies, “Children shall be the object of special respect and shall be protected against any form of indecent assault. The parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.” Israel is not a party to Additional Protocol I.

<sup>27</sup> U.N. Convention on the Rights of the Child, opened for signature Jan. 26, 1990, G.A. Res. 44/25, U.N. GAOR 61st plen. mtg. at 166, U.N. Doc. A/44/736 (1989), reprinted in 28 I.L.M. 1448 (1989) with corrections at 29 I.L.M. 1340 (1990) (entered into force Sept. 2, 1990).

<sup>28</sup> Human Rights Watch, “Israel’s Proposed Imprisonment of Combatants Not Entitled to Prisoner of War Status Law,” background briefing, June 2000.

<sup>29</sup> ICRC, *Commentary IV*, p. 230.

<sup>30</sup> The raid followed the assassination in Jerusalem of Tourism Minister Rehavam Zeevi on October 18, 2001. For successive briefings by the IDF Spokesperson on the operation in Beit Rima see <http://www.idf.il/english/announcements/2001/october/24.stm>

<sup>31</sup> Human Rights Watch interview, Mahmud Yusuf Suliman ‘Ali Ahmad, National Security Forces, Deir Ghassane, February 1, 2002.

The IDF prevented the local doctor and Palestinian Red Crescent Society (PRCS) ambulances from treating those wounded by IDF fire until 7:00 a.m., when the local doctor was permitted to check and treat them under Israeli military escort.<sup>32</sup> According to eyewitness testimony, two of the three casualties from the National Security Force died of their injuries without having received medical treatment.<sup>33</sup> Some fifty Palestinian men were arrested during the Beit Rima operation and interrogated at the nearby settlement of Halamish. Eleven were kept in detention; the others were released that same day.

### *Case of Yusuf A.*

Soon after the raid commenced, soldiers went to the house of Yusuf A., a fourteen-year-old high school student.<sup>34</sup> The IDF forced Yusuf, at gunpoint, to approach three houses they suspected might contain “wanted” Palestinians. In doing so, the IDF used Yusuf to assist their military operation and unlawfully exposed him to danger.

Yusuf told Human Rights Watch that he woke up to the sound of knocking at 2:00 a.m.<sup>35</sup> Frightened that the soldiers would shoot at the house, his mother opened the door. First, the soldiers asked if there were any men in the house and departed. But the soldiers returned a few minutes later:

The soldier told my mother that they wanted to take me for two minutes, and he asked me to wear my shoes. Two soldiers then took me by the shoulder to Abu Zakaria’s house, located a few meters away with a field in between. We did not talk on the way. The soldiers had lights fixed to their guns. Then one of them told me to go to one of the soldiers by the house with a light on his gun. I went to that soldier, and he told me to go to another soldier. He asked me about the house’s owner. I said it was owned by Abu Zakaria. I saw about fifty soldiers surrounding Abu Zakaria’s house. He told me to go to the house and ask all of the men to come out. Abu Zakaria owns three houses, side by side. He asked me to go to the first one. I knocked at the door. They had their guns pointed at my back.

Yusuf knocked at each of the three houses, and asked those inside to come out. Abu Zakaria, his wife, and his son Nizam all came out. Yusuf tried to leave, but was not allowed to do so. “Then I said to the soldier that he had told my mother he needed me for two minutes, and that they had to let me go. But the soldier told me to go to the three houses, open the windows, and turn on the lights.” Yusuf entered the houses alone, and followed the soldier’s commands. Only then did the IDF send dogs in to search the houses, and finally the soldiers themselves entered.

A soldier questioned Yusuf about Abu Zakaria’s grandsons, and threatened him with violence. “I told him I did not know them. Then the officer said, ‘It seems like you want to get yourself into trouble.’ He said he would take me to the secret police and they would kill me and no one would know.” Yusuf was sent to stand with Abu Zakaria’s female relatives. Then the officer returned with papers in his hand and asked about Abu Zakaria’s grandsons. “I said I didn’t know them. He told me he would let the dogs eat me. The officer was Druze, so he spoke Arabic well—he also knows about our oaths and swearing. Then he struck me with his fist, once, and told me to go back with the women.”

The Israeli government is bound by IHL and the Convention on the Rights of the Child to give special protection to children. The IDF’s use of fourteen-year-old Yusuf to approach the houses of “wanted” Palestinians, and their threats against him, clearly violate these obligations.

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<sup>32</sup> Human Rights Watch interviews, Beit Rima, January 29 to February 2, 2002; Human Rights Watch interview, Ramallah, February 10, 2002.

<sup>33</sup> Human Rights Watch interview, Mahmud Yusuf Suliman ‘Ali Ahmad.

<sup>34</sup> The names of children given in this report are pseudonyms. All names and other information are held on file at Human Rights Watch. Human Rights Watch interview, Yusuf A., January 29, 2002.

<sup>35</sup> *Ibid.*

### ***Case of Radi Yusuf Ahmad Hajjaj***

Radi Yusuf Ahmad Hajjaj lives with his family near the checkpoint of the National Security Forces (*al-amn al-watani*), the Palestinian security force authorized under the Oslo Accords, stationed at the western entrance to the village. Hajjaj's wife 'Alia told Human Rights Watch how IDF soldiers broke down the door of her house, took her husband, and compelled him to assist them in carrying out arrests.

'Alia said she was woken at 1:30 a.m. by the sound of a helicopter firing overhead. Then she heard knocking at the ground-floor door of her house, separated from the main living quarters by a short staircase and interior door.

I'm a nurse, and so I thought wounded people were knocking at my door. My husband went to the interior door. The Israelis were there, shouting. They said they were IDF and to get back from the door, so he came back. Then they knocked down the door and came in. There were about seventeen of them. They broke down the main door and then they started knocking on the interior door. We opened that door and explained we had just woken up. They pulled my husband out with them and I remained with my daughter. They took my husband, and I kept looking out the windows.<sup>36</sup>

Like Yusuf, Hajjaj was made to approach and knock at the houses of "wanted" Palestinians:

They told my husband to knock at the neighbor's house. The house was empty and my husband told them. They didn't believe him so they threw a teargas grenade into the house. It caught on fire. It was the house of Ahmad al-Rimawi's family, they live in Ramallah. After an hour and a quarter, they said they would take my husband away with them. He asked to return to get his clothes, because he was still in his pajamas and it was cold. They argued for a while, and then he came back. They came in with more than twenty soldiers. They were all over the house.

After Hajjaj had changed his clothes, the soldiers took him and resumed their search.

They took my husband to go knock on every door in the neighborhood. If they found men they would tie them, cover their eyes, and put them down on the ground. They did this until 6:00 or 7:00 a.m., when they brought him back. At 5:30 or 6:00 a.m. they announced a curfew in the whole town, no one could go out and walk around. Everywhere you looked there were men lying on the ground, handcuffed and covered. You did not know if they were alive or dead.

As well as conducting widespread detentions and exchanging fire with members of the PA security forces, the IDF demolished three houses during the raid. All belonged to relatives of individuals allegedly involved in the killing of Israeli Tourism Minister Rehavam Ze'evi. House demolitions intended to punish individuals for acts allegedly committed by their relatives are a form of "collective punishment," and as such are a breach of IHL.<sup>37</sup>

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<sup>36</sup> Human Rights Watch interview, 'Alia 'Abd al-Jabbar Hajjaj, Beit Rima, February 1, 2002.

<sup>37</sup> Collective punishment is forbidden under Article 33 of the Fourth Geneva Convention. Israeli house demolitions in the Gaza Strip received wide publicity in January 2002. For a current overview of the Israeli policy of punitive house demolitions, see Palestinian Center for Human Rights (PCHR), *Israeli Land Sweeping and Demolition of Palestinian Houses and Civilian Property in the Gaza Strip September 2000 - September 2001*, PCHR Gaza, 2001; B'Tselem, *Israel's Policy of House Demolitions and Destruction of Agricultural Land in the Gaza Strip*, February 2002.

### ***Case of Hanna Nimr Ahmad al-Barghouti***

One of the demolished houses belonged to the family of Hanna Nimr Ahmad al-Barghouti. Al-Barghouti's son Bilal, who was absent that night, has been accused by Israel of involvement in the Ze'evi killing.<sup>38</sup> During the raid the IDF threatened and ill-treated al-Barghouti's family, forced another of her sons to open suspect packages, converted the house for military purposes, and ordered the family to remain inside.

Al-Barghouti told Human Rights Watch she was woken by the sound of helicopters and heavy shooting at 2:00 a.m. She woke her six children and immediately took them with her into an internal room without windows, and turned off all the lights. They stayed there, motionless, until she started preparing for morning prayer at 5:30 a.m. Then soldiers apparently detected movement, knocked at the door, and ordered everyone outside.<sup>39</sup>

They threatened us, saying that if anyone started shooting from inside the house, they would shoot us there. Then the soldiers entered the house and searched everything, alone. Then they took my oldest son to open closed packages for them. They ruined a lot of our clothes by treading on them. They were asking my sons questions, and if they didn't like the answers they would hit them.

Then they ordered us all into the house. They ordered us into the staircase, we were sitting on the stairs, all together on three steps. Then the soldiers told me to go inside [the kitchen] and bring food for my five-year-old. I went with some soldiers to get some bread and yogurt. There were already sandbags at the house. They were constructing a position at the house. From 5:30 a.m. to 9:00 a.m. they slept all over the house. I had to step over the sleeping soldiers when I needed to go to the bathroom. At 9:30 a.m. they woke up and a new group of soldiers came, interrogators. We stayed in the staircase.

They started moving explosives and other military things into the house until about 1:00 p.m. A soldier asked me if I was the mother of Bilal. I told him yes. He told me 'We will bring your son to you dead, wrapped in a pig's skin.'

The al-Barghouti family was finally ordered to leave the house at 2:00 p.m., wearing pajamas and carrying the children's schoolbooks. The IDF blew up the house two hours later.

By setting up a military position and quartering soldiers in the al-Barghouti house, the IDF rendered the house a legitimate military target. By preventing the al-Barghouti family from leaving the house, the IDF exposed the family, civilians, to the dangers of a potential attack by armed Palestinians on a legitimate military target. By demolishing the home of the family of a "wanted" Palestinian, Bilal al-Barghouti, the IDF committed an additional violation: an act of collective punishment, also forbidden under international law.

### **Salfit**

Salfit is a regional center of 7,000 inhabitants between Ramallah and Nablus, close to the large Israeli settlement of Ariel. The IDF raided Salfit on the night of December 14, 2001, one of four coordinated arrest raids undertaken in the West Bank and Gaza on the last night of the Muslim holy month of Ramadan.<sup>40</sup> IDF troops, tanks, and APCs entered the town from three directions at 2:00 a.m.

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<sup>38</sup> Hanna al-Barghouti told Human Rights Watch that her son was subsequently arrested by PA security forces on November 8, 2001, and was in custody at the time of interview of February 2, 2002. Human Rights Watch interview, Hanna Nimr Ahmad al-Barghouti, Beit Rima, February 2, 2002.

<sup>39</sup> Ibid.

<sup>40</sup> Other locations raided that evening were al-Sirra al-Shamaliyya, near Nablus; Dura, near Hebron; and Beit Hanoun, in northern Gaza. Excerpt from IDF Spokesperson's announcements, December 14, 2001: "... IDF forces operated in the Salfit region south of Ariel, from where murderous terror attacks originated against Israeli civilians and IDF soldiers. During the activity in Salfit our forces came upon several armed Palestinians who came out of targets for detention. Our forces stormed the terrorists and killed them; In all, five armed Palestinians were killed, and over 20 wanted were detained, some for investigation and some for carrying out shooting attacks against the Israeli population in the area." <http://www.idf.il/english/announcements/2001/December/14.stm>

Col. Kamal Qaddoumi, District Commander of the National Security forces, told Human Rights Watch that the District Coordination Office (DCO) had telephoned to inform him of the operation only after IDF forces had entered, the electricity had been cut, and shooting had commenced. Qaddoumi said he had no opportunity to contact his men stationed at checkpoints, or those out on patrol.<sup>41</sup> IDF forces came under or exchanged fire with armed Palestinians, including members of the PA security forces. Five members of the Palestinian security forces were killed, two of them in a suspected extrajudicial execution.<sup>42</sup> A sixth, Rizq Isleem, a member of the General Intelligence Service, was killed after firing on Israeli forces surrounding his family compound.

The Salfit municipal engineer told Human Rights Watch that Israeli forces damaged water pipes, electrical infrastructure, a fire station, and sidewalks during the raid.<sup>43</sup> The IDF arrested some thirty individuals during the operation. Four were kept in detention, with the rest released the same day.

### *Case of Isleem Family*

The family of Rizq Isleem, a member of the Palestinian General Intelligence Service, lived side-by-side in a group of six houses on the town outskirts. At 2:10 a.m. Isleem left his house and fired at IDF soldiers surrounding the family's houses. Isleem was killed shortly afterwards by IDF return fire. IDF return fire continued from multiple directions for some ten minutes, injuring four unarmed family members.<sup>44</sup> Isleem's body was hidden from view by a low concrete wall of the neighboring house: neither his family nor the IDF were aware he had been killed until his body was found some four hours later.

Amal, a thirty-year-old nurse living two houses away, had taken shelter from the shooting with her children and husband in the back room of their house. After the initial shooting subsided, her husband Mustafa opened the back door to look out. In the hours that followed, Amal and her family members were threatened, ill-treated, told they were hostages, forced to search buildings, fired on by armed Palestinians, and used by IDF soldiers to protect themselves from Palestinian fire. Amal told Human Rights Watch.<sup>45</sup>

When he opened the door he could hear someone shouting 'Leave the house! It's a curfew! Leave the house, all of you! You all must leave the house.' The children were scared. I went out with them and my husband's brother Hassan. We stood at the left-hand side of the yard. We were all scared.

The soldiers ordered Amal's husband to come to them.

The soldiers shouted at me to follow my husband. So we all did. When my husband reached the soldiers they grabbed him by the neck and pulled him to the ground. They started asking him questions: 'Is it only you in the house? You and your wife and children? Where are your other brothers?' They asked us all our names, including Hassan, and took his identity card. Then they beat my husband with their fists on his chest and back, two of them, on and off for fifteen minutes, asking him questions about Rizq and the other brothers. They ordered me and my children to lie on the grass.

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<sup>41</sup> Human Rights Watch interview, Col. Kamal Qaddoumi Salfit, February 4, 2002; Human Rights Watch interview, Nazmi Abu Dalal, Military Intelligence Service, Salfit, February 4, 2002.

<sup>42</sup> Human Rights Watch obtained consistent eyewitnesses testimony alleging that IDF personnel shot and killed Muhammad 'Abd al-Ashur and Diya Nabil Mahmud Ibdah after the two men had surrendered to IDF forces. Human Rights Watch wrote to the Israeli Minister for Defense on March 29, 2002 to request an investigation into the deaths of 'Abd al-Ashur and Ibdah.

<sup>43</sup> Human Rights Watch interview, city engineer, Salfit, February 3, 2002.

<sup>44</sup> Ibid.; Human Rights Watch interview, Fathi Sha'aban Herzallah Isleem, Salfit, February 4, 2002; and Human Rights Watch interview, 'Arifa Yassin Zayn Muhammad Isleem, Salfit, February 4, 2002. Human Rights Watch counted nineteen bullet holes in the walls and windows, including one that entered directly above the mattress where 'Arifa's daughter Juweida (thirteen) slept. Cups, plates, cupboards, couches, curtains, mattresses, windows, and window frames were all destroyed. Bullet fragments hit 'Arifa on the scalp and upper spine, the scars still visible ten weeks later.

<sup>45</sup> Human Rights Watch interview, Amal 'Abd al-Qadir Beni Nimr, Salfit, February 3, 2002.

They shouted at the kids: 'Do not move or we'll shoot you!' They pointed a gun at my son and threatened my husband: 'We will take your wife and children hostage and we will kill them if you do not do what we tell you.' The one who spoke Arabic said this. My husband asked 'Why are you keeping them as hostages? What did we do?' Then they asked him, 'Who shot at us?' My husband said, 'I was at home, you took me from my house. I do not know. What do you want?' They said, 'We want you to go to the six houses and ask everyone in them to come out with their weapons.'

The soldiers told Amal's husband to go to each house and call everyone by name, but not to knock at the door or enter the buildings.

First he went to Issam's house, and did as they asked. Issam said, 'I can't come out because I have your brother Ja'afar here, and he's injured.' Then of course my husband entered the house to help his brother. The soldiers called out, 'Mustafa, Mustafa! Come here or you'll lose your family!' When Mustafa saw Ja'afar and his injuries he fell on him and started to cry. I did not see this, but when the soldiers called him and he came back to them it was very clear he had been crying. The soldiers asked, 'Where are your brothers? Why haven't they come out?' and he said, 'You have injured my brother, what have you done?' They said, 'Go back and get them and bring them out or we'll blow all the houses up.'

Mustafa went to the other houses, called out the family members, and, after negotiations with the soldiers, carried out the injured: Ja'afar, Dallal, and Fathi. Amal and an IDF military doctor treated the three wounded until a military ambulance arrived. Soldiers told Amal to fetch her sister-in-law's identity card from Rizq's house. Amal refused twice, but eventually went to fetch the card. Her request for another woman to accompany her was refused. She was given a flashlight, but told to use it only while in the house. She entered the house, found the identity card, and left in darkness. She gave the card to the soldiers, but was not permitted to leave. At approximately 4:45 a.m., the electricity came back on and the soldiers ordered Amal to enter all the houses, turn on the lights, and open the windows. She refused. The soldiers eventually agreed to let her mother-in-law accompany her.

Amal went first to Ja'afar's house. Then she went to Issam's house to do the same, followed by soldiers at a distance. "Issam's house has three floors," she told Human Rights Watch. "I stepped down the stairs to go to the bottom floor. I put a hand on the cinderblock to steady myself, and found there was blood all around. I said to the old woman 'There is blood here.'"

Amal, thinking the blood was that of her injured brother-in-law Ja'afar, went and opened up the first floor. The soldiers then instructed her to go to the second floor.

I went up four or five steps, stepping up to the second floor. Then I stumbled on Rizq's body. The second floor was still under construction. There was no light. At first I did not know it was Rizq, I was not sure who it was. The old woman was at the bottom of the stairs. I said to her 'It's Rizq, they've killed Rizq!' She said 'How do you know it's him?' I said 'From his pajamas.'

After checking his pulse, Amal saw Rizq was dead and began to shout and cry. After the soldiers realized that Rizq was dead they let Amal stop searching and rejoin the others. Her brother-in-law Issam, accompanied by two or three soldiers, was then made to approach Rizq's corpse, check the body, and confirm that his brother was dead. Issam held the body and turned it right and left while the soldiers photographed it and removed Rizq's gun, bullets, identity card, and other items.

By now it was 6:00 a.m. The women and children were told to return to Amal's house while the men stayed with the soldiers in the field. Just after Amal and the others reached her house gunfire broke out. According to Amal,

Palestinian gunmen started shooting at the Israelis. We were in the house and the men were outside. So the soldiers put Mustafa, Hassan, and Issam in front of them to use as shields. The soldiers stepped

back, and the brothers were left at the front to protect them from the bullets. I opened the door to see what was going on and the soldiers shot a bullet at the doorframe from outside. The Palestinians fired on the Israelis for about ten minutes. My husband was shouting at the gunmen. ‘Isn’t it enough what has happened to us? Do you want us to be killed too?’

Professional soldiers engaged in military operations are trained to protect themselves, and are aware that they become legitimate targets during situations of armed conflict. By failing to protect civilians in their control and by seeking protection behind them, the IDF soldiers committed a serious violation of IHL. By firing on IDF soldiers in close proximity to civilians, the Palestinian gunmen recklessly endangered Mustafa, Hassan, and Issam by exposing them to their own fire, and to Israeli return fire. These acts, however, do not excuse the soldiers’ actions.<sup>46</sup>

### ***Case of Mahmud ‘Ali Ahmad Maraita***

The IDF coerced at least four other civilians to assist military operations during the Salfit raid. Mahmud ‘Ali Ahmad Maraita was woken by gunfire at 2:30 a.m. Looking from his window, he saw Israeli soldiers with a tank, bulldozer,<sup>46</sup> and three APCs approach his house twenty minutes later.

“They took an old neighbor of almost sixty, Mansur ‘Abd al-Rahim Maraita, to Fayez’s house,” Mahmud Maraita told Human Rights Watch. “They told him to knock on the door. He knocked, but no one was home. They shot out the window of the kitchen and threw a burning grenade into the kitchen. After they knew there was no one home they started demolishing the fence. Then the soldiers told Mansur to come to my house, and told me to get out.”<sup>47</sup>

Mahmud Maraita was then taken at gunpoint to the same house. The soldiers asked him about the house’s owner, Fayez ‘Abd al Dayan, a member of the Preventive Security Forces and acknowledged Fatah member.<sup>48</sup> One soldier told him to go inside:

He pointed a gun at me and told me to go inside. I told him there was no one, but he pointed the gun at me so I went inside. I went inside and came out. He asked me if anyone was inside, and I said no. After half an hour they went inside the house, searched it, and vandalized the house. We sat on the street until 6:15 a.m. when they went away. The soldiers did not tell me what they wanted Fayez for.

### ***Case of Rima Kamal Hassan***

Rima Kamal Hassan lived downstairs from her brother-in-law Mahmud, a “wanted” Palestinian. IDF soldiers used a nearby civilian to knock at Hassan’s house.

We just woke up and then the son of the neighbors knocked on our door. He told us that the soldiers wanted the men to come out of the house. First my husband went out. The women stayed inside. Mahmud was not at home. Amjad, the son of the neighbors, came back and asked us to go out. I had given birth only six days before. I knocked at my sister-in-law’s and we both went down together. We sat in front of the house, thinking they would only go inside to search it. I had left my newborn baby inside. Then they called us by megaphone in Arabic, saying that whoever stayed in the house would die.<sup>49</sup>

Hassan ran inside, took her children and warm clothes, and returned outside. First the soldiers questioned Hassan’s husband. “My husband was handcuffed by his legs and arms, and they covered his eyes,” Hassan told Human Rights Watch. “First they asked who his wife was, then they asked ‘Abir [Hassan’s sister-in-law] about

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<sup>46</sup> On reciprocal obligations see Fleck, *Handbook of Humanitarian Law in Armed Conflict*, p. 218.

<sup>47</sup> Human Rights Watch interview, Mahmud ‘Ali Ahmad Maraita, Salfit, February 4, 2002.

<sup>48</sup> Fatah is the political organization affiliated with PA Chairman Yasser Arafat. A Fatah-related armed group, the al-Aqsa Brigades, carried out at least thirteen attacks on Israeli military targets and civilians between January 1 and March 30, 2002.

<sup>49</sup> Human Rights Watch interview, Rima Kamal Hassan, Salfit, February 4, 2002.

her husband. While they were asking us, they had pointed their guns at my husband and my brother, threatening to shoot them.”

Once the soldiers established that Mahmud was not amongst Hassan’s family, they coerced Hassan’s husband to search for Mahmud: “They also threw teargas inside the house and forced my husband to go inside and look for Mahmud. They kept thinking he was inside.” During the course of the evening the soldiers also beat Hassan’s husband and threatened to set their dogs onto him. He was released at 8:00 a.m. The soldiers demolished the house shortly afterwards.

### ***Case of Safieh Muhammad ‘Abd al-Karim***

Safieh Muhammad ‘Abd al-Karim, a sixty-five-year-old widow, was at home that night with six children and her grandchildren. Her son, Bilal, was the district general-secretary of Fatah. Bilal escaped to a nearby house soon after the IDF entered Salfit, but was wounded in the raid. IDF soldiers came to ‘Abd al-Karim’s house shortly afterwards. They brought one of ‘Abd al-Karim’s neighbors with them to knock at her door. “[O]ne of the neighbors came and told us that the soldiers wanted us to come out one by one. I was the first to go out. The soldiers started yelling in Arabic ‘Come here! Come here!’”<sup>50</sup> After the family left the house, the IDF forced ‘Abd al-Karim to search for her son.

One of the soldiers was a doctor, who spoke Arabic just like us. He asked ‘Where are the men?’ I said there were no men. He said, ‘Are you only women?’ I said yes. He said, ‘But Bilal, I fired at him. Go and bring him to me so I can treat his wound.’ We sat out in the street for about an hour. It was very cold. The children were shivering. I asked the captain, ‘Please, the children are very cold. They will die from the cold.’ The captain kept telling me: ‘Go into the house and get Bilal and the men.’ I kept going inside and coming out and telling him there were no men. He kept sending me back like this, four times. It was dark and I couldn’t see well. The children were very cold and were trying to shelter in my arms.

After an hour ‘Abd al-Karim’s family was allowed to go to a neighbor’s house. At 6:00 a.m. the soldiers gave up waiting for Bilal and Yusuf. “They told me, ‘Bring Bilal or we will demolish the house.’ I told them they were not there. Then they brought the bulldozer and demolished the house. We were inside [the neighbor’s house] and didn’t see, but we heard the sound, the walls were shaking. We asked if we could take our gold and jewelry out of the house, but they put the gun to my chest and told me to leave. I was not even wearing shoes when I left.”

### **Tulkarem**

The IDF incursion into Tulkarem of January 21, 2002 was the largest arrest raid yet undertaken by the Israeli authorities. Tulkarem, with roughly 35,000 inhabitants, lies directly on the 1967 border between Israel and the West Bank, close to the Israeli city of Netanya. It is described by Israeli government and media sources as the source of frequent armed attacks against Israeli civilian and military targets.<sup>51</sup>

Israeli tanks, infantry, and bulldozers, assisted by helicopters, entered the city from three directions at 3:00 a.m. IDF forces were also accompanied by members of the Israeli Border Police, a paramilitary police force. During the thirty-hour incursion two Palestinians were killed and at least fourteen others were injured, including three children. Human rights groups and local officials reported that the IDF commandeered twelve civilian houses for military purposes, including the mayor’s house. Sixty to seventy-five people were arrested: all except eleven were released within twenty-four hours. According to municipal officials, the impact of the incursion included damage to the electrical grid, water pipes, sidewalks, and the sewage network.<sup>52</sup>

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<sup>50</sup> Human Rights Watch interview, Safieh Muhammad ‘Abd al-Karim, Salfit, February 3, 2002.

<sup>51</sup> “The city of Tul Karem is used as a focal point for dispatching terrorist attacks, and within the city there are many terrorist infrastructures and terrorists. This city produced a large number of terror attacks that cost the lives of many Israelis.” From “I.D.F. Activity in Tul Karem Last Night,” IDF Spokesperson’s announcements, January 21, 2002, <http://www.idf.il/english/announcements/2002/january/21.stm>

<sup>52</sup> Human Rights Watch interview, Mayor of Tulkarem, Engineer Mohammad al-Jallad, February 3, 2002.

### ***Case of ‘Ali Tawfiq al-Shurati***

During the incursion into Tulkarem, the IDF converted the house of ‘Ali Tawfiq al-Shurati into a military position and prevented his wife and children from leaving what had now become a military target. Al-Shurati, a member of the National Security Forces, told Human Rights Watch:<sup>53</sup>

I work in Tulkarem city. My house is in the Iqtaba area. I had duty in the city that night. At 3:00 a.m., three Israeli soldiers came and told my wife they were going to search the house. The soldiers locked my family in the ground floor, and searched the other three. My house has four floors in all. They broke down the doors, searched the three floors, and then they left.

At 5:00 a.m. they returned with two tanks and a jeep. My wife called me on the mobile phone and told me what was going on. She said that the soldiers had come with machine guns and put them in the windows of the house. They had sandbagged the windows, and then locked my wife and five children in the ground floor apartment. They said, ‘O.K, now you cannot come in or out,’ and stayed twenty-four hours. I have five children, aged from four to eighteen years old.

So the next day they left quietly, they didn’t say anything and my wife and kids were still shut inside. Because I am an officer I had found out that the Israelis had left the area, and I tried to contact my wife and neighbors. I called my neighbors and they said, ‘Yes, they’ve left, but your wife doesn’t know.’ So when I was sure I drove home. I arrived at 7:00 a.m. on October 22. I came, unlocked the door, and found my wife and children all collapsed from fear. They were scared because they thought the IDF was still there. I calmed them down. My four-year-old daughter needed medication; she had been under medical treatment. When I released them I went upstairs. Everything was broken, including the furniture. In the bedroom the furniture had been moved around and it had been sandbagged as well. All the clothes had been taken out of their cupboards and bags had been opened. The drawers had all pulled out of place. All our photos were on the ground.

‘Ali al-Shurati said that in addition to the trauma to his wife and children, his house had been pillaged: the soldiers had stolen cash worth approximately \$U.S. 10,000 from his bedroom cupboard.

Human Rights Watch has previously documented numerous instances in which IDF forces entered and seized civilian houses, using them as observation posts or for other military functions. Such actions can, depending on circumstances, be justified on the basis of military necessity—but to force civilians to remain in a location where they are put at risk cannot be justified.

### ***Case of Bassam al-Hindi***

The IDF forced a civilian neighbor to approach the house of Bassam al-Hindi (not his real name), an elderly tradesman. Al-Hindi himself was not “wanted” by the Israeli authorities: instead, he was detained and questioned in order to provide information about his son—and forced him to search a five-story commercial building for suspects.<sup>54</sup> Al-Hindi told Human Rights Watch:

We were sleeping until at 4:00 a.m. someone knocked hard at the door. They called out in Hebrew, shouting, ‘Open! If you don’t open up now we’ll open fire!’ Then a neighbor came and told us to come out. He said, ‘Open for me.’ When I opened the door there were three collaborators with them. They had a photo of my son, no other kind of paper. They said, ‘Where is this person?’ and I said, ‘He is not here, not in Tulkarem.’ ‘We know he’s not here,’ they said. ‘Where is he?’

They took me to the Badran building. There they tied my hands with plastic very tight. I was wearing a hat, so they pulled it over my eyes like a mask. Then they pulled the hat off and ordered me to go and

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<sup>53</sup> Human Rights Watch interview, ‘Ali Tawfiq al-Shurati, Tulkarem, February 5, 2002.

<sup>54</sup> Human Rights Watch interview, name and address withheld by request, Tulkarem, February 5, 2002.

knock at a door. I said, 'This is an office. It's closed and there is no one inside.' It was the PLC office.<sup>55</sup> They said, 'No, there are three people inside.' They insisted, and it turned out it was true. So I knocked and the soldiers were saying, 'Open! Open!' The soldiers threatened to shoot or blow up the door and so the people inside opened it. The soldiers tied them up and blindfolded them. They were three ordinary people, twenty-five to thirty years old, in their pajamas. They had been sleeping, and they were frightened. The soldiers made them lie down on the floor inside the office, and then made me knock on the other doors. There are many PLC offices, so they untied my hands. They made me go to the others and open all the doors. All were empty. I went throughout the building. Two apartments had families living there. One of the families was so scared that he moved to his neighbor's house, but the owner came out when he realized that the Israelis would ransack it. They did not say why they were searching there. They broke down all locked doors. After three to four hours they finished searching and said, 'We do not want you, we want your son. You can go home.'

They treated me relatively politely. But the three boys told me the next day that they were beaten, and asked me if I was O.K.

### *Case of Fu'ad Sadiq al-Ahli*

Fu'ad Sadiq al-Ahli, aged fifty-two, was at home watching television on the evening of January 21. Like Bassam al-Hindi, the IDF coerced a civilian to approach al-Ahli's house, and then detained al-Ahli and his son Nasser in order to obtain information about another son, Dirgham. Al-Ahli heard unusual noises shortly after 11:00 p.m. He opened his window to look outside and watched as an IDF soldier approached a neighbor's house.<sup>56</sup>

He knocked on the door of the house opposite me. They told my neighbor to knock at the door of my house. They were about ten to fifteen meters from the house and they were pointing their guns towards the house. My neighbor rang my father, who lives on the first floor of my house. I live on the second. Then my sister's husband, Othman, came out from my father's apartment. The IDF stopped him and asked him his name. They said, 'Raise your hands and stand still.'

The soldiers asked him his family name and he said, 'Jamal.' They asked him, 'Where is Fu'ad?' Othman said, 'He's on the second floor.' They asked him in Hebrew. I heard the commander speaking to a collaborator: it was the collaborator who told him to check Othman's family name. The commander made Othman knock at my door. Othman said, 'I don't want to go, he's a crazy man.' But then he came up at gunpoint and knocked at my door. He rang the bell and I opened the door. The commander said, 'Fu'ad, Dirgham and Nasser, come out with your hands up or else we'll break into the house.'

The soldiers were afraid to enter my house. The entry door is controlled by an intercom. When I opened the door my sister's husband was there. I said in Hebrew, 'Welcome, please make yourselves at home.' There were ten to twelve soldiers with Othman. Neighbors told me that the hundred meters square around my house were surrounded with soldiers and tanks.

I came out with Nasser but Dirgham was not at home that night. They pointed their guns at me. A soldier put his gun to my head and the commander said, 'Where's Dirgham?' in Hebrew. I said, 'He's not here, he's in Nablus, he's working there.' The commander insisted, asking my son, 'Where is Dirgham?'

They took my son and me into the street, in our pajamas and slippers. They tied our hands tightly with plastic and blindfolded me.

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<sup>55</sup> I.e. the Palestinian Legislative Council.

<sup>56</sup> Human Rights Watch interview, Fu'ad Sadiq al-Ahli, Tulkarem, February 5, 2002.

Al-Ahli and his son were taken in an APC to a nearby shopping mall, occupied earlier during the day. Soldiers disoriented them by leading them up and down stairs, and then they were taken to a second group of soldiers:

Higher officers asked someone, ‘Did you bring these two? O.K., search them and put their belongings aside.’ I had money and so on, and they removed it. I felt safe in the building because the officers took everything and said, ‘Put it aside, don’t touch it.’ So I felt good knowing there were officers there and we weren’t going to die. The soldiers took my son and I to the basement floor. We lay on the cold floor, our faces to the ground, with our hands tied. Then they took us to another place, made us stand up, and marked a number on my forehead and another on a plastic bag with a fluorescent pen.

After this Al-Ahli and his son were left to lie in the basement for half an hour, before being taken with others to the Israeli District Coordination Office in an APC. Still blindfolded and tied, they first waited outside in the rain and were then ordered onto a bus.

After five minutes of shouting and noise a soldier came and said, ‘Keep quiet! Shut up! Who speaks Hebrew?’ I said I did. So he asked me to translate for him. ‘Put your heads on the seat in front of you and keep quiet. Talking is forbidden. I do not want to hear any noise or movement. If I hear anything from anyone I’ll tie his feet and lay him on the floor of the bus for hours. If you keep quiet I will change your bonds and tie your hands at the front.’

The men remained quiet and their hands were re-tied at the front. They then sat for an hour until Arabic-speaking men in plainclothes came to question them. Afterwards, soldiers took al-Ahli and six elderly men to the Netanya junction and released them at the side of the road. Rather than bringing them relief, the men then faced the dangers of making their way home in the darkness with the military operation still underway:

They untied us and said, ‘In half an hour we do not want to see you on the streets, or we will bring you back and you will stay another three days.’ It was dark, there were cars and APCs, it was still raining and we were very frightened. We got stuck in the mud, we lost our slippers. We walked to the west, to the south, and then to the north. We were afraid of the soldiers—of what would happen if the soldiers saw us, seven in the dark, walking, what would they think we were doing there? And also the *tanzimat* [armed Palestinian groups] would be suspicious at a group out late at night.

Al-Ahli arrived home shortly after 5:00 a.m. His son Nasser returned home four hours later.

### **Artas**

The IDF raided Artas, a hillside village near Bethlehem, on January 29, 2002. Soldiers, tanks, and bulldozers entered the village of 3,000 between 1:00 and 2:00 a.m. During the operation the IDF came under fire from armed Palestinians. Eleven people were detained, with nine released later the same day.

Human Rights Watch documented that three civilians were injured during the raid, including two children.<sup>57</sup> One of them, Ranya S., aged seventeen, was nine months pregnant with her first child when she was struck in the thigh by a bullet that entered through her living room wall. Ranya was operated on the same day, and gave birth by Cesarean section the next. Najad Muhammad Jabir Asad, aged twenty-eight, went into premature labor after soldiers fired a teargas canister into the courtyard of her house. Her sister-in-law, who lived in the same house and was three months pregnant, was hospitalized as a result of shock.

Twelve cars were destroyed by tanks and bulldozers during the attack.

During the raid on Artas, IDF soldiers deliberately and unlawfully shot Ahmad al-Yas Khalil ‘Aysh, a civilian, in order to compel his brother Omar to surrender to security forces surrounding the family home. Omar

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<sup>57</sup> Mahmud S., a fifteen-year-old, was shot running to his uncle’s house; the third person injured was Ahmad al-Yas ‘Aysh, whose case is described in the following paragraphs.

al-Yas ‘Aysh is an alleged member of Islamic Jihad.<sup>58</sup> Before the soldiers shot Ahmad, IDF soldiers compelled an elderly widow and her twelve-year-old granddaughter, with threats and at gunpoint, to approach and knock at the ‘Aysh family home.

### ***Case of Sahar and Muna***

Sahar, a widow (not her real name) lives approximately thirty meters up the hill from the house of Omar ‘Aysh, a distant relation. She lives next to her son, a Fatah member. Sahar was woken by shouting from her son’s house, which had been surrounded by soldiers who were banging on the door. There was the sound of shooting close to the house. Sahar, worried about her son, ran outside in the rain to find help. She came back, realizing she had forgotten her granddaughter Muna (not her real name), who was spending the night with her. When she returned she found six soldiers pounding her door with a sledgehammer. Two of the soldiers spoke to her and checked her name.<sup>59</sup>

Then they asked me: ‘Are you afraid for your son?’ ‘Yes, of course I am.’ ‘If you are afraid for your son, then come down to the house.’ I asked why, what did they want him for? Those who asked me were native Arabic speakers. They spoke well, politely. Only those two spoke to me. ‘If you are afraid for your son, then come with us and bring your son out.’ ‘What do you want him for?’ I asked. ‘Are you afraid for your son? We do not want to take him. We just want to have a few words with him. Come down!’

He told me to come down, twice. I said no. Then they threw an acoustic grenade onto my son’s house. There were only six soldiers in front of my home but there were many soldiers at my son’s house, at the neighbor’s house—the whole area was surrounded with soldiers. Then they said again, ‘Come down with us.’ I said no. They raised their guns and pointed them at me. They took me, and when my granddaughter heard my voice she came to the front door. She was very scared.

Sahar told the soldiers she was cold and sick:

One soldier told me to go and get a jacket. Another put his gun across the doorway and said, ‘No, you cannot get it.’ By this time Muna was outside the door, in the entrance. I asked her to bring me the jacket. I went with three of them in front of me and three behind. Then they said about Muna, ‘Bring her too’. One of them said she should not come, but the one who was responsible said, ‘No, bring her.’

Sahar and Muna were not taken to her son’s house, but to that of Omar al-Yas ‘Aysh. The soldiers pointed to the house they wanted, and told Sahar to get the people inside to come out with their identity cards. Sahar did as she was told. Muna walked with her, crying. Eyewitnesses confirmed to Human Rights Watch intermittent exchanges of fire between IDF soldiers and armed Palestinians took place during the period Sahar and Muna were outside.

After Omar’s brother, Ahmad, opened the door, Sahar and Muna were allowed to return home. Sahar continued to hear shooting in the immediate vicinity and elsewhere.

### ***Case of Ahmad and Hamdi al-Yas ‘Aysh***

Ahmad al-Yas ‘Aysh, a thirty-seven-year-old taxi driver, opened the door to Sahar and Muna. He told Human Rights Watch that he heard the sound of Muna’s crying and thought she was someone who had been

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<sup>58</sup> Described by the IDF spokesperson as a “prominent Islamic Jihad activist,” Omar ‘Aysh was taken to the Moscobiyya compound in Jerusalem. ‘Aysh was held in incommunicado detention during his interrogation period, which was extended on February 4 for an additional eighteen days. ‘Aysh’s lawyer was not permitted to visit her client during this period, nor to know the charges on which he was being. All evidence and charges against him are secret. Human Rights Watch interview, Allegra Pacheco, Bethlehem, February 9, 2002.

<sup>59</sup> Human Rights Watch interview, name withheld by request, Artas, February 9, 2002.

injured and had come to the house for help.<sup>60</sup> When Sahar told him to come out, he and his brother Hamdi obeyed, carrying their identity cards with them. The soldiers took them to an unfinished building some twenty meters from their house, sat them apart, and made them strip to their underwear in the rain. ‘Aysh was told to return to the house, go to both floors, and bring out all the young men. ‘Aysh replied that the only person on the first floor was his deaf, elderly mother. He went and knocked repeatedly at the first-floor door, with an officer and three soldiers standing some distance behind him. After five minutes, the officer told him to come back quickly. ‘Aysh walked back towards the officer, who said:

‘You have two minutes, and this will be the last time for you. We want a person called Omar, and this is the car he rides in every day. We want you to go and bring him to us.’ He spoke good Arabic, a bit like the Lebanese dialect. He pointed to the car standing beside the house. ‘This is his car and he lives here.’ I said, ‘I don’t know. This might not be his car, and he does not live here. He is at a different place every day.’ The officer replied, ‘If you don’t bring him out, something bad will happen.’

So I went back to the house and knocked *hard*, banging until my mother opened. I told the soldiers ‘Look, this is the old lady that I told you about.’ There were three soldiers about two meters behind me. My mother asked what was going on, and I said, ‘These soldiers want Omar. Is he here?’ She said ‘I don’t know.’ He used to sleep at his in-laws. That apartment has many rooms and each room is for a different person. Omar lived in the end room. So I took my mother out of the house and left the door open so the soldiers could search it. The last word I heard from the soldiers was ‘You are a liar.’ Then they opened fire on me.<sup>61</sup>

‘Aysh was shot once in the thigh. He lay where he fell, without assistance, until after the IDF withdrew. Soldiers prevented attempts by ‘Aysh’s wife and his neighbor to come to his aid.<sup>62</sup>

‘Aysh’s brother Hamdi was ordered to return to the house and fetch Omar, “or we will shoot you as we did your brother.” Hamdi knocked at the door. According to Omar’s wife, who was standing on the other side of the door, Hamdi said, “[t]he officer told me, ‘Go to your brother’s house and knock at the door. If he does not come out, we will shoot you as we did your brother Ahmad.’”<sup>63</sup> Omar left the house in his slippers, holding up his identity card. The soldiers made Omar take off his shirt and jacket and took him with them as they withdrew to a position near the village mosque, some five hundred meters away.

Human Rights Watch considers the seizure and deliberate injury of Ahmad al-Yas Khalil ‘Aysh, as well as the seizure of Hamdi al-Yas Khalil ‘Aysh, to constitute hostage-taking, an act absolutely prohibited under IHL. Ahmad ‘Aysh and Hamdi ‘Aysh were held under explicit threat, and made to perform the orders of their captors in order to influence the actions of a third party. Ahmad ‘Aysh was shot, in a further breach of IHL, in order to underscore that threat.

### ***Case of Salman Daoud Salman Ibrahim***

The IDF went to Salman Daoud Salman Ibrahim’s house at 2:45 a.m. looking for his brother, Ahmad, who had already left the village. Initially, the family refused to open the door to the soldiers, despite the fact that the soldiers had brought a neighbor with them. The soldiers fired in the air and fired at the doorway to pressure the family to come out. Eventually, an intelligence officer telephoned Salman Ibrahim and ordered him and his brother Mahmud to come out.<sup>64</sup>

I went out into the street. They asked Mahmud and I to come out. So we both came. The Israeli soldiers were on the street, standing in the [unfinished] house opposite. There was shooting, the Israeli soldiers

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<sup>60</sup> Human Rights Watch interview, Ahmad al-Yas Khalil ‘Aysh, Bethlehem, February 2, 2002; Human Rights Watch interview, ‘Adila Ahmad ‘Oda, Artas, February 7, 2002.

<sup>61</sup> Interview, Ahmad al-Yas Khalil ‘Aysh, Bethlehem, February 2, 2002.

<sup>62</sup> Human Rights Watch interview, Fatin Mahmud Khalawi, Artas, February 9, 2002.

<sup>63</sup> Human Rights Watch interview, Sana Shahida Salah Salahat, Bethlehem, February 9, 2002.

<sup>64</sup> Human Rights Watch interview, Salman Daoud Salman Ibrahim, February 9, 2002.

were standing up and spraying bullets into the air. As they were knocking on our door, they opened fire on the doorway. You can see the marks. Mahmud went to soldiers in a different location. They brought him back to where I was, and tied his hands.

One of the soldiers, maybe an officer, said, 'I want Ahmad.' I said, 'He is working, he is not in the house.' The officer said, 'He is home. Bring him out. Bring him out or we will shoot your brother.' 'No, he is not here. Why do you want to shoot my brother?' 'Go to the house and bring Ahmad back with you.' 'I can not bring him back with me, he is not there.' After that the officer shot two bullets into the wall next to me. He threatened to shoot me. He gave me his mobile and asked me to speak with the intelligence service. The intelligence officer said, 'You have five minutes to bring Ahmad or we will blow up the whole house.' I said 'O.K., blow it up.' 'You will live in a tent,' he said. 'Do what you want,' I replied. He said, 'I want your brother Ahmad.' I answered, 'Whether you want him or not, he is not there.'

The officer had an M16. He pointed it down to Mahmud, who was lying face down on the road with his face in the water. While the officer was talking to me they would hit Mahmud. A soldier put his knee on Mahmud's chest and beat Mahmud's chest with his fists. They turned him over while I was talking to them. They hit him mostly, they hit me less because they wanted me to go down to the house. The officer wore an iron helmet, he hit me with it when he realized I would not go. Then the officer came and said, 'I will throw this grenade at your house.' My mother and sister were in there. I went and said, 'I need to tell the people inside so they will know.' The officer told me to bring them out. 'Ahmad is in the house,' he said. 'We will destroy the house while Ahmad's there so he will die.'

Ibrahim went to the house and brought out his mother and sister.

At the time we left the house it was raining heavily. There was the sound of shooting, shooting in the air when we came out of the house. The Israelis were shooting, but there was shooting from Palestinian factions too. They were shooting from the eastern side, outside of the village. My mother and sister came out, and went up to the soldiers. The officer said, 'Now I will destroy the house.' So he threw a grenade from the stairs into the living room. It broke all the window glass and made this hole in the floor. At the same, a soldier took an iron support from the building site and threw it onto Mahmud's stomach. Then they came with a bulldozer, it was already there, and they started pulling the house from a corner of the roof by the road. The officer said, 'Now I will destroy your house. I will take your brother and put him in prison.'

The bulldozer attempted to pull out the corner of the roof, but eventually stopped. Ibrahim was handcuffed and blindfolded, and both brothers were taken with other captives from the village to be questioned. They were released around 8:00 a.m. Ibrahim's brother Mahmud sought medical treatment for bruises and swelling in the upper body the same day.

## VI. ACKNOWLEDGEMENTS

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*Human Rights Watch  
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