

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

مركز المعلومات الإسرائيلي لحقوق الإنسان في الأراضي المحتلة-بتسيلم

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

20 January 2010

Maj. Gen. Avichai Mandelblit
Judge Advocate General
The Kirya, Tel Aviv
By fax: 03-5694526

Dear Sir,

**Re: Circumstances of the killing of Ghasan Abu Sharakh, Nader a-Sarkaji,
and 'Anan Subuh in the Old City of Nablus, on 26 December 2009**

In the pre-dawn hours of 26 December 2009, an IDF force shot to death Ghasan Abu Sharakh, Nader a-Sarkaji, and 'Anan Subuh, while each of them was at home in the Old City of Nablus. Two of them, Ghasan Abu Sharakh and Nader a-Sarkaji, were with their families at the time they were shot. According to the announcement of the IDF Spokesperson, the three were purportedly involved in the shooting attack that killed Rabbi Meir Chai on 24 December 2009.

B'Tselem's investigation into the incident indicates that:

- About 2:30 A.M., soldiers surrounded the house of Abu Sharakh and bombed the front door of the building. The soldiers called to all residents of the building to go outside. Jihad Abu Sharakh, a brother of Ghasan Abu Sharakh, left his apartment on the third floor of the building, and soldiers ordered him to go into the yard. After he did that, soldiers beat him and cuffed his hands. In the meantime, other members of the family gathered on the second floor and began to go down the steps leading to the yard. Ghasan Abu Sharakh, who was unarmed, led the group, with his mother and sister-in-law walking behind him. At the moment he reached the last steps and stood facing the

רחוב התעשייה 8, ת.ד. 53132, ירושלים 91531, טלפון 6735599 (02), פקס 6749111 (02)

8 Hata'asiya St. (4th Floor), P.O.Box 53132, Jerusalem 91531, Tel. (02) 6735599, Fax (02) 6749111

mail@btselem.org

<http://www.btselem.org>

soldiers, they shot him and he fell dead on the spot, while his mother watched. The soldiers then gathered all the other members of the family on the other side of the road and forbade them to approach Ghasan's body. Two of Jihad Abu Sharakh's sons, who were afraid to leave the house after their uncle had been shot to death, were handcuffed and beaten by the soldiers. Jihad Abu Sharakh, blindfolded and his hands cuffed behind him, was taken from the site in an army vehicle by soldiers. During the ride, the soldiers made him get out of the vehicle and get back in it several times, beating him each time. They released him at the Huwara checkpoint at around 9:00 A.M.

- Around 2:40 A.M., soldiers surrounded the house in which Nader a-Sarkaji lived and some of the soldiers went onto the roof of his house. The soldiers opened massive gunfire at his apartment while he and his wife were sleeping. Nobody called to them to go outside before the soldiers opened fire. Nader a-Sarkaji shouted to the soldiers that he was coming out of the apartment. After a break of about one minute in the firing, he went to the corridor leading to the yard of the house, his wife behind him. At the same moment, soldiers on the roof overlooking the yard of the house shot him in the head and he fell and died on the spot. His wife, who was standing behind him, was injured in the leg by fragments and also fell to the ground. After a few seconds, about six soldiers came into the yard and shot Nader a-Sarkaji several more times. Then the soldiers went into Nader a-Sarkaji's apartment and searched it for approximately one hour, during which they questioned his children, his wife, and his mother about the location of weapons in the apartment, and vandalized the contents of the house. B'Tselem has photos documenting the damage to the house. No weapons were found in the apartment.
- Around 3:00 A.M., soldiers surrounded the house of the Subuh family, fired at the building, and called out on a loudspeaker to all the occupants to go outside. The occupants, except for 'Anan Subuh, went downstairs and stood at the entrance to the building. Soldier separated the occupants: the women and children were taken to an adjacent house, and the men were taken to the house of the al-'Amudi family, which faces the Subuh's house. A soldier who introduced himself as "Officer 'Ali" threatened the group of men, including 'Anan Subuh's elderly father, that he would destroy their house if they didn't tell him where 'Anan was located. The family members refused to answer. Afterwards, the family heard several blasts coming from the direction of their

house. The same officer ordered 'Anan's brother Jamal, by means of force and threats, to call to his brother in the loudspeaker and convince him to surrender. During the incident, the family heard gunshots coming from the direction of the house. Around 7:00 A.M., after the soldiers left the area, the Subuh family returned to their house and found 'Anan's body lying near the place where he had been hiding, with 15 bullets in it.

The sequence of events described above completely contradicts the versions given by the IDF Spokesperson and raises a grave suspicion that the soldiers acted unlawfully.

Contrary to the contentions made by Israeli officials, it appears that no real attempt was made to arrest Ghasan Abu Sharakh and Nader a-Sarkaji, and that they were given no warning before they were shot to death. They were shot although they were unarmed and had obeyed the instructions of the soldiers to leave their houses, which they did together with the other members of their families. The claim reported in the media that Ghasan Abu Sharakh attempted to escape cannot be reconciled with the testimonies and with the fact that he was shot while standing next to his mother. Furthermore, since he was shot while standing on the stairs, before he managed to get to the yard where the soldiers were positioned, and since he was unarmed, it is unclear how he could have threatened them. Also, the contention that Nader a-Sarkaji used his wife as a human shield and left the room hiding behind her can not be reconciled with the testimonies given to B'Tselem. In any event, since he was unarmed, it is unclear how he could have endangered the soldiers.

There were no eyewitnesses to the killing of 'Anan Subuh, as he was killed inside the house after the other occupants had gone outside. However, B'Tselem's physical investigation of the scene indicates that, although a weapon was found in the hiding place, 'Anan Subuh did not fire at the soldiers. The various IDF Spokeperson's announcements regarding this incident made no mention of an exchange of gunfire during the operation. Also, it appears that the partial destruction of the house was not intended to serve operational needs but rather to pressure the family of 'Anan Subuh into divulging his location.

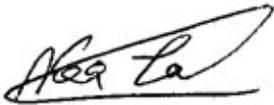
In light of the above, and taking into account the significant differences between the information at our disposal and the claims made by the army as they were presented in the media, I request that a Military Police investigation into the circumstances of the killings of Ghassan Abu Sharakh, Nader a-Sarkaji, and 'Anan Subuh be opened immediately. The investigations must also look into the responsibility of the command echelon regarding the conduct of the soldiers and the orders

given them. Also, it is necessary to investigate the violent treatment of the family members of the suspects who were killed, the damage to the property of the a-Sarkaji family, and the threats to members of the Subuh family made by the officer who introduced himself as "Officer 'Ali."

B'Tselem has photographs and medical documents regarding Ghasan Abu Sharakh, Nader a-Sarkaji, and 'Anan Subuh, which will be made available to the investigators upon request.

I would appreciate your response at the earliest possible time.

Sincerely,

A handwritten signature in black ink, appearing to read "Noa Tal", with a large, sweeping flourish above the name.

Noa Tal

B'Tselem

cc: Mr. Menachem Mazuz, Attorney General, via fax: 02-6467001

Lt. Col. Sigal Mishal-Shehori, Judge Advocate for Operational Matters, via fax: 03-5126475