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



Excessive Force

**Human Rights Violations
during IDF Actions in Area A**



EXCESSIVE FORCE

Human Rights Violations during IDF Actions in Area A

Beit Jala, 6 May 2001

Beit Rima, 24 October 2001

Bethlehem Area, 19-28 October 2001

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B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories was founded in 1989 by a group of lawyers, authors, academics, journalists, and Members of Knesset. B'Tselem documents human rights abuses in the Occupied Territories and brings them to the attention of policymakers and the general public. Its data are based on independent fieldwork and research, official sources, the media, and data from Palestinian and Israeli human rights organizations.

This publication contains three reports that B'Tselem prepared on IDF incursions into Area A, which is under complete Palestinian Authority control.

Beit Jala, 6 May 2001 analyzes the first entry of IDF forces into the town of Beit Jala, Bethlehem District. The incursion lasted several hours, during which the soldiers wounded five Palestinian civilians, including a five-year-old boy and a twelve-year-old girl. The Israeli troops killed one member of the Palestinian security forces, who was affiliated with Fatah, and wounded six Palestinian security personnel. Israeli casualties amounted to one soldier who suffered light wounds. The report examines the acts of the IDF troops and the Palestinian security forces and their legality under international humanitarian law.

Beit Rima, 24 October 2001 discusses the IDF action in Beit Rima, Ramallah District. IDF troops entered the village to arrest persons suspected of having committed acts against Israel, primarily the suspects in the assassination of Israeli Tourism Minister Rehavam Ze'evi. During the action, Israeli forces killed five members of the Palestinian security forces and wounded six Palestinians, one of them a civilian. The report focuses on some of the human rights violations IDF soldiers committed in the village, among them unlawful shooting, delaying medical treatment, and demolishing houses.

Bethlehem Area, 19-28 October 2001 covers the IDF incursion into the Bethlehem area, during which IDF forces shot and killed fifteen Palestinians, eleven of them civilians. The report concentrates on the legal aspects and consequences of the IDF gunfire. The document describes the circumstances surrounding the deaths of several of the civilians and the damage to property resulting from the soldiers' fire.

Beit Jala, 6 May 2001

(First published in June 2001)

Researched and written by Yehezkel Lein

Fieldwork by Raslan Mahagna and Suha Ziyad

Translated by Zvi Shulman

Introduction

This report investigates an incident that occurred in Beit Jala on the morning of 6 May 2001. It began when Fatah members fired at the Israeli checkpoint on the Bethlehem bypass road (Route 60, also referred to as the Tunnels Road).

In reply, IDF soldiers fired at Beit Jala with light-weapons fire and tank shelling, and, for the first time in this part of the West Bank, invaded Area A, which is completely under Palestinian Authority control. During the incident, five Palestinian civilians not involved in the hostilities were injured, including a

five-year-old boy and a twelve-year-old girl. Among the armed Palestinians involved, one Fatah member was killed, and six members of the PA security apparatus were wounded. One IDF soldier was lightly wounded.

This report will reconstruct, to the extent possible, the chronology of the incident and analyze the degree to which Israel and the Palestinian Authority acted in accordance with the rules of international humanitarian law and international customary law.

Background

The Palestinian town Beit Jala, which lies west of Bethlehem, has been a focus of violent clashes since the outbreak of the al-Aqsa intifada. Armed Palestinians, generally members of Fatah, station themselves between residents' houses located at high elevation and, from time to time, initiate light-weapons fire at residents of the Gilo settlement, located within the Jerusalem Municipality on land that Israel annexed in 1967. The shooting from Beit Jala is also aimed at Israeli vehicles travelling along the Tunnels Road, which leads from Jerusalem to the Gush Etzion settlements and to Hebron. Gunfire is also directed at the IDF checkpoint on the Tunnels Road, near the southwest corner of Beit Jala. Following repeated firing of this kind, the IDF erected concrete walls alongside the checkpoint facing Beit Jala to protect the soldiers from the gunfire.

In response to the Palestinian gunfire, the IDF directs machinegun fire and tank shells at various areas of Beit Jala. On several occasions, the IDF shelling has also struck areas in Bethlehem and the 'Aida refugee camp, which borders on Beit Jala. At least twice, the IDF has also responded with helicopter fire.

From the beginning of the intifada until the incident of 6 May, twelve Israeli civilians were wounded by Palestinian gunfire at Gilo and the Tunnels Road, one Israeli civilian was killed while travelling on the Tunnels Road, one IDF soldier was wounded at the checkpoint on the Tunnels Road, and one border policeman was severely wounded in Gilo. Because the distance between Beit Jala and the closest buildings in Gilo is about one kilometer, the damage caused to the structures from the Palestinian bullets is limited – shattered windows and bullet marks on the exterior walls. IDF shelling of Beit Jala has killed three civilians and wounded forty, and caused property damage to some five hundred houses and other structures. The damage to some of the properties made them hazardous for dwelling and they are scheduled for demolition.¹ The occupants of most of the houses in Beit Jala that directly face Gilo or are located on the ridge alongside the Tunnels Road have abandoned their dwellings. Some have rented apartments in the interior neighborhoods of Bethlehem while others have moved abroad.

1. The figures on the injury and damage to civilians and property in Beit Jala were provided to B'Tselem by the Beit Jala Municipality.

Chronology

On Sunday, 6 May 2001, around 7:00 A.M., six armed members of Fatah positioned themselves on the hill between the Palestinian National Security checkpoint at the southern entrance to Beit Jala and the Talita-Qumi school. They opened fire on soldiers stationed at the IDF checkpoint on the Tunnels Road and at the IDF observation tower several meters away, which faces the school (see the aerial photograph, appended to the report). According to information obtained by B'Tselem, a fourteen-year-old boy was among the Palestinians who fired at the checkpoint. It should be noted that, on that morning, there was no firing from Beit Jala at the homes of Israeli civilians in Gilo.

Tanks positioned near the IDF checkpoint fired a number of shells at the source of fire, and then two companies – one of paratroopers and the other of Border Police – invaded Area A and proceeded toward the school.² One shell hit very close to a Fatah member, Muhammad 'Abiat, 45, and the fragments struck him in the head and killed him instantly. The IDF soldiers first took control of the house behind the school and then proceeded south toward the Fatah members, who had in the meanwhile retreated and entrenched behind the house near where the firing took place. When the IDF entered Area

A, dozens of members of the PA's security services joined the Fatah members, and a gun battle ensued.

During the invasion, the tanks initiated heavy shelling at one of the hills in the Iskan neighborhood, referred to by residents as Taleh Kubar, and at some houses in the neighborhood. This firing ensued even though the battle was taking place three hundred meters to the east, near the Duha neighborhood. A member of Palestinian National Security described the events to B'Tselem:

Around 8:15 in the morning, we noticed two Israeli soldiers coming toward us on foot. There were several soldiers behind them. When we saw them, we retreated. We positioned ourselves around fifty meters from our checkpoint, in the direction of the Duha neighborhood. We entrenched behind a pile of dirt and stones and began to fire at the Israeli forces. In the beginning, we were three policemen from National Security, but after we reported the entry of Israelis, Force 17 and Preventive Security forces joined us. All of us, including the Tanzim, who were involved from the start of the incident, fired at the Israeli forces who had invaded Area A, trying to prevent their advance.

2. *Ha'aretz*, 7 May 2001.



House damaged by IDF gunfire (Naif Hashalmon, Reuters)

Then the tanks began to shell the area to the left of our checkpoint: Taleh Kubar and the area of the houses at the edge of the Iskan neighborhood. The Tanzim have recently been using Taleh Kubar as a point from which to fire at the Israeli army post, but that usually takes place when it gets dark, because in daylight hours the soldiers at the post can identify them. In any event, there was no firing from Taleh Kubar that morning.³

Most, but not all of the residents of al-Iskan, which overlooks the Israeli checkpoint, have abandoned their homes in recent months because of the frequent exchanges of fire between Fatah and the IDF soldiers at the checkpoint. The tank shelling of Taleh Kubar and al-Iskan on 6 May caused significant damage to five

houses that were still occupied.⁴ In his testimony to B'Tselem, Akram 'Atallah, owner of one of these houses, stated:

I have three children, aged four, nine, and twelve. All our money and savings were invested in building our new house, which we moved into exactly one day before it was shelled.

At 7:30 A.M., I heard the sound of gunfire. I looked out the window and saw Israeli soldiers who had crossed the Palestinian checkpoint and entered Area A. I saw them exchange fire with the Palestinian fighters. I took my children and wife from the top floor to the ground floor and we hid behind a brick oven. The gunfire lasted about fifteen minutes. Then we heard a loud explosion and saw that it was a tank

3. The testimony was given to Raslan Mahagna and Suha Ziyad on 16 May 2001. The name of the person is on file at B'Tselem.

4. See the houses of the Kawas, Al'arja, Abu Srur, Nimer, and 'Atallah families in the aerial photo.

shell. The shell struck around three meters from the house. I was afraid there would be more shelling, so I decided that we should move and stay under the stairs. From 8:00-9:30 we remained under the staircase. There was constant firing, and we decided to count the shells. The children counted fourteen shells that hit nearby.

My four-year-old son had to go to the bathroom, but I was afraid to take him upstairs, so he went in his pants. After three shells struck the facade of the house, we were afraid that the whole house would crumble, so we took advantage of a short lull in the firing to rush out of the house to go to my brother's house, which was next to ours. My brother and I concluded that we had to leave the house quickly and go to the nearby wadi [dry river bed], which was safer. When we got there, we found others who had also brought their wives and children to the wadi. I continued to observe what was going on from the wadi, because I wanted to know what was happening to my house. Around 11:00, a shell struck the roof tiles of the house, and the roof and the top floor went up in flames...

It is true that there is often firing from nearby open areas, but I can assure you that there wasn't any firing from my house, partly because there are many houses between us and the Israeli observation post.⁵

The IDF also fired tank shells at the outermost residential area of the Duha neighborhood. Neighborhood residents did not abandon their homes, and it is still densely populated. Rawan 'Aziz Zawareh, 12, a Duha resident, suffered facial wounds from shell fragments. Her mother, Fatma 'Ali Hamed Zawareh, described how her daughter was wounded:

Around 7:15 A.M., three of my children left the house for school, which lies on the main road leading to Bethlehem. The three who went were Rawan, who is twelve, Tareq, who is nine, and Mahfuz, who is eight. I have two other children: Rana, who is four, and eighteen-month-old Raniyeh.

About 7:30, I heard the sound of gunfire, and fifteen minutes later shells began to fall near the houses. Around 10:30, when I was hiding with my two small children in an interior room of the house, I saw through the window my three eldest children arriving home from school and hiding behind a wall on a field about twenty meters from the house. They were crying and frightened. The shelling was still going on and they couldn't reach the house. I decided to go and get them and I managed to get to them. I took Tareq with my right hand and Mahfuz with my left hand, and Rawan walked in front of me. Suddenly we heard the shriek of a shell. It exploded on the dirt road, about a hundred meters from us, and Rawan cried out. I saw

5. The testimony was given to Raslan Mahagna on 8 May 2001.

that she had been wounded above the right eye. Blood was flowing from the wound. I picked her up and shouted for help. Tareq and Mahfuz cried and screamed. A few minutes later, National Security personnel arrived and took Rawan to the ambulance that was on the main road, at the entrance to the neighborhood. It took her to the government hospital in Beit Jala. The physicians in the emergency room stopped the bleeding... Now she is taking medication to stop the internal bleeding in her right eye.⁶

IDF tank fire was also aimed at a-Sader, another neighborhood of Beit Jala. At times, Palestinians fire from certain neighborhood locations at the Tunnels Road and the Israeli District Coordination Office located at the edge of the Har Gilo settlement. Testimony from a-Sader residents indicates that there had not been any firing at Israeli targets that day. Most residents continued to live in their homes during the intifada. One of the shells seriously injured five-and-a-half-year-old Nikola Bassam Hana Abu Ghanem when he was standing near his house. His father, Bassam Hana Abu Ghanem, described the incident:

Our house lies on the hillside leading to the bypass road. It is around 1,000 meters to the road and there are many houses in that area. There has been lots of gunfire in the neighborhood in recent months. Numerous houses were damaged by bullets, but not our house. I often saw armed Palestinians

firing from the hill above us, two hundred meters from the house, toward the road. But on the day of the incident, they didn't show up and there wasn't any firing from the nearby hill.

The sound of gunfire woke us at 7:30 A.M. The shots came from the bypass road and from al-Iskan. We weren't startled because we thought that we were far away and safe... After my son Nikola awoke, he went to the road near our home to play with kids in the neighborhood. Many kids had assembled there because a cement mixer and pump were being operated to lay a neighbor's roof. Around 8:20, my wife left the house to bring Nikola home for breakfast. They were five to seven meters from the house when I suddenly heard a terrific explosion and my wife's screams. I ran outside and saw Nikola stretched out on the ground. His left arm was lying next to him, with only a piece of skin joining it to his shoulder. The children nearby were crying and screaming. I took Nikola to the government hospital in Beit Jala. He was treated and then transferred by ambulance to al-Moqassad Hospital, in Jerusalem. The physicians said that there was little chance that they would be able to save the arm.⁷

During the battle between the invading IDF soldiers and the Palestinian security forces, the IDF soldiers fired at two ambulances of the Civil Defense Center. The ambulances, properly marked by the

6. The testimony was given to Suha Ziyad on 15 May 2001.

7. The testimony was given to Raslan Mahagna and Suha Ziyad on 8 May 2001. Two weeks later, the father informed B'Tselem that his son's arm had been amputated.

Red Crescent, came to evacuate wounded. The first ambulance reached the battle scene around 9:30. IDF soldiers fired at it during the course of the exchange of fire. It is unclear if the IDF fired at the ambulance deliberately. The medic, Yehiye Nasser Hassan Tabiha, who suffered head wounds from the gunfire, stated to B'Tselem:

We stopped the ambulance on a dirt road some fifty meters from the National Security checkpoint. Suddenly, the Israeli soldiers who had advanced from the army post fired at us from fifty meters away. We were in the ambulance. One bullet pierced the front windshield from the driver's side. The driver, Ahmad Hijazi, jumped out of the ambulance, and medic Ahmad al-Masir did the same. I got out and saw a person alongside me who had been wounded in the neck from [shell] fragments. I held him, sat him down on a stretcher in the ambulance and sat next to him, on the medic's seat. I tried to stop the bleeding from his neck. While I was treating him, a bullet pierced the right side of the ambulance and grazed my head, causing it to bleed. If I had been sitting normally with my head up, the bullet would have struck me flush in the head, Heaven forbid.⁸

Another ambulance reached the scene around 10:30. The testimony of the driver, Rani Bishara a-Sha'ar, indicates that IDF soldiers fired at the ambulance, apparently deliberately:

I received a call to go to al-Iskan to evacuate a person who had been killed and to see if there were additional wounded. The dispatcher informed me that it was coordinated with the Israelis that they would not shoot at the ambulance during the evacuation. When I approached the National Security checkpoint, I came across an Israeli army jeep. I was ascending and the jeep was descending. The jeep stopped near me and I came to a quick stop. Two border policemen got out and aimed their weapons at us. I quickly engaged the hand brake and jumped out, as did Ahmad Abu-Zar, who was sitting next to me. Right at that moment, heavy firing at the ambulance commenced. Bullets broke the windows and many struck the body of the ambulance. My position at that moment prevented me from seeing the shots as they emerged from the rifles that those border policemen aimed at us a second before. Despite this, from the sound and from our location, I can't conceive that anyone other than those soldiers fired at us. At the time, I did not feel that my leg had been injured when I jumped out of the ambulance. Later, at the hospital, the physicians told me that I had broken it.⁹

Around two in the afternoon, seven hours after the incident began, the IDF soldiers abandoned the last houses that they had seized in Area A of Beit Jala and returned to their position on the Tunnels Road.¹⁰

8. The testimony was given to Raslan Mahagna on 8 May 2001.

9. The testimony was given to Raslan Mahagna and Suha Ziyad on 8 May 2001.

10. *YNET*, 6 May 2001 (www.ynet.co.il).

Criticism

During the incident described above, Israel and the Palestinian Authority violated several major provisions of international humanitarian and customary law intended to limit, to the extent possible, injury to civilians during hostilities. Israel violated the principle of proportionality, the principle requiring hostile parties to discriminate between combatants and civilians, and the prohibition on attacking ambulances. The Palestinian Authority violated its duty to prevent firing from within or near a civilian-populated area and to prevent children from participating in hostilities.

1. Principle of proportionality

This principle states that it is prohibited to initiate attacks,¹¹ even when directed against a legitimate objective, if the injury and damage they are liable to cause is excessive in relation to the concrete and direct military advantage anticipated from the attack. The complexity of this principle, arising from the difficulty in determining what is “excessive injury and damage” in relation to the “military advantage anticipated,” makes it difficult to clearly determine in some situations whether the attack is proportionate. In many cases, of course, it is difficult to expect soldiers or junior officers to weigh these considerations at the critical moment

in time. The responsibility falls primarily on the upper military echelon when it plans or approves military actions and when it gives general orders to those under its command regarding permitted responses in different situations.¹²

Did the decision to invade Area A in Beit Jala, under the circumstances that existed on 6 May 2001 and in the manner employed, meet the test of proportionality?

The immediate significance of the order to enter Area A was to place IDF soldiers in life-threatening danger much greater than if they had acted as on previous occasions and returned fire from a protected position. It was to be anticipated that not only would Fatah personnel fire at the invading soldiers, but that, at the least, members of Palestinian National Security, who staff the nearby checkpoint, would also open fire. The danger faced by the IDF soldiers led, as could be expected, to the use of additional means in the attempt to protect the attacking soldiers exposed to Palestinian fire. This protection included, for example, tank shelling.

Because the entire incident took place in a built-up, residential area (part of it densely populated), the decision to enter Area A exposed the civilians living in the Iskan and Duha neighborhoods to extremely grave danger.

11. This principle of international law is expressed in sections 51(5)(b) and 57(2)(b) of the First Additional Protocol to the Geneva Conventions, of 1977.

12. Frits Kalshoven, *Constraints on the Waging of War* (Geneva: ICRC, 1987), pp. 98-102.

Was the military advantage anticipated great enough to justify endangering the lives of many civilians? The danger faced by the IDF soldiers at the checkpoint that day was no greater than it had been numerous times during the recent period. According to the testimony of one member of Palestinian National Security, Fatah has fired at the Israeli checkpoint an average of three times a week since the beginning of the al-Aqsa intifada.¹³ The very night before the incident discussed in this report, Fatah members fired at the checkpoint from Taleh Kubar and, following a three-minute exchange of fire, the incident ended without injury.¹⁴ Thanks to the concrete walls that Israel erected, only one IDF soldier has been wounded at this checkpoint since the beginning of the al-Aqsa intifada.

The invasion was never intended to prevent the firing because, according to Minister of Defense Binyamin Ben-Eliezer, Israel did not plan to conquer parts of Beit Jala and occupy them permanently.¹⁵ Indeed, less than forty-eight hours after the soldiers retreated from Area A, firing resumed from Al-Iskan at the Israeli checkpoint and at the tower facing the neighborhood.¹⁶

B'Tselem, a human rights organization, does not have the tools required to examine all the military considerations taken into account in deciding on this

action. However, it is absolutely clear that the relevant authorities did not take into account the principle of proportionality. This failure is apparent from the results: on the one hand, five civilians were injured and the lives of hundreds of civilians were endangered, and, on the other hand, the firing at the checkpoint recommenced a short time after the action.

2. Prohibition on indiscriminate attacks

The duty to distinguish combatants and other legitimate objectives from civilians who are not participating in the hostilities is basic and appears throughout international humanitarian law. An attack does not meet this requirement if, *inter alia*, it is not directed at a specific military objective or if it employs weapons that are not sufficiently precise to distinguish combatants and military objects from civilians and civilian objects.¹⁷ In case of doubt whether a civilian structure is normally dedicated to civilian purposes, it must be presumed that the use is solely civilian.¹⁸

In its response to B'Tselem's query, the IDF Spokesperson stated that, during the incident, "IDF forces returned precise fire to the points from which the fire originated."¹⁹ B'Tselem's findings indicate a different reality and raise the grave suspicion that the IDF violated

13. See footnote 3.

14. *Ibid.*

15. *Ha'aretz*, 7 May 2001.

16. *YNET*, 8 May 2001.

17. First Additional Protocol to the Geneva Conventions, of 1977, article 51(4).

18. *Ibid.*, article 52(3).

19. Letter of 29 May 2001 from Major Efrat Segev, head of the Public Relations Branch, Office of the IDF Spokesperson.

the principle prohibiting indiscriminate attacks. The IDF breach occurred in two primary ways.

The first way relates to the use of tanks in the situation that existed on 6 May 2001 in Beit Jala. It is important to note that the legality of means of combat (except for those expressly forbidden) depends on the circumstances in which they are employed, particularly the damage that they are liable to cause to civilians. Tank shelling is extremely accurate when fired from up to 3,000 meters at a tank-sized object, and more so at homes. However, it is very difficult to precisely identify a source of light-arms fire at a distance of more than 1,500 meters. The problem of identification is aggravated because the opposing combatants often move. In these conditions, and taking into account the pressure on the soldier responsible for protecting the other soldiers, the likelihood that the soldier will err in identifying the source of fire is great. The “price” in civilian lives of a mistake may be extremely high when the shell is 105 or 120 millimeters (regardless of the kind of shell) in comparison with a mistake by light-arms fire (5.56, 7.62, and 9 millimeters).

A reserve officer in the armored corps who recently served in a sector in the West Bank was involved in tank shelling of a populated area. His testimony illustrates the problem:

During the action, I was with the battalion commander on the

hill overlooking the firing. The commander was getting reports all the time from three tanks that were at the site, ostensibly identifying the sources and position of the opposing fire, and requested permission to return fire. In every case, the commander checked the accuracy of the reports and, in many cases, found that the identification was in error, and he ordered the soldiers not to fire. Many lives were saved thanks to the commander.²⁰

In light of the testimonies presented above, primarily those of Akram ‘Atallah and Bassam Abu Ghanem, which explicitly mention that there had been no shooting from or adjacent to their homes, it is apparent that at least some of the shells were fired at homes incorrectly identified as sources of fire. As mentioned, mistakes in identifying light-weapons gunfire from a built-up area from such distances are common and expected. Therefore, the tank shelling in this case is indiscriminate because it is insufficiently precise to distinguish the legitimate objective from civilians and civilian objects.

The prohibition against indiscriminate attacks was also violated in another way. The tour of sites shelled in Beit Jala made by B’Tselem researchers reveals that the tanks fired dozens of shells at Taleh Kubar, which is in the Iskan neighborhood, and at one of the hills in the Sader neighborhood. The shelling occurred even though, according to an eyewitness, no

20. The testimony was given to Yehezkel Lein on 20 May 2001. The name of the soldier is on file at B’Tselem.

firing had taken place that day from either of these locations.

This finding is consistent with the report in *Ha'aretz* on the briefing by Lt. Gen. Shaul Mofaz, Israeli Chief of Staff, to officers of the Gaza division, in which he stated:

The procedure states that for all mortar fire that lands in Israeli towns and villages, tank shells are to be fired according to *predetermined* targets. According to the procedure, these targets are the structures identified as sources of fire.²¹ (our emphasis)

Additional testimony by the armored corps officer quoted previously paints a similar picture:

At the beginning of service, the battalion commander briefed us and told us from which sites the Palestinians generally fire at us. He said that if we are fired at, it is reasonable to assume that it comes from those sites. Though he did not state it expressly, it is very likely that many soldiers understood that, in every case, we are to return fire at the sites delineated by the battalion commander.²²

It appears, therefore, that, during the incident, inherent in the IDF shelling of points in the heart of the civilian population is that the targets were predetermined points from which armed

Palestinians had fired in the past. The IDF gunfire in this situation was indiscriminate because it was not directed at a specific legitimate objective and was based on an unproven presupposition that was not established during the events and in retrospect proved erroneous.

3. Immunity of medical teams and ambulances

The medical teams that treated and evacuated the wounded, and the ambulances that were involved, are entitled to special protection under international humanitarian law. Not only is it forbidden to intentionally harm them, there is a duty to assist the medical teams, as much as the circumstances allow, in carrying out their tasks.²³

During the invasion of Beit Jala, the IDF fired at two ambulances of the Civil Defense Center, which were properly marked by the Red Crescent, that arrived at the scene. In one of the cases, it is impossible to verify with certainty that weapons were fired intentionally at the ambulance or whether the ambulance was caught in the cross-fire. The testimonies relating to the second case indicate that the border policemen's shooting at the ambulance was deliberate, a flagrant violation of international humanitarian law.

21. The IDF Spokesperson did not deny the comments and stated that the IDF Spokesperson "does not relate to comments made in closed military forums." Amnon Barzilai, "Mofaz: Excessive Force in Firing that Led to Death of the Infant Iman Haju," *Ha'aretz*, 10 May 2001.

22. See footnote 20.

23. Fourth Geneva Convention of 1949, articles 20 and 21, and the First Additional Protocol of the Geneva Conventions, of 1977, articles 12, 15, and 21.

4. Attacks from within a civilian population

The general principle prohibiting attacks that fail to discriminate between combatants and civilians, described above, is derived from the prohibition on initiating attacks from within or nearby the homes of civilians. The objective of the principle is to prevent injury to civilians from the other side's anticipated response. Humanitarian law also explicitly forbids the use of the civilian population as a means to obtain immunity from enemy attacks.²⁴

Fatah members who fired on the day of the incident at IDF soldiers on the Tunnels Road were located on the hill in the Iskan neighborhood, which is located only dozens of meters from civilian homes. Although the shots were not fired by persons formally affiliated with the Palestinian Authority, the PA is obligated to do what it can to prevent firing that exposes the nearby civilians to the risk of IDF return fire. The PA's responsibility is particularly clear in this case because the Fatah members were only some one hundred meters from a Palestinian National Security checkpoint when they opened fire. Furthermore, a member of Palestinian National Security admitted in his testimony to B'Tselem (see his testimony above) that the security service is aware that firing from areas near the checkpoint at which he is stationed is routine.

By refraining from taking measures to end the firing from and near civilian homes, the PA violated its duty to protect civilians who are not taking part in the hostilities. However, according to humanitarian law, such a violation does not in any way allow the IDF to relate to the area from which the firing is executed as one entity comprising a legitimate military objective.²⁵

5. Prohibition on involvement of children

International humanitarian law prohibits the combatant parties from recruiting children under fifteen years old into their combat forces and requires the parties to take the necessary measures to ensure such children do not take part in the hostilities.²⁶ It should be noted that human rights organizations throughout the world, among them B'Tselem, maintain that minors under the age of eighteen should be prohibited from participating in hostilities.

Information obtained by B'Tselem indicates that the armed Fatah members who fired at IDF soldiers at the checkpoint included a fourteen-year-old child. The PA's failure to prevent his participation in the shooting and remove him from the hazardous area constitutes a flagrant violation of international humanitarian law.

24. First Additional Protocol to the Geneva Conventions, of 1977, article 51(7).

25. *Ibid.*, article 51(8).

26. *Ibid.*, article 77(2), and article 38 of the Convention on the Rights of the Child.

Conclusions

Examination of the incident that took place on 6 May 2001 in Beit Jala reveals that the IDF used illegal military force, marked by lack of proportionality, failure to sufficiently discriminate between those taking part in the hostilities and uninvolved civilians, and deliberate attack on an ambulance team. This use of force resulted in injury to five innocent civilians, of whom two were children, and endangered the lives of hundreds of others. The Palestinian Authority is also culpable for not intervening to prevent firing from areas near civilian residences.

Almost any use of military power, even when justified and directed at legitimate objectives, is liable to endanger innocent civilians. Nevertheless, international humanitarian law does not prohibit the use of military force in and of itself, but imposes certain limitations in the attempt to minimize, as much as possible, harm to civilians. Generally, the provisions are not inconsistent with the military interests of the combatant parties, because the actions permitted are extremely broad, as long as they are justified by an actual “military need.” The applicability of these provisions is not affected by justification of the hostile parties or by the blame one of the parties bears for initiating the clash. Therefore, the duty to comply with the provisions is indisputable. Despite this, the manner in which Israel and the PA acted during the incident clearly indicates their contempt for these rules.

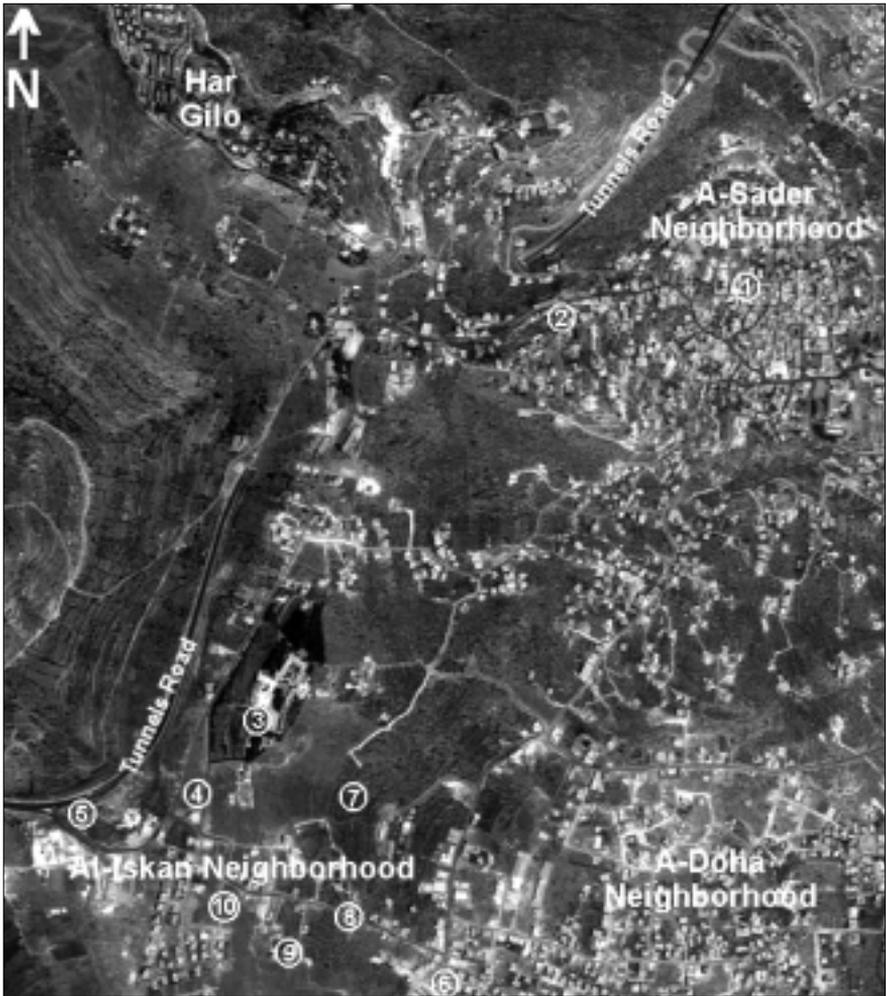
In light of the findings of this report, Israel urges the Israeli government to:

- Refrain from approving military actions that endanger the lives of innocent civilians except where dictated by a meaningful military need;
- Prohibit any firing that is automatically aimed at predetermined targets;
- Order the IDF to take the necessary cautionary measures to ensure that soldiers do not fire until the target is verified with certainty;
- Order the IDF to take the necessary measures to ensure that soldiers do not fire at ambulances and medical teams.

B’Tselem urges the Palestinian Authority to:

- Take all necessary measures to prevent Palestinians from firing from within or nearby civilian homes;
- Take all necessary measures to prevent children under eighteen years of age from taking part in combat actions.

Aerial Photo of the Area



Aerial photo credit: *Applied Research Institute Jerusalem (Bethlehem)*

Legend

1. House of Abu Ghanem family
2. Israeli District Coordinating Office
3. Talita-Qumi School
4. IDF control tower
5. IDF checkpoint
6. House of Zawareh family
7. Hill from which Fatah opened fire on 6 May 2001
8. Palestinian National Security checkpoint
9. House of 'Atallah family
10. Taleh Kubar

Response of the IDF Spokesperson's Office

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July 29 2001



Response to the "B'Tselem" Report regarding Shooting Incidents on 6.5.01 in Beit Jala

Dear Mr. Lane,

As mentioned in the report, the Beit Jala neighborhood has been used, since the outbreak of the events of "Ebb and Flow," as a center for shooting towards the homes of the residents of the Gilo neighborhood and towards Israeli cars travelling on the Tunnel Road. The shooting has been consciously directed towards a civilian population and is a violation of the obligation to distinguish between fighters and civilians, as set in customary international law.

On the morning of 6. 5.01 heavy fire was opened on the Tunnel Roadblock and on a number of different locations on the Talit A – Kumi ridge. IDF forces returned fire towards the sources of the shooting. The Palestinians continued shooting towards the forces and the fighting in the area lasted eight hours.

At no point during the fighting were shells fired towards the houses in the Beit Jala neighborhood where the shooting towards our forces originated. It must be emphasized that in relation to this incident, the Palestinians engaged in the shooting from within homes in Beit Jala which violates the orders of international law forbidding the carrying out of attacks from within concentrated civilian populations and the use of this population as a means of achieving protection from counter-attacks.

Concerning the claims raised in the report that during the fighting IDF forces shot at ambulances that arrived on the scene to treat the wounded – the IDF is directed, in all of its activities, to honor customary international law that absolutely forbids attacks on hospitals, clinics, ambulances, and medical teams, except in cases when they are used as part of the fighting operation.

Regarding the specific incident documented in the report, IDF soldiers are given an order every time an ambulance arrives on the scene of the fighting in order to evacuate the wounded to hold their fire until the ambulance has left the area. This is in spite the fact that the Palestinians continue to shoot towards our forces without interruption.

With regards,
Major, Efrat Segev
Public Relations

Beit Rima, 24 October 2001

(First published in November 2001)

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Introduction

The village of Beit Rima, Ramallah District, is home to some 4,000 people. It is located in Area A, which, according to the Oslo Agreements, is under the complete control of the Palestinian Authority.

About 2:00 A.M. on 24 October 2001, a large IDF infantry force entered the village. Tanks and helicopters accompanied the soldiers. The army imposed a curfew on the village, prohibiting the villagers from leaving their homes. Massive gunfire, including helicopter fire, began immediately upon entry into the village. The gunfire killed five members of the Palestinian Authority security forces, and wounded six people, one of them a civilian.

During the night, the army detained fifty-five village residents for interrogation. Most of the detainees were relatives of Palestinians wanted by the army. In some of the cases, the army ordered everyone to leave their house and then allowed the women, children, and elderly to return, while detaining the men. During their detention, the men were briefly interrogated about relatives whom the soldiers were seeking. For most of the detention they were kept waiting, handcuffed and blindfolded. Most of the detainees were released late the following night. Eleven residents of the village remain in detention.

In the afternoon, the IDF forces began to withdraw from the village. However, some soldiers returned to demolish three houses. Israel contends that Palestinians suspected of attacks on Israelis, including those suspected of being involved in the assassination of Minister Rehavam Ze'evi, lived in these houses.

In his briefing to the press, the Nahal Brigade commander, Col. Yair Golan, who commanded the military action, stated that the objective was “to capture most of the terrorists and bombers who live in the village.”¹ Defining the objective of the action in this manner turns the IDF operation in Beit Rima into an initiated police action to arrest suspects, as distinct from a military action in which two forces are engaged in combat.

There may surely be instances in which IDF forces on a mission to arrest suspects may face Palestinian gunfire. In such cases, other rules of combat may apply. However, B'Tselem's research indicates that this was not the situation in Beit Rima. The Palestinian gunfire, if such occurred, was minimal and brief. This contention is confirmed by the fact that the IDF Spokesperson and Col. Golan scarcely mentioned Palestinian gunfire in the village, and stated that there were isolated incidents in which Palestinians opened fire.

1. The briefing took place on 24 October 2001. See the IDF Spokesperson's release of the same date. For releases of the IDF Spokesperson, see www.idf.il.

Col. Golan also mentioned that “there was little gunfire by our forces.”² It is important to note that in the past, where Palestinians fired at Israelis, the IDF Spokesperson gave extensive coverage to the Palestinian gunfire.

Therefore, given that the IDF action in Beit Rima focussed primarily on making arrests, i.e., a standard policing activity, the legality of the IDF action should be examined in light of the rules applying to police forces in Israel and abroad.

Israeli officials categorized the IDF action in Beit Rima as a success. They vigorously rejected the contentions raised in

opposition to the action, and denied the charges that the army violated human rights during the course of the incursion. Col. Golan summarized the action as follows: “On the whole, the forces performed well during the operation.”³ After the IDF forces left Beit Rima, B’Tselem investigated the human rights violations that took place during the IDF’s action in the village. The testimonies given to B’Tselem indicate that the army committed numerous human rights violations during the operation. This report will discuss some of these violations, including the illegal use of firearms, delay of medical treatment, and demolition of houses as a punitive measure.

2. *Ibid.*

3. *Ibid.*

Illegal Use of Firearms

During the course of the IDF action in Beit Rima, IDF forces killed five Palestinians:

1. 'Abd al-Mu'ati a-Ziwawi, 22, resident of Qarawat Bani Zeid, Ramallah District, Palestinian National Security policeman;
2. Qassem al-Mughrabi, 26, resident of Gaza City, Palestinian Police Force policeman;
3. Kamel Barghouti, 20, resident of Deir Ghassana, Ramallah District, Palestinian National Security policeman;
4. Haris Haju, 29, resident of Burqa, Nablus District, Palestinian National Security policeman;
5. Rafiq Saqer, 24, resident of Beit Lahiye, Gaza Strip, Palestinian Police Force policeman.

In addition, four Palestinian National Security policemen were wounded and taken to Tel Hashomer Hospital (in Israel) and one civilian and one policeman were wounded and taken to Ramallah Government Hospital.

In his briefing, Col. Golan stated: "When we go into a village, we need to deal with everyone who is armed. We fired at those who were armed or who fired at us."⁴

4. *Ibid.*

5. On this subject, see, *inter alia*, Code of Conduct for Law Enforcement Officials, adopted by UN General Assembly Resolution 34/169, December 1979; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, 27 August to 7 September 1990.

The comments of Col. Golan regarding firing "at those who were armed" raises concern and deviates from previous IDF policy. Such orders completely ignore the reality in the Occupied Territories. The army is well aware of the existence of armed Palestinian policemen. No one has ever claimed that all Palestinian policemen jeopardize the lives of the security forces. Precisely for this reason, since the beginning of the current intifada, the army has refrained from issuing a sweeping order allowing troops to fire at armed uniformed Palestinians who do not endanger the lives of Israeli security forces. Based on this IDF policy, Palestinian policemen stationed at the Beit Rima checkpoints could not have expected to be an IDF target.

Furthermore, such an order violates Israeli law and the international principles on the use of firearms. These principles provide that law enforcement officials are allowed to use lethal force only in the event of an actual and immediate threat to life, and then only to the degree necessary under the circumstances and when less extreme measures are insufficient to eliminate the danger.⁵

B'Tselem took testimonies on two incidents in which IDF soldiers opened fired during the incursion into Beit Rima. In the first case, a helicopter directed

massive gunfire at three policemen who were running away from the checkpoint at the entrance to Beit Rima into an olive grove. The gunfire killed two of them and injured the third. In the second incident, IDF soldiers fired at two unarmed Palestinians but failed to hit them. These actions contradict Col. Golan's statement that shots were fired only at armed Palestinians or at Palestinians who were endangering the lives of the soldiers.

Testimony of Mahmud Yusef Suleiman Ali Ahmad, 42, married with two children, resident of Kafr a-Dik, Salfit District, police officer in the Palestinian National Security forces, stationed at the checkpoint at the entrance to Beit Rima⁶

I am married and have two children, one twelve and the other ten... Because of the siege and closure and the difficulties in getting to and from Ramallah, I was assigned to work at a closer location, the Beit Rima checkpoint, which is located on the border between Areas A and B. I earn NIS 1,200 a month, from which I support my family...

We usually have seven or eight policemen at the checkpoint, and we divide into shifts. The procedure is that two of us remain on guard, and the others sleep, and that is the way we divide up the day's work. Our job is to oversee entry and exit from the village. The officer in charge of the checkpoint is Haris, from Burqa, Nablus District, and he generally gives us the orders. He is the only one of us who

has a radio transmitter, through which he receives the orders from our command headquarters, in 'Ein village, and reports to them about events at the checkpoint. We were ordered not to sleep in the caravan at the site, but to spread out and sleep in the nearby olive groves. The reason is that sometimes the Israelis fire at the checkpoint after Palestinians fire at Israeli vehicles driving along the bypass road.

On Tuesday [23 October], I finished my vacation and returned to the checkpoint. I arrived at 4:00 P.M. That was not my time to be on guard, so I sat with the others and talked until 10:00 P.M. It was very quiet in the area, no firing or shelling. They didn't inform us about any special preparations being made by the Israelis. Many of the village residents were picking olives in the nearby groves. At 10:00 P.M., we divided up into shifts. There were eight policemen at the checkpoint... I was to begin my shift at 6:00 A.M. and would be working alone. During the day, one guard is enough because Haris, the commander, generally remains awake during the day and helps whoever is standing guard at the checkpoint.

Sinan and Shadi went to the checkpoint, and we spread out in the olive groves. Each of us found a place and went to sleep. We were about fifteen meters from each other. Haris stayed awake. Suddenly I felt Kamel push me with his hand. He was in a panic, and called out to me, "Abu 'Odey, Abu 'Odey, get up, the army, the army." I hadn't heard any gunfire. Startled, I got up and went to Sinan to wake him. Then I heard

6. The testimony was given to Raslan Mahagna on 31 October 2001.

shooting. I saw that Kamel had been hit and had fallen to the ground. I took my shoes, which were near the bed, and my weapon and rushed to the path between the neighboring houses and the olive grove where we slept. I hid behind the wall that separated the grove and the path. I started to tie my shoes. The gunfire increased. It seemed to me that the Israeli army had come through the olive grove from 'Abud village, and not from the army checkpoint on the main road, near the Halamish settlement.

While I was tying my shoes, Haris ordered me to help him carry a wounded person to the nearby house. I ran towards him and we carried Ashraf Shawaneh into the house of a person named Yusef. The house was on the main road about thirty meters from the checkpoint. 'Abd al-Mu'ati was with us. It was around 2:10 A.M. when we got to the house. We did not know what happened to the other policemen who were sleeping in the olive grove. I also did not know what happened to Kamel, who had woken me up and had been hit and had fallen near where Sinan had been sleeping. Haris reported to headquarters by radio transmitter. He told them about the person who had been wounded and taken to the house, and he asked them to summon an ambulance. It was then that we heard the sound of heavy equipment approaching the checkpoint. They came along the main road from the direction of Halamish and entered the village.

Then we heard a person call out in a loudspeaker in Arabic that the village was under curfew. I looked out the window of the house we were in and saw around thirty

to forty vehicles, including armored personnel carriers and other armored vehicles, approaching. Because we were armed and in uniform, we decided to flee and leave the wounded man in the house. We had already notified headquarters and we assumed they would summon an ambulance. Haris, al-Mu'ati, and I jumped out the rear window of the house. We started to walk quickly through the olive groves toward the ravine. We wanted to get to Beit Rima from the rear of the village. Each of us had our weapons and we were about five meters from each other as we walked. Haris and al-Mu'ati were on the right, and I walked on the left. The sound of gunfire increased, and there was shooting from all directions at the entrance to Beit Rima and at the center of the village.

We walked some five to six hundred meters. I was very scared, but Haris encouraged us and he told me not to be afraid. Then I heard the sound of a helicopter circling above. I didn't dare look up, nor did Haris and al-Mu'ati. Haris told us to walk at a regular pace so that they wouldn't pay any attention to us. It was dark and the helicopter didn't light up the area. Suddenly the helicopter opened heavy fire at us. We were the only people in the olive grove. I felt that I had been struck in the left leg and fell to the ground. I saw that Haris and al-Mu'ati also fell down. The three of us were apparently hit at the same time. I did not lose consciousness, but I felt intense pain in my leg. The helicopter continued to fire at us. Haris and al-Mu'ati fell around twenty meters from me, with al-Mu'ati being a bit closer to me. Despite the pain, I didn't make any sounds because I wanted the soldiers in the helicopter to think that we were dead.

That way, they would stop shooting at us. The helicopter gunfire lasted around twenty minutes, and then the helicopter left. But we continued to hear the sound of gunfire, and its intensity even increased.

Haris called out my name, and I told him that I was all right. He also called to al-Mu'ati, and he, too, said he was all right. Those were the only words that we spoke among us. I think it was already after 3:00 A.M. I felt that I couldn't get up, and Haris and al-Mu'ati also remained lying on the ground. I took advantage of the break and threw my weapon to the side. I think that I lost consciousness, because I only awoke to the muezzins' call to morning prayers from the mosques in the nearby villages.

When I awoke, I heard al-Mu'ati gasping loudly, and I felt that he was dying. I heard Haris report via the radio transmitter that we were about to die. Then both he and the radio transmitter were silent. I didn't make a peep because I played dead, out of fear that the helicopters would fire at us again. I still heard the sound of helicopters but did not see them.

At this stage, Mahmud Ahmad lost consciousness a second time, and did not regain consciousness until 7:00 A.M. About ten minutes later, soldiers reached the site and ordered him to get up. Then he noticed that the other two policemen had been killed. The soldiers took him to the

Halamish settlement. Around 4:00 P.M., he was taken to the hospital in Ramallah.⁷

This case illustrates the implications of a sweeping order allowing soldiers to fire at any armed Palestinian, even if he does not pose danger to the security forces. According to the IDF Spokesperson, "During the action, some twenty armed Palestinians were clearly identified, some of whom opened fire at the IDF forces. The helicopter gunfire took place at 2:00 A.M. Despite the prior notice given to the Palestinians that they were to remain at their posts and not offer any resistance... a number of armed Palestinian policemen in the town hall opened fire at the IDF forces. The IDF suffered no casualties."⁸

Thus, even according to the official IDF version of events, the policemen at the checkpoint did not open fire at IDF soldiers and did not threaten their lives. Furthermore, if it is true, as the IDF Spokesperson contends, that the Palestinian policemen were given advance warning and were requested to remain at their posts, which was refuted by several witnesses in their testimonies to B'Tselem,⁹ the IDF should have expected that there would be armed Palestinians at the checkpoint. Despite this, the IDF soldiers fired at the checkpoint and for some twenty minutes continued to fire at policemen who had fled into the olive grove.

Testimony of Hani Taher Mahmud al-Barghouti, 44, married with three

7. See, below, regarding the medical treatment given to Mahmud Ahmad.

8. *Ha'aretz*, 28 October 2001.

9. For example, the testimony of Samer al-Barghouti, director of the Crossings Department in the District Coordinating Office in Ramallah (given to Raslan Mahagna on 31 October 2001) and the testimony of 'Abd al-Qarim a-Rimawi, mayor of Beit Rima (given to Raslan Mahagna on 26 October 2001).

*children, police officer in the Palestinian National Security forces, resident of Beit Rima*¹⁰

I work in the Palestinian National Security headquarters in Beit Rima. I have not been “wanted” by the Israelis since I returned to the Occupied Territories, and have never been arrested or been involved in shooting at Israeli forces or settlers.

On Wednesday [24 October], at 2:20 A.M., my family and I were awakened by heavy gunfire from helicopters circling in the sky. I moved my wife and children to a side room and, still dressed in my pajamas, went into the [olive] groves. I took my automatic Kalatchnikov rifle, which I received because I am in the National Security forces. As soon as I went out the front door of the house, I saw dozens of Israeli soldiers on the road. I sneaked towards the area behind the house and then into the olive groves on the nearby hill. I was afraid to return to the house because I thought the Israeli soldiers would arrest me or shoot me. The firing was so intense that I thought the entire village had been destroyed.

I was alone on the hill between the olive groves. A helicopter was constantly circling above. I hid behind a stone fence, under one of the trees, out of fear that the helicopter would see me and open fire at me. I saw the flashes of the helicopter gunfire, but I couldn't tell the direction the shots were coming from. There were also two other helicopters circling in the air. The firing intensified. I was afraid.

I did not know what was happening in the village and did not know what would happen to me. I covered my weapon with clothes that were strewn nearby and hid it on one of the terraces cut into the hillside. I tried to descend toward the National Security checkpoint or toward the police station, but I couldn't because of the shooting and the large number of soldiers in the area.

Around 6:00 A.M., the firing stopped. I decided to return to the village. I had been alone on the hill all night long. I descended to the outskirts of the village and entered the house of a relative of mine. I drank some water and rested. Maher a-Barghouti was in the house, and he told me that the army was entering every house in the village and was arresting lots of people. We decided to flee to the hill and hide there. We remained under an olive tree for about an hour. Then we decided to walk toward 'Ein village, which is around three kilometers north of Beit Rima. After walking about half a kilometer, we saw around twelve or thirteen infantry soldiers about one hundred meters away. We fled to the base of the hill. The soldiers saw us and fired at us. We hid behind one of the terrace walls and within some thirty minutes the entire area was full of soldiers. They surrounded us and began to fire from above. We remained motionless. They were around twenty meters from us, but they did not hit us. It was then around 8:30 A.M. After around two minutes of gunfire, they ordered us to stand up and raise our hands. We did as they said.

10. The testimony was given to Raslan Mahagna on 29 October 2001.

Several soldiers approached us. They had us lie face down on the ground, and they tied our arms and legs. They searched us and turned us over onto our backs. They kicked us as they did it. They asked us who we were and why we were there. Then they removed the shackles and handcuffed the two of us together so that we could walk to the village. They kicked us and led us to the demolished house of Haj Yaqub. Then they took us, together with Wail Yaqub, whom they had arrested in his house, to the town hall. The town hall had been turned into the Israeli army headquarters. They had us stand on the steps of the building for several hours. They cuffed our hands and legs with plastic shackles, and placed a smelly sack over our heads. Then they put us into an armored vehicle and took us to the Halamish settlement. When we got there, they had me identify myself

and tell them where I work. I told them that I am in the Palestinian National Security. They kept me shackled and with the sack on my head. They did not interrogate me. They released me early on Thursday [the next day].

Though no one was injured in this incident, the shooting at Hani al-Barghouti and Maher al-Barghouti, who were not armed, indicates an alarming policy. Firing at persons who do not pose any danger to security forces, without giving them any warning and without making any attempt to apprehend them by less severe means, is a serious breach of the IDF's Open-Fire Regulations as presented by Col. Golan, and a gross violation of international law.

Delay in Medical Treatment

During the course of its action in Beit Rima, the IDF prevented medical treatment of the wounded for several hours and prohibited Red Crescent ambulances from entering the village. It prevented local doctors from treating the wounded and did not allow their evacuation to a hospital. More than five hours passed after the injuries were incurred before the IDF permitted medical treatment.

While the incursion was in process, Palestinian officials charged that the wounded were being denied medical treatment, and Israeli officials vehemently rejected the claim. According to the IDF spokesperson, “During the incursion into Beit Rima, a curfew was placed on the village to allow IDF forces to act safely. For this reason, passage of Red Crescent crews was initially denied. However, the wounded Palestinians were attentively cared for by IDF forces and by local doctors. Based on their condition, some were evacuated for treatment in Israeli hospitals. As soon as it was possible, Red Crescent teams were brought into the village and treated the wounded.”¹¹ Col. Golan claimed that, “We treated the seriously wounded and evacuated them to one of the best hospitals in the country. The charges about preventing treatment of Palestinian are lies. We prohibited entry of the Red Cross and Red Crescent because of the fighting on the ground. We did

not want to harm their people. We let them enter only after the shooting stopped. The Palestinians received excellent medical treatment, the same as IDF soldiers.”¹²

B’Tselem’s research reveals that some of the wounded were indeed treated by military doctors, but that this treatment was given to them five hours after they were injured. Dr. Bassem a-Rimawi, Director of Emergency Services in the Palestinian Ministry of Health and head of the Emergency Room at Ramallah Government Hospital, who resides in Beit Rima, attempted to get to the wounded, but the soldiers prevented him. Over the course of the night, Dr. a-Rimawi held several telephone conversations with people who were caring for the wounded in their homes. He instructed them on how to treat the wounded. No military doctor came to these homes to treat the wounded, even though the names and locations of the injured were given to the army.

Worse still is the case of Mahmud Ahmad, the police officer stationed at the checkpoint at the entrance to Beit Rima whose testimony was presented above. He was injured immediately upon the IDF’s entry into the village. He was fleeing the checkpoint along with two of his colleagues who were killed in the incident. At 7:00 A.M., he was arrested by soldiers after having lain wounded for five hours. He

11. Letter from the IDF Spokesperson to B’Tselem, 24 October 2001.

12. Briefing by Col. Golan, *supra*, footnote 1.



IDF soldiers prevent ambulances from entering Beit Rima (Jihad Nableh)

received medical treatment only six hours after his arrest, at 1:00 P.M. Three more hours passed before he was taken to a hospital.

Medical treatment was delayed even though Israeli officials were fully aware that there were people in the village who were seriously wounded and needed urgent medical attention. The Red Cross informed Peter Lerner, Civil Administration Spokesperson, that ambulances were prohibited from entering the village. Lerner promised to take care of the matter and to coordinate the ambulances' entry. Palestinian DCO staff who were in contact with the Israeli DCO staff also were promised that the ambulances would be allowed to enter. Samer Barghouti, a department director in the DCO in Ramallah, told B'Tselem that, beginning at

2:30 A.M., he spoke to the commander and sub-commander of the Israeli DCO over ten times. He gave them the names and locations of the injured, but despite promises of assistance, the army continued to forbid the entry of ambulances.¹³ At no point did any of these officials mention that the ambulances were unnecessary because military doctors were treating the wounded. They all said they were doing their best to enable medical treatment.

Testimony of Bassem a-Rimawi, Director of Emergency Services, Palestinian Ministry of Health, and head of the Emergency Room, Ramallah Government Hospital, married with two children¹⁴

At exactly 2:15 A.M., I was called downstairs to the clinic because there was an injured person who had arrived in a car

13. The testimony was given to Raslan Mahagna on 31 October 2001.

14. The testimony was given to Raslan Mahagna on 31 October 2001.

and was outside on the road. This occurred five minutes after I heard the sound of gunfire. I quickly went down to the yard. I went out and saw an injured Palestinian in uniform on the back seat of a Subaru car. I noticed blood coming out of his mouth. He had been hit by two bullets in the left hip. He was bleeding heavily from the injury. He was conscious and I spoke with him. He told me that he had been with six other police officers at the checkpoint and that they had all been hit. My immediate assessment was that he urgently needed to get to a hospital and that there was no point in taking him to my clinic because I did not have the necessary equipment to treat him. Urgent surgery was required in order to save his life. I asked my wife to bring me my cellular phone and I called the Red Crescent center from the yard. I asked them to quickly send an ambulance from the nearest branch because there was a seriously injured person. There is no Red Crescent branch in Beit Rima and no ambulances. They told me that they would immediately send an ambulance from the Salfit branch, which is twelve kilometers away from the village...

I asked 'Aref Hussein, the person who brought the injured person in his car, to leave with the wounded man immediately and to meet the ambulance on the way in order to save time. I explained that he should drive through 'Ein village because the ambulance was coming from Salfit. The injured person was conscious at the time, but he was in very serious condition and had started to lose a lot of blood. At the time, none of us knew that the army was inside the village, but we heard gunfire from close by the whole time. I called

the government hospital in Ramallah and informed them of the condition of the injured person who was on his way to the hospital. I asked them to prepare the operating room.

I went into the clinic and started preparing the medical equipment. I received a telephone call that there was an injured person lying near a house at the entrance to the village. The place was described to me and I decided to go there. I went outside and saw many soldiers on the road. They pointed their weapons at me and shouted at me to stop. I was startled and very frightened. I put the bag I was carrying down and put my hands up quickly. I told them I was a physician. I was still in my pajamas. I was very scared they would shoot me. Then one of them ordered me to get inside the house immediately. He spoke in Arabic with an Israeli accent. I didn't notice exactly how many soldiers were there, but there were dozens, all wearing uniforms and helmets. I went into the yard immediately, my whole body shaking with fear...

I called the hospital in Ramallah to make sure that the injured person I had sent there arrived. They told me that no one had arrived...

I started getting phone calls about wounded people inside houses in the village. Two people told me of injured men inside their houses. I instructed them over the telephone how to give first aid. They gave me the names of the injured and where they were. I contacted the Salfit DCO and asked them to inform the Israelis about the two injured men, to

give them their names and the telephone numbers where they could be found. I told them to tell the Israelis to treat them, because they were preventing us from treating them. I asked the Red Crescent to give the same message to the Red Cross.

The Salfit DCO told me to call the houses where the wounded were and tell them that they should not be scared, and that an Israeli team was coming to take care of them. It was 3:30 A.M. I remained awake and constantly checked whether the Israeli medical teams had arrived at the two houses. I was informed that the Israelis had not arrived in either place and that the two injured men were losing a lot of blood. I gave instructions on how to bandage the wounds in order to decrease the loss of blood...

Only at 7:15 Dr. Abu Hameid told me that they had given my phone number to the Israelis who would call me so that we could go together to check on the wounded. Ten minutes later, a man called Radwan called and said he was an Israeli commander. He spoke Arabic. I assumed he was Druze. He told me that they would arrive at my place within five minutes, pick me up and go with me to see the wounded. I was already dressed. I waited in the yard. Ten minutes later Radwan arrived in a military jeep and called my name over a loudspeaker. When I got outside, I saw two soldiers sitting in the back of the jeep. In addition to the jeep, there were also a military ambulance, two police cars, and a truck full of soldiers. The vehicles were lined up and many soldiers were on the road. I asked Radwan whether

I could take my own car and he agreed. He was very polite to me. I drove in front of them, and made sure I was very close to them because the village roads were crawling with Israeli military forces. There were soldiers at every turn. From what I saw in the village alleyways, I estimate that there were hundreds of soldiers.

Dr. a-Rimawi went with the soldiers. The military doctors treated two injured men. One of them was unconscious. He had been hit by two bullets in the abdomen and hip. The other, who had been hit by two bullets in the abdomen, was conscious. The two were evacuated in a military ambulance to Halamish and from there to Tel Hashomer Hospital. According to Dr. a-Rimawi, the wounded had not received any treatment prior to his arrival.

Testimony of Dr. Wael Muhammad Nimer Qa'adan, 43, Director of the Emergency and First-Aid Unit of the Red Crescent, married with three children, resident of Ramallah¹⁵

On Wednesday [24 October], in the early hours of the morning, I was at home. I am always on call and the communications transmitter is open in case of an emergency. At around 2:10 A.M., the Red Crescent center received an urgent call about a seriously injured person in Beit Rima. The center in Ramallah sent an ambulance from Salfit because it is close to Beit Rima. The ambulance left Salfit at 2:15 A.M. with two staff members, Muhammad 'Azaril and Maher Yunis. A few minutes

15. The testimony was given to Raslan Mahagna on 31 October 2001.

later, I got a message from the center in Ramallah that the ambulance had arrived at 'Ein, a nearby village. It was stopped at an army roadblock and forbidden to continue to Beit Rima. I asked them to send an ambulance from Sinjil and to try going to Beit Rima via Nabi Salih, which is near the Halamish settlement.

Ordinarily the drive from Salfit to Beit Rima takes about five minutes. From Sinjil it takes about eight. The ambulance left Sinjil at 2:34 A.M. The army did not allow this ambulance to continue either. We started to get reports of many dead and wounded in Beit Rima. At 2:45 A.M., I called Margaret, from the Red Cross in Jerusalem, and told her about the delay in medical treatment. She said she would contact the Israelis. We agreed that if the ambulances did not enter within fifteen minutes, I would call her again.

The ambulances were still not allowed in after fifteen minutes. I called Margaret again, and she said that she had spoken to Peter Lerner, the Civil Administration Spokesperson, and that he promised to take care of the matter within minutes. We agreed to wait another fifteen minutes. In the meantime, more calls about injuries came in. I gave an order to send an ambulance from Ramallah, so that we would be ready when we were allowed to go in. The ambulance, driven by Ahmad Ramdan, left Ramallah at 3:15 A.M. I spoke with Margaret a few more times. When we spoke at 5:15 A.M., she had Peter Lerner on the other line. Once again he promised to coordinate entry of the ambulances.

At around 5:20 A.M., the army left the entrance to 'Ein, and the ambulance that had come from Salfit drove to Beit Rima, but was denied entry into the village. I instructed the ambulance driver from Sinjil to try and find alternative roads into the village. We feared that if we did not reach the wounded quickly, they would die. At 7:00 A.M., Margaret from the Red Cross called and said that she had arrived at the entrance to Beit Rima and that the army was not letting her in. Margaret managed to convince the army to let one ambulance in.

The ambulance that had arrived from Sinjil entered the village and got to the houses that are near the checkpoint. The team reported that wounded were inside the houses. Israeli forces stopped the team and ordered them to leave the village. They explained that they had been given permission at the Halamish checkpoint, but the soldiers would not let them proceed or get out of the ambulance. The team noticed a man lying by the side of the road, and asked if they could see if he was alive. The Israeli commander would not let them and told them to leave immediately. They reported this to me on the radio transmitter. I asked to speak to the commander. We spoke in Arabic. He shouted at me and asked who had given us permission to enter. I said we received permission through the Red Cross, which had been in touch with Peter Lerner. The soldiers threatened to harm the driver if he did not leave. A military jeep escorted the ambulance to Deir al Ghassana. I informed the Red Cross of what had happened.

Mahmud Ahmad, the police officer whose testimony was given above, lay wounded in the olive grove throughout the night. At around 7:00 A.M., five hours after being injured, soldiers took him to Halamish. Despite an injury to his leg, another six hours passed before a military doctor gave Ahmad preliminary treatment. At that point, Ahmad had been injured for eleven hours. He received medical treatment while lying down with his hands tied and eyes covered. After another three hours, he was evacuated to a hospital.

*Continuation of the testimony of Mahmud Yusef Suleiman 'Ali Ahmad, 42, police officer in the Palestinian National Security forces, stationed at the checkpoint at the entrance to Beit Rima, married with two children, resident of Kafr a-Dik, Salfit District*¹⁶

At around 7:10 A.M., I felt people were walking toward us, and then I heard someone calling me in Arabic. I lifted my head and noticed about eight soldiers approaching me. They were no more than ten meters away. One of them told me to get up and put my hands up. I did not dare refuse, and I made an effort to stand up, despite the fact that I had no sensation in my left leg. I stood up and put my hands up. He also called Haris and 'Abd al-Mu'ati, but they did not move, and I knew that they were no longer alive.

One of the soldiers searched me. He asked about my weapon. I told him I didn't have one. He took my identity card.... They told me to take my coat off and throw it aside. I did as they said. They tied my hands behind my back and ordered me to

walk toward the armored vehicle. I limped the whole way because I was in severe pain. One of the soldiers asked about the blood on my leg. He wanted to know how I was injured. I told him that it was from the helicopter [fire]. We arrived at the armored vehicle and they put the bodies of my two friends on the roof of the car. I think it was already after 7:30 A.M. They blindfolded me with a handkerchief, and put me, tied up, into the back of the armored vehicle. We started driving and I did not know where I was being taken. I think we drove for about half an hour. They took me out of the car in a place which turned out to be the settlement Halamish. I remained lying on my stomach for some hours with my hands tied and my eyes covered.

After a few hours, someone arrived. He said that he was an army doctor and was going to treat me. I estimate that it was around 1:00 P.M. I felt the doctor cutting my pants and cleaning my wound. I was blindfolded and my hands were tied the whole time. The doctor told me that I had been hit by two bullets. I felt him stitch the wound. He treated me for about twenty minutes, and then left me. I was still tied and blindfolded.

My hands were tied and the most difficult thing was being unable to shoo away the flies that were attracted to the wound. The flies reached the wound because my pants had been cut. I experienced a few difficult hours. I felt the flies eating my leg. Every time I moved to try and get away from the flies, a soldier would come and kick me from behind so that I wouldn't move.

16. The testimony was given to Raslan Mahagna on 31 October 2001.

I told him I was trying to get rid of the flies, but he shouted at me not to move and not to talk.

I stayed that way until about 4:00 P.M. Then they put me into a Red Crescent ambulance that had been waiting at the entrance to Halamish. During all that time, no one spoke with me or interrogated me. The Palestinian ambulance team gave me preliminary treatment and an IV. They took me to the government hospital in Ramallah, where I stayed for three days. I was released on Saturday. I feel that my medical condition is improving. The bullets did not hit the bone, so my leg was not fractured.

One of the basic tenets of international humanitarian law is the duty to provide the wounded with the necessary medical attention as rapidly as possible. Delaying medical attention is tolerated only in

extreme circumstances, when immediate military necessity dictates it. Even under such circumstances, the delay should be minimized.¹⁷

The IDF severely violated these principles during its action in Beit Rima. Throughout the night, the army was fully aware that Palestinians had been seriously injured. Despite this, they denied the entry of ambulances. Given that the soldiers were primarily carrying out arrests of village residents, there was no reason to prevent ambulances from entering the village. After denying entry to ambulances, the IDF should at least have allowed army doctors to treat the wounded. The IDF provided such treatment more than five hours after the injury. In the case of Mahmud Ahmad, it was given eleven hours after he was wounded. This contrasts sharply with the version of events given by the IDF Spokesperson and Col. Golan. They chose to present an inaccurate account in an attempt to cover up violations of basic principles regarding treatment of wounded persons.

17. Articles 16 and 17 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 1949; First Additional Protocol to the Geneva Conventions, of 1977.

Demolition of Houses

In the afternoon, after most of the army forces had already left Beit Rima, some of the soldiers returned to the village to demolish houses of Palestinians who were suspected of involvement in attacks on Israelis. During the course of this action, the soldiers blew up three houses:

- The house of Ahmad Yusef a-Rimawi - a two-story house, each floor three hundred square meters. Twenty-three people lived in the house. His son, 'Abd al-Muhsan said that Israel has detained one of his brothers for several months on suspicion of belonging to the Popular Front for the Liberation of Palestine [PFLP], shooting at settlers, and placing a car bomb in the town of Yehud. His sister, Zahara, is married to Muhammad a-Rimawi, one of the suspects Israel arrested after the assassination of Minister Rehavam Ze'evi.¹⁸
- The house of 'Abd a-Rahman Ahmad Dib a-Rimawi - a two-story house, each floor containing two hundred square meters and seven rooms. Twelve people lived in the house. According to a-Rimawi, one of his sons, Basel, is suspected of belonging to the PFLP and of having been involved in firing at soldiers and settlers.¹⁹
- The house of Wael Yaqub Ahmad al-Hud al-Barghouti - a two-story house. On the upper floor, which is 170 square meters, there were four rooms and a balcony, in which the mother of the family and her six children lived. The lower floor, which was recently remodeled, was intended for the eldest son, Wael al-Barghouti, who was to be engaged the week that the house was demolished. According to al-Barghouti, his brother Bilal was suspected of having driven the Palestinian who committed the suicide attack at the Sbarro restaurant in Jerusalem.²⁰

Another house, belonging to Ahmad 'Abd a-Rahman a-Rimawi, was set ablaze by IDF soldiers. The residents of the house were elsewhere at the time.

The mayor of Beit Rima told B'Tselem that, as a result of the house demolitions, thirty-one other houses were damaged from the impact of the blasts, and dozens of cars parked near the houses were destroyed.²¹

The testimonies gathered by B'Tselem from residents of the demolished houses indicate that during the night, IDF forces came to the houses and instructed all the residents, including the young children,

18. The testimony was given to Raslan Mahagna on 29 October 2001.

19. The testimony was given to Raslan Mahagna on 29 October 2001.

20. The testimony was given to Raslan Mahagna on 29 October 2001.

21. The testimony was given to Raslan Mahagna on 26 October 2001.

to leave their homes. Only several hours later, after the soldiers searched the houses, interrogated some family members about the location of “wanted” persons, and arrested several people, did the soldiers allow the residents to return to their homes. Nobody took the trouble to inform the family members of the army’s intention to demolish their houses.

Only in the late afternoon, after the action in the village was finished, did the army forces return. They ordered the residents to get out and then blew up the houses. Nobody gave the residents of the houses a demolition order or any advance warning that their houses would be destroyed. The army also did not give the residents an opportunity to remove their belongings, despite their request.

*Testimony of Zahara Ahmad Yusef
a-Rimawi, 33, married with four children²²*

I have four daughters. The eldest is twelve years old and the youngest is one year old. I am married to Muhammad Fahmi A-Rimawi, who was arrested on suspicion of aiding the cell that killed [Israeli cabinet] minister Ze’evi.

In the early hours of Wednesday [24 October], I was awakened by the sound of gunfire and helicopters. I looked out my window and was surprised to see many soldiers on the road that is about ten meters from our house. I heard knocking at the door. It was Shadi, one of our neighbors. He said that the soldiers wanted me to come outside. My daughters woke

up and started crying because of the loud noise. I went outside to the soldiers - I was barefoot and in pajamas. The soldiers heard the sound of my daughters crying and asked me to get everyone out of the house quickly. Shadi went to get my parents and my brother’s wife from the top floor.

At the same time, my brother ‘Abd al-Muhsan and my sister’s son Iham stood outside facing the wall, their hands tied. I quickly took my daughters outside. The rest of our family who live in the building with us also went outside. The younger children cried, and we all stood around barefoot and in our pajamas because the army told us that we had to leave within five minutes, and threatened to blow up the house. I hugged my children, because it was early in the morning and very cold. The army took my sister’s son and my brother away in a jeep, and the rest of us remained outside. The soldiers surrounded us and aimed their guns at us but did not fire.

The soldiers sent a dog into the building and tens of soldiers followed it in. Meanwhile, we sat outside. We heard the intensive firing and saw helicopters circling above. Once in a while, armored vehicles passed by on the street. The children continued to cry, and they wet their pants because the soldiers would not allow them to go into the house to use the bathroom. Only at 6:30 A.M. did the army leave the building. I took my daughters inside, helped them shower, and made something to eat. Outside, the firing stopped and the soldiers left.

22. The testimony was given to Raslan Mahagna on 29 October 2001.

At 9:00 A.M., the soldiers came back, bringing my sister's son Iham with them. They took my sister, Iffham, out of the house and questioned her for an hour. Her son, Hamdi Quran, is one of the men suspected of assassinating minister Ze'evi. They asked her about the mobile phone that she had, and she said that she had sold it. They called me and asked about the mobile phone, and about the whereabouts of Hamdi. They threatened that if we did not give them the information, they would demolish the house. I said that I did not know where he was. The interrogation lasted half an hour. Then the soldiers ordered Iffham and me to go back into the house. We were very frightened and decided to leave the house and stay with neighbors. Only my father remained.

At 6:20 P.M. on the same day, a large force of soldiers came and took my father out of the house. We were still at the neighbor's house. The soldiers circled the house for fifteen minutes. I do not know exactly what they were doing. They left the area, and two minutes later I heard the sound of an explosion. The house went up in flames.

All four apartments in the building were completely demolished. The soldiers would not let us take anything from the building. Before moving in with the neighbors, I had managed to grab only a few pieces of the children's clothing. Now I am living with my four daughters in my uncle's house nearby, and I hope that they will help me rebuild my house.

*Testimony of 'Abd a-Rahman Ahmad Dib a-Rimawi, 58, married with nine children, retired teacher*²³

I am a retired teacher. I used to teach mathematics at the high school in the village of Qarawat Bani Zeid, which is next to Beit Rima. My family and I live in a two-story house that we own. Each floor has seven rooms and is two hundred square meters. I live on the ground floor with my wife and my five unmarried children. My son Nail lives on the upper floor with his wife and two children, who are two and five years old. My son Basel, who is twenty-four years old and a bachelor, lives with them. For two months now my son has not been at home. He has been in hiding and we were informed that he is wanted by the Israelis on suspicion that he is connected to the PFLP and has been involved in firing at soldiers and settlers.

On Wednesday [24 October], at 2:30 A.M., I was awakened along with the rest of the village by the sound of intense fire and helicopters hovering overhead. A short time afterwards, about twenty-five soldiers surrounded my house. They knocked on the door and asked me to come out with the rest of the building's residents. I went outside with everyone else. The soldiers had us stand outside in the yard. They tied up my sons - Thabet, 22, Mahmud, 20, and 'Issam, 18. They blindfolded them with a handkerchief and took them away. At the time, I did not know where they took them.

23. The testimony was given to Raslan Mahagna on 29 October 2001.

The soldiers ordered everyone to sit down. Then they took me aside. The soldiers sent a dog into the house, and then went in after it. They asked me where my son Basel was. I answered that I did not know. They threatened to demolish the house if I did not tell them. The whole time, there were loud sounds from the firing near the National Security checkpoint and on the other side of the village, near the town hall. At 6:00 A.M., the soldiers left and instructed us to go into the house and stay there because the village was under curfew. They set up an observation post fifty meters from the house.

We stayed in the house all day. The soldiers returned at 4:30 P.M. This time there were even more of them. They came in two armored vehicles and ordered us to leave the house. The told me that they had to conduct another search. The soldiers made us move two hundred meters from the house. When I asked why they would not let us stay near the house, they did not answer. The soldiers also asked me to move my Volkswagen van away from the area. I knew then that they were going to blow up the house and demolish it.

I asked their commander to give me just an hour so that I could take some things out of the house, but he refused, and moved us away from the house, threatening us with his weapon. They remained near the house for about fifteen minutes and then got in their vehicles and drove away.

They moved about two hundred meters from the house and then there was a powerful explosion. The whole building - both floors - completely collapsed.

Israeli officials, including the army spokesperson and senior commanders who were interviewed about the army's actions in Beit Rima, did not mention the house demolitions. They restricted their comments to the gunfire that occurred during the action, and to the charges about the delay in treating the injured. Only in response to an explicit question by a journalist from *Ha'aretz* did the IDF Spokesperson say that, "Many terrorists came from this village, including those who carried out the bombing attack on the Sbarro restaurant in Jerusalem and the assassination of minister Ze'evi. The demolished houses were the houses of the terrorists who were directly involved in particularly severe terrorist attacks."²⁴

Justifying the house demolitions on the grounds that they were home to Palestinians who had attacked Israelis is the same justification that Israel offered to support its house demolition policy during the first intifada.²⁵ Concern that Israel will re-institute this policy is reinforced by the fact that, at the same time that the army demolished the houses in Beit Rima, it also demolished two houses elsewhere in the West Bank:

24. Amira Hass, "The Battle over Beit Rima," *Ha'aretz*, 28 October 2001.

25. For an extensive discussion of this policy, see B'Tselem, *Demolition and Sealing of Houses in the West Bank and the Gaza Strip as a Punitive Measure during the Intifada*, September 1989; B'Tselem, *Human Rights Violations in the Occupied Territories, 1992/1993*, pp. 77-92; David Kretchmer, "High Court of Justice Review of House Demolition and Sealing in the Occupied Territories," *The Klinghoffer Book of Public Law* (in Hebrew), Yitzhak Zamir ed. (Henry Sacher Institute for Legislative and Comparative Legal Research, The Hebrew University, Jerusalem, 1993) p. 393.

- On 23 October, the IDF demolished a house in Qalqilya. According to the IDF Spokesperson, the house belonged to a Palestinian who committed the attack on the Dolphinarium, on 1 June 2001, in which eighteen Israeli civilians were killed.²⁶ The suicide-bomber's unmarried brother lived in the house.
- On 24 October, the IDF demolished a house in Tulkarm. According to the IDF Spokesperson, the house belonged to the Fatah leader in the city who was responsible, among other actions, for the 23 January 2001 killing of the two restaurant owners from Tel-Aviv.²⁷ The house was vacant.

soldiers or civilians or against collaborators.

In the past, Israel demolished and sealed houses pursuant to Regulation 119 of the Defense (Emergency) Regulations, 1945, enacted during the British Mandate and still in effect in the Occupied Territories. These actions were taken in the context of an administrative procedure, without trial, and without requiring the authorities to prove the guilt of the suspect before any judicial tribunal. In most cases, the demolition or sealing took place before the court convicted and sentenced the defendant.

In past cases of demolition, the regional military commander signed an order to demolish or seal the house. The family was then given forty-eight hours to appeal to the military commander. Following a petition filed by The Association for Civil Rights in Israel, the High Court of Justice ruled, in 1989, that upon rejection of the appeal, the family whose home is to be demolished must be allowed to petition the High Court prior to execution of the Order of Demolition. The court further ruled that, in situations that the authorities consider particularly grave, the state may seal the house immediately, even before the hearing on the petition. Only in instances of immediate "military-operation needs" is the army allowed to demolish a house without delay.²⁸ Over the years, the court heard over 150 petitions against the demolition or sealing of houses, and denied them all except for a few isolated cases.

House demolitions and sealings were a common punishment of relatives of Palestinians suspected of offenses against Israeli security forces, Israeli civilians, or Palestinians suspected of collaboration. From the beginning of the first intifada, in December 1987, to the end of 1997, Israel totally demolished at least 449 houses and partially demolished sixty-two houses in the Gaza Strip and West Bank. In addition, Israel totally sealed at least 296 houses and partially sealed 118 houses. These actions left thousands of Palestinians, among them hundreds of children, homeless. In 1992, this policy ceased almost completely when the Rabin government took office. Since 1997, except for the recent demolitions, Israel did not demolish or seal any houses as punishment for attacks against Israeli

26. See the 23 October 2001 release of the IDF Spokesperson.

27. See the 24 October 2001 release of the IDF Spokesperson.

28. HCJ 358/88, *The Association for Civil Rights in Israel v. OC Central Command*, Piskei Din 43 (3) 529.

International humanitarian law provides that the destruction of property is only allowed where the destruction is rendered absolutely necessary by military operations.²⁹ The destruction of property as a means of punishment or deterrence cannot be deemed an act of combat.

Furthermore, the demolition of houses of the relatives of suspects constitutes collective punishment, which international humanitarian law prohibits.³⁰ The direct victims of house demolitions are not the Palestinians whom Israel suspects of attacking Israeli targets. Rather, they are the relatives living in the house, who are not suspected of any offense.

The army demolished the houses in Beit Rima without providing a demolition order to the owners of the houses. In effect, the IDF acted as if the houses were demolished for military reasons

because, as noted, only in such cases - according to the High Court ruling and international humanitarian law - is there no requirement that the family receive prior notice of the intention to demolish their house, so that the family can appeal the decision and remove its property from the house. However, because the demolitions took place after the army completed its military action in the village and after most of its forces had already left the village, the army cannot argue that the demolitions were necessary for military operations and had to be performed immediately. Rather, it is obvious that the demolitions were executed as a punitive measure, thus reflecting a return to its previous demolition policy. Moreover, because the action in Beit Rima was defined from the start as a policing action and not a military action, the army may not contend that the demolition was a military necessity.

29. Article 53, Fourth Geneva Convention, *supra*, at footnote 17; article 23(g) of the Hague Regulations attached to the Hague Convention (IV) Respecting the Laws and Customs of War on Land, of 1907.

30. Article 33, Fourth Geneva Convention, *supra*, at footnote 17, and article 50, Hague Regulations, *ibid*.

Conclusions

The IDF Spokesperson justified the military action in Beit Rima by claiming that “Beit Rima harbors a wide infrastructure for terrorism and many terrorists have come from there. The IDF will continue to act to prevent and frustrate terrorist attacks on Israeli citizens and IDF soldiers.”³¹

Israeli security forces are obliged to do everything in their power to prevent terrorist attacks. However, this end does not justify all means. Israel must act in accordance with the principles of international law, which it pledged to uphold.

As this report reveals, the IDF action in Beit Rima, which lasted less than twenty-four hours, involved numerous violations of human rights and of international law. These violations included excessive use of force; firing at people who posed no threat to the security forces; delaying medical treatment of the wounded for many hours, despite reports that people were seriously injured and in urgent need of medical care; and renewal of the policy of house demolition as a punitive measure against families in which a member is suspected of having attacked Israelis.

These facts did not prevent Col. Yair Golan, commander of the military action, from concluding that the forces “performed

well.” This statement suggests an alarming disregard and indifference toward human rights violations perpetrated by the IDF in the course of the action.

The IDF action in Beit Rima reflects Israel’s policy in the Occupied Territories during both the current and the previous intifada. In carrying out this policy, Israel routinely violates the human rights of Palestinian residents of the Occupied Territories. The sweeping directive to fire at armed Palestinian police officers simply because they are armed, and the renewal of house demolitions as a punitive measure raise the specter of a further deterioration in the human rights situation in the Occupied Territories.

B’Tselem urges the Israeli defense establishment to:

- Change the Open-Fire Regulations so that they forbid firing in cases where the lives of security forces are not in jeopardy. All cases in which Palestinians were killed or injured during the IDF incursion into Beit Rima should be investigated. In cases where it is found that Palestinians were shot even though they did not jeopardize the soldiers’ lives, those responsible should be prosecuted.
- Clearly and unequivocally instruct forces on the ground that it is

31. Letter from the IDF Spokesperson to B’Tselem, 24 October 2001.

their duty to allow ambulances to move freely on their way to treat the wounded. Only under extraordinary circumstances should soldiers prevent medical teams from entering an area, and even then, the prohibition should be for a limited time only. In such cases, military physicians must treat the wounded

to the greatest extent possible. Injured persons in IDF custody must be given immediate medical attention.

- Revoke the policy of house demolitions as a punitive measure against relatives of Palestinians suspected of attacking Israelis.

Response of the IDF Spokesperson's Office*

**Israeli Defense Forces
The IDF Spokesperson
Public Relations Branch**

Itamar Ben Avi Street

Tel Aviv code: 63476

Tel/Fax: 972-3-6080339/40

5 November 2001



B'Tselem - Attorney Yael Stein

Re: IDF Spokesperson's Response to B'Tselem's report on IDF activity in Beit Rima

Dear Ms. Stein,

Our response to the report on IDF activity in Beit Rima is as follows:

The IDF activity in Beit Rima had one purpose - to fight Palestinian terror, with the objective of preventing serious attacks against Israelis. Beit Rima is home to an extensive terrorism infrastructure, and many terrorists acted from within the village, among them the perpetrators of the bombing attack on the Sbarro restaurant in Jerusalem and the killers of Minister Rehavam Ze'evi.

It should be noted that, during the course of the IDF's activity in the village, eleven Palestinians were arrested. They were involved in hostile terrorist activity against the Israeli population. Other Palestinians were detained and released after questioning.

All actions taken by IDF soldiers during the events met the required criteria. Thus, IDF soldiers opened fire at armed Palestinians, some of whom fired at IDF soldiers (and, in addition, notification of the action was sent to the Palestinian police before the action began).

During the action, a curfew was placed on the village to enable IDF forces to act in safety. For this reason, at the beginning, Red Crescent teams were not allowed to pass. The wounded Palestinians were provided medical treatment by IDF forces and local physicians, and later, as soon as it was possible, by the Red Crescent teams.

As for the houses that were demolished, they were the homes of terrorists who were directly involved in particularly serious attacks.

In summary, the objective of the IDF activity in Beit Rima was to strike the murderous terrorists and them alone. The IDF cannot stand aside while a particular village serves as a base for extensive terrorist activity against Israel. From this perspective, the IDF actions can be viewed as proper.

Sincerely,

s/

Lt. Col. Adir Harubey
Head, Public Relations Branch

* Translated by B'Tselem

Bethlehem Area, 19 – 28 October 2001

(First published in December 2001)

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Introduction

On Wednesday, 17 October 2001, Palestinians assassinated Israeli cabinet minister Rehavam Ze'evi. The next day, IDF forces began to seize areas in most of the West Bank's large cities and assassinated three Palestinians in the Bethlehem area: 'Atef 'Abiyat, whom Israel claimed was responsible for the killing of five Israelis, and two of his relatives who were in the car with him, Jamal 'Abiyat and 'Issa 'Abiyat. Following the killing of the three men, Palestinians from the Bethlehem area opened fire on Jerusalem's Gilo neighborhood.¹

IDF troops entered the Bethlehem area in the early morning hours of Friday [19 October]. They moved deep into Area A (territory under Palestinian Authority control), and took control of buildings and territory in the center of Bethlehem, Beit Jala, the 'Aida refugee camp, and Beit Sahur.²

In his testimony to B'Tselem, Wisam Abu Srur, a resident of the 'Aida refugee camp, stated:

The Palestinians managed to fire mortar shells at Gilo. The situation

worsened two hours later, and there were exchanges of gunfire. From Gilo, the Israelis fired at Beit Jala, and from their positions at Rachel's Tomb and the telephone switchboard building, they fired at the 'Aida refugee camp.

The firing lasted all night. Around 2:00 A.M., tanks came from the direction of Rachel's Tomb, and the Israelis occupied the Intercontinental Hotel. They set up a position there, from which they fired at the 'Aida refugee camp and Bethlehem. Three Israeli tanks came from the Gilo settlement and stopped on al-Jadwal Street, which is near the camp's border with Beit Jala. Firing broke out between armed Palestinians and the Israeli soldiers in the tanks.³

The IDF Spokesperson stated that the army took positions in Area A in the Bethlehem area "following the gunfire and mortar shelling on Gilo."⁴ Palestinians continued to fire at Gilo, and Palestinians and IDF forces in the area began to fire at each other.⁵ On 28 October, the IDF withdrew from the Bethlehem area.⁶ A few weeks after the

1. "Fourteen Palestinians Killed; IDF Enters Palestinian Authority Areas Surrounding Most West Bank Cities," *Ha'aretz*, 21 October 2001.

2. "From Four Directions IDF Enters the Heart of PA Territory in Bethlehem," *Ha'aretz*, 22 October 2001; ARIJ, *The Reoccupation of Bethlehem*, October 2001.

3. The testimony was given to Suha Ziyad on 20 October 2001.

4. Statement of the IDF Spokesperson, 28 October 2001. For IDF Spokesperson releases, see www.idf.il.

5. "Three Palestinians Killed in Bethlehem," *Ha'aretz*, 22 October 2001.

6. "IDF Withdraws from Bethlehem; Prepared to Respond to Terrorist Attacks," *Ha'aretz*, 29 October 2001.

army withdrew, Palestinians renewed their gunfire on Gilo.⁷

When the action in the Bethlehem area began, the IDF Spokesperson promised that “IDF forces would carry out their missions in a manner that prevents, as much as possible, injury to innocent civilians.”⁸ B’Tselem’s research indicates that the IDF Spokesperson’s promise was not fulfilled.

During the week of 19-25 October, IDF gunfire killed fifteen Palestinians in the Bethlehem area. Eleven of those killed were civilians, among them two minors and three women. The other four were members of the Palestinian security apparatus. Seven of the civilians were killed during the first two days of the action. According to B’Tselem’s findings, at least nine of the civilians were not armed. No IDF soldier was killed in this area during that week. IDF gunfire also struck hospitals and caused great damage to houses and shops.

Even after implementation of the Oslo agreements and the IDF’s withdrawal from parts of the West Bank and the Gaza Strip, Israel remained the occupier in the Occupied Territories. As such, it is obligated to ensure the well-being and safety of the Palestinian population.⁹ When combat actions are carried out within occupied territory, the occupying

state is subject to the laws of combat as well as to international humanitarian law. These rules of combat are intended to dictate IDF conduct during an action (such as seizure of the Bethlehem area), and limit the acts that an army is allowed to take during combat. A primary objective of the rules is to protect the civilian population as much as possible and exclude them from the hostilities.

Proportionality is a paramount principle of lawful military action. It limits, and in certain circumstances, prohibits, military attacks even if they are directed against a legitimate military object. The prohibition applies when the harm that is liable to be caused to the civilian population as a result of the attack is greater than its anticipated military advantage.¹⁰ The distinction between people who are not taking part in the hostilities and those who are, and between military objects and civilian objects, is one of the most fundamental elements of international humanitarian law. To ensure that these distinctions are maintained, attacks that are not directed at a specific military objective are prohibited, as is the use of weapons that are not sufficiently precise to distinguish between military and civilian objects.¹¹

It should be emphasized that, where it is unclear if a particular individual is

7. “Seven Palestinians Killed in Incidents in the Territories,” *Ha’aretz*, 25 November 2001; “Firing on Gilo,” *Ha’aretz*, 27 November 2001.

8. Statement of IDF Spokesperson, 19 October 2001.

9. Article 27 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 1949; article 43 of the Hague Regulations to the Hague Convention on the Laws and Customs of War on Land, of 1907. See also, “Conference of State Parties to the Fourth Geneva Convention - Statement of the International Committee of the Red Cross,” Geneva, 5 December 2001, section 2.

10. Articles 51(5) and 57(2)(b) of the First Additional Protocol to the Geneva Conventions, of 1977.

11. *Ibid.*, article 51(4).

involved in combat, or if a civilian facility is also being used for military purposes, the person and facility are entitled to the protections granted to civilians.¹² Furthermore, the presence within the civilian population of individuals who do not fall within the definition of civilians does not deny them the protections to which it is entitled.¹³

During planning and execution of attacks, the military forces must act in accordance with these principles and take all the possible precautionary means to prevent harm to civilians or civilian objects as much as possible. The attacking forces are required, among other things, to verify that the object of the attack is indeed a military object, employ combat means that will prevent the loss of civilian life and property as much as possible, and refrain from attacking when it appears that the harm to civilians will be excessive in comparison with the military advantage anticipated from the attack. When the attack is liable to injure civilians, the other side is to be given advance

warning unless circumstances do not permit.¹⁴ International law provides complete immunity to hospitals and medical teams, and prohibits deliberate attacks against them.¹⁵

Israel undertook to comply with these rules. Israel signed the Geneva Conventions and, although it did not sign the First Additional Protocol, the rules presented above are part of international customary law, which also obligates states that are not party to the Protocol.¹⁶ It should be mentioned that the IDF does not deny its duty to act according to these rules in its actions in the Occupied Territories. The IDF has also declared that it acts in accordance with international law.

This report deals with some of the human rights violations committed by IDF troops during its incursion into the Bethlehem area in October 2001. These violations include illegal gunfire that caused the death of civilians who were not involved in the hostilities, and damage to property of residents of the area.

12. *Ibid.*, article 50(1), article 52(3).

13. *Ibid.*, article 50(3).

14. *Ibid.*, articles 57 and 58.

15. Fourth Geneva Convention, article 18.

16. See, among others, *Final Report to the Prosecutor by the Committee established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia*, par. 42; Theodore Meron, *Human Rights and Humanitarian Norms as Customary Law* (Oxford: Clarendon Press, 1989), pp. 62-71.

Firing at Residences

During the period that the IDF remained in the Bethlehem area, the soldiers who took over the Intercontinental Hotel killed three Palestinian residents in the 'Aida refugee camp:

- 'Abd al-Qader Abu Srur, 25, was killed in his house on 19 October;
- 'Aisha 'Odeh, 39, a resident of East Jerusalem, was killed in her mother's home on 20 October;
- Salameh a-Dabes, 39, was killed in his house on 25 October.

B'Tselem's research indicates that none of these three people took part in firing at the hotel, and none were armed. Regarding the death of Salameh a-Dabes, the IDF stated that all the Palestinians who were killed that day in the Bethlehem area were armed.¹⁷ The testimonies presented below contradict the army's statement.

Another resident, Musa George Abu 'Ida, 19, was killed on 19 October by IDF gunfire in Beit Jala under similar circumstances. He also was not armed and was not involved in the shooting at IDF forces.

It is undisputed that Palestinians fired at IDF positions during the army's incursion into the Bethlehem area. However,

testimonies given to B'Tselem indicate that there had not been any gunfire at soldiers that emanated from the houses in which the civilians were killed.

The IDF gunfire led to grave consequences. In addition, in the 'Aida refugee camp at least, only unarmed civilians were killed. These facts indicate, at the least, that the army employed unreasonable force. Even if Palestinians were firing at IDF forces, the soldiers should have taken into account the nature of the area involved - densely packed houses occupied by residents - and the difficulty in identifying the source of gunfire. In these conditions, it was very likely that innocent people would be injured, and the soldiers should not have opened fire.

Death of 'Abd al-Qader Abu Srur, 25, resident of 'Aida refugee camp, 19 October 2001

*Testimony of Wisam Diab Abu Srur, born in 1977, single, construction worker, resident of 'Aida refugee camp*¹⁸

I am the son of Diab Muhammad Abu Srur. I have nine siblings and we live in the center of the 'Aida refugee camp, opposite the Intercontinental Hotel. The hotel is seventy meters from our house and about 150 meters from Rachel's' Tomb. Israelis fired and shelled our house from Rachel's

17. "Four Palestinians Killed, Among Them a Head of Hamas in Bethlehem," *Ha'aretz*, 26 October 2001.

18. The testimony was given to Suha Ziyad on 20 October 2001.

Tomb. They also fired from their post above the telephone building, which they set up after the current intifada began. The telephone building is around fifty meters from Rachel's Tomb and one hundred meters from our house.

The firing lasted from Thursday until around four o'clock the next afternoon. Around 4:30 P.M., a French journalist came to the house. A relative of ours and the journalist's twenty-five-year-old son were with him. The journalist wanted to film the gunfire coming from Rachel's Tomb and the Intercontinental Hotel. He and his son went up to the third floor of our house to film. Nobody lives on the third floor.

I was standing at the door of the house speaking with my cousin 'Abd al-Qader Jamil Abu Srur. We suddenly heard the sound of my little brother Mahmud, who is fourteen. He cried out and I rushed up the stairs to the third floor to see what had happened. 'Abd al-Qader was right behind me. The moment that I got to the fifth step, I felt a bullet enter my right shoulder. I fell down on the steps. I saw Mahmud lying further up the steps. He had been hit in the leg and was bleeding profusely. The firing continued, so I crawled back down.

When I got to the front door, I saw my cousin 'Abd al-Qader, who had been running behind me. He had been shot in the heart. He was bleeding badly and did not move. I passed alongside him and went out the door into the street because it was safer there than in the house, which

was under fire. My brother Mahmud ran behind me. When we were struck, shots were being fired at the Israeli soldiers, but not by gunfire from our street.

Some people put us into our neighbor's car and drove us about one hundred meters until we came across an Israeli armored personnel carrier, which was on al-Jadwal Street, at the edge of the camp. It was parked across the road and blocked our passage for fifteen minutes. My brother and I were still bleeding. We got to the hospital in Beit Jala at 5:00 P.M. They took X-rays, which showed that my neck had been fractured from the bullet fragments, and that a bullet still remained in my right shoulder.

My cousin died from the shot that struck him in the heart. His body was taken to the hospital about a half an hour after he died.

*Testimony of Pierre Yves Seling, 51, a French journalist living in Bethlehem*¹⁹

My son Julien and I went to the 'Aida refugee camp and after great difficulty reached the home of Dr. 'Abd Abu Srur. We stayed there for about thirty minutes and then the three of us went to the home of a relative of Dr. Srur. The house faces the Intercontinental Hotel, which is about one hundred meters away. When Israel invaded, IDF soldiers took up positions in the hotel and fired at the camp from the hotel. My son and I went up to the third floor to film the army's position. My son had a video camera and I had a regular

19. The testimony was given to Suha Ziyad on 4 November 2001.

camera. He and I took pictures through two windows. I took two photos. Then a sniper who was in the hotel directly facing us fired three shots at me. One entered my abdomen and exited the left side of my back. The other two hit the window panel. This was followed by intensive firing at the house.

I started to bleed from the abdomen. Bullet fragments struck my left hand and my right index finger. Julien was hit by bullet fragments and fainted when he saw me bleeding. With the shooting still going on, I crawled along the floor and reached the area near the stairs. A fourteen-year-old boy, whom I later learned was named Mahmud, left his house and tried to come up the stairs to help me. He was wounded in the leg and was screaming. His brother, Wissam, 24, was standing at the doorway of the house. When he heard his brother's shouts, he too began to go up the stairs.

When he reached the fifth step, he was hit in the neck and fell to the ground. His cousin, 'Abd al-Qader, who had been outside the house, tried to come to his aid. He got to the door of the house and was shot in the heart and fell to the ground. I crawled down the stairs and walked some one hundred meters until I was not far from an ambulance, which was on al-Jadwal Street, about 150 meters from the house. The ambulance took me to the emergency room at Beit Jala Hospital. I received preliminary treatment and underwent abdominal surgery. I am still undergoing treatment in the hospital.

Death of 'Aisha 'Odeh, 39, resident of 'Aida refugee camp, 20 October 2001

Testimony of Amaneh Nasser Hamdan Salameh, married with seven children, housewife, resident of 'Aida refugee camp²⁰

I live at the edge of the refugee camp, near Bethlehem. My house is around eight hundred meters from Rachel's Tomb. I live with my husband and unmarried daughter. My other six children are married and live in their own homes. My late daughter 'Aisha was married and lived in Jerusalem. She had seven children, the youngest a baby girl only six months old. 'Aisha came to visit us ten days ago and brought her infant daughter with her.

The events in Bethlehem started last Thursday [18 October]. Israeli armor entered the city and the Israeli soldiers took control of several houses. They also took control of the Intercontinental Hotel, which is located around five hundred meters from our house. From the hotel, they fired bullets and mortar shells at the camp...

On Saturday [20 October], I was at home with my husband, my daughter 'Aisha, and her infant daughter. 'Aisha could not return to her home in Jerusalem because of the closure imposed on the camp by the Israeli tanks and also because of the non-stop firing. Most of the Israeli firing came from the direction of the Intercontinental Hotel. Around 2:00 P.M., 'Aisha went to take a shower. I told her to do it quickly, and she

20. The testimony was given to Suha Ziyad on 25 October 2001.

finished within fifteen minutes. She then went into the bedroom to brush her hair and get dressed. At the time, the rest of us were in an interior room of the house because we were afraid that the bullets might hit us. It was around 3:00 P.M. when 'Aisha finished. I called to her from the interior room and asked her to join us.

Suddenly we heard a great burst of gunfire towards our house from the direction of the Intercontinental Hotel. Immediately after the burst of gunfire, we heard 'Aisha groan. We rushed to her to see what had happened. We found her on the floor. She had been struck by two bullets - one hit her in the head and the other in the neck. There was a great deal of blood, but we couldn't do anything to help her. Because ambulances couldn't enter the camp at the time, we put her in our car and took her to the hospital. She was dead before we arrived. She left her infant daughter, who is still breast-feeding. Now I am taking care of her.

Death of Salameh a-Dabes, resident of 'Aida refugee camp, 25 October 2001

*Testimony of Iyad Salameh Ibrahim a-Dabes, 16, high school student, resident of 'Aida refugee camp*²¹

I am in the tenth grade at the 'Aida Boys School. School has been closed since Thursday, 18 October. That night, my seven brothers and sisters and I went to sleep late, around 11:00 P.M., because there was no school the next day and

because there had been firing from the Gilo settlement, which is about one kilometer from our house.

Around 4:00 A.M., we awoke to the sound of Israeli tanks and armored personnel carriers driving along the roads near our house. There was also heavy firing. We were startled. We heard the shots strike the water containers and the walls of the houses. My parents came into our room and asked us to remain quiet and follow them. My little brothers began to cry and I tried to calm them. I carried my five-year-old brother, and we all went down to the bottom floor, which was not used. We sat on the floor in the cold room, but because of the fear and the gunfire, we almost didn't feel the cold. My parents hugged my siblings and comforted them.

The firing continued the whole week, so we stayed on the bottom floor. We barely slept and only had a little food. My little brothers cried all the time, especially when the bullets hit the walls of the house and the top floor.

On Thursday [25 October], around ten in the morning, my mother went up to the top floor and made breakfast because we were hungry. At the time, there was no shooting in the area. We all went up for breakfast, which only included bread and a container of meat that the Red Cross had given us.

After my mother finished, she told us all to go back to the ground floor. She

21. The testimony was given to Suha Ziyad on 29 October 2001.

was worried that the firing would start up again. We got up to go, and my father, who was in the front, looked out the window that faces the Intercontinental Hotel. Suddenly he fell to the ground, his head bleeding badly. My mother rushed to him and began to scream. I also went to him and tried to hold him and carry him despite his weight, but I couldn't move him. I raised his head and his brain started to pour onto the floor. His blood stained all my clothes. I did not know what to do. I did not want him to die. I wanted him to get up.

The neighbors came, put my father in a cab, and took him to the hospital. I started to cry and call to my father, but he did not hear us and did not move. I was afraid that he would die. When we got to the hospital, he was taken into the emergency room. They told us that he was dead, but I did not believe it. I walked over to where he was lying and I cried and screamed, and asked him to get up, but he did not move. I fainted and the staff gave me an injection of tranquilizers.

**Death of Musa George Abu 'Eid, 19,
resident of Beit Jala, 19 October 2001**

Testimony of George Musa 'Abdullah Abu 'Eid, married with four children, painter, resident of Beit Jala²²

My son Musa, who was 19 when he died, was the eldest of my four children. We have two daughters, 14 and 17, and another son, aged five. After completing his high

school studies, Musa studied electronics at the Silesian Vocational School, in Beit Jala. He finished two months ago and started to work as an electrician's assistant to add to the family income.

I live in a two-story building. My brother and his family live on the bottom floor, and I live with my family on the top floor. During the recent period of gunfire, when there is firing in the area, we go down to his apartment, and sometimes we even sleep there.

On Friday [19 October], we awoke at 4:00 A.M. to the sound of Israeli tanks that had invaded Palestinian territory from the direction of Rachel's Tomb, which is located five hundred meters from our house. The Israeli tanks fired their machine guns indiscriminately and smacked into several of our neighbors' cars that were parked near their houses. The firing lasted through the night and into the morning.

Because of the events, we spent Friday in my brother's apartment. It was quiet around 6:00 P.M. and there was no firing. My wife asked our son Musa to go up to our apartment and bring some bedding from the bedroom because there was not enough for all of us. I was afraid and didn't want him to go by himself, so I accompanied him. We went up the steps and he went into the bedroom to get the sheets. He left the apartment before me and I followed him. He was standing outside the door and looking out the window along the staircase, which faces

22. The testimony was given to Suha Ziyad on 27 October 2001.

the Khader al-Masalmeh building. Israeli soldiers had taken over the building and there were snipers inside.

I was standing at the doorway to the apartment, two meters from Musa, when suddenly I heard a single shot fired from one of the rooms of the Khader al-Masalmeh building. Musa looked out the window and the bullet sliced his throat.

He fell to the ground immediately. He was bleeding from the back of his neck and his back. I rushed to him. He didn't move. I summoned a Red Crescent ambulance, which arrived within five minutes. I went in the ambulance too. Musa died before we reached Beit Jala Hospital. I still do not know why the sniper shot my son to death, or what crime he committed for which he was killed.

Firing at Hospitals

The two main hospitals in the Bethlehem area, al-Hussein Hospital and French Hospital, were damaged by IDF gunfire and shelling. Their windows were shattered, ammunition fragments penetrated the buildings, and patients were evacuated to interior rooms out of fear for their lives. In both locations, the firing lasted for several days. As a result of the firing, the administration of al-Hussein Hospital issued a warning on the local media that, because of the danger of being struck by the gunfire, residents should not come to the hospital.²³

International law forbids attacks on hospitals.²⁴ Even if the hospitals are used for military purposes, it loses its protection as a civilian facility only after the hospital is given warning of an intention to attack it.²⁵ B'Tselem's research indicates that Palestinians did not fire at IDF troops from the hospitals. In any event, the IDF gave no warning of attack to any of the hospitals in the Bethlehem area.

Death of 'Issa Fawzi Abu Haleyl, 28, resident of Beit Jala, 21 October 2001

*Testimony of Amjad 'Adel Muhammad Amir, 25, single, technician, intensive care and anesthesiology departments, al-Hussein Hospital, Beit Jala, resident of Bal'a*²⁶

23. "Windows of the Premature Births Department Shattered by Gunfire, the Staff Evacuated the Infants," *Ha'aretz*, 24 October 2001; press release of Physicians for Human Rights, 24 October 2001.

24. Fourth Geneva Convention, article 18.

25. *Ibid.*, article 19.

26. The testimony was given to Musa Abu Hashhash on 22 October 2001.

I have been working as a technician at al-Hussein Hospital for two years. Before the current intifada, I would go home once a week. Now, because of the closure, I live at the hospital and visit my parents once a month.

Yesterday, Sunday [21 October], I arrived at the hospital's emergency room in the morning. I administered anesthesia to several people who had been wounded during the course of the day and took some of them into surgery. Around 5:15 P.M., I heard sounds outside the hospital, near the entrance to the emergency room. Walid Qaraqqa, who works in the X-Ray Department, and I walked toward the entrance. We were dressed in hospital uniforms.

Before we reached the courtyard, I saw an armed person in civilian clothes standing at the gates to the hospital. He was near the telephone and alongside him were a few journalists and some hospital employees. The armed person was 'Issa Fawzi Abu Haleyl. I think he works in the hospital. I asked him if there were any wounded, and he said that he was wounded. At that moment, I fell to the ground with severe pain in my right thigh. My leg started to bleed badly.

I did not lose consciousness. I saw 'Issa run toward the hospital door. He ran about six or seven meters and fell. He was bleeding from the chest.

Two people picked me up and carried me to the emergency room, where I was treated. They stopped the bleeding and put a splint on my leg. They told me that I would be taken to al-Moqassed Hospital. The ambulance that was to transport me was at the emergency room entrance. They put me on a stretcher to take me to the ambulance, and then the firing started again. It was around 6:00 P.M. They took me back into the hospital until things quieted down.

The firing lasted for five minutes, and then they tried again to take me to the ambulance, but the gunfire started up again. I heard the ambulance drivers saying that the firing was aimed at the ambulances, so none of the ambulances could leave the hospital. On the third attempt to transport me, I was told that the Palestinian Red Crescent had received word from the Israelis that, because of the shooting, it should not send any ambulances to Jerusalem.

In the end, the physicians at the hospital had to perform the surgery. They had to disinfect the surgery room, which took a lot of time. The hospital also lacked a piece of metal to pin the bones. I had to wait four hours while they disinfected the room, and, at 10:00 P.M. the hour-and-a-half operation began. The medical report shows that my thigh bones had been shattered

and the muscle torn. While in the emergency room waiting for surgery, I was informed that 'Issa had died at the entrance to the hospital.

The sound of the gunfire was thunderous. The hospital gate was exposed to fire from several sources, but I think that it came from an Israeli position in Beit Jala.

I called my parents to tell them that I had been wounded. Neither of them has come to the hospital. I think the closure and checkpoints are the reason for that. Bal'a, where they live, is under total closure and, on top of that, it is very dangerous in Bethlehem.

Firing at French Hospital, 18-26 October 2001

Testimony of Anton Muslam Samim 'Asfora, 48, married with five children, maintenance supervisor, French Hospital, Bethlehem, resident of Beit Jala²⁷

In addition to my job at hospital, I sometimes drive an ambulance.

Because of the firing in the Beit Jala area on Thursday evening [18 October], I was unable to get home that night. The situation worsened as the night progressed, with Israeli tanks and armored personnel carriers invading Bethlehem. The Israeli armor entered the city from four different directions and reached the Bab al-Zaqaq junction, which is twenty meters from French Hospital. As they entered, the tanks fired blindly in all directions, causing

27. The testimony was given to Suha Ziyad on 31 October 2001.

damage also to the hospital. I heard the sound of gunfire hitting the walls of the hospital. The shooting terrified the patients in the Obstetrics Department and the hospital staff.

Because the Israeli incursion was unexpected, the Palestinians did not respond at first. Later, armed Palestinians fired at the tanks, and the exchange of fire lasted until Monday [22 October]. During the days of fighting, the hospital was again struck by gunfire. It came from three nearby positions: the Talel Sader Bab al-Zaqaq building, which the Israelis had occupied, located about one hundred meters from the hospital; a tank position under the Khedwa house, in Beit Jala, five hundred meters from the hospital; and the house of Husam Ghubar, in the Hawaz area, which lies between Beit Jala and the 'Aida refugee camp, around four hundred meters from the hospital.

On Tuesday [23 October], fragments from shells aimed at the movie theater and the Qar'ah building, which are adjacent to the hospital, struck the hospital, shattering hospital windows and penetrating the doors and walls of three out-patient clinics. The clinics are about twenty meters from the Qar'ah building.

Around 8:00 P.M. the next day, the sides exchanged fire in the area where the hospital is located. The Palestinians fired from the area of the movie theater, aiming in the direction of Rachel's Tomb. The Israelis fired from a few sites, their gunfire aimed in the direction of the theater and Bab al-Zaqaq. At the time, I was in one of the interior rooms of the hospital.

I suddenly heard the sound of a shell exploding in the laundry room, which faces the army position that had been set up in the Khedwa house, in Beit Jala. The shell damaged the aluminum frame of the large window in the room, shattered the windowpane, and punctured holes in the room's exterior and interior walls. Bullets also entered the Children's Wing, which contained fifty children, shattered the windowpanes and made holes in the doors of the structure. The Children's Wing is very close by, only twenty meters from the movie theater. Armed Palestinians were in the area of the movie theater and they fired at the Israeli tanks that were at the Bab al-Zaqaq junction. The hospital, which is nearby, as I pointed out, was hit by the Israeli fire. They fired at us even though there are two Vatican flags on the roof of the hospital. The flags are intended to distinguish the hospital from the other buildings.

On the next day, a Thursday, gunfire struck the hospital courtyard, causing damage to the stairs and walls. Shell fragments damaged the car of Dr. Jadaleh al-Najar, of the Department of Obstetrics, which was parked in the yard, near the entrance. Several bullets and shell fragments also entered Room Six, in which a pregnant woman was located. She was terrified and in panic, and a member of the hospital staff rescued her.

On Friday, the children's nursery in the hospital was hit by bullets and fragments, shattering windowpanes and leaving bullet holes in the walls. One bullet struck the hospital's air-conditioner, which is located on the nursery building's roof. The gunfire

also struck a hospital mobile clinic. The small chapel inside the hospital was also hit, damaging the statue of the Virgin Mary and making holes in the chapel's old and invaluable stone staircase.

*Testimony of Ikhlas Musalah Shaib, 25, single, resident of Tulkarm, midwife at French Hospital*²⁸

Today [22 October], the firing started at 1:30 P.M. and we heard the sound of artillery shelling. The shelling shook the room on the south of the hospital, which faced the source of the shooting. The four women in the Obstetrics Department gathered in a windowless room that was safer. They were there for ten minutes and then that room also began to shake. I saw smoke rising from the school that is around one hundred meters from the hospital. We decided to move the patients into the corridor of the Internal Medicine Department, which was safer. The four women sat on chairs in the corridor for about half an hour and then returned to the room. I don't know what would have

happened if the firing had occurred when one of the women was in the delivery room.

The harsh situation in the hospital greatly affected one of the women, who gave birth in the bathroom when she heard the sound of shelling near the building. I was informed that the physician told the woman that she would not deliver for at least another three hours, but, after being frightened, she suddenly gave birth. The newborn child fell, but she grabbed him and brought him to her bed.

The ward has twelve beds. It is generally full and sometimes we have to use two extra beds. Occupancy in the ward fell during the last three days, since the Israeli army occupied Bethlehem, and only three or four women were admitted each day. I think that some women about to give birth don't make it to the hospital because of the ongoing gunfire and the presence of Israeli tanks in the streets of the city and around the hospital. A few times, soldiers' gunfire struck near the hospital. Soldiers also fired shells that shook the department's rooms.

28. The testimony was given to Suha Ziyad on 22 October 2001.

Preventing a woman in labor from crossing a checkpoint

Since the beginning of the al-Aqsa intifada, the IDF has imposed harsh restrictions on the movement of Palestinians in the Occupied Territories, which have resulted in prolonged and grave harm to the entire Palestinian population. One of the most serious consequences of this policy is the injury caused to people who are unable to reach hospitals to obtain treatment. Although IDF procedures are supposed to ensure that people requiring medical treatment are not delayed at checkpoints, in recent months B'Tselem has documented dozens of cases in which soldiers delayed and even prevented the ill from crossing.²⁹

During the incursion into Bethlehem, the IDF intensified the restrictions on movement of residents in the area. The army set up new checkpoints and almost totally prohibited Palestinians from crossing. The following is the testimony of a woman from al-Wallaje village, Bethlehem District, who was about to give birth. Her testimony describes the

difficulties she faced in attempting to reach the hospital in Bethlehem.

*Testimony of Fatma 'Issa Muhammad Abd Rabbo, 27, married with one child, housewife, resident of al-Wallaje, Bethlehem District*³⁰

I have been living with my husband and daughter in al-Wallaje ever since I arrived from Jordan and got married. My husband is an ex-prisoner. While imprisoned, he suffered abuse and beatings during interrogation that damaged his health. He suffers from fertility problems, and we have spent a lot of money on fertility treatment. After six years of trying, I got pregnant seven months ago.

Three days ago, the closure on our village was tightened, causing a food shortage, mainly of vegetables. I felt that the fetus's movements had lessened and I began to worry. Yesterday [22 October], I felt slight labor pains and decided to go to French Hospital. I told my husband and he brought a truck used for transporting chickens. We drove

29. B'Tselem, *No Way Out: Medical Implications of Israel's Siege Policy*, June 2001.

30. The testimony was given to Musa Abu Hashhash on 23 October 2001.

toward the military checkpoint at al-Wallaje. My mother-in-law accompanied us.

We reached the checkpoint, and my husband asked one of the soldiers to let us go through. He explained that I was about to give birth. The soldiers refused to let us pass despite my husband's efforts to convince them. We were forced to return home. At home, my labor pains increased and I realized I was going to give birth very soon. We took a taxi. Undetected by the soldiers, we got out of the taxi a few hundred meters before the checkpoint and walked along a road bypassing the checkpoint. We had arranged for the taxi to wait for us on the other side of the checkpoint. We walked for over twenty minutes, and when we were near the checkpoint, the soldiers saw us and ordered us to approach them.

They demanded we return home. My husband tried to explain to the soldiers that I was in critical condition and about to give birth at any moment. The soldiers didn't listen and insisted we return home. My husband got mad and started

shouting at the soldiers. One of them attacked him and hit him in the face, and he fell to the ground.

We had to return home in a taxi. An hour and a half had passed since our first attempt to reach the hospital. I was in constant pain and started to cry. The labor pains increased and I started to bleed. I also felt the baby's head starting to come out. I told this to my husband. We got into a taxi once more and reached the checkpoint. We asked the soldiers to let us go through. When the soldiers saw my condition and the blood on my legs, they let us through. I gave birth en route to the hospital. The baby was screaming and started to turn blue. I arrived at the hospital around nine-thirty, ten o'clock.

The doctors tried to save the baby. His temperature fell. I received treatment in the maternity ward. In the evening, I was told that the baby had died. I can't believe I lost my baby so easily. If the soldiers had let us through in the morning, none of this would have happened and I would be holding my son in my arms now.

Helicopter Gunfire into Densely Populated Area

On 20 October 2001, an IDF helicopter fired missiles into the center of Bethlehem. The missile-fire wounded fifteen people, four seriously. *Ha'aretz* reported that the helicopter fired the missiles after it "identified a cell that was preparing to fire at IDF forces from the Hudli building in the city center."³¹ The testimony presented below is from a Palestinian civilian who was injured by this fire.

Helicopter missile-fire into a densely populated civilian area that is intended to strike a specific target will very likely injure innocent persons. The IDF employed such action several times during the intifada, injuring a number of bystanders. For example, on 9 November 2000, an IDF helicopter fired a missile into the town of Beit Sahur to assassinate Hussein 'Abayat. The missile killed him and two women bystanders. On 12 May 2001, IDF helicopters fired missiles into a residential area in Jenin during an assassination attempt. The missile-fire killed a bystander and wounded civilians who were not the target of the assassination. On 10 December 2001, a few weeks after the helicopter attack in Bethlehem, a helicopter fired missiles into a Hebron neighborhood in the attempt to assassinate a Hamas activist. The action killed two

children, one three years old and the other thirteen.³²

Most of the cases in which innocent bystanders were struck by helicopter missile-fire took place in city centers during the day.³³ Prior experience has proven that it is very likely innocent people would be injured in such an attack. Despite this, the IDF continues to use helicopter missile-fire in densely populated residential areas. These actions violate international law and reflect Israel's disregard for the lives of civilians.

*Testimony of Mazen Shahdeh Zalah, 20, single, construction worker, resident of al-Khader*³⁴

Yesterday, Saturday [20 October], around 9:00 P.M., the gunfire in Bethlehem ceased. At the time, I was with four friends of mine. We were in the city's movie theater area, which seemed quiet to us. The Israeli tanks were in the square of the Baradi Hotel, about five hundred meters from where we were, in the direction of al-'Aza refugee camp. After the shooting stopped, we wanted to return to al-Khader, so we stood where we were and waited for a taxi to pick us up. Ten minutes later, firing between the Palestinians and

31. "Fourteen Palestinians Killed," *supra*, footnote 1.

32. On the illegality of assassinations of Palestinians, see B'Tselem, *Israel's Assassination Policy: Execution Without Trial*, January 2001.

33. "Increased Israeli Actions in the Occupied Territories Raises the Number of Mistakes," *Ha'aretz*, 11 December 2001.

34. The testimony was given to Suha Ziyad on 21 October 2001.

the Israeli soldiers began. We saw two tanks leave Beit Jala towards Bab-al-Zaqaq. One tank proceeded toward the area where the movie theater is, and another tank turned right toward the Bethlehem District offices. Two helicopters were constantly hovering over the city. The tank that turned toward the movie theater approached the area where we were and began to fire in all directions, even at homes and at the movie theater.

We sought refuge in the Hudli building. The tank was really close to us, around forty meters away. About five minutes after we went into the building, one of the helicopters fired two missiles at the building from a low altitude. Fragments struck me in the head and hands, and I began to bleed. The building went up in flames. I crawled toward the rear exit, which leads to another building, because there was a heavy exchange of fire on the main street.

After I got out of the building, I fled. I was still bleeding. As I rushed away, I saw a fellow named Khaled. He had been wounded in the shoulders and legs, and was lying on the road. I got to the Hors Shaw building, which is fifty meters from the Hudli building, and hid behind it to stay out of the line of rifle and tank fire. The exchange of gunfire took place close to me and lasted for about thirty minutes. I hid behind the building the whole time.

Then an ambulance left the hospital in Beit Jala from the parking lot, which is 150 meters from the movie theater, and reached the area of the movie theater. The medical team put me in the ambulance and took me to the emergency room. I got there about 10:00 P.M. The physicians stopped the bleeding in my head and hands, X-rayed me, and set a date for surgery.

Killing of a Youth during Exchange of Fire

Johnny Taljiya, 16, a tenth-grade student, was killed by IDF soldiers during an exchange of fire. Testimonies given to B'Tselem indicate that he was killed in the square of the Church of the Nativity. At the time of the incident, Palestinians situated in the Latin cemetery were firing at IDF troops positioned on Mount Hindazeh. Gunfire from this IDF position killed Taljiya.

Taljiya was not standing in the line of fire between the cemetery and the mountain. Therefore, the soldiers fired in violation of the principle that combatants are required to distinguish between persons involved in the hostilities and non-participants.

Death of Johnny Taljiya, 16, resident of Bethlehem, 20 October 2001

Testimony of Mario George Hana Taljiya, 31, single, restaurant owner, resident of Bethlehem³⁵

The Taljiya family has lived near the Church of the Nativity, in Bethlehem, for many years. Our family has eight members: my father and mother, my five married siblings and me. I am single and live with my elderly parents in the family home, which is twenty meters away from the church. My brother Yusuf and his five children, aged 6-18, live nearby.

The area is relatively safe because it is considered holy land, where the messiah

was born, and no person or house in this area was hit. Even in the first intifada, the square in front of the church and the nearby houses were not hit. When Beit Sahur and Beit Jala were under fire, their residents would come to the church square to hide.

This was the situation until after midnight on Thursday, 18 October, when Israeli tanks invaded Bethlehem. We heard heavy gunfire that continued until the next morning. On Friday morning, we saw five Israeli tanks positioned on Mount Hindazeh, which is five hundred meters from our home. The tanks fired blindly at residents' homes in the city. Our houses were not touched by the gunfire. The Israelis also fired from the Intercontinental Hotel, which they had occupied. From there, they fired at the 'Aida refugee camp. The firing continued until the next day, a Saturday.

On Saturday, I woke up at about 8:00 A.M. Then I woke up my parents and my brother Yusuf's family, who had come to live with us on Thursday. They feared that the situation would deteriorate after the Israelis invaded the city with tanks. We had breakfast together. Then, around 8:30, I went outside with my nephew, Johnny Musa Taljiya, 16, a tenth-grade student at the Beit Sahur Boys School. We went to my restaurant, which is on al-Qarthias street. The area in which the restaurant is located is also safe and there is no shooting there.

35. The testimony was given to Suha Ziyad on 10 November 2001.

It took about seven minutes to get to the restaurant because we went very cautiously. We started to clean and arrange things inside. We finished around 11:00 and then returned home. Israelis in the Rachel's Tomb area and in the Paradise Hotel, which the soldiers had also taken over, were firing at al-'Aza refugee camp.

We reached our house just when the heavy tank fire began from Mount Hindazeh. We stayed inside the house for about an hour. Then we went into the Church of the Nativity Square, which was full of people mourning over the three Abiyat family men who had been assassinated on Thursday by an Israeli explosive planted in their car. A mourning tent had been set up in the square, and many people were moving about freely without fear because the square, as I mentioned, is relatively safe.

Then we went inside the house to have lunch. Around 3:00 P.M., Johnny said that he wanted to go to church for afternoon prayers. He left for church. Johnny's father, my father, my brothers Nabil and Ibrahim, and I went to a club run by a Catholic organization to have some fun because it was boring at home. The gunfire continued all this time.

After a while, we went back to the church square and sat there with some other people. We saw Johnny leave the church. He came over to us and said that he wanted to go to the club with us. We got up and walked some thirty meters. The firing by the Israelis and the Tanzim increased. The Tanzim were firing at Mount Hindazeh from the Latin cemetery, which is about five hundred meters from the church square. The square was not in the line of fire between Mount Hindazeh and the Latin

cemetery. Whereas the Palestinians fired straight at the mountain, the Israelis fired blindly. They also fired at civilians' houses.

We continued on our way. We stopped when we saw our cousin, Elias Taljiya, and his son Mike, who is four years old. We spoke with him for a bit and then continued on our way. Johnny played with the small boy and picked him up. I saw him hug the child and turn him in the air. Suddenly we heard the loud sound of gunfire coming at us from Mount Hindazeh. I saw Johnny fall to the ground with the child. At first, I thought that he lay down on the ground because of the gunfire. The many people who were in the church square started to run in all directions, with bullets flying over their heads. Some of them lay on the ground.

After a few seconds had passed, I heard Elias cry out. I crawled to where Johnny and the small child were lying. I saw that the child had not been hit, but Johnny was bleeding badly. He was hit by a bullet that had penetrated his right shoulder, entered his heart, and exited his left shoulder. My brother Yusuf came and held his bleeding son. He screamed and called for help. A police vehicle that was in the area by chance tried to take Johnny to the hospital in Beit Jala, but the policeman was unable to get there because of the Israeli tanks in the Bab-al-Zaqaq area, which were firing at everything that moved. We had to take Johnny to the clinic in Beit Sahur, but he had already died. The physicians told us later that the bullet had struck him in the heart.

We still don't believe that Johnny was killed. For us, it is like a nightmare that will soon end and Johnny will rejoin the living.

Gunfire from Armored Personnel Carriers that Injured Passersby

Testimonies given to B'Tselem indicate that the IDF troops employed massive gunfire when they entered deep into the Bethlehem area in armored vehicles. The gunfire apparently was not aimed at a specific target. The two testimonies presented below describe incidents in which this massive gunfire killed Palestinian civilians.

In the first case, tanks and armored personnel carriers entered the main road of al-Khader village in daytime. A woman who was standing on the street was killed at close range by gunfire from an armored personnel carrier.

The second testimony describes firing from an armored personnel carrier that approached the Bab al-Zaqaq junction, in the heart of Bethlehem. The firing took place in the middle of the day and struck a passenger vehicle around two hundred meters away from the armored vehicle. Two unarmed civilians were in the vehicle. They were not involved in the combat and tried to avoid the gunfire. The gunfire killed the driver of the vehicle.

In both cases, the testimonies indicate that the soldiers did not aim their weapons and that no Palestinian gunfire had emanated from the places where the civilians were killed.

Death of Maryam Sabih, 38, resident of al-Khader, 19 October 2001

*Testimony of Taha Na'im Taha Salem, 32, married and father of three, construction worker, resident of al-Khader*³⁶

Maryam Suleiman 'Otman Salah, my cousin, lived in al-Khader. She was married and had six children. Her eldest son, Na'im, has been in Megiddo Prison for three and a half months. Her other children are in school, and her youngest son, who is five, is in kindergarten.

At around 4:00 P.M. on Friday [19 October], I was on al-Khader Street, some one hundred meters from Maryam's house. Suddenly, I heard the sound of tanks entering the street and saw a few civilians trying to flee. Maryam was on the other side of the street, about six meters from me. She also tried to flee and she appeared confused. She was by herself. I later learned that she had been visiting her elderly father, who suffers from diabetes.

I called out to Maryam several times and asked her to cross the street, but she did not answer. Just then a tank appeared and an armored personnel carrier was behind it. The Israeli gunfire had begun several minutes earlier. I went to get her out of harm's way, but at that moment one of the

36. The testimony was given to Suha Ziyad on 21 October 2001.

tanks drove to within two meters of me. I immediately backed up and entered one of the side streets.

Maryam was standing alone in front of one of the closed shops. The soldiers in the personnel carrier could see her. They were no more than three meters from her.

I returned to the street to help her, but the personnel carrier started to shoot blindly in all directions. The firing was also directed at the street where I was. I didn't know what to do. I hid behind a concrete pole. The shots barely missed me. After the armored vehicle passed, I went to Maryam. She was lying on the ground, and I saw that she had been hit. I tried to pick her up and speak with her. I also called to others to help me. Several young men came over and we lifted her up. I saw that she was bleeding on her right side. She had lost lots of blood.

We took her by car to al-Yamameh Hospital, which is about half a kilometer from there. The doctors did what they could. Because of her serious condition, they ordered that she be taken to al-Hussein Hospital. She died five minutes after reaching the hospital. She was buried yesterday, following afternoon prayers, in al-Shuhadeh Cemetery, in al-Khader.

As far as I know, no Palestinian forces were in the area. The tank and the armored personnel carrier simply drove along al-Khader Street from the entrance to the old city toward the Hebron-Bethlehem Road near Solomon's Pools.

Death of 'Issa Jalil, 55, resident of Bethlehem, 24 October 2001

Testimony of Daud Ahmad Sa'id Ghanim, 34, married with three children, Palestinian Authority official, resident of Bethlehem³⁷

Yesterday [Wednesday, 24 October], at 12:30 P.M., I was standing at the outside gate of the district offices where I work. I heard on my walkie-talkie that an Israeli armored vehicle was proceeding from the Paradise Hotel toward the Bab al-Zaqaq junction. The vehicle reached the junction, which is some two hundred meters from our offices, and began to fire indiscriminately.

A gray Peugeot 304 was about twenty meters away, on the road that passes in front of a-Dabas Hospital. The driver was around fifty years old and he had a passenger in the car. He tried to evade the gunfire from the Israeli armored personnel carrier, but he failed. I saw the bullets that were fired from the Bab al-Zaqaq junction, where the Israeli armored vehicle was positioned, strike the car.

One of the bullets entered the back window of the car and struck the driver. I saw the car swerve out of its lane. I ran toward the car. The passenger had not been hit. He quickly got out to seek cover from the firing. I opened the door on the driver's side and saw that the bullet had passed through the seat, penetrated the driver's back, and exited from his abdomen. He was gasping, but I did not see any blood. Apparently he was bleeding internally.

37. The testimony was given to Suha Ziyad on 25 October 2001.

I moved him to the passenger's seat, sat down in the driver's seat, and drove to al-Yamama Hospital, in al-Khader. I did not go to the hospital in Beit Jala because I knew the Israeli armored vehicle at the Bab al-Zaqaq junction would not let me pass. The armored personnel carrier fired at every person and vehicle on the street.

I reached the hospital in al-Khader within seven minutes. When we tried to remove the wounded man from the car, we found that he wasn't moving or breathing. I realized that he had died on the way to the hospital.

Damage to Property

The IDF forces who entered the Bethlehem area caused a great amount of damage to residences and shops. The damage resulted primarily from IDF gunfire. In some locations, the soldiers fired at water containers on roofs of buildings, leaving holes in them.

The gunfire violated international humanitarian law, which requires combatants to distinguish between military objects and civilian objects. In addition, international humanitarian law allows a party to strike private property only in cases of urgent and imperative military need.³⁸ This was not the case in the incidents described here.

One of the testimonies presented below describes how IDF bulldozers destroyed a line of shops on the main street of al-'Aza refugee camp, facing the Paradise Hotel. Regarding this destruction, the IDF Spokesperson stated that,

The Paradise Hotel was torched by Palestinians while IDF soldiers were housed inside. The [IDF] forces had to extinguish the fire while Palestinians continued shooting at them. The damage to structures adjacent to the hotel resulted from the attempts made by the IDF forces to reach the area where the fire was raging.³⁹

The fire that the IDF Spokesperson mentioned in the statement took place three days earlier. Therefore, the fire cannot justify destruction of the shops, which almost led to the loss of human life.

*Testimony of Muhammad 'Abd al-'Aziz 'Atallah, 84, married with thirteen children, merchant, resident of al-'Aza refugee camp, Bethlehem District*⁴⁰

I am a refugee from Jabrin and have lived in al-'Aza refugee camp for more than three years. I have been married twice. My first wife lived with me for forty years and bore me seven children. The youngest is now twenty-five. My wife died around twenty years ago. I remarried and had six more children, the eldest is eighteen and the youngest is six.

I own a house in the middle of the camp. The house has two stories and children from my first marriage live there. Six years ago, I left the house with my wife and six children and went to live in one of the three shops that I own. The shops are located near al-Mahad, the main street. I lease one of the shops to a resident of al-'Aza, and my family sells fruits and vegetables in the second shop. We moved into the third shop, which is the largest of the three. We partitioned it into rooms, including a kitchen and bathroom. We

38. Fourth Geneva Convention, article 53; Hague Regulations, article 23(g).

39. "Ten Days in October," *Ha'aretz*, 9 November 2001.

40. The testimony was given to Suha Ziyad on 8 November 2001.

have lived in the shop for ten years and have not replaced the front door, which is made of iron.

By Thursday, the 25th of October, a week had already passed in which we did not leave the house. Around 3:00 P.M., we heard the sound of armored vehicles approaching our area. We didn't make anything special out of that because it had become routine. I looked out the window and saw an Israeli bulldozer driving in front of the armored vehicles. They were headed toward a pharmacy that is around thirty meters from our place. The bulldozer destroyed the pharmacy's door and external wall. Then it proceeded to an electrical supply shop and demolished its iron door, its wall, and the electrical products inside. The armored vehicles near the bulldozer fired indiscriminately as the bulldozer destroyed one shop after another.

We were terrified, and my wife and children started to scream. We thought that the bulldozer would destroy our house, thinking that it was a shop, and that we were about to die as a result of the demolition or gunfire. They cried and I didn't know what to do. The bulldozer reached the adjacent vegetable shop and started to knock down the walls. When it finished, we fled from our house. The soldiers were still firing. We preferred to die from gunfire than by a bulldozer. We ran like crazy for about fifty meters along the road to the center of the camp. We were frightened and in a panic. My wife and children continued to cry and scream.

A person saw us fleeing and opened the door of his house despite the danger. We entered and hid there. We stayed in his house all that night and the next day. Although the gunfire continued, I went outside to check on my shops. I saw that the bulldozer had completely destroyed the door and one of the interior walls of the vegetable shop as well as all the merchandise, and had severely damaged the other interior walls. All the windows were broken. The bulldozer had demolished the door and the walls of my house and broken the furniture in the bedrooms and kitchen. It is impossible to live there now. We stayed with neighbors from Thursday to Sunday, the 29th, when the Israelis withdrew from the camp. We couldn't go back to the house, and we are now living in my old house with my children from my first wife. We'll go back after the other house is renovated.

*Testimony of 'Abd al-Qader 'Abdullah Ibrahim a-Nabti, 47, married with five children, merchant, resident of Aida refugee camp*⁴¹

I live with my family in a four-story building containing eight apartments. My parents live in the ground floor apartment. One apartment is rented out, and my brothers and their families live in the other apartments. From our building, which is relatively high, we can see the other houses in the camp. The building is around four hundred meters from Rachel's Tomb, two hundred meters from the Intercontinental

41. The testimony was given to Suha Ziyad on 4 November 2001.

Hotel, three hundred meters from the Gilo settlement, and 150 meters from the Musalmeh building in Bethlehem. IDF soldiers took control of the building following the incursion into Bethlehem on Thursday, 18 October. The army also took over the Intercontinental Hotel, from which it fired at homes in the camp.

In the past, Israeli shelling from the direction of Rachel's Tomb and the Gilo settlement damaged our building. The gunfire struck the third and fourth floors' exterior and interior walls, water containers, windows, and furniture. The shooting particularly damaged the walls of the rooms directly facing Rachel's Tomb.

On Thursday, the day the soldiers started the incursion, at around 6:00 P.M., we heard the sound of gunfire from Beit Jala on Gilo. After that, Palestinians and Israelis exchanged gunfire throughout the night. There was firing at homes in the camp. It came from the direction of Rachel's Tomb and the Gilo settlement. As a result, we couldn't sleep. Late at night we heard the sound of armored vehicles coming from Bethlehem. They reached the house of Abu Yusuf Qatamash, around twenty meters from our house. All the armored vehicles stopped on the street and began to fire indiscriminately at the houses. The shooting struck our house. It left many holes in the walls and broke windows, hit the water containers, and damaged the electrical and telephone lines. Our entire family, some forty people, among them twenty children, gathered on the ground

floor in my elderly parents' apartment. My father has been ill following a stroke and requires special medical care.

The firing continued all day Friday, and we hid in the two interior rooms of the apartment. We were imprisoned there, unable to leave. We drank from water bottles that we had stored in case of a water shortage in the summer. We brought lentils, rice, and wheat from our apartments.

On Sunday [21 October], we were still in the interior rooms and the firing was still going on. In the afternoon, a loud blast shook the building. Five shells struck the third and fourth floors, creating great damage. They made large holes in the walls and damaged furniture, doors, and windows. Bullets struck holes in the furniture, windows, doors, and walls of the second-floor apartments. We were frightened, but we couldn't leave because the tanks surrounded the area and were firing non-stop.

*Testimony of Ishaq Muhammad Musa Qatameh, 48, married with six children, construction worker, resident of Aida refugee camp*⁴²

Our house is located around 350 meters from the Bethlehem checkpoint and 300 meters from the Gilo settlement. The building we live in has four stories and eight apartments. My elderly parents and my brother and his wife live in the first

42. The testimony was given to Suha Ziyad on 5 November 2001.



Shops facing the Paradise Hotel after being destroyed by the IDF (Desmond Boylan, Reuters)

apartment. Another brother, his wife, and their two-year-old daughter live in the second apartment. I live in the third apartment with my wife and our six children, who range in age from a year and a half to nineteen. Eight people live in the fourth apartment, and the same is true about the fifth apartment. Four people live in the sixth apartment, and another brother of mine lives in the seventh apartment with his wife and seven children...

On Friday, 19 October, Israeli troops invaded Bethlehem. The soldiers took over the Intercontinental Hotel, which lies around 150 meters from our building. They began to fire at houses in the camp. They were very close, which caused lots of damage to the houses, including our building. Bullets penetrated our building, leaving many holes in the walls and

furniture. We descended to the ground floor, and the fifty of us stayed there. We couldn't leave the building because of the non-stop firing, which continued through Friday, Saturday, and Sunday.

On Sunday afternoon, a tank that was positioned on al-Bandeq Street, some fifty meters from our house, fired shells at the fifth and seventh apartments. The blast shook our entire building. We were in panic and the children began to cry and scream. Two of my brothers and I went to the staircase and looked at the two apartments. They were on fire. We summoned a Civil Defense vehicle but it was late in coming because the Israelis fired at any moving vehicle, even ambulances and Civil Defense vehicles. When the vehicle arrived, the two apartments and their contents, including the walls and furniture, were already burned.

Conclusions

The IDF action in the Bethlehem area showed flagrant disregard for civilian lives and property. The army positioned itself in several locations in a densely populated area where armed Palestinians were operating. It was reasonable that the Palestinian gunfire would lead to IDF gunfire in response. The danger inherent in the presence of the civilian population during the exchange of fire was not given appropriate weight at the time the army decided to take up its positions or in decisions regarding the manner in which it fired from them.

Regarding the IDF gunfire at the Church of the Nativity, the IDF Spokesperson stated that, “the Open-Fire Regulations, which the soldiers receive, emphasize that it is forbidden to fire at holy sites, such as the Church of the Nativity. This also applies if soldiers are being fired at from these sites.”⁴³ Such statements are welcomed, but testimonies given to B’Tselem indicate that soldiers did fire at the Church of the Nativity. Furthermore, if the IDF forbids firing at holy sites, it is certainly necessary that it prohibit shooting at hospitals and residences. Despite this, soldiers routinely fired at residences and hospitals, in some cases when no Palestinians were firing from them.

In reply to claims of injuries to innocent persons during the action in Bethlehem, the IDF Spokespersons stated that, “The soldiers in the field were instructed to return fire only after identifying the source of the fire.”⁴⁴ This statement is inconsistent with the fact that, in the cases described above, the IDF only killed civilians who were not involved in the hostilities. These are not isolated incidents. Therefore, it is apparent that, even if the soldiers did not intend to strike civilians, they did not make a genuine effort to prevent such injury.

The comments made a few months ago by a senior IDF officer in the Bethlehem area support this conclusion. The officer told journalist Nahum Barnea that, “I do not order my soldiers not to injure innocent people. In the current situation, whoever gives such an order is actually saying not to fire at all. The principal fire on Gilo comes from the ‘Aida camp, near Rachel’s Tomb. We try to fire at what we can identify, but not always.”⁴⁵ It seems that a similar policy lay at the basis of the IDF’s October action in the Bethlehem area.

The gap between the statements of officials and the reality in the field is found in many areas of IDF activity in the Occupied Territories. This is true, for example, in the

43. Statement of the IDF Spokesperson, 26 October 2001.

44. See “Ten Days in October,” *supra*, footnote 39.

45. “Our Forces Returned Fire,” *Yediot Aharonot*, 27 April 2001.

cases of movement of the ill at checkpoints. Minister of Defense Binyamin Ben-Eliezer, like the IDF Spokesperson, stated that IDF soldiers at checkpoints would enable the sick on their way to the hospital to cross checkpoints without restriction. However, B'Tselem has documented dozens of cases during the intifada in which soldiers at checkpoints delayed Palestinian patients and at times even prevented them from crossing. Another example is the failure of soldiers to intervene in cases where settlers harm Palestinians. Israeli officials have stated that soldiers are clearly instructed to intervene and stop the settlers' violence. B'Tselem has recorded numerous cases of settler violence in which soldiers present at the scene failed to intervene.⁴⁶

Undoubtedly, strict enforcement of international law during combat activities like that in Bethlehem is a challenge

calling for special effort by the IDF, but this does not exempt the army from its obligations. During a prolonged action in a densely populated urban area, the IDF must do everything it can to prevent harm to civilians not taking part in the hostilities. The acts of armed Palestinians operating amidst the civilian population do not turn the entire population into a legitimate target. The testimonies presented above show that the IDF failed to meet this duty by firing indiscriminately, thus causing injury to innocent civilians.

The Israeli government must protect its citizens and act to stop the illegal Palestinian gunfire on Gilo. However, the Palestinian gunfire cannot justify the scope and severity of the human rights violations committed by IDF troops during its incursion into Bethlehem.

46. See B'Tselem, *No Way Out*, supra, footnote 29; B'Tselem, *Tacit Consent: Law Enforcement on Settlers in the Occupied Territories*, March 2001; B'Tselem, *Free Rein: Vigilante Settlers and Israel's Non-Enforcement of the Law*, October 2001.

Response of the IDF Spokesperson's Office

Israel Defense Forces
IDF Spokesperson's Unit
Public Relations Branch
Tel: 972-3-6080-339/40
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6 January 2002



To:
Ms. Yael Stien

Re: **IDF Activity in Bethlehem 19.10.2001- 28.10.2001**

We received your request for a response to the report on the violation of Human Rights during IDF activity in Bethlehem between 19.10 and 28.10.2001.

This is our response:

Following incessant gunfire toward the Jerusalem neighborhood of Gilo, the IDF entered the city of Beit Jala and parts of the city of Bethlehem, where it took up positions. The purpose of the IDF's entrance into these areas was to ensure the security of the residents of Jerusalem. The IDF remained in these areas for a limited period of time, between the 18th and 29th of October, 2001.

During the IDF's presence in the area, our forces were under constant gunfire. Many times the Palestinians opened fire from within populated areas, hospitals and holy places, thus endangering the lives of innocent civilians residing in those places, while blatantly violating the international laws of war.

IDF soldiers were ordered to return fire only toward sources of fire, and to refrain from returning fire toward holy places, hospitals and population not directly involved in the fighting.

In regard to the claims concerning the death of Johny Thalgia mentioned in your report, these claims have been examined and were found to be untrue, due to the fact that there was neither eye contact nor a direct line of fire between IDF forces in the area and the Church of the Nativity, which would have enabled the IDF to shoot him.

The other events mentioned in your report are unfamiliar, and have been handed over to the relevant factors for closer examination. We will be able to comment on each case as such, upon receiving the results of the examinations.

Sincerely,

Lt. Col. Adir Haruvi
Head of Public Relations Branch