

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.

The H. couple are both physicians. They run a clinic in Bethlehem and live in Beit Jala with their four children. In March, their daughter was injured by IDF fire and their house was searched. In the search, damage was caused to their property and valuables were stolen. On April 10 the family contacted HaMoked, which demanded that the Office of the IDF Attorney General investigate the shooting and the conduct of the soldiers during the search, and see to it that the stolen items are returned. No response was provided. During the first break in the curfew that was imposed in Operation Defensive Shield on April 16, H.H. went to her clinic and discovered the extensive damage inflicted there: the door was broken in, chairs in the waiting room were broken, pictures on the wall were vandalized, the ultrasound and sterilization machines were destroyed, the chandelier was shattered, the medical books were torn, shooting marks were evident and human excrement was left by the soldiers. Extensive damage was caused to the other offices and clinics in the building as well. On April 24, HaMoked demanded an investigation of the devastation at the clinic. In July, a reserve soldier working as a Military Police investigator called HaMoked and asked for the letters pertaining to the damage caused to the clinic specifically. Later on, the investigator sent a request to interview witnesses at the DCO in Etzion: "10 AM to 5:30 PM, Sunday through Thursday, by appointment, and depending on curfew hours." On July 22 H.H. made it to the DCO and gave a statement. As of the date of this report HaMoked has received

no answer to the requests for updates on the probe. **(Case 17766)**

In September, the IDF informed HaMoked that letters of proxy and detailed affidavits by complainants must be attached to all requests to launch investigations. The IDF further demanded a statement from complainants that they would be willing to cooperate with the investigating authorities. Obviously, HaMoked cannot provide affidavits (although it can provide testimonies), since in order to sign an affidavit the complainant has to physically come to HaMoked's offices – which cannot be accomplished because residents of the Occupied Territories are not allowed into East Jerusalem.

Extensive damage has been caused to houses adjacent to those demolished by the IDF as part of the policy of penalizing the families of suspected terrorists.<sup>40</sup> Since increasingly more houses are deliberately demolished as part of this policy, and since explosives or bulldozers are the tool of choice in these demolitions, the prevalence of arbitrary destruction of property inevitably increases, even though this violates International Law, Israeli Law and the rulings of the HCJ. As of the date of this report, there has been no response to HaMoked's demands to compensate homeowners.

On August 4, in the village of Silat al Harithiya, an IDF force demolished

38 HaMoked, **Semi-Annual Report: January-June 2002**, pp. 16-17.

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

40 See the section about house demolition, above.

the house of the family of A.T., who had allegedly detonated himself in a suicide bombing. The soldiers came to the house in the dead of night, ordered the inhabitants of this house and the ones adjacent to it to get out, not allowing them to take any of their belongings, and blew up the house of A.T.'s family. The explosion completely destroyed another house, and serious damage was caused to four others nearby: walls were broken and

cracked in a way that made it dangerous to live in the rooms, etc. Animals in the sheds outside were also injured. Two of the house owners contacted HaMoked, which, on their behalf, demanded that the IDF investigate the incident, pay compensation and make sure that such communal punishment does not recur. As of the end of December 2002, HaMoked has received no response.

**(Cases 18002, 22599)**

## Confiscation of ID Cards

Under the military law that is in force in the Territories, there are three reasons for which soldiers may confiscate IDs: to force the ID holder to remove obstacles from the road, to force the holder to remove a symbol or to make sure that the holder shows up at a certain place and time as demanded. The soldiers must return the ID once the obstacle or symbol are removed or provide some identifying certification until the person reports as required.<sup>41</sup> During the summer, dozens of residents of the Territories contacted HaMoked, complaining that IDF soldiers had taken their IDs, did not return them and did not furnish them with any alternative documentation. In some instances, confiscation was a means to get residents to come to the nearest DCO Office and meet with a GSS investigator or with an IDF officer. IDs were confiscated as a penalty for cutting queues at roadblocks, "insulting" soldiers, taking detours around roadblocks, breaking curfew, or for no reason at all. IDs were taken at roadblocks,

during house searches or after being delayed by IDF patrols.

In some cases, residents are instructed to go to some roadblock at a later time, ostensibly in order to get back the confiscated ID, but the ID is not returned. In most cases, the confiscation is arbitrary, and the holder has no way of reclaiming his or her ID. Since the law requires residents to carry IDs at all times, without this residents are at risk of being arrested whenever they leave their house. In several cases, HaMoked's intervention got the authorities to return the taken IDs.

On December 2, four cars with about 20 men, women and children were driving from Jericho back to their homes in the northern part of the West Bank. After they were not allowed through a roadblock, they tried a dirt road, but were stopped by an IDF patrol. The soldiers confiscated the keys of all four cars and the IDs and passports of the