



מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)

B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories

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## **B'TSELEM ACTIVITY REPORT** **2008**

### **EXECUTIVE SUMMARY**

The military campaign in the Gaza Strip launched by Israel on December 27<sup>th</sup> has dominated the human rights agenda in 2008 given the devastating scope and impact of the fighting, and the disastrous consequences for the civilian population of Gaza. The humanitarian distress reached dire proportions, which the limited measures taken by the Israeli military failed to address. Preliminary figures estimate over one thousand Palestinians killed, among them at least 300 children and ninety-five women, and at least 4,800 Palestinians injured, more than 400 of them seriously. Tens of thousands were forced to abandon their homes, many without a place to return to. The damage to civilian infrastructure was unprecedented, with many of the injured prevented access to medical treatment. Israel's military operation also left the electricity, water, and sewage systems are barely functioning.

In addition, the number of Israelis exposed to shelling increased significantly. Some one million Israelis were living under threat of rocket and missile fire from Gaza, and as of the writing of this report, four persons were killed by missile fire at Israeli communities.

During this period and in its aftermath, B'Tselem has been working intensively, under extremely difficult conditions, to document and publicize the harm caused to civilians in the Gaza Strip as part of this fighting. Within a local public discourse that is centered on the military goals of the operation, B'Tselem's role as an Israeli organization speaking out against disproportionate harm to civilians is crucial.

B'Tselem's work is just beginning, as we prepare to build the factual basis necessary for demanding accountability for the policies and actions that have led to the severely high human toll in the form of death, injury and humanitarian suffering.

### **ANNUAL PROGRAM IMPLEMENTATION**

B'Tselem's activities during the past year included the following:

**1,163 testimonies** collected by B'Tselem's field research team throughout the West Bank and Gaza.

**Comprehensive statistics** compiled on a wide range of human rights issues, based on B'Tselem's fieldwork as well as on government statements, press reports, and other sources of information.

**26 press releases** issued in English, Hebrew, Arabic and Russian, to over **1,500 local and foreign journalists**:

- **Soldiers Assault and Arrest B'Tselem Worker in Hebron** (*January 20, 2008*)
- **Israeli Human Rights Organizations: End the Siege on Gaza** (*January 24, 2008*)
- **Israel has Cut Off the Northern West Bank** (*February 18, 2008*)
- **Separation Barrier Route Isolates the Village of Nu'man** (*February 22, 2008*)
- **149 People Killed Since the Start of the Year** (*February 28, 2008*)
- **At least Half of Those Killed in Gaza Did Not Take Part in the Fighting** (*March 3, 2008*)
- **Suspicion of Extra-Judicial Execution in Bethlehem** (*March 27, 2008*)
- **Human Right Organizations: Prohibit GSS Use of Family Members to Pressure Interrogees** (*April 16, 2008*)
- **Reuters Cameraman Killed by Flechette shell in violations of laws of War** (*April 17, 2008*)
- **B'Tselem to JAG – Investigate Death of the Abu Me'tiq Family Members** (*April 30, 2008*)
- **The Investigating Officer's Findings do not Clear Israel of Responsibility for the Deaths of the Abu Me'tiq family** (*May 9, 2008*)
- **Stop Harming Civilians. Wars Have Rules Too.** (*May 15, 2008*)
- **Israel Must Join International Effort to Draft Convention Against Cluster Bombs** (*May 18, 2008*)
- **Petition to the High Court: Halt Construction in Ofra Settlement** (*June 4, 2008*)
- **B'Tselem warns of grave water shortage in the West Bank** (*July 1, 2008*)
- **Soldier fires 'rubber' bullet at Palestinian detainee** (*July 20, 2008*)
- **Palestinian victim of shooting and Israeli human rights organizations demand suspension of legal proceedings in Ni'lin affair** (*August 7, 2008*)
- **Petition demands to change the indictment filed against the officer and soldier filmed in Ni'lin: Severe abuse of handcuffed detainee is not "unbecoming conduct"** (*August 19, 2008*)
- **B'Tselem to Attorney General: Stop reckless use of rubber-coated steel bullets** (*September 1, 2008*)
- **Israel Implements New Permit Regime and Policy of Forcible Transfer of Palestinians from the West Bank to the Gaza Strip** (*September 10, 2008*)
- **B'Tselem Report: Israel increased area of dozens of settlements east of the Separation Barrier by tens of thousands of dunams** (*September 11, 2008*)
- **B'Tselem launches an office in the United States** (*September 24, 2008*)
- **Security forces must protect Palestinians from settler revenge attacks** (*December 1, 2008*)
- **The fight for rights must continue** (*December 10, 2008*)
- **B'Tselem: the Ofra settlement is an illegal outpost** (*December 22, 2008*)
- **Targeting civilians is forbidden** (*December 25, 2008*)

**20 email updates** distributed by email to over **14,000 subscribers**, with hundreds of additional print copies.

**3,250 website visitors** per day to B'Tselem's website that contains information in four languages – Hebrew, Arabic, English and Russian - including comprehensive reports, summaries of reports, short films and video footage, statistics, maps, and testimonies from Palestinians and soldiers. Compared to 2007, this is an increase of website visitors by **over 30%**, largely due to video materials.

**2 internet campaigns.** The first related to Hebron, and was done in cooperation with the Association for Civil Rights in Israel (ACRI), bringing Hebron's "Ghost Town" status to the media and public attention. This campaign followed a campaign conducted by B'Tselem in the previous year and was launched to bring attention to the ongoing human rights violations taking place in the Hebron city center and beyond.

The second campaign addressed the Israeli military incursion into the Gaza Strip, emphasizing Israel's obligation, under international humanitarian law, to take every measure to protect civilians from harm. The Internet banner directed readers to a blog coordinated by B'Tselem on behalf of a coalition of eleven Israeli human rights organizations with ongoing updates about the harm caused to civilians as part of the fighting in the Gaza Strip and Southern Israel. **This banner brought over 25,000 readers to the blog in 10 days.**

**International Human Rights Day Internet event:** B'Tselem held a 2-day open discussion on Facebook to mark International Human Rights Week. **B'Tselem staff members answered questions posted on our Facebook Wall** and discussed issues raised by our readers. This first-of-its-kind event was an effort to provide a channel for direct communication with B'Tselem's audience, and expose an increased number of people to the need to promote change regarding the human rights situation in the occupied territories.

**2 print advertisements:** B'Tselem published an advertisement to commemorate International Human Rights Day in Israel's leading daily newspaper, *Ha'aretz*, inviting the general public to B'Tselem's annual tour of the settlements and separation barrier in areas of the West Bank.

The second advertisement, also published in *Ha'aretz*, addressed the December 2008 **hostilities in the Gaza Strip and southern Israel.** B'Tselem, in cooperation with other human rights organizations such as Amnesty International and Physicians for Human Rights, **called on Israel to distinguish between civilian and non-civilian objects in the bombing of the Gaza Strip.** The advertisement also presented the par between the number of deaths in Gaza versus the number of deaths in Israel.

B'Tselem's video archive, totaling **1,500 hours of footage**, is a well-established resource for journalists and filmmakers alike, as we respond to repeated requests from within Israel and overseas for our video material. **Since 2007, B'Tselem has increased its amount of footage by 33%, from 1000 hours to 1,500 hours.**

**17 new videos** were made available on B'Tselem's website during this period. In the second half of 2008, B'Tselem produced 3 films. The first film details **Israel's separation regime that splits families between Gaza and the West Bank.** In the past year, Israel escalated its policy of separating between Palestinians from the Gaza Strip and the West Bank. The separation regime tears families apart, puts thousands at risk of expulsion to Gaza and turns Palestinians into "illegal aliens" in their own homes. Israel exploits the distress of these split families to coerce them into setting up permanent home in Gaza.

The second film shows **testimonies by Israeli and Palestinian victims of torture.** The film depicts an Israeli soldier who was held hostage by the Egyptian army, and a Palestinian who was arrested by Israel, describing the methods of torture to which they were subjected and the long-lasting impact of this torture. B'Tselem and the Public Committee Against Torture in Israel presented this video to mark the UN International Day in support of victims of torture.

Finally, B'Tselem produced a film portraying **Gazan fishermen under the Israeli siege**. Fishing is one of the few livelihoods on which Gaza's residents can rely; for many it is their only source of income. Due to the siege, the Israeli authorities have continually reduced the international nautical border in which the fishermen are permitted to sail. Most fish are located further out from the coast than the fishermen are allowed to reach. In 1995, the limit was 20 nautical miles from the coast, in 2002, 12 miles, and most recently in 2006, 6 miles. Currently, there are almost no fish within the 6 mile-range. If the fishermen go past the designated limit, the Israeli Navy often opens fire. This video portrays the continued suffering and humiliation that Gazan fishermen are subjected to on a daily basis.

**65 study tours** for groups and individuals, as well as **149 briefings and presentations** to policymakers, journalists, diplomats, representatives of international organizations and others.

**Over 700 articles** in the local and international press.

### **Annual Report on State of Human Rights in Occupied Territories**

This report summarizes B'Tselem's updated statistics for 2008, not including statistics from the Gaza-Sderot violence of December 2008- January 2009. The report covers topics such as: accountability, Palestinian and Israeli fatalities, restrictions on freedom of movement in the West Bank, administrative detention, administrative house demolitions, settlements and settler violence.

### **2008 Statistics, as of December 24, 2008:**

- **Fatalities**
  - Israeli security forces killed 430 Palestinians, 87 of them minors.
  - At least 174 of the Palestinians killed in 2008 (40 percent) did not take part in the hostilities
- **Restrictions on Movement in the West Bank**
  - 40 checkpoints, which are staffed by security forces or private security companies, serve as the last point for inspecting persons entering Israel.
  - 63 permanent checkpoints are located far from the Green Line, 18 of them in Hebron.
  - Flying checkpoints declined to a monthly average of 52 compared to 113 a year ago.
  - Physical obstructions: In the first nine months of 2008, the monthly average stood at 517, compared to 467 in 2007.
- **Administrative detention**
  - The number of administrative detainees dropped gradually: from 813 in January to 569 in November, five of them minors.
  - For the first time, Israel held two female minors in administrative detention.
- **Settlements and Settler Violence**
  - Population of the settlements is 288,000. Together with the 190,000 residents of the East Jerusalem settlements, the total number of settlers in the West Bank approaches half a million.
  - The settler population (not including East Jerusalem) rose by 4.6 percent, a slightly greater percentage than in 2007, when the rate of increase was 4.5 percent.

- **Administrative House Demolitions**

- The Jerusalem Municipality demolished 89 houses in East Jerusalem, leaving 404 people homeless, of which 227 are minors, compared to 69 hours in 2007.

***Settler Violence***

2008 was marked by increased visibility of incidents of settler violence. This phenomenon reflects not just a handful of extremist settlers, but rather the failure of the Israeli government and its security forces to enforce the law on the settlers perpetrating this violence. Rhetoric from the settlers has reached new heights, with settlers openly declaring they will avenge acts they consider contrary to their goals of building and growing settlements. Representing some of the many incidents of settler violence in 2008, B'Tselem **filed 84 complaints** regarding settler violence that targeted Palestinians and their property, in regard to which **18 investigations were opened. Israeli policies violate the principle of equality before the law and undermine the rule of law, not only in the Occupied Territories, but in the State of Israel as well.**



*Dec 2008 - Settlers throw stones at Palestinian homes in Hebron*

A stark example of the failure of Israel's law enforcement authorities faced with settler violence occurred on December 4, 2008 during the Israeli military evacuation of the Al-Rajabi House (referred to in the media as the "house of contention") in Hebron. Immediately after the settlement was evacuated, B'Tselem issued a public call to security forces to protect the Palestinian residents of the city, and Palestinians throughout the West Bank, from expected acts of revenge by settlers. Despite B'Tselem's warning, and despite the high probability that attacks of this kind would occur, the **security forces failed to properly protect the city's Palestinian residents also after the eviction**, when settlers invaded Palestinian neighborhoods in the city, torched houses and cars, threw stones, shattered windowpanes, and damaged solar-heated water tanks, satellite dishes, and water containers.

A particularly severe attack occurred in Hebron's Wadi al-Hussein neighborhood, by the house of the al-Matariyeh and Abu Sa'ifan families. Jamal Abu-Sa'ifan, a participant in

B'Tselem's camera distribution project, filmed the event. **A settler fired at three members of the al-Matariyeh family from close range, wounding them.** A second settler fired into the air and towards the photographer, trying also to grab the camera from him. A third settler fired into the air and towards the house. **B'Tselem handed over the video to the police the same day, after which two of the suspects surrendered themselves to the police, who have since been released.**

Both these events and the scores of other incidents of settler violence documented by B'Tselem over the past year highlight the reality in which two separate legal systems function in the West Bank. Palestinians are subject to military law which severely limits many rights, while the military commander generally allows application of Israeli civil law to Jews, such that settlers extra-territorially enjoy the legal system of Israel's liberal democracy. **The result is a vastly different reality for two populations living in a single territory, with a person's nationality determining their treatment by the criminal justice system.**



*In June 2008, four masked settlers attacked three members of the Nawaj'ah family in the Susiya settlement. The victims suffered severe injuries and required hospitalization*

Another incident of violence, reflecting hundreds of others that remain unseen, occurred in June 2008, when four masked settlers with clubs attacked three members of the Nawaj'ah family who were grazing their flock on private Palestinian land south of the Susiya settlement, in the Southern Hebron Hills. **Without B'Tselem's video footage, there is a high probability that these settlers would not have been brought to justice.** The victims suffered severe injuries and required hospitalization. A fourth member of the family documented the beginning of the assault with a video camera she had received from B'Tselem. **As a result of footage from the camera project, Israeli police arrested three (of the four) settlers suspected of the attack.** The case remains pending.

Since the outbreak of the second Intifada, Israel has increasingly avoided accountability for the serious human rights violations perpetrated by Israeli settlers and security forces in the West Bank and the Gaza Strip for which it is responsible. This avoidance is seen, in part, in Israel's policy not to open criminal investigations into cases of death or injury

to Palestinians who were not taking part in the hostilities, except in exceptional cases. Through its advocacy and especially its video work, B'Tselem highlights the need for action by Israeli authorities and the inherent discrimination in the existence of two legal systems. Our video footage has helped to alter this atmosphere of impunity, forcing Israel in several prominent cases in the past year to confront the illegal actions of settlers and security forces.

### **Launch of B'Tselem USA**

B'Tselem launched its first U.S. office in Washington, D.C. in September. With the opening of its U.S. offices, B'Tselem intends to become the central clearinghouse for information about human rights conditions in the West Bank and the Gaza Strip for members of Congress, the State Department and other policy makers. It will also undertake public education activities to raise awareness of these issues throughout the country, and particularly in the American Jewish community.

Recognizing the central role of the United States, B'Tselem is working to inform the political and public discourse in this country and ensure that human rights are a centerpiece of the bilateral relationship and all diplomatic efforts. Since the opening of the office, B'Tselem has begun building on our existing relationship with the State Department, as well as with contacts in both houses of Congress. Congressional aides have already asked our staff to help prepare questions for congressional hearings and have requested up-to-date information about conditions on the ground.

In the Jewish community, B'Tselem has established good relationships with the Jewish Council for Public Affairs, the National Jewish Democratic Council, Ameinu and many other groups, augmenting our existing strong relationships with New Israel Fund, and Rabbis for Human Rights-North America.

We have established these relationships to further our goals of raising the profile of human rights on Capitol Hill, increasing its influence in policy and legislation, and to begin to reframe the discourse in the public and Jewish community from one where human rights is equated with opposition to Israel to one where human rights concerns are taken to enhance Israel's democracy and improve the lives of all people in the region.

### **Public Debate and Requests for Information on Human Rights Issues**

B'Tselem continues to expose tens of thousands of people, the Israeli public, policymakers, journalists and other members of the international community to testimonies, statistics, and legal analysis relating to human rights issues through B'Tselem's reports, website, and email updates. In response to B'Tselem's activities, hundreds of members of the public as well as policymakers have contacted B'Tselem by phone, mail and email to engage in discussion or critical dialogue, to request further information, donate money, or to express interest in volunteering, indicating that B'Tselem has provoked thought and debate on these topics.

During 2008, B'Tselem was invited to provide formal briefings to a broad range of target audiences on the human rights situation, including the following: **US Air Force soldiers**, participants in **IDF spokesperson training**, **parliamentarians from the United Kingdom, the EU, and Germany**, the Middle East director of the **Carter Center**, **US Consular political officers and senior diplomats from Taiwan, France, Italy, Germany, the United Kingdom, Belgium, Canada, Russia, Angola and Switzerland** and the **Head of the EU Delegation**, as well as the **UN Special Rapporteur on Freedom of Religion or Belief**. B'Tselem was also invited to brief the **US Special Envoy for Middle East Security** and his senior staff. In addition, B'Tselem presented



information to a range of international organizations including the World Bank, the International Labor Organization, UNICEF, Avocats Sans Frontieres, Medecins Sans Frontieres, Civic Coalition for the Defense of Palestinian Rights, and Action Against Hunger. B'Tselem also participated in a discussion at the **Interior Committee of the Knesset on settler violence**.

B'Tselem met with **heads of all Israeli Defense Force Brigade Divisions in the West Bank, the Legal Counsel for Judea and Samaria, and the head of the Civil Administration** at their invitation to discuss the role of human rights organizations and the objectives of our work.

B'Tselem also initiated a **round table on the legal status of post-disengagement Gaza Strip**, with a range of human rights organizations participating, as well as the **International Committee of the Red Cross** and legal experts.

The Video Department was invited to present B'Tselem's video work to a range of groups, including: the **British Directors Guild**, where top figures such as Robert Mitchell and Nick Broomfield participated; informal meetings with leading British cultural figures; journalism students; reporters from the print media, including Time magazine and the Guardian; **the Israeli Defense Forces' Officers Academy**; the Ford Foundation's President; and a Palestinian legal organization.

One of B'Tselem's camera project participants had stills and video displayed in an **art exhibit in Hebron**. This exhibition opening was well-attended, including the **Mayor of Hebron, Governor of the Hebron District and a diplomatic delegation from Brazil**.

B'Tselem was also recently asked to contribute to the widely-viewed CBS news program, **60 Minutes**. 60 Minutes requested that B'Tselem provide video footage, along with written research and assistance in filming. The program B'Tselem contributed to is scheduled to be broadcast in the coming months.

B'Tselem also prepared a brief for an independent **High Level Fact-Finding Mission led by Archbishop Desmond Tutu** and Professor Christine Chinkin, of the Centre for the Study of Human Rights at the London School of Economics. The High Level Fact-Finding Mission to Beit Hanoun was established by the United Nations Human Rights Council in November 2006 after an Israeli attack resulted in the deaths of 19 people, including seven children. After finally entering Gaza through Egypt because Israel would not cooperate, the Mission concluded in September 2008 that there was "**evidence of a disproportionate and reckless disregard for Palestinian civilian life**, contrary to the requirements of international humanitarian law and raising legitimate concerns about the **possibility of a war crime** having been committed."<sup>1</sup>

## **MEDIA COVERAGE OF HUMAN RIGHTS ISSUES: UNPRECEDENTED EXPOSURE**

B'Tselem's reports, work with the press, and study tours have continued to generate on average **over 100 articles per month—twice as many as the monthly average in 2007**—in the Israeli and international press regarding human rights issues in the West

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<sup>1</sup>"HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES:" Report of the high-level fact-finding mission to Beit Hanoun established under Council resolution S-3/1. <http://domino.un.org/unispal.nsf/fd807e46661e3689852570d00069e918/eaee82c6c256519852574c5005427ce!OpenDocument>



Bank, Gaza and East Jerusalem, raising public awareness of these phenomena and fostering public debate.

Some of the central aspects of B'Tselem's work that received particular media attention during this period were the impact of Israel's withholding of fuel and electricity from Gaza's residents, the failure of the military and police to investigate incidents in which Palestinians were injured and killed by security force personnel, and the claimed easing of restrictions on the movement of Palestinians in the West Bank.

#### *Video and the Media*

B'Tselem's video work has served as a conduit to an important arena for human rights advocacy – television and online media. While human rights advocates have long relied on moral appeals to direct the media's attention to pressing human rights issues, B'Tselem now serves as a resource, providing high quality, accurate materials for television reporters, filmmakers, and even bloggers, to use. B'Tselem's video archive is now a well-established resource for journalists and filmmakers alike, as we answer repeated requests from within Israel and overseas for our video material.

Through the camera distribution project, B'Tselem now has **150 cameras** in the field in: South Hebron Hills; Hebron city center; Jerusalem; Bethlehem; Nablus; Jordan Valley; and Tulkarm. In the past six months, B'Tselem has focused its efforts on expanding camera distribution to the Northern West Bank, where there are many Jewish settlements.

B'Tselem **footage has reached millions** in foreign television news broadcasts including appearances on talk shows and primetime news programs on CNN, BBC, MSNBC, Democracy Now, Al-Jazeera, CBC and TVO [Canada], Sky News, Al-Arabiya and LBC. Al-Jazeera's viewers alone number at least 40 million in the Arab world and beyond.

B'Tselem's footage has appeared **five times per month** at a minimum on the prime time news programs of Channels 1, 2 and 10 in Israel. In July, possibly the greatest amount of publicity B'Tselem has received to date, our footage was broadcast over 20 times in various Israeli media. In addition, B'Tselem material has also been broadcast on several popular Israeli Internet news sites including YNet, Ha'aretz TV, and Walla; international sites such as WITNESS's Hub, Turkish NTV-MSNBC, and Radikal. The sound element of B'Tselem footage was used 40 times over the past five-month period on radio news broadcasts.

Due to the unparalleled media coverage of the camera project, both locally and internationally, B'Tselem's website has received **nearly 2 million visitors** and over **300,000 views of video material**, in 2008. **Compared to 2007, this is an increase of video material viewed of over 300%.**

The highest percentage of website visitors come from the United States, followed by Israel and Italy, as well as over 150 other countries. In addition to the viewers on B'Tselem's website, we have tracked over **80,000 viewers of B'Tselem material per month** on the site *YouTube* and other international websites.

## **RAMIFICATIONS OF SETTLEMENTS**

- **Special Security Areas**

B'Tselem released a report detailing the way in which Israel continues to confiscate Palestinian land in the name of security needs. The research shows that for years, Israeli

authorities have both barred Palestinian access to rings of land surrounding settlements, and have not acted to eliminate settlers' piratical closing of lands adjacent to settlements and blocking of Palestinian access to them. Blocking access is one of the many ways used to expand settlements. **In recent years, Israel has institutionalized the closing of such lands in an attempt to retroactively sanction the unauthorized placement of barriers far from the houses at the edge of the settlements.**

Especially blatant in this context is the "Special Security Area" (SSA) plan, in which Israel surrounded 12 settlements east of the Separation Barrier with rings of land that are closed as a rule to Palestinian entry. **As a result of the plan, the overall area of these settlements is 2.4 times larger, having increased from 3,325 dunams (4 dunams = 1 acre) to 7,793 dunams.** More than half of this ring land is under private Palestinian ownership. The amount of land attached to settlements other than through the SSA plan is much larger, given there are no official limitations and less supervision of the piratical closing of land by settlers. **B'Tselem estimates that such piratical closing has blocked Palestinian entry to tens of thousands of dunams, thus annexing them de facto to the settlements.** Experience shows that this land grab will be perpetuated and become part of official policy to the extent that the plan is implemented at additional settlements.

- **Israel's Neglect of Waste Water Treatment in West Bank**

B'Tselem published a report addressing Israel's neglect of waste water treatment in the West Bank and from Jerusalem. There are three main areas of focus: wastewater from Jerusalem that is directed eastwards into the West Bank valleys and streams; the West Bank Israeli settlements' wastewater that goes untreated or is treated improperly; and Israel's creation of various hurdles hampering the Palestinian authorities' efforts to build waste water treatment facilities (in Areas B and C).

**This blatant neglect of waste water treatment has both short and long-term effects.** In the short-term, it pollutes Palestinian agricultural and water sources, and in the long-term, the Mountain Aquifer (the main water source for both Israelis and Palestinians) may become severely polluted. B'Tselem's recommendations are threefold. First, is that Israel immediately treat all wastewater (originating in the settlements and Jerusalem)—**as long as settlements exist, the Israeli government must act immediately** to treat all settlements' waste in accordance with existing Israeli standards. Second: Israel must remove all obstructions it creates hampering Palestinian authorities in building their own treatment facilities; and finally, **Israeli and Palestinian authorities should cooperate** as quickly as possible to treat wastewater in order to deal with the current dire situation.

- **Nearly 60% of Ofra is built on land registered to Palestinians**

B'Tselem, together with Yesh Din, petitioned the High Court of Justice in early 2008, claiming that Ofra is an illegal outpost built mostly on private land and demanding that the court halt construction of 9 houses being built on their land and prohibits people from moving in to these houses.

Following this petition, B'Tselem did intensive research into this matter, producing a full-length, detailed report. The report concludes that the legal status of the 33-year-old Israeli settlement, **Ofra, is identical to that of an unauthorized outpost.** According to International Humanitarian Law, all settlements are illegal, whether or not they are officially recognized by the Israeli government. In 2005, the Israeli government set out its **own set of criteria for determining the legality of Israeli communities in the West Bank.** According to these standards determined by Israel, **Ofra is an illegal outpost.**

Large sections of Ofra's built-up area are located on **land registered to Palestinians**, according to data obtained from the Civil Administration. Of Ofra's 670 dunams of built-up area, B'Tselem was able to determine that at least 390 dunams (**58%**) of **Ofra's built-up area is located on land registered as privately owned by Palestinians**. Furthermore, to this day, Ofra's municipal boundaries have never been determined, a detailed outline plan has not been approved for it, nor have building permits been issued as required by law. Therefore, **Ofra's hundreds of homes were built unlawfully**.

B'Tselem highlighted in the research the criteria established by the Israeli government according to which an Israeli community in the West Bank that is built on land registered to Palestinians, and that was constructed without the requisite permits and without declared boundaries **is an illegal outpost, which must be dismantled**. Therefore, Israel must dismantle Ofra. It must return to the Palestinian landowners the land taken from them in contravention of law and compensate them for the use of their land over the years.

### **RESTRICTIONS ON MOVEMENT**

The restrictions on movement that Israel has imposed on the Palestinian population in the Occupied Territories over the past five years are unprecedented in the history of the Israeli occupation in their scope, duration, and in the severity of damage that they cause. The restrictions on the Gaza Strip are particularly outstanding for their severity, mainly following November 2008 when Israel fully closed the Gaza crossings, following an IDF incursion into Gaza in search of tunnels and the firing of rockets and mortars by Palestinian militants.



*Border police officers prevent Palestinian women from crossing the road in a-Ram, Ramallah District.*

- **Declared Removal of Obstructions in the West Bank**

B'Tselem called attention to the reality behind the Israeli government's claim of easing restrictions on movement. The Israeli government announced that at the end of March 2008, the army began removing 61 physical obstructions – dirt piles, boulders, and blocks – it had placed inside the West Bank. However, B'Tselem's investigation and investigations by other human rights organizations indicate that the government's declaration was no more than sleight of hand. When it investigated further, B'Tselem

found that most of the physical obstructions on the list had, in fact, been breached by local Palestinians or had been removed by the army itself before Israel made its commitment to remove them. Furthermore, at a number of places in the northern West Bank, obstructions that had previously been removed by the residents were moved back into place by army bulldozers. The army then took pictures of these obstructions before removing them the same day or the following day.

- **Israel approved some 32,000 requests for family unification.**

Since October 2007, and following extensive research and advocacy work by B'Tselem and other human rights organizations, Israel has approved 31,830 requests for family unification in the West Bank and Gaza Strip. Despite this positive step, 90,000 Palestinians are still waiting for approval of their applications. This is the first exception to the Israeli policy on this issue since the outbreak of the second Intifada, in September 2000, when Israel froze family-unification procedures and the granting of visitors' permits. The approvals, however, were described as a gesture, and not a change in policy. B'Tselem documentation and advocacy work on this issue will continue, in an effort to keep this issue on the public agenda.

- **Separated Entities: Disconnect between West Bank and the Gaza Strip**

In addition to the above restrictions on movement, B'Tselem highlighted policies that entrench the separation between the Palestinian populations of the West Bank and the Gaza Strip. Since the beginning of the current Intifada, Israel has taken various actions to divide the Palestinian population into two distinct entities. Over this last year, Israel has taken unilateral steps to institutionalize this separation between the West Bank and Gaza Strip Palestinian populations. Cutting off the Palestinian people from one another has extensive ramifications, including on the interdependent social, economic, and cultural fabric. Preventing movement between the two regions violates the West Bank and Gaza Strip residents' human rights, as well as their right to self-determination. B'Tselem and HaMoked: Center for the Defense of the Individual presented information jointly on the scope and ramifications of this separation policy.

## **ACCOUNTABILITY**

B'Tselem succeeded in drawing media and public attention to a number of incidents of security force abuse requiring investigation:

- **Ni'lin**

In 2008, B'Tselem publicized footage that shows **a soldier firing a rubber coated steel bullet, from extremely close range, at a cuffed and blindfolded Palestinian detainee.** The incident took place in the West Bank village of Ni'lin. The shooting took place in the presence of a lieutenant colonel, who was holding the Palestinian's arm when the shot was fired. The video clip shows a soldier aim his weapon at the legs of a Palestinian demonstrator, Ashraf Abu Rahma, 27, from about 1.5 meters away, and fire a rubber coated steel bullet at him.

**A Palestinian girl from Ni'lin filmed the incident** from her house in the village, B'Tselem collected the footage, and immediately forwarded a copy to the Military Police Investigation Unit commander, demanding that the soldier be brought to justice. Additionally, B'Tselem demanded that the involvement of the lieutenant colonel who was holding the detainee be investigated.

B'Tselem and other human rights organizations protested the Judge Advocate General's (JAG) original indictment of "unbecoming conduct" as not sufficiently severe given the soldier's behavior. Consequently, B'Tselem and other organizations filed a petition before the **High Court of Justice** demanding that the indictment against the officer and soldier filmed in Ni'lin be revised: severe abuse of a handcuffed detainee merits more severe punishment than "unbecoming conduct." In response to the petition, and in a rare step, the High Court suspended the criminal proceedings and instructed the Judge Advocate General to justify his decision. The JAG informed the High Court of Justice that, despite the court's suggestion that the prosecution consider filing more serious charges against the officer and soldier, the indictment would remain. Nevertheless, B'Tselem returned to the High Court of Justice in December, and continues to insist that the indictment issued should be more severe.



*In July 2008, a soldier fired rubber-coated bullet at Palestinian detainee, from extremely short range, who was cuffed and blindfolded in Ni'lin.*

- **East Jerusalem Administrative House Demolitions**

In 2008, the Jerusalem Municipality demolished 89 houses in East Jerusalem, leaving 404 people homeless, compared to 69 in 2007. Among this spate of administrative house demolitions carried out in 2008, two demolitions were documented on film by B'Tselem - an entire house and an addition to a house, - both in the Bustan section in the center of Silwan, an East Jerusalem neighborhood. **As a result of video footage submitted together with a complaint by B'Tselem**, the Department of Investigations of the Police **opened an investigation**. The film captured a **border police officer assaulting two residents of the neighborhood** during the course of removing the occupants of the houses intended for destruction. Dozens of local residents protested the action, some of them throwing stones at police and Border Police forces, who responded by firing tear gas and in one case, fired a shot of live ammunition at a balcony on which stone-throwers were standing.

- **Accountability: Some Tangible Results**

While a general atmosphere of impunity persists, due to B'Tselem's work there have been some small, measured successes. In rare cases are security forces brought to justice for harming or killing Palestinians. In most instances, the authorities do not even investigate

the incident, and in the few cases they do investigate, the investigation is done negligently long after the incident takes place, when it is no longer possible to collect evidence and testimonies. As a result, the file is closed. In the rare cases when an indictment is filed, the charges levied against the defendant do not reflect the severity of the act, and if the defendant is convicted, light sentences are imposed.

In one case, an **indictment was issued for the assault by two policemen on Palestinian worker**, Fadi Darab'i, at a construction site in Gan Yavneh, in April 2008. In this incident, originally brought to the attention of the public by B'Tselem, one policeman bent the victim's arm behind his back, while the other policeman, stood in front of him and kicked him hard in the groin. Ultimately, the victim underwent surgery, and due to the severity of the injury, the surgeons were forced to amputate one of his testicles. He was hospitalized for three days.

In a separate incident, border policeman Yanai Lazla was sentenced to 6½ years' imprisonment for the 2002 killing of 'Amran Abu Hamdiya, 18, from Hebron. Lazla and three other **policemen threw Abu Hamdiya from a jeep moving at high speed after they had abducted, beaten, and abused him**. His head struck the pavement with great force, killing him. The entire affair was exposed by B'Tselem and the Palestinian human rights organization al-Haq. Despite the unusual occurrence of the filing of indictments and, ultimately, convictions, B'Tselem uses these cases to illustrate the disproportionately mild sentences imposed for acts leading to severe injury and death.

- **Military and Police Investigations: Complaints Filed, Investigations Opened**

In recognition of the degree of professionalism and thoroughness of B'Tselem's documentation, both the **Military Investigations Unit** of the IDF and the **Department of Investigations** of the Israel Police continue to repeatedly request copies of our video testimonies for their use in investigation of the incidents described in the testimonies. There have been approximately **130 indictments issued** by the JAG since the beginning of the current Intifada; among them some of the cases brought forward by B'Tselem.

**During 2008 B'Tselem filed 269 complaints total, of those 72 investigations were opened —more than 1/4 of complaints result in investigations.** Complaints are filed on the subjects of settler violence, security force violence (not including shooting), Palestinian fatalities and causalities, and property damage.

- **Use of Rubber Bullets is Reckless**

B'Tselem presented data indicating that security forces have adopted a practice of reckless firing of rubber-coated steel bullets in the West Bank, killing two Palestinians and injuring many more since the beginning of the year. **Since the Intifada began, 21 Palestinians have been killed by rubber-coated steel bullet fire, a measure that is meant to be non-lethal.** B'Tselem requested Attorney General Menachem Mazuz to stop the illegal firing and prosecute both soldiers and police officers who violate the Open-Fire Regulations and commanders who condone the trigger-happy attitude.

In September 2008, 'Awwad Sadeq Srur, a mentally disabled father of four from Ni'lin, was severely injured when a soldier fired a cylinder containing three rubber-coated steel bullets at him from short range. B'Tselem's initial investigation indicates that two bullets penetrated his skull and a third struck him in the chest.

The recent wave of similar cases, which led to B'Tselem's request, raises the grave suspicion that soldiers and Border Police officers systematically breach the open-fire

regulations in their use of rubber-coated bullets, often with the knowledge and approval of officers. The request included a list of 19 cases B'Tselem has investigated in which soldiers and police officers fired rubber-coated bullets from potentially lethal short ranges, although the security personnel were not in a life-threatening situation. B'Tselem also reported cases in which children were shot and in which security forces fired with the intention of wounding and punishing Palestinians.

B'Tselem knows of only one case in which an indictment has been filed against security forces for breaching the open-fire regulations. The failure to prosecute offenders conveys to soldiers, police officers, and commanders that they will not be held accountable for killing or wounding Palestinians, and encourages a trigger-happy attitude among the forces.

## **BUILDING ORGANIZATIONAL CAPACITY**

B'Tselem staff members participated in a variety of training and enrichment sessions over the past period. Four two-day training sessions were organized for fieldworkers, focusing on gender-sensitivity training, strategic planning, and B'Tselem current research topics. The senior managers from B'Tselem participated in a two-session management workshop, focusing on decision-making processes and improving organizational structure. B'Tselem staff researcher Ofir Feuerstein completed a two-week course on IHL in Warsaw.

This year, B'Tselem and al-Haq received the **Geuzen Medal**. The Geuzen Resistance 1940-1945 Foundation (Stichting Geuzenverzet 1940-1945) has awarded a Geuzen Medal every year as a tribute to individuals or institutions that have devoted themselves to fighting for democracy or against dictatorship, discrimination, and racism. Other past recipients include: Human Rights Watch and Vacal Havel, president of Czech Republic.

With the goal of enhancing effectiveness in the area of security force accountability, B'Tselem has hired an expert legal consultant on a retainer basis to assist in improving the testimony collection process for use in legal proceedings, well as to review and identify B'Tselem cases in which the police and military authorities have either failed to open or closed investigations where evidence suggests that a full investigation is warranted.

B'Tselem conducted its first-ever **impact assessment**, in order to explore the best way to maximize the organization's effectiveness in the complex and changing reality of the political and security climate. The assessment process involved case studies and both internal and external interviews, and was conducted by an international consultant with expertise in this field together with a local organizational consultant.

On the basis of the impact assessment results, B'Tselem has started our **strategic planning process**, focusing on different key areas of the organization: identity, strategy, internal organizational structure, and objectives. We will develop a strategic organizational plan based on the outcomes, with the goal on continuing to improve our effectiveness in tandem with the changing external context.

### **Staff Changes**

During this period, Research Director Yehezkel Lein left B'Tselem to assume the position of Research Director at OCHA. Yael Stein, a former B'Tselem staff member and lawyer, returned to assume the position of Research Director. The former



coordinator of B'Tselem's camera distribution project Diala Shamas left to pursue a law degree at Yale University, and was replaced by Asaf Peled. In addition, B'Tselem welcomed the following people to our staff: Eyal Haruveni (Staff Researcher) and Melissa Schwab (International Relations Associate).

## **IN CONCLUSION**

B'Tselem will continue to play a crucial role in putting human rights on the public agenda, and in advocating for changes in military and government policies to bring about human rights protections in the Occupied Territories. B'Tselem will seek to expand all aspects of our work to advance human rights - documentation and monitoring, media and video advocacy, and research and publication - to the greatest extent possible.