

Adding insult to Injury

By Joseph Algezy 

"All that I ask is that the devastation be rehabilitated. My whole body has become a wreck, and it needs to be fixed, healed. I have difficulty walking and have to use a cane. I cannot pray in the Muslim way, kneeling and bowing, so I am forced to pray sitting on the couch or on the bed. My memory has been impaired, and sometimes I forget when I must pray or what my grandchildren are called. My hands shake, I have no control of my bladder, I can't have sexual relations. I have become broken man, and my world has come crashing down."

The speaker is Mounir Mohammed Mahmoud Kharaja. Leaning on his cane, Haj Kharaja walked with us through the narrow alleyways of the Hebron marketplace, near Bab-el-Zawiya, in order to show us the places where, twice in eight years, Israeli bullets have hit him. The marketplace was thronged with people and cars. Ha'aretz photographer Alex Levac and myself were the only Israelis there.

"You don't look like settlers and you don't taunt people the way they do, so there's no reason for anyone to try and harm you," they said when we had expressed our surprise at being treated so kindly. "Right now the market place is quiet and there is no trouble, but a single provocation from a settler or a soldier is all that it would take to disrupt this calm," said one of the shopkeepers, showing us the way to the iron gate which leads to Beit Hadassah.

The 75-year-old Haj Kharaja and his large family live in the town of Halhoul. When the town was still under Jordanian control, Kharaja worked in the Wakf offices; upon his retirement, he became a merchant, occasionally writing for one of the West Bank newspapers. Following his last injury, he was forced to sell his stores in order to pay for medical care.

On November 7, 1989, Haj Kharaja was shot for the first time. At about 10:00 that morning, he claims, he was walking through the Hebron marketplace when 16 small rubber bullets hit him in the back. When

he turned to find out who had shot him, he claims he saw an Israel Defense Forces soldier aiming his gun at him, about to fire again. No warning had been shouted before the shots were fired. The marketplace was quiet, and there were no reports of any disturbance. These were the days of the Intifada, and the media reported when Palestinian residents clashed with IDF forces and settlers and when people were wounded.

"My back, which had been hit by the bullets, turned black from the hemorrhaging," Kharaja says. Luckily for him, a man by the name of Rasmi Jaber happened to be passing in his car. In a deposition he gave some time after the shooting, Jaber testified that he had heard shots and, turning to see what had happened, saw an elderly, bearded man, carrying bags filled with goods from the market, fall to the ground. He stopped to carry the wounded man into his car, and as he was carrying him, he claims, soldiers fired in his direction. Four or five bullets hit the car, but he was unharmed. Jaber took the man, whom he did not know, to Hebron's 'Alya hospital.

Upon his release from hospital, Haj Kharaja was treated by various doctors in the West Bank and in Amman. About a month after his injury, he complained to the IDF authorities about the incident through an organization named Hamoked: Center for the Defense of the Individual (formerly called the Hotline for Victims of Violence). Over the next six and a half years, Kharaja and Hamoked conducted a nerve-wracking correspondence with the IDF and the Ministry of Defense. What emerges from the letters exchanged in the process is a Kafkaesque situation, described here in part.

After the complaint was first submitted, the IDF Central Command's military advocate, Lieutenant Colonel Rachel Dolev, was quick to request further clarification and documentation. Later on, however, this initial response was replaced by foot-dragging and prolonged silence. Countless reminders were sent in writing and conveyed over the phone, and a meeting was even held with Dolev's successor, Lieutenant Colonel Shlomo Politis. Finally, in June 1991 – a year and a half after Haj Kharaja's injury – the military advocate decided to close the case.

In September of that year, Lieutenant Colonel Politis wrote: "Our efforts to track down the handling of this complaint have yielded nothing. Because of the time which has passed since the incident occurred, I have decided not to order an investigation, since it appears that there is little chance of tracking down those allegedly involved in the incident and an investigation would therefore

be ineffective. In any case, I have decided to try and find out whether the IDF has any record of disturbances at the scene of the incident and whether it is possible to track down the IDF forces operating in the area at the time. If I succeed in finding any details which will provide a lead for an investigation, I will reconsider my position."

Three months later, following persistent pressure from Hamoked, Politis wrote that his inquiries had revealed there was "no chance of locating the soldiers who committed these alleged acts. If indeed this was done by soldiers, there is no ruling out the possibility that the shooters were soldiers not officially involved in IDF activity there at the time, such as soldiers who happened to be passing by, and so on." Therefore, he reiterated his position that no investigation would be ordered.

At the end of 1992, the Central Command's military advocate finally agreed to change his position somewhat, and announced that although the IDF had not investigated Kharaja's complaint, he was free to sue for damages.

In August 1994, the Defense Ministry's Insurance and Litigation Office proposed that "for humanitarian reasons" a payment of NIS 2,000 be considered as a way of resolving all of Kharaja's demands. For the next two years, in pure market place style, the Defense Ministry haggled over the sum of damages to be paid. Its offer went up from NIS 2,000 to NIS 5,000. In the end, on June 23, 1996, Kharaja received a sum of NIS 12,000. However, less than a year later, on June 17, 1997, Haj Kharaja was once again shot in the Hebron marketplace. This time, a rubber bullet hit him above the forehead and entered his head. The media reported that day that "three children and an old man were severely injured by IDF shooting in Hebron."

Describing the circumstances of his second injury, Kharaja claims that on that morning he had, as was his habit, gone from his home in Halhoul to the Hebron market. Leaning on his cane, he walked from the market pharmacy down the alley leading to Beit Hadassah, buying the goods he needed. Suddenly, with no prior warning, a bullet hit his head. Blood poured from the wound down his face, and he fell to the ground, unconscious.

Haj Kharaja spent three weeks in hospital. He underwent surgery twice, and the bullet was removed from his head. Today, his physical disabilities are easily discernible. "He used to be strong and healthy. Now he is a broken man," people who know him claim. Kharaja lives alone. A housemaid is paid to clean and cook his meals. His

grandchildren take turns keeping him company. A year ago, Hamoked demanded on his behalf that the IDF investigate the shooting. Haj Kharaja is seeking monetary compensation that will "pay for the expenses of healing," as he puts it.

In February of this year, the IDF Advocate-General's Office confirmed that Kharaja had indeed been wounded by a rubber bullet on the said day and that "when inquiries have been exhausted, the possibility of ordering a formal investigation will be considered." In May, 11 months after the shooting, Central Command Military Advocate Major Moshe Yinon wrote that "the inquiry into the circumstances of Kharaja's injury has not yet been completed."

Haj Kharaja now awaits the completion of the inquiry. At the end of the conversation, speaking of the political situation, Kharaja compared it to his own physical condition. "Where is the promised peace?" he asked. "This is not peace, it's war.