

June 22, 2014

To:
Minister of Defense Minister of Public Security
Mr. Moshe Ya'alon Mr. Yitzhak Aharonovich
Via fax: 03-6976218 Via fax: 02-5811832

Urgent!

Dear Sirs:

Re: **Harm to the Palestinian population and collective punishment in Operation Brother's Keeper**

1. We are writing to you on behalf of the organizations **Amnesty, B'Tselem, Gisha, the Association for Civil Rights in Israel, the Public Committee against Torture in Israel, HaMoked: Center for the Defence of the Individual, Yesh Din, Adalah, Physicians for Human Rights-Israel, Rabbis for Human Rights and Breaking the Silence**, following reports of a series of measures you ordered taken last week as part of the military's Operation Brother's Keeper, which raise serious concerns regarding unnecessary violation of basic rights and collective punishment.
2. The abduction of teenagers Eyal Yifrah, Naftali Fraenkel and Gil-Ad Shaar violates fundamental principles of law and morality and must be condemned. The need to return the teens safe and sound to their homes and families is clear to us all, yet already now there is concern that many of the actions undertaken, which harm the Palestinian population, do not serve this purpose.
3. For eight days now Israel has been conducting extensive military activity in the West Bank, including entering city centers and widespread raids of private homes. As part of these actions, two [Palestinian] youths were killed by live fire: 15-year-old Mohammed Dudin from Dura, a minor, and 20-year-old Ahmad Samada from Jalazoun. Last night a third death was reported, 36-year-old Ahmad Said Khalid from al-'Ein Refugee Camp. In addition, there have been reports of a person who sustained a live bullet to his head and is in serious condition as well as several persons moderately injured.
4. According to media reports, the military has raided over 1,000 homes and arrested roughly 370 Palestinians. B'Tselem has received information indicating that, in some cases, the raids and arrests have also caused damage to property. It has also been reported that the military has caused damage to civilian institutions and raided educational institutions, such as Birzeit University and the Arab American University in Jenin.
5. In addition, stringent travel restrictions have been imposed on Palestinian residents of Hebron, including preventing all Hebron residents under age 50 from leaving Israel via the Allenby border terminal and preventing entry to Israel for work. HaMoked: Center for the Defence of the Individual contacted the Prime Minister on this issue early last week, but to the best of our knowledge, though most of the physical checkpoints around Hebron have been removed, these

restrictions remain in force. The media has also reported that last Friday Palestinian men were not allowed to enter the Temple Mount, and Gisha has reported that the already severe restrictions on movement of persons and goods to and from Gaza have been intensified.

6. In addition to all of the above, in accordance with decisions by the Israeli security cabinet, the Minister of Internal Security has been authorized to set guidelines for making prison conditions harsher for prisoners classified by the Israel Prison Service as members of Hamas. These guidelines have not been published officially, but media reports indicate that such guidelines have indeed been set and that they include very harsh steps such as cessation of family visits and significant harm to the welfare of the prisoners. B'Tselem's examination of this issue indicates that as of early this week, family visits have been cancelled for all Palestinian prisoners. In addition, according to information published by the Palestinian Prisoners Club on June 19, 2014, 55 Palestinians have been apprehended as administrative detainees since the start of the operation, in addition to some 190 administrative detainees held in Israel Prison Service facilities according to April 2014 data.
7. **Please note that these steps raise serious concerns about collective punishment, which is absolutely forbidden by international humanitarian law, and of disproportionate and unnecessary violations of basic rights under international law.**
8. It must be emphasized that **actions intended to pressure and intimidate the population are utterly unacceptable.** Extensive raids and detentions raise concerns that some of these actions are not the result of pressing operational needs. Overall, it seems that the actions taken and their extent do not serve a security need that could justify the harm that they have caused. This is true of military actions in city centers, as well as the sweeping and arbitrary travel restrictions. These actions have caused and continue to cause disproportionate harm to the basic rights of Palestinians, including their right to safety, health, freedom of movement and livelihood.
9. Imposing restrictive conditions on a group of Palestinian prisoners solely based on their organizational affiliation is a severe violation of the prohibition against collective punishment. In addition, some of the heightened restrictions reported are severe violations of the basic rights of the prisoners, specifically the right to dignity and the right to family life.
10. As to the administrative detentions, it is difficult not to question if it really is an essential, pressing security need that led to the simultaneous detention of dozens of people without trial. We reiterate once again in this context, as we have many times before, that the extensive and routine use of administrative detention during the current operation and in general does not meet the criteria set out by international law, which permit use of administrative detention only as a preventative measure, and only under exceptional circumstances imperative to security. The sweeping use of administration detention and the denial of the minimum guarantees required to ensure due process, are unacceptable, both morally and legally. The basic rule that must be followed is that steps which violate individual freedoms must only be taken as part of due process in criminal proceedings, in which suspects are provided every opportunity to defend themselves.
11. **In light of the above, we demand that you re-examine the guidelines given to the forces operating in the field. We also demand that you refrain from any actions which unnecessarily violate rights, and also that you refrain from collective punishment of the**

civilian population in the West Bank and Gaza Strip. In addition, we demand that you order the immediate withdrawal of the harsher conditions imposed on Palestinian prisoners held in the West Bank and in Israel.

Signed,

Yonatan Gher, Executive Director of Amnesty Israel
Hagai El-Ad, Executive Director of B'Tselem
Attorney Eitan Diamond, Executive Director of Gisha - Legal Center for Freedom of Movement
Attorney Sharon Abraham-Weiss, Executive Director of the Association for Civil Rights in Israel
Dr. Ishai Menuchin, Executive Director of the Public Committee against Torture in Israel
Dalia Kirstein, Executive Director of HaMoked: Center for the Defence of the Individual
Attorney Neta Patrick, Executive Director of Yesh Din
Attorney Hassan Jabareen, Executive Director of Adalah
Ran Cohen, Executive Director of Physicians for Human Rights-Israel
Rabbi Arik Ascherman, President of Rabbis for Human Rights
Yuli Novak, Executive Director of Breaking the Silence

Cc:

Prime Minister Benjamin Netanyahu
Attorney General Yehuda Weinstein
OC Central Command, Major General Nitzan Alon
OC Judea and Samaria Division, Brigadier-General Tamir Yadai