



# Violence Committed by the Security Forces

**“Everyone has the right to life, liberty and security of person.”**

Universal Declaration of Human Rights, Article 3

During the past year, the lives of Palestinians – women and men, children and the elderly – has become cheaper than ever. Their property has become free game. IDF soldiers, border police and settlers have shot, hit, threatened, looted and confiscated in unprecedented numbers. Although they are accountable for their actions, the security forces were hardly required to explain and pay for their disregard for human life and private property. In addition, investigations of such incidents by the authorities in charge are few and far between. The most poignant case is that of the IDF, which, after invading and controlling the Territories, is – by any standard – responsible for maintaining the peace and security in these areas. The many hundreds of deaths and thousands of injuries and cases of pillage in which IDF soldiers were involved since the start of

the current intifada have only led to 281 Military Police investigations, 37 indictments and slightly more than 10 convictions of soldiers.<sup>30</sup> Investigation plays a pivotal role not only in penalizing transgressors but also, and maybe more importantly, in deterring others from doing the same.

During the year, HaMoked has taken up with the authorities the cases of hundreds of Palestinians who appealed to the organization to help stop the violence, start and complete investigations and bring criminals to justice. HaMoked continued to petition the courts in order to see justice served in the name of the victims, force the State to be accountable for the acts of its agents, whether violent or failure to

---

<sup>30</sup> **Haaretz**, December 17, 2002, p. B3; **ibid.**, January 2, 2003, p. A1.

investigate, and to deter the security forces from exercising violence against civilian population. In 2002, HaMoked filed for personal and property damages in seven different cases. Ten of the claims HaMoked filed in the past were concluded this year, five by ruling and five by settlement. The access of Palestinian residents of the

Territories to the Israeli court system was restricted even further this year: the situation on the ground made it difficult to file and conduct lawsuits and petitions, and the amendment to the Torts Law endorsed by the Knesset ("The Law against Damages") has blocked their access to the courts almost completely.

## Physical Injuries

Between the start of the current intifada and up to the end of December 2002, more than 1,700 Palestinian civilians were killed in the Territories by Israelis, and more than 20,000 were injured.<sup>31</sup> Nine hundred and eighty of the deaths and about 4,550 of the injuries were caused in 2002. On the rare occasions that the IDF was required to explain the extensive suffering caused to civilian population, it responded by "toughening" the rules of engagement or appointing an investigative committee to give a stamp of approval for the "unfortunate mishaps", as the official spokespersons said.<sup>32</sup> The ever-increasing use of the Air Force, either as part of the policy of "extra-judicial killings" (euphemistically known in Hebrew as "targeted eliminations") or as part of the backup provided for forces penetrating deep into residential areas, has led to many civilian injuries, despite the adjectives attributed to these operations: "targeted", "surgical" and "sterile". In four of these operations involving fighter jets and helicopters, 50 Palestinian civilians were killed, including women, elderly persons and children, and dozens were injured.<sup>33</sup>

G.A. and her husband, residents of Beit Sahour, suffered serious injuries all over their bodies on November 9, 2000, when an IDF helicopter fired a missile at the car of H'sein Abayat in Bethlehem. The IDF made an official statement assuming responsibility for the assassination. Mr. and Mrs. A. were returning from a family visit, and it was just their bad fortune to be passing by the car when it was hit. They were hospitalized for a very long time and are still receiving medical treatments connected with these injuries. In November 2002, G.A. appealed to HaMoked, which immediately submitted a demand to the IDF to compensate the couple for the damages they sustained and the suffering that was inflicted upon them. As of the date of this report, no response has been received. **(Case 23450)**

Despite the thousands of civilian injuries and deaths, the army pursued its (non) investigation policy. This policy was described in detail in the previous activity report.<sup>34</sup> Since the start of the current intifada and until the end of 2002, Military Police

launched 30 investigations pertaining to the killing of Palestinians and to shooting incidents. Fifteen indictments were filed in this context, only two pertaining to the killing of Palestinians. Only in very few cases were soldiers convicted.<sup>35</sup> This reality stems from a policy implemented in the current intifada, and which was proclaimed by the Military Attorney General, who said: "when an army is at war ... the policy of starting criminal investigations must, by definition, change as well. When there are thousands of cases of fire exchange and use of force, it is impossible and illogical to start an investigation for each and every one."<sup>36</sup> As a result of this policy, in most of the deaths or injuries in which soldiers are involved, the IDF does not start an investigation despite HaMoked's demands.

On March 16, M.D., a resident of the old city of Hebron, was driving his younger brother to school. Three soldiers shot at their car as it was crossing an intersection. M.D. was injured by one of the bullets and taken to the nearest hospital, where he was pronounced dead. The area was quiet before the incident, and witnesses said that the passengers were not warned before they were directly shot at. M.D. had a wife and two children. M.D.'s father contacted HaMoked on May 16, and HaMoked immediately sent a letter to the IDF's Central Command advocate demanding an investigation. As of the date of this report, no response has been received. **(Case 17820)**

When there is a response, it is usually that the matter has been referred to some other authority which hasn't yet responded.

R.H., a 15-year-old boy from the Al Fawwar Refugee Camp, was on his way home on April 6 when he bumped into an IDF force, which included a bulldozer and an armored vehicle. One of the soldiers fired at him without any warning. R.H. died on the spot. On August 14 his family contacted HaMoked, asking to find out the circumstances of R.H.'s death. On August 15, HaMoked contacted the West Bank legal advisor and the IDF Central Command advocate with a request to investigate the incident. About a week later, the legal advisor responded that this incident was under the jurisdiction of the Central Command's advocate and that the matter had been forwarded to the latter. No further response has been received at the time this report was compiled. **(Case 18003)**

Whenever the IDF decides to look into a

---

31 Death statistics from B'Tselem, [www.btselem.org](http://www.btselem.org); injury statistics from the Red Crescent, [www.palestinercs.org](http://www.palestinercs.org)

32 On September 1, 2002, an investigative committee chaired by a major general was appointed to look into a sequence of IDF operations in which 15 civilians had been killed. The committee found no flaw in these operations. In early December, after 20 Palestinians were killed in nine days and Israel itself said that 11 of them were civilians, the IDF declared it was changing its rules of engagement to make them more stringent. Only a few days after these strict rules of engagement were introduced, a 95-year-old Palestinian woman was shot dead. **Haaretz**, September 13, 2002, p. B5; **ibid**, December 10, 2002, p. A7; **ibid**, December 26, 2002, p. A10

33 **Haaretz**, December 8, 2002, p. A8

34 HaMoked, **Semi-Annual Report: January-June 2002**, pp. 14-16.

35 **Haaretz**, January 2, 2003, p. A1.

36 **Haaretz**, October 15, 2002, p. B3.

death or injury, a debriefing takes place, not an investigation. In debriefings, the commanders on the ground probe lower officers, soldiers and friends. In three of the files opened this year by HaMoked, it was this kind of an inquiry that was started. Although sometimes debriefings are the precursor of a fully-fledged investigation, the unreasonable length of this stage rules out any chance of a successful investigation later on.

At around 8:30 AM on October 31, 2001, A.G. along with his youngest son, his sister and her husband and their children, was driving from his sister's home to his house in Tulkarm. A tank that was normally located on the roadside, was blocking their way. The family returned to the sister's house. The tank then approached the house as well. Afraid that the tank might damage the parked car, A.G. exited the house to move it. The soldiers in the tank opened fire at A.G.'s car, and he was hit. The tank blocked the road and did not let the Red Crescent ambulance in. Only after repeated entreaties, the soldiers allowed one of the medics to go to the injured man. The medic and A.G.'s brother-in-law tried to move A.G., who was bleeding heavily, to the ambulance. The soldiers stopped them at gunpoint, searched the injured man, confiscated his wallet and only then allowed them to carry A.G. to the ambulance. A.G. was rushed to the hospital, but died in surgery.

A.G.'s brother appealed to HaMoked on March 7, 2002. HaMoked turned to the IDF, demanding an investigation. At the end of April the IDF's Central Command

advocate provided the following response: "we have contacted the relevant entities in the army in order to look into the complaint." As of the end of December, HaMoked has received none of the findings of this inquiry. **(Case 17263)**

As it is, the commanders have the power to decide whether to subject their subordinates to a Military Police investigation. Under these circumstances it is not surprising that most debriefings are mishandled and end without any outcome.

S.G., an 11-year-old girl, was standing on her rooftop in the neighborhood of Abu Sneina in Hebron, when, at around 6 PM on August 12, 2001, the IDF started shooting at the house. Before she had a chance to go downstairs, she was hit in the head by a bullet. S.G. was rushed to hospital, where she was pronounced dead. In November 2001 the family contacted HaMoked, which demanded that the IDF investigate the circumstances surrounding the child's death. On January 30, 2002, the authorities responded that the complaint had been passed on for inquiry. On September 24 the Central Command advocate informed HaMoked: "the inquiry indicates that ... there is no information pertaining to the circumstances of the child's alleged death. Moreover, even if the child was indeed killed as described, fire exchanges were occurring at that time and place. We therefore find no reason to pursue an investigation in this complaint." HaMoked has asked the advocate for the investigation material, in order to consider what steps to take next. **(Case 16593)**

In addition to the suffering inflicted on Palestinian residents of the Territories by the actions of IDF soldiers or by their inaction when they fail to investigate incidents, the IDF has also failed to comply with its basic obligation to uphold order and security and protect the lives of Palestinians against brutality by Israeli settlers. On October 16, a Palestinian from the Nablus area was killed and three others were injured when settlers shot at them. It was the olive-picking season, and in view of the dire economic condition in the Territories, this year's good crop was extremely important. However, settlers in various regions coveted the fruit grown by Palestinian farmers. After the Palestinian olive pickers were chased away with threats, beatings and shooting, settlers came in and picked the olives for themselves. Only after the media covered the story and international pressure was applied on the Israeli government did the Chief of Staff instruct the IDF to take action against this practice.<sup>37</sup>

On October 5, G.G., a resident of Aqraba, and four other Palestinians went to pick olives in Wadi Yanun. About 20 settlers came and surrounded the plot where they were working. One of the settlers ordered the five Palestinians to turn around, and then asked whether to shoot them or beat them up. The answer was, loosely translated, "beat the shit out of them." The settlers attacked the pickers and beat them for a long time. The five Palestinians managed to escape and made it to the nearest clinic, where G.G. was diagnosed with two fractures in his left leg, a serious injury to his right eye and a cut just above the right eye. G.G. is

still going in and out of hospitals. On December 10, G.G. contacted HaMoked, which instructed him to quickly file a complaint with the police at the nearest DCO, and send HaMoked a copy of the filed complaint, so that HaMoked could follow up on the investigation. G.G. followed these instructions, and on December 19 HaMoked contacted the DCO in Grizim, where the complaint had been filed, asking for an update on the investigation. **(Case 24096)**

Palestinian residents of East Jerusalem have also had to deal with violence, in this case by the police – mostly the border police.

In the early hours of the morning of October 7, W. H., his wife and their daughter, who live in Jerusalem neighborhood of Tsur Baher, were on their way to the clinic, where the girl was to receive medical care. Four border policemen stopped them at a makeshift roadblock, one of many that are deployed throughout the city. The policemen asked them to show their IDs. One of the policemen asked why the girl did not have an ID. The father said she could not get one because she was not yet 16, and that her details were included in his ID as required. Another one of the policemen ordered the father to get out of his truck. When W.H. did not comply immediately, the policeman opened the truck door, pulled W.H. out by his shirt, and when W.H. fell, the policeman started beating

37 Haaretz, October 17, 2002, p. A1; *ibid*, November 12, 2002, p. A6; 7 Days supplement, Yedioth Aharonoth, November 22, 2002, p. 24.

him up. The mother and daughter in the truck started screaming at the policeman to stop, and in response another policeman closed the windows of the truck to shut them up.

The woman called HaMoked, asking for something to be done to stop the policemen from brutalizing her husband. HaMoked contacted the headquarters of the border police, and demanded them to instruct the policemen to stop, and to send a police car from the nearest police station to see what was going on. A few minutes later the woman called again, saying that her husband had been cuffed,

put on a jeep and taken away. HaMoked discovered and informed his wife that W.H. had been taken to the police station at Armon Hanatsiv. W.H. was detained at the station for about three hours, verbally abused by another border policeman, questioned under suspicion of hitting a policeman, and only then discharged. At HaMoked's advice, W.H. filed a complaint with the police Internal Affairs Department that same day. On October 10, HaMoked contacted Internal Affairs, on behalf of W.H., to inquire about the investigation. **(Case E414-22931)**

## Pillage and Vandalism

During the first two IDF invasions into towns and villages in the West Bank, HaMoked received reports of many cases in which IDF soldiers pillaged and vandalized homes and offices. IDF forces vandalized private property and destroyed municipal infrastructure. HaMoked's efforts in this context were described in the previous activity report.<sup>38</sup> Individual requests for help started coming in later, and in every such case HaMoked turned to the authorities with a demand to start an investigation and press charges against the transgressing soldiers. While the authorities almost completely ignored complaints pertaining to deaths or injuries, property damages did receive treatment, albeit negligent in most cases. Military Police started 93 investigations of pillage and theft, and indictments were served in 15 of these investigations.<sup>39</sup>

In most files that HaMoked opened in this context this year, investigations were commenced. Most of these investigations ended with rather meaningless outcomes: the stolen item was returned to the DCO, there is no record of the incident, and so on. Although investigations are started, they are ineffective. In most cases, they are run by reserve soldiers, who by and large do not speak Arabic and do not stay long enough on the job. Thus, each case changes hands at least once, which makes it hard to process to the investigation material and protracts the probe, since every new investigator needs time to study the material collected by his predecessors. Another factor that stretches the inquiry is that the investigators do not have enough translators at their service, thus material is constantly backlogged as new cases pile up.

passengers. Later they returned the keys, and instructed the group to go back to Jericho. The group went to the DCO in Jericho, where they were told that their IDs would not be returned before nighttime. One of the women contacted HaMoked, and about two hours later, after HaMoked intervened, the IDs were returned and permits were secured to allow the group to pass through the roadblocks on their way home. **(Case E607)**

Chances of recovering the ID diminish with every day that goes by. In cases when the ID is not returned, HaMoked demands an investigation and insists that the soldiers who had confiscated the ID illegally should be put to trial.

On July 18, Nablus residents A.A. and A.K. were apprehended for two hours by IDF soldiers who were staying at a house that was occupied by the army not far from where the two live. Their IDs were confiscated. Around a week later, A.A. and A.K. contacted HaMoked, which raised the case with the Civil Administration, but the IDs could not

be traced. HaMoked then approached the West Bank legal advisor the Central Command advocate, demanding to investigate the confiscation and return the IDs. As of the date of this report, no response has been received. **(Cases E192, 17945/6)**

In the numerous cases when IDs are not returned to their owners, the latter have no choice but to seek new IDs from the PA, in a long, tedious, and expensive process. Residents applying for a new ID must first inform the police, publish a notice in the press, make a sworn statement in court, submit an application to the Palestinian Ministry of Interior, undergo security checks and get Israel's approval. The procedure takes more than a month and costs about the current equivalent of 20 days of subsistence in the Territories. In addition to individual assistance, HaMoked has contacted the Military Attorney General with a demand to clearly instruct soldiers on the ground about the circumstances in which they are authorized to confiscate IDs, and to make sure that these instructions are enforced. As of the date of this report, no substantive response was received.



Civil

## Legal Action

The policy of the authorities in charge of enforcing the law, which in the case of personal injuries fluctuates between negligent investigation and none at all, rules out any genuine inquiry into the death and injury of thousands of residents.

Israeli courts are thus the only option left for Palestinian residents of the Territories to uncover the truth. The failure of the

---

41 Ordinance concerning Security Provisions (Judea and Samaria) (No. 378), 1970, Article 91c.

authorities thus goes beyond keeping the residents of the Territories out of harm's way; the authorities also fail in their duty as mandated by the Basic Law: Human Dignity and Liberty, namely protecting the dignity and physical integrity of all people. In addition, the longer an investigation is delayed, the less evidence can be collected; thus, the policy of not investigating, denies victims the option of seeking compensation from their wrongdoers for the injustice they have suffered. When it represents victims in court, HaMoked tries to get the State to acknowledge its responsibility for the actions – and inactions – of its agents, including the failure to investigate cases of violence against Palestinians.

On the afternoon of October 29, 1993, Mr. and Mrs. A., their two daughters – aged two and three, and their two-months-old baby boy, were driving from their home to Nablus. One of the intersections on the way was blocked by Israeli vehicles. People who stepped out of these cars started shooting in the air and throwing stones at the family's car and at other Palestinian vehicles. The assailants smashed the windows and lights of the car, destroyed the engine and let the air out of the tires. One of the stones hit Mr. A. in the arm. The family managed to get out of the car and escape, and saw the assailants leaving for the nearby settlement of Yizhar. They reported the incident at the police station in Nablus, and at the request of the Civil Administration, Mr. A. returned to the intersection and gave his testimony to the officer in charge and the damaged car was photographed. He then went to the nearby hospital,

where he was diagnosed with a fracture in his arm.

After many months went by and they received no update concerning the investigation, Mr. and Mrs. A. contacted HaMoked. HaMoked was told that the investigation had been closed two months after the incident, as no suspects could be identified. After getting a copy of the investigation material, HaMoked realized that except for collecting the testimonies of the victims and documenting the damage done to the car, the police had done nothing. This despite that the victims testified shortly after the incident about the direction in which the assailants had escaped, and a car that fit the details provided by the witnesses was identified by an IDF officer not far from the site, its engine still warm. In 1999 HaMoked filed suit against the Israel Police, claiming damages for the incompetent investigation. On December 9, 2002, the court ordered the government to pay the family NIS 30,000 in compensation, and endorsed most of HaMoked's arguments regarding the duty to investigate, not only as derived from the sovereign's duty to enforce the law, but also as derived from the sovereign's duty to uphold the rights of complainants. **(Case 7137)**.

At 5:50 PM on October 5, 1996, immediately after curfew was lifted from Al 'Arrub Refugee Camp, R.R., a resident of the camp, went out to the street. He was stopped by soldiers, who tied his hands behind his back with cable ties, led him to a military post at the entrance to the camp, and ordered him to sit on the

roadside. About two hours later, during which R.R. implored the soldiers to ease the pain caused by the cable ties and to let him relieve himself, a soldier came by and slapped him across the face. The force of the blow knocked R.R. over and he collapsed on the ground. When R.R. protested, the soldier kicked him all over his body. A while later, the commander instructed the soldier to release R.R.'s hands. The soldier cut the cable ties with a knife, and in the process injured R.R. in the lower back. His requests to get medical treatment were this time answered with blows with the butt of a rifle. Only around seven hours after his detention, an officer showed up and ordered R.R.'s release, without any medical treatment. At the hospital, the cut in R.R.'s back was sutured, and beating and injury marks were diagnosed. R.R. filed a complaint with the police in Hebron, and contacted HaMoked. About six months later, the IDF closed the investigation file, without taking any measures against any of the soldiers involved. In July 2002, HaMoked filed a damage suit against the abusive soldier and against the Ministry of Defense. **(Case 10580)**

A.S., who in 1993 was 15, was shot in the leg by one of the bodyguards of Rabbi Levinger next to Hashoter Square in Hebron. Passersby took him to the hospital. When no response was received six months after the complaint had been filed with the police, the boy's family appealed to HaMoked. HaMoked's inquiry revealed that although the police and other security agencies were aware of

the incident in which A.S. was injured, witnesses were not questioned and the circumstances were not investigated. The negligent investigation did not find anyone guilty of the shooting, and, since there was no evidence, the Jerusalem District of the State Attorney's Office closed the file. On May 29, 2002 HaMoked filed a claim for damages against the Defense Ministry, which was responsible for the shooter at the time, and against the Israel Police, for its failure to investigate the incident. **(Case 6678)**

In the isolated cases in which the investigation conducted by the authorities does not lead to a dead end and a few indictments are even served, the penalties imposed are usually ridiculous. Here, too, legal action after conviction and sentencing force the State and those acting on its behalf to assume responsibility for their actions.

H.S. and the M.N. brothers, Yatta residents, were working in Moshav Azariya in Israel in 1994. A border policeman, whose jurisdiction did not include the Moshav area, came with two of his subordinates and a friend to chase the three Palestinians out of the Moshav. The policeman woke the workers from their sleep with shoves and kicks, chased them out of the room where they were sleeping, beat them up while searching their persons, and kept on hitting them after he got them in his car. At the border police post to which they were taken, abuse continued: the policeman beat them up with a club and pricked two of them with a syringe. About an hour later, the three were driven to the nearest roadblock and

ordered to go back to their village. Internal Affairs recommended serving a criminal indictment against the border policeman, one of his two subordinates and his friend. HaMoked coordinated the arrival of the three victims and their witnesses to the court hearings. At the end of 1999, the court found only the border policeman guilty, and sentenced him to a 10- months suspended sentence, a NIS 5,000 fine and 300 hours of community service. In 2001 HaMoked filed a damage claim against the border policeman. The court ordered NIS 12,000 to be paid to each of the victims. **(Case 10637)**

On May 9, 1996, G.Z., a resident of the Old City of Jerusalem, was walking toward Damascus Gate. After passing by three

border policemen, he heard a shot, felt intense pain in his forehead, and started bleeding. The attempts of one of the policemen to stop the bleeding failed, and G.Z. was evacuated to Hadassah Hospital, where a bullet fragment was removed from his forehead. After he was discharged from the hospital and testified before Internal Affairs, G.Z. contacted HaMoked, which followed up on the investigation. The policeman who fired the shot was brought up for disciplinary action, convicted and sentenced to a NIS 150 fine, and a serious reprimand was entered in his file. In September 1998, HaMoked filed for damages, on behalf of G.Z., against the officer and the Israel Police. On September 29, 2002, the court ordered NIS 10,265 to be paid to the victim. **(Case 9887)**

## Access to Justice

In the past year, the only avenue that Palestinians from the Territories still had of securing justice – compensation in Israeli courts – has been blocked almost completely. The impact that the sweeping prohibition on entry of Palestinians to Israel has had on the preparation and conducting of such claims, as well as the influence that July's amendment to the Torts Law regarding State liability has had on the chances of such claims being heard by the courts, was discussed at length in the previous activity report.<sup>42</sup> This amendment has already influenced HaMoked attempts to turn to the courts. The State has been

trying to apply the expanded definition of acts of war, as defined in the amendment, retroactively, in order to hold itself harmless against suits connected with violations that took place before the amendment was passed and which are the subject of pending court cases. These attempts are in violation of Israeli law and case law, and unacceptable in any legal system in general. The court has not yet ruled on the matter, but a decision handed down in one of the cases presented by HaMoked, indicates that the law cannot be applied retroactively. However, indirect implications of the amendment are evident in that same decision: while the court did