

הורגי השישה המיליציו ליגל"ש

הבהרו לנסתערכים שהם בעלו למופת, אמר קצין צה
בכיר, הם לא ליוכחים גם מהרמטכ"ל • בתחקיר התקד
בגיבול
אשרי הפתח לבשו מדים מומרים וע
מסו
ליים - ולכאה מהם היו כדורים בק
בדת מידע שונך בין הפתח לצה



SUMMARY EXECUTION: JABALYA REFUGEE CAMP, MARCH 28, 1994

A JOINT REPORT ISSUED BY:

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



PALESTINIAN LAWYERS FOR HUMAN RIGHTS

בִּיטְסֵלֵם

מרכז המידע הישראלי לזכויות האדם בשטחים

רחוב עמק רפאים 43 (קומה שניה), ירושלים 93141
טלפון 617274, 02/617271, פקסי 02/610756

**B'TSELEM - The Israeli Information Center for
Human Rights in the Occupied Territories**

43 Emek Refaim St. (Second Floor), Jerusalem
Tel. 02/617271, 617274, Fax. 02/610756

بیتسيلم مركز المعلومات الاسرائيلي لحقوق الانسان في الاراضي المحتلة

شارع عيمك رفائيم ٤٣، (الطابق الثاني) القدس ٩٣١٤١.
تلفون ٦١٧٢٧٤\١-٢. فاكس ٦١٠٧٥٦-٢.

ISSN 0792-8114

Graphic Design: Dina Sher



**Summary Execution:
Jabalya Refugee Camp,
March 28, 1994**

Written by:

Yuval Ginbar

Research:

Attorney 'Abd a-Rahman Abu Nasr,
Palestinian Lawyers for Human Rights
Yuval Ginbar, B'Tselem

A joint report issued by:

B'Tselem and **Palestinian Lawyers for
Human Rights**

Cover:

Yediot Aharonot, April 30, 1994
"Killers of the Six Recommended for
Commendation"

Introduction

This report presents an initial investigation undertaken by staff of **B'Tselem** and **Palestinian Lawyers for Human Rights** in Jabalya Refugee Camp on March 29, 1994. The report covers an incident in which six Palestinians were killed by members of an undercover unit on March 28, 1994.

The investigation presents grave findings regarding the conduct of the soldiers in this

incident. Both organizations have in the past called attention to the *modus operandi* of the undercover units, and their open-fire policy in particular.¹

The report includes testimony taken by both organizations, a soldier's testimony on the "Procedure for Ensuring Death," and conclusions of the investigation.

1. See **B'Tselem, Activity of the Undercover Units in the Occupied Territories**, Jerusalem, May 1992.

Testimony

Testimony of M.'A.W., age 25

(name on file at **B'Tselem**)

Yesterday, between 6:30 and 7:00 pm, I let out of my car passengers whom I had brought with me from Gaza, and I drove towards Saleh's store (see Saleh's testimony below) to fill up with petrol.

Two armed masked men emerged from a car. There were about ten others with them, some were armed and some had clubs. They asked for the car. I was in the middle of filling the gas-tank. I removed the hose and was about to give the masked men the keys to my car. At the same time, the masked men also took the car of my friend Muhammad Abu 'Aidah, and a few masked men were already sitting inside.

A Peugeot 504 drove up from the west, and stopped about six meters from us. Around six people wearing civilian clothes got out of the car. They didn't say anything and weren't being threatened by the masked men who were distributing leaflets in the street. Nobody aimed weapons at them. Without a warning and without firing into the air, the undercover soldiers started shooting. The masked men did not shoot. Six people were hit and the rest ran away. Some of those who were hit were in the car and others were outside it.

All those who were shot fell down, except for one (apparently Ahmad Abu Ibtihan) who was hit only in his leg. He escaped to Saleh's store. One of the undercover soldiers caught him, smashed his head into the step in front of the store, and then brought a pistol to his head and shot him. All this took place less than two meters from me.

Afterwards, they approached each of the masked men who were lying down, and shot each of them from close-up.

The [regular] army arrived immediately after it was all over.

In the days following the preliminary investigation, workers from **Palestinian Lawyers for Human Rights** completed questioning the families of the deceased. Family members who had seen the bodies of those killed testified that all six Palestinians killed had been shot in their head (most were also shot in other parts of the body.)

The family members also testified that in all of the cases, only ten, older men were permitted to attend the funerals. Women, including mothers, were not permitted, in any of the cases, to take part in the funeral.

Testimony of Muhammad 'Amer 'Atiyyah Abu 'Aidah, age 21

Yesterday, at 6:30 in the evening, I was next to the store of my cousin Saleh. I stood among approximately 12 masked men. They were distributing leaflets and were armed. A Peugeot 504 arrived from the north, turned west and stopped next to the car of the masked men. Some of them had already finished handing out the leaflets and were sitting in the car. About eight men dressed in civilian clothes got out of the Peugeot and started shooting at the masked men. They didn't warn them first or fire into the air. I ran away in the direction of the street.

Testimony of Saleh 'Ali Salem Abu 'Aidah

I am the owner of the store where gas is sold. Yesterday, at approximately 6:30 in the evening, I was in the store. Twelve masked men arrived in two cars. They descended from the cars and began to distribute leaflets.

They sent away one car (a Subaru) and asked to use the car of M.'A.W. (see testimony above). They also wanted to take the car of Muhammad Abu 'Aidah, but he said he would take them wherever they wanted, and got into the car with a few of them.

Just when M.'A.W. gave them the keys to his car, two cars arrived – one from the west and one from the north. They stood at the junction and about eight men got out, dressed in civilian clothes. They didn't say "stop" or anything, and also didn't shoot into the air. They shot straight at the masked men. The masked men hadn't pointed their arms at the undercover soldiers. Until the shooting began, I thought that the undercover soldiers were wanted people. One woman, 'Aisha Abu 'Aidah, approximately 55 years old, tried to protect one of the masked men and she was shot in the shoulder or chest. Muhammad Abu 'Aidah was also injured.

Testimony of a Reserve Soldier on the "Procedure for Ensuring Death"

A.S. [full name on file at **B'Tselem**] served his reserve duty in the Ramallah area in July 1993. Following are some excerpts from his testimony, taken by Yuval Ginbar from **B'Tselem** on August 18 and 26:

On our first day of service we were first sent to the base [within the Green Line] for drills. The drills lasted from Wednesday afternoon [July 14, 1993] to the following day... . In certain cases, during a chase and when there is life danger, the procedure for ensuring death is executed. If we shot him and he falls – we come within close range, one or two meters, and execute the ensuring death procedure. What is ensuring death? We shoot him in the head.

This is what the captain told us, the lieutenant who presented the mission at the regional base... and I remember that clearly.

It was also demonstrated: Three soldiers (not officers) travelled in a jeep, and along came the one playing the Arab. He threw a bottle full of diesel fuel or petrol gas at them (actually near them, of course), but uncorked (in order to avoid taking risks since it was only a demonstration).

They stopped, unloaded the jeep, chased after him, and he fled. The soldiers "shot" (I mean they ran, stopped, aimed and feigned shooting) without a procedure [without warning calls and shots]. He "fell," that's to say, lay down, and then they approached him, and from a range of one or two meters "shot" him in the head. He was lying right on the ground, and I remember that from a distance of one or two meters they aimed and "shot" him in the head.

It really surprised me, since I don't remember a procedure of "ensuring death" from my entire period of compulsory military service, or from any reserve service – not from Lebanon either. During the service itself, in daily briefings, it barely came up, but I clearly remember that once or twice they did go over it, and I also remember who. It was our officer, the "bigshot," who would carefully repeat the orders (in most instances the officer on duty would quickly review the orders, and no one listened.) I remember this because it pissed me off.

One masked man escaped into my store. He wasn't armed. One of the undercover soldiers ran after him, caught him, and pulled him out to the steps at the entrance to the store. He brought his pistol up next to his head and shot him twice.

Afterwards, they shot again from close range at each of the masked men who were lying on the ground and in the car. Later, the army came. None of them tried to treat the masked men, and they were left lying there for an hour and a half. At the end, they were taken away in an army car.

Testimony of Khalil Salem 'Abd a-Nabi

(brother of the deceased, Jamal 'Abd a-Nabi)

We took the body from the Erez Checkpoint at 11:30 at night. Jamal was injured in his head and hips. Permission was granted to ten family members – men only – to attend the burial.

Testimony of Hassan Muhammad 'Abd a-Rahman al-Maquisi

(brother of the deceased, Anwar Muhammad 'Abd a-Rahman al-Maquisi)

We took him from the Erez Checkpoint at night. There were four wounds in his chest. In addition, there was a wound in his right eye and one in his right temple. His brain was exposed in the back. We buried him at 12:00 at night. Only ten older men were

permitted to come to the burial. His mother was not permitted [to attend].

Testimony of Attorney Muhammad al-Hasainah

My house is opposite the mosque adjacent to where the incident took place. I arrived after the shooting ended, between 7:00-7:30 pm. A local ambulance arrived and so did a car belonging to UNRWA, but they weren't permitted to enter the area where the incident took place. They tried from another direction but were returned again.

All during this time, more than an hour and a half, the bodies were left on the ground. At approximately 9:00 pm, the bodies were placed on command cars and jeeps, and they were taken away. I didn't see any attempts at resuscitation or treatment.

Names of the deceased:

- Ahmad Abu Ibtihan, 23, Jabalya Refugee Camp
- Jamal 'Abd a-Nabi, 35, Jabalya Refugee Camp
- Anwar Muhammad 'Abd a-Rahman, 25, Jabalya Refugee Camp
- Nahed 'Odeh, 24, Jabalya Refugee Camp
- Majdi 'Ubeid, 25, Shuja'iyah neighborhood, Gaza City
- 'Abd al-Hakim a-Shmali, 30, Shuja'iyah neighborhood, Gaza City

Conclusions

The testimonies taken by **B'Tselem** and by **Palestinian Lawyers for Human Rights** reveal the following facts:

1. The undercover unit engaged in an initiated operation. The undercover forces aimed at the masked men and opened fire with no warning or shots fired into the air. Some of the masked men were armed, but they did not threaten the undercover force. Members of the force did not fire in self-defense; they shot with the intention of killing.
2. After the first shots were fired, a masked man who was lightly injured tried to escape and was caught. After he was in the custody of the undercover forces, a pistol was aimed at his head by one of the undercover soldiers and he was shot to death at close range.
3. The undercover forces shot repeatedly, at short range, at the five remaining Palestinians who had been injured already by the first round of shooting, and who were lying immobilized on the ground. The subsequent shooting was apparently intended to ensure that they were dead.
4. The bodies were left in place, apparently with no treatment or even medical examination. Attempts by a Palestinian ambulance to enter the area were foiled.
5. The bodies were buried in the middle of the night. Female family members, including mothers, were not permitted to accompany their dead to the burial.

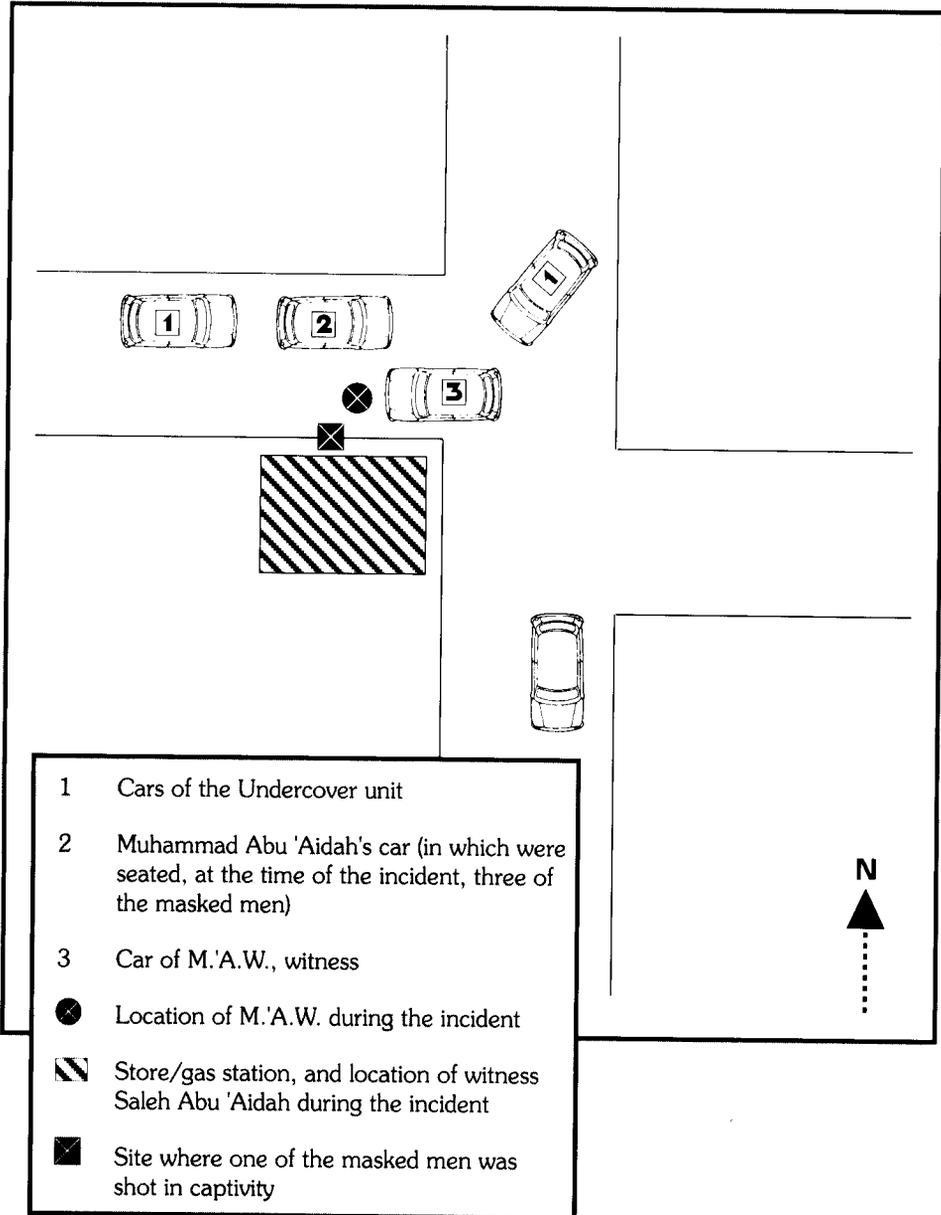
B'Tselem and **Palestinian Lawyers for Human Rights** view the conduct of the soldiers in this incident with utmost gravity. Their conduct is grossly illegal by any standard of justice.

We demand the establishment of an independent investigation into this incident in particular, and the open-fire policies of the undercover forces and the IDF in the occupied territories, in general.

We call on the investigation to examine whether a "Procedure for Ensuring Death," as was carried out in this incident, does in fact exist in the IDF. If such a procedure exists, we call for its unequivocal eradication.

B'Tselem and **Palestinian Lawyers for Human Rights** demand that legal proceedings be brought against whoever is responsible for this shameful incident.

Sketch: Sight of the Incident



Announcements of the IDF Spokesperson

The IDF Spokesperson reported on 28.3.94 that, according to "official sources":

Six armed individuals were killed this evening in the Jabalya Refugee Camp. Two other Arab residents were moderately injured.

In the evening hours, in the course of operations of an IDF force in Jabalya, the force identified men whom they suspected to be terrorists, dressed in camouflage fatigues, some of them masked, and bearing arms.

The force fired toward the figures and killed them. One Arab resident who was driving the car in which three of the men sat was moderately injured by the fire. A female Arab bystander also sustained moderate injuries.

The injured were taken to a hospital within Israel for medical treatment. Two loaded Kalashnikov rifles and two pistols were found in the dead men's possession. A leaflet was also found identifying them as Fatah hawks.

IDF Spokesperson's Response:

B'Tselem's report is based on testimony by local residents and does not reflect all that occurred.

Six armed men, masked and wearing camouflage fatigues, were killed yesterday evening in Jabalya. In addition, two other Arab residents were injured, both moderately.

In the evening hours, in the course of operations of an IDF force, the force identified 6 armed men whom they suspected to be terrorists, after some of them had been identified carrying arms, and masked.

The force fired towards the figures and killed them. The clash occurred at 18:55 hours and in contrast to what is stated in the "B'Tselem report" a medical team arrived at the sight about 10 minutes after the beginning of the incident.

An Arab resident who was driving the car in which two of the men sat was moderately injured by the fire. A female Arab bystander was also moderately injured. The injured received medical treatment on the spot and were taken to a hospital for further treatment. Two loaded Kalashnikov rifles and two pistols were found in the possession of the dead. A leaflet was also found identifying the dead as Fatah Hawks.

The IDF Spokesman notes that the residents of the Gaza Strip and local leaders were warned time and again not to go about carrying arms in the Strip, and it is the IDF's task to protect the lives of Jewish and Arab residents within the Gaza Strip.

B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories, was founded in February 1989 by a group of lawyers, literary figures, academics, journalists, and Members of Parliament. **B'Tselem** documents human rights abuses in the Israeli-Occupied territories, and brings them to the attention of policy makers and the general public. **B'Tselem's** data are based on independent fieldwork and research, official Israeli sources, the media, and data from Palestinian sources, most notably the human rights organizations PHRIC and al-Haq.
