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בצלם - מרכז המידע הישראלי לזכויות האדם בשטחים [ט.ד.]

بتسيلم - مركز المعلومات الإسرائيلي لحقوق الإنسان في الأراضي المحتلة

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

Information Sheet

October 2002



Lethal Curfew

The Use of Live Ammunition to Enforce Curfew



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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.

Introduction

During Operation Defensive Shield, the IDF imposed a curfew on most residents of the West Bank. When Operation Determined Path began, on 21 June 2002, the army reinstated the curfew on West Bank cities. In some locations, the curfew has continued to the present day.¹ Hundreds of thousands of Palestinians have been imprisoned in their homes for months, except for short breaks during which the IDF allows them out to purchase basic necessities.

IDF-imposed curfews are not new. In the past, the IDF made extensive use of curfews on specific towns and villages, and imposed a nighttime curfew on the Gaza Strip for years.² However, imposition of an around-the-clock curfew for such a long period of time is unprecedented since Israeli occupied the territories in 1967.

Prohibiting residents from leaving their homes, for days at a time, harms every aspect of the residents' daily lives. It is easy to imagine the resulting economic and emotional problems faced by Palestinian families. These problems are especially evident among poor families living in cramped dwellings.

In its recent report, USAID concluded that the extensive restrictions on movement in the Occupied Territories are among the causes of the severe malnutrition in the Occupied

Territories, primarily among children, and of the poor sanitation there. The report described the lack of basic commodities in stores. The report also pointed out that many residents have lost their source of livelihood, either because they were not allowed to enter Israel to work or because of the prolonged curfew. As a result, they do not have the means to purchase the few goods that are on the shelves. Palestinians who farm for a living have difficulty gaining access to their fields to cultivate them. The farmers who manage to work their land have difficulty marketing their crops. In addition, the West Bank suffers from a water shortage, and water tankers are unable to reach communities without a water-supply network.³

The prolonged curfew has also affected the educational system. Matriculation exams were cancelled or postponed several times during the summer, and only a portion of the students were able to reach the examination sites. The school year opened on 31 August. In Nablus, 33,000 pupils appeared for the first day of school. Since then, classes in the city have not been held on a regular basis. In Tulkarm, 20,000 pupils had school for only nine out of the first seventeen school days.

However, this report does not concentrate on the various repercussions of curfew on the lives of Palestinians living in the West Bank. The first

1. Operation Defensive Shield lasted for twenty-four days, from 29 March to 21 April 2002. Operation Determined Path continues.

2. For information on the length of curfews during the first intifada, see B'Tselem, *Collective Punishment in the West Bank and the Gaza Strip* (1990); B'Tselem, *Human Rights Violations in the Occupied Territories 1992/1993* (1994).

3. For the full report, see www.usaid.gov.

part of the report discusses the legality of the curfew policy. The second, and principal, part of the report discusses one of the means used by the security forces to enforce the curfew – firing

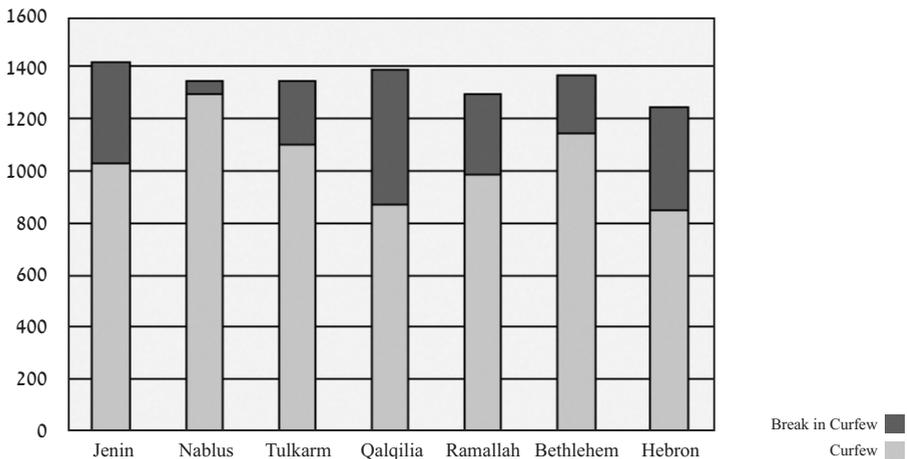
live ammunition and tear gas at Palestinians who ostensibly violate the curfew. The last part discusses the procedures for imposing and lifting curfews.

The Curfew Policy

When Operation Determined Path began, in June 2002, the IDF imposed a curfew on all West Bank cities. Except for short breaks, hundreds of thousands of West Bank residents have been forced to stay in their homes day and night. In the middle of August, the IDF

ended the curfew in Bethlehem, Hebron, and Qalqiliya. In terms of time and the number of people affected, this curfew is the most extensive curfew since the occupation began, in 1967.

**Curfew in West Bank Cities, by total number of hours,
16 June – 15 August 2002⁴**



The IDF ended the curfew on Qalqiliya and Hebron on 15 August. Three days later, it ended the curfew on Bethlehem. The other cities – Nablus, Jenin, Tulkarm, and Ramallah – remain under curfew, with short breaks to enable the residents to acquire basic goods.

The military legislation in force in the Occupied Territories allows the IDF to impose a sweeping curfew. Pursuant to the Order regarding Defense

Regulations, “The military commander may issue an order demanding every person within the territory mentioned in the order to remain in the house during the hours delineated in the order.”⁵ There is no limitation on the order in terms of the time it remains in effect, and imposition of the curfew depends solely on the discretion of the military commander.

4. Source: Palestinian Red Crescent Website, www.palestinercs.org/presentation. Official Israeli sources refused to provide B’Tselem with figures on the number of curfew days. In its response to B’Tselem’s query of 12 September 2002, the IDF Spokesperson’s office referred B’Tselem to the Civil Administration. On 2 October 2002, the Civil Administration’s spokesperson, Captain Peter Lerner, informed B’Tselem that the Civil Administration is not responsible for the imposition of curfews, and referred B’Tselem to the IDF Spokesperson.

5. Section 89 of the Order regarding Defense Regulations (Judea and Samaria) (No. 378), 5730-1970.

Despite repeated requests, the IDF Spokesperson's office has not indicated to B'Tselem the factors considered in imposing a curfew and the officials empowered to impose it. Rather, the IDF Spokesperson's office replied in general terms, stating that, "Curfew is a necessary means that the IDF uses in light of the current security situation in Israel. Its objective is to prevent terrorists from planning and executing attacks on Israeli citizens, by constricting the actions of terrorists and those who dispatch them."⁶

International law provides that everyone has the right to liberty of movement without restriction.⁷ In times of public emergency, a state may restrict liberty of movement "to the extent strictly required by the exigencies of the situation," provided that the restriction is not inconsistent with the state's other obligations.⁸ International humanitarian law also allows the occupying state to take measures to ensure public order and safety.⁹ However, this power is not unlimited. Even in the case of imperative military necessity, every measure must meet the test of proportionality. For example, the severity of the danger must be proportionate to the potential injury to the civilian population. In this context, it is necessary to examine both the severity of the infringement and the length of time that the infringement continues.

A document provided to B'Tselem by the IDF Spokesperson's office, entitled "Procedure for taking security measures and infrastructure operations in time of combat," lists restrictions

on the use of measures such as curfew. Under the heading "Proportionality and examination of alternatives," the document states that "a reasonable balance should be maintained between the need to execute the measures and the potential harm to the civilian population and their property." The document also states that, "alternative measures should be examined *before* taking them, and the measure that least harms the individual's property and welfare should be chosen."¹⁰

These principles surely meet the tests set forth in international law; however, they are not implemented. The IDF's sweeping use of curfew in recent months completely breaches these rules. First, the military needs are not proportionate to the harm to the civilian population; Israel has totally ignored the injury inflicted on the civilian population, other than by lifting the curfew for a few hours every several days or so. The curfew imposed on Hebron during the recent Sukkoth holiday is a perfect example of the disregard for the harm that the curfew causes to the local Palestinian population. The curfew obviously was not imposed for security reasons of any kind, but only to allow visitors to the Jewish settlement to move about throughout the city.¹¹

The same is true about the "examination of alternatives" to curfew. Imposing a curfew on more than a million people for months on end is not reasonable. Curfew is one of the most severe measures available to the army. It is unreasonable that, over such a long period

6. Letter of 29 July 2002 to B'Tselem from Captain Anrieta Levy, Head of Assistance Branch, IDF Spokesperson's Office.

7. Article 12 of the International Covenant of Civil and Political Rights.

8. *Ibid.* Article 4.

9. Article 43 of the Hague Regulations attached to the Hague Convention Respecting the Laws and Customs of War on Land, of 1907.

10. The document was attached to the letter of 27 August 2002 to B'Tselem from Captain Henrietta Levy, Head of Assistance Branch, IDF Spokesperson's Office. The emphasis was in the original.

11. Daniel Ben-Simone, "A Holiday Day in the City of the Fathers," *Ha'aretz*, 24 September 2002.

of time, the IDF has been unable to find an alternative that involves a lesser infringement of human rights. The sweeping, prolonged curfew on the West Bank reinforces the conclusion that substitute measures were not seriously considered, and that Israel chose the measure that was the cheapest and easiest to implement.

In a petition to the High Court of Justice that the Association for Civil Rights in Israel filed in 1990 against the IDF's nighttime curfew on the Gaza Strip, the petitioner requested the court to order the cessation of the prolonged curfew. It argued that the curfew did not meet the requirement to create a balance between defined security needs and the welfare of the local population. The petitioner also argued that the curfew constituted collective punishment of the entire local Palestinian population for the deeds of certain individuals, and that the IDF did not conform its policy to meet the changing situation on the ground. The High Court ruled that,

In the past, we have noted the duty of the military government in occupied territory to ensure, to the extent possible, normal living conditions in the relevant territory, and not to use temporary preventive and deterrent measures, which are available to the commander, for the purpose of punishment.

Therefore, the court added,

The Respondent must reconsider the need to impose the said orders, taking into account the resulting difficulties caused to the population, with the purpose of examining

if and when it would be possible to cease use of this measure, or at least to implement it in a less stringent manner.¹²

If, in the case of a nighttime curfew, which is limited to several hours a day, the IDF is required to reexamine the curfew's necessity from time to time, even more so must it review a curfew that is imposed twenty-four hours a day for months on end.¹³

The IDF Spokesperson's office contended that, "The intention [of the curfew] is not to abuse the local population. The IDF always acts to ease restrictions and to provide humanitarian assistance to the Palestinian population."¹⁴ In practice, though, the injury to the civilian population is severe and prolonged. For months, hundreds of thousands of Palestinians have been imprisoned in their houses and have been unable to live normal lives (earn a living, visit relatives and friends, and the like). The IDF is well aware of these repercussions. Indeed, in some cases, the IDF desires this result. The comments of a soldier who served in the Occupied Territories during Operation Defensive Shield support this claim. He told B'Tselem that, "Everyone, even the company and battalion commanders, said that the curfew is a means of punishment, that the population has to feel the pain so they'll know that Arafat is a horrible leader."

Based on these comments, and taking into account the damaging effects of curfew on the lives of West Bank Palestinians, it is clear that Israel's curfew policy constitutes collective punishment, which is absolutely prohibited by international law.¹⁵

12. HCJ 1113/90, *'Alya S'adi Sa'id Shawa et al. v. IDF Commander in the Gaza Strip, Southern Command, Piskei Din* 44 (4) 590. See, also, HCJ 1759/94, *Ann Srozeberg et al. v. Minister of Defense, Piskei Din* 55 (1) 625.

13. In Nablus, at least, a city of 130,000 residents, the curfew has been in effect for more than one hundred days.

14. Letter of Captain Anrieta Levy, 29 July 2002.

15. Article 50 of the Hague Regulations; Article 33 of the Fourth Geneva Convention Relative to Civilians in Time of War, of 1949.

Families under Curfew in Nablus

*Testimony of Jihad Yasser Muhammad Muhalad, 34, married with four children, resident of Nablus*¹⁶

My husband is a construction worker. He is forty-one years old. I am a housewife, and have never worked at a paying job. We were married in 1983, and have four children, aged fifteen to seven. I am five months pregnant.

I don't know if we are under curfew now. I see people moving about the city. In the past, my husband worked almost exclusively in the Occupied Territories, and rarely worked in Israel. Before the current intifada, he worked for a Palestinian contractor in Nablus. Since the Israeli army's invasion of the city in April 2002, he has not worked at all, and we have no income. We survive on donations to the city of Nablus, and on help from organizations that aid the needy. There are no rules or fixed times for obtaining assistance. Sometimes we receive one aid package a month that contains rice, four to five kilograms of sugar, macaroni, beans, lentils, and powdered milk. The package is worth around one hundred shekels. It lasts us for three weeks.

We live in a rented apartment at a cost of 1,450 Jordanian dinars [approximately NIS 9,500] a year. It has two bedrooms, a guest room, kitchen, and bathroom. Since the intifada started we have not paid any rent, and our landlord is constantly threatening us that we better pay him the money we owe, or vacate. Our neighbors have intervened

and told him to stop threatening us. Now he says nothing and doesn't bother us, but of course he wants the money he is entitled to.

In the morning, I feed the family olive oil, zatar [a spice], and bread. I make soft cheese from the powdered milk, and sometimes we also have the real thing. A kilogram of powdered milk costs about 13-14 shekels. I get it for free, as a donation. I bake bread at home. We received thirty kilograms of flour from donor organizations that distributed goods in the city. We also buy pita. A kilogram of pita used to cost two shekels. Since June, the price has been NIS 2.5 a kilogram. A kilogram amounts to six pitas.

For lunch, I prepare lentils and a bean soup. Chicken costs about NIS 11-12 a kilogram. It used to be NIS 10-12, and now a whole chicken costs about twenty shekels. For many months we did not eat lamb, which costs NIS 42 a kilogram. I can't afford it.

We also owe 800 dinars for water and electricity. We have nowhere to get the money from. Because of the overall situation, the municipality does not threaten to cut off the electricity and water.

At home, I have five or six kilograms of sugar, the same amount of rice, a half kilogram of powdered milk, a bit of humus, ful [a kind of bean], and lentils – that is all the food we have at home. We have about NIS 100 cash at home. Each of the children asked for NIS 40. We have four children in school, and we don't have the money to

16. The testimony was given by telephone to Najib Abu Rokaya on 1 October 2002.

give them. Today, I sent my eldest son to the unions to deliver confirmation that my husband is unemployed, so that he would not have to pay dues. My son hasn't returned yet.

During the curfew, we spend our time talking with neighbors and napping from time to time. I do not watch television because our set is broken. It has been broken for a week, and I don't have the money to fix it. The children went back to school on a regular basis only last week. Before that, they were at home and at the neighbor's house. The children are antsy during curfew, and that drives me crazy. They want to go outside and I don't let them, because there is a risk that the soldiers will fire at the children if they throw stones at the tanks. I ask the children to play on the steps or at the neighbor's house.

The little money that we have to buy basic commodities comes from good people who donate to needy families. I do not know what the future will bring. This is our fate. Would it be better to kill ourselves?

*Testimony of Ghazi Ahmad 'Abd al-Karim Bani 'Odeh, married with four children, resident of Nablus*¹⁷

I live in a rented apartment in Nablus with my wife Maria, who is originally from Cyprus, and our four daughters. The apartment is about twenty meters from the main road between Nablus and the Jordan Valley area. Since the beginning of the al-Aqsa intifada, I have suffered greatly following the Israeli army's entry into our

neighborhood. Each time they enter or leave, they open intense gunfire into the air. They apparently do that to frighten the residents.

Since Israel invaded Nablus, in March 2002, I have felt as if I were in prison. I don't go to work most days. I am a journalist and work with media organizations. Now I can't even work by telephone because the telephone lines are cut off when the army enters. My financial condition has deteriorated as a result of the curfew, which has forced me to stay inside my house for days and even weeks.

For my wife, who is, as I mentioned, from Cyprus, everything that is happening here is strange. She pretends that she understands the situation, but she is more nervous now than in the past. Our four daughters – the twins Lena and Shirin, are nine years old, Laura is ten, and Rena is eighteen – have been acting strangely, and I feel like a policeman trying to solve my daughters' and wife's difficulties. We are all on edge, and our daughters have begun swearing at each other, which never happened in the past. The situation has also severely affected one of the girls, who started to go to the bathroom dozens of times an hour. I took her to a pediatrician, Dr. Nihar Almasri, and he diagnosed a mental-health problem. When she went with her mother to Cyprus, the problem completely disappeared. On their return to Nablus, the problem returned the moment that the first tank passed our house.

17. The testimony was given to 'Ali Daraghme on 6 July 2002.

The other girls wake up confused and frightened several times a night.

Our financial condition has become very grave because of the lack of work. I am already unable to provide all the household needs, which upsets my daughters. When a curfew lasts for a week, I am unable to bring home enough food for such a long period. Sometimes, the girls ask me to bring ice cream, meat, or fruit. When I tell them that I don't have enough money and that I have not been working as much as in previous years, they don't understand and become even more upset. We are

unable to leave the house, even for a few minutes, or to speak with relatives. Our life, which was once easy and based on mutual understanding, has turned into hell.

We have no contact with our neighbors. So we don't see, hear, or speak with anybody. We remain in constant fear of the Israeli tanks that pass along the road and sometimes stand next to the house for hours. The tanks also level the ground, which cuts off the supply of electricity and water. Municipal employees don't get around to repairing the problem for a day or too, which aggravates the situation.

Using Gunfire to Enforce Curfew

Palestinians located outside their houses during curfew – whether because they did not know a curfew was in force or for any other reason – are liable to pay with their lives. The danger stems from the manner in which the IDF enforces the curfew, which often entails the use of gunfire. In some cases, soldiers fire tear gas at Palestinians who are outside their houses during curfew, either to notify the residents for the first time that a curfew is in force, or to punish the ones who ostensibly violated curfew.

At least fifteen Palestinians have been killed by fire by soldiers enforcing curfews. The list of dead, which includes one infant, eight young children, and three youths, is as follows:

- Ahmad Yusuf Razawi, 9
- Jamil Yusuf Razawi, 6
- Sojud Ahmad Turki Shawaneh, 8
- Hilal Shita, 60

The above four persons were killed in the Jenin market on 21 June 2002.

- Marketri Fawwaq ‘Abd al-Aj Da’ud, 10, was shot in Qalqiliya on 7 July 2002.
- ‘Abd al Rahim Ibrahim ‘Abd Rahim Tawil, 40, was shot in Hebron on 3 August 2002.
- Hamze Badawi, 15, was killed in the Balata refugee camp, Nablus District, on 5 August 2002.
- Ahmad al-Qureni, 54, was shot in Nablus on 11 August 2002.
- ‘Abd a-Sallem Samrin, 12, was shot in the a-Shurfa neighborhood of al-Bira on 19 September 2002.

- Baha Sa’id al-Bahbash, 13, was shot in Nablus on 22 September 2002.
- Ghanem Muhammad Ibrahim Mana’a, fourteen months old, died as a result of inhaling tear gas fired at residents Bab a-Zawiyyeh, Hebron, on 26 September 2002.
- Rami al-Barbari, 13, was shot in the Balata refugee camp, Nablus District, on 30 September 2002.
- Muhammad Za’alul, 12, was shot in the center of Nablus on 30 September 2002.
- Muhammad Zid, 15, was shot in Nazlat Zid, Jenin District, on 5 October 2002.
- ‘Amar Rajib, 15, was shot in the ‘Ein al Beit Alma refugee camp, Nablus, on 5 October 2002.

In response to B’Tselem’s query relating to the open-fire regulations during curfew, the IDF Spokesperson’s office stated that, “Force is employed only to enforce the curfew against persons who do not comply with the curfew regulations even though the regulations have been explained to them, or to make arrests. The procedures do not allow the use of force for purposes of punishment.”¹⁸

This response does not explain the IDF’s open-fire policy regarding individuals who are outdoors during curfew. First, it is unclear how the soldiers are to verify that the “curfew regulations” were explained to the particular individual. A more serious problem is that the response indicates that soldiers are allowed to shoot at people simply because they are

18. Letter from Captain Anrieta Levy, 29 July 2002.

outdoors during curfew. Firing at individuals who are not endangering the lives of soldiers or of other persons constitutes excessive use of force.

The regulation that allows shooting at people who are outdoors is an integral part of the IDF's long-standing policy permitting soldiers to fire even in non-life-threatening situations.¹⁹ The deaths of hundreds of Palestinian civilians, among them dozens of children, by IDF fire have not led the IDF to amend the regulations for many years. This failure reflects the IDF's shameful disregard for Palestinian lives.

Despite the gravity of the cases in which soldiers fired at Palestinians during curfew, the IDF has not investigated these deaths, with three exceptions. In one case, in which soldiers fired at Israeli civilians, the IDF expeditiously investigated the matter and initiated proceedings, albeit only disciplinary, against the soldiers. In two cases in which Palestinians were killed, the investigation is continuing, long after the incidents occurred.

Some examples of the fatal results of the IDF's curfew-enforcement policy follow.

Firing of Live Ammunition

Jenin, 21 June 2002 – killing of four Palestinians

On 21 June 2002, a large number of Palestinians left their homes in Jenin after they thought that the curfew had been lifted. They went to the market to buy food. A tank that had been in the area drove towards them and fired two shells

and opened machine-gun fire. The shooting killed four Palestinians, three of them children, and wounded others. The IDF Spokesperson's announcement stated that, "Initial investigation indicates that the soldiers erred in their actions. The IDF is continuing to investigate the details of the incident."²⁰

Sojud Shohaneh's father went to the market with his children. He thought that the curfew had been lifted and even called his friend who lived in the city center to verify this fact. He related to B'Tselem the circumstances surrounding his daughter's death.

Testimony of Ahmad Turki Ahmad Shohaneh, 37, married with five children, merchant, resident of Jenin²¹

My daughter, Sojud, asked if we could go through the middle of the market, near the shop of Abu a-Dum that had been shelled. We approached the city square, where there were stands selling vegetables. I got out to buy bread and potatoes, and the children stayed in the car. Then I walked to another shop and bought eggs, soft cheese, and sausages.

Suddenly, around noon, I heard intense gunfire. People began to run in all directions, and I immediately went to my car, put my children, who were next to the car, inside and drove to Abu Bahar Street, where I saw people and cars. Then I drove west about twenty meters, when I heard more shots being fired. The kids began to scream. I looked behind me and saw a tank standing at the entrance to Abu Bahar Street, about 120-150 meters from us. I saw that my son Na'il had been injured and was bleeding.

19. See B'Tselem, *The Use of Firearms by the Security Forces in the Occupied Territories* (July 1990); B'Tselem, *Trigger Happy: Unjustified Shooting and the Open-fire Regulations during the al-Aqsa Intifada* (May 2002).

20. Announcement of the IDF Spokesperson, of 21 June 2002. See www.idf.il/announcements/2002/june21/stm.3.

21. The testimony was given to 'Ataf Abu a-Rob on 11 August 2002.

I did not stop, and continued driving to get out of gunfire range. When I left the market, I stopped to see how Na'il was. I picked Sojad up to move her away from Na'il, so I picked her up. When I lifted her, I was shocked to see her lifeless body. I began to scream and drove immediately to al-Ghazi Hospital. The doctors pronounced Sojad dead on arrival.

Na'il had been wounded in the right knee and

left midsection. Bullet fragments also struck him in the back, near his spine. Shada [my other daughter] was also wounded. Fragments had struck her right knee. My friend, Hassan 'Ali Abu Zid, who had joined us, had been hit under his shoulder, which led to an injury to his intestines. He was taken to Rambam Hospital, where he underwent surgery. I was told that his condition was serious.

On 11 August 2002, an Israeli taxi entered Tulkarm with IDF permission. The city was under curfew at the time. A soldier at one of the IDF's positions in the city fired at the taxi. Nobody was injured, but the taxi was damaged. Regarding the incident, the IDF Spokesperson stated that, "The IDF views the incident with severity. It will be investigated, and, if necessary, disciplinary measures will be taken against those involved." In the taxi were Gidon Levy, a journalist for *Ha'aretz*; Mickey Kratchman, a photographer for the newspaper; and a fieldworker for Physicians for Human Rights, Salah Haj Yehiye. The IDF quickly and thoroughly investigated the incident, and the sector commander ordered that "the officer and soldier responsible

for the failure be prosecuted." In the two announcements the IDF Spokesperson issued, he expressed regret to the journalist. The Minister of Defense even called Gidon Levy and told him that, "We view the incident with severity." Day in, day out, soldiers fire at Palestinian civilians who violate the curfew. These cases are not reported in the media. The IDF has not even investigated several cases in which Palestinians were killed as a result of the army's policy, including cases where children were the victims. It is hard to avoid the impression that the IDF's exceptional effort to investigate the incident and apologize was only because the shots were fired at Israeli citizens and not at Palestinians.

Nablus, 10 August 2002 – killing of Ahmad al-Qureni

Testimony of Ahmad Dib Ahmad Sma'aneh, 23, single, electrician, resident of Nablus²²

I am an electrician at the Nablus fire department. During the curfew, we do not leave the station to go on a call unless our chief, Yusuf al-Jabi, or the head of personnel movement, Nasser Abu Ghazaleh, ensure coordination between the Israeli and Palestinian DCOs [District Coordinating Office].

On Saturday [20 August], I left the station with the driver, Tawfiq al-Ashqar, to make repairs on a-Rahabat Street and at the Zamarat junction, in the southern part of the city. Then we drove toward the electric company, which was located east of Nablus. On the way, our fire engine broke down, so we replaced it with a Nissan commercial vehicle. A crane had been installed on the truck to be used for making repairs in high buildings and locations. The truck had a siren in the front. When we got to the electric company, another driver, Ahmad Jihad 'Abd a-Rahman al-Qurini, replaced Tawfiq, who had finished his shift. Tawfiq asked us to take him home. As we left the electric company and drove towards the city center, I saw Israeli soldiers stop and search a white passenger car. According to our directives, we are to slow down if we see Israeli soldiers. In general, we are instructed to stay away from streets with soldiers, so that they won't delay us. We continued on our way and took Tawfiq home, which was on a corner of Faisal Street.

Then we went back to the main road, past the Crystal Hotel. At that point, we saw Israeli soldiers stop a Rafidiya Hospital ambulance.

Before we reached them, an ambulance of the Palestinian Medical Services passed us. I saw four Israeli soldiers. Two of them were searching the hospital's ambulance, and the other two soldiers were standing on the side of the road. A soldier standing on the left side motioned to us to go back. We backed up about two meters. Then he motioned for us to move forward, and he fired a shot in the air. We proceeded slowly. The Palestinian Medical Services' ambulance was about seven meters in front of us, and the soldiers were around twenty-five meters away. The soldier who was on the left side of the road aimed his weapon at us, motioned with his right hand that we proceed, and then fired two more bullets. One of the bullets pierced the front windshield of our vehicle and hit Ahmad in the head. The second bullet shattered the siren on the roof.

It was around 3:50 P.M. At first, I didn't realize what happened. I looked at Ahmad and saw that he was missing the left side of his head; the soldier's bullet had blown his head apart. I was screaming as the truck continued to move. I didn't know how to stop it. The truck hit the back of the Medical Services' ambulance. I called to the medical team to help Ahmad. The medics tried to come to us, but the soldier prevented it. He pushed one of the medics back. I continued to shout. Then an Israeli commander got out of the jeep that was standing there. When the commander saw Ahmad, he ordered the Palestinian medics to evacuate him. I saw the commander reprimand the soldier who had opened fire. I asked the commander in Hebrew if he was the commander. With his head bowed, he said that he was. He seemed startled that his soldier had killed Ahmad for no justifiable reason. Later on, I saw the soldier who had

22. The testimony was given to 'Ali Daraghme on 11 August 2002.



Photo: 'Abd al-Rahim al-Qosini

Vehicle of Nablus Municipality in which the driver, Ahmad al-Qureni, was killed by IDF gunfire

fired at us and killed Ahmad speaking with the commander. The soldier aimed his rifle upwards, and explained that he had only fired in the air.

Then the soldiers got into the armored vehicle and into the army jeep, whose number was 610799, and left. Ahmad was taken to the al-Itihad Hospital, which was close to where the incident occurred. I later learned that he had died. His wife died a year and a half earlier, and he left seven children, the eldest twenty years old and the youngest five. They do not have any uncles who can take care of them.

The IDF Spokesperson stated that, “The soldiers called out to the truck driver to stop. Receiving no response, the soldiers opened fire and killed the truck driver.” The announcement also stated

that the driver had a pass authorizing him to move throughout the city, despite the curfew, and that, “The incident is currently under investigation by the IDF... The IDF expresses regret for the death of the truck driver.”²³

B’Tselem requested the Chief Military Prosecutor to order an investigation by the Military Police.²⁴ In her response to the request, the Chief Military Prosecutor offered a different version of the incident than that provided by the IDF Spokesperson. She stated that, during an army patrol enforcing the curfew in the center of Nablus, the soldiers saw a commercial vehicle approaching them. The vehicle suddenly stopped about 150 meters from them, which “raised suspicion.” The soldiers did not identify the truck as a municipal vehicle because it did not have a blinking orange light on it. They

23. IDF Spokesperson’s statement of 10 August 2002, at 8:00 P.M. See the IDF Spokesperson’s Website, 222.idf.il/announcements/2002/august10/#.3.

24. Letter of 13 August 2002 to Col. Einat Ron, Chief Military Prosecutor.

thought that the driver was trying to evade the soldiers, so they fired two warning shots into the air. Because the vehicle “stood at the edge of a moderate incline,” one of the bullets that was fired “at a relatively flat trajectory penetrated the windshield, and possibly caused the death of the driver.” Therefore, the Chief Military Prosecutor held that the soldiers “did not deviate from the domain of reasonable conduct expected in actions by military forces in the relevant area and circumstances.”²⁵

B’Tselem obtained a video tape that contradicts the Chief Military Prosecutor’s version of the incident. The tape was filmed by an AP journalist immediately after the incident occurred. It clearly shows that the vehicle had an orange blinking light. The contention that the soldiers suspected that the driver trying to evade them after he stopped in a manner that “raised suspicion” is illogical. Therefore, the Chief Military Prosecutor’s conclusion that the soldiers acted properly, even though a warning shot caused a person’s death, is particularly grave.

Jenin, 24 July 2002 – wounding of ‘Alam Ghanem

Testimony of ‘Alam Samir ‘Ali Ghanem, 19, single, manual laborer, resident of Jenin²⁶

On Wednesday, 24 July, I left my house, which is located at the southern entrance to Jenin, near the municipal offices. I was on my way to the market. I didn’t have to get anything in particular; I just wanted to get out of the house. Usually, I sit with some guys near the city square, where most of the coffee shops are located. The square is about one kilometer north of our house. It was around 3:00 P.M.

when a friend of mine, Muhammad Nasri, and I were wandering around town with no particular destination in mind. Around 4:00 P.M., we heard people in the street announce that soldiers were entering the city, even though the curfew had been lifted that day. Suddenly, we heard gunfire in the northern edge of the city. People began to run away, the shops closed, and drivers sped quickly away. Muhammad and I looked at the others and were puzzled.

A short while later, we heard tanks approaching the square, which had only a few young people and children by that time. The children, aged eight to fifteen, intended to start an altercation with the soldiers. I did not throw stones at the soldiers. The tanks, armored personnel carriers, and two jeeps continued on their way toward the square, firing as they went. One of the soldiers declared a curfew, calling out on a bullhorn, “Residents of Jenin, a curfew has been imposed. Violators will be punished.” Muhammad and I went into the welfare office, which is located about fifteen to twenty-five meters southeast of the square. We stood and watched eight young people. After about five minutes passed, we got tired of waiting and decided to peek out at the soldiers. A soldier who was in the back of a jeep saw me and fired a few bullets at us. One of the bullets hit Muhammad in the fingers, and another hit me on the right side of my midsection.

I fell to the ground. The gunfire continued. Young people who were nearby dragged me through the city’s alleyways to an ambulance that took me to a-Razi Hospital. I was hospitalized for one day and was then transferred to al-Moqassad Hospital, in Jerusalem, where I remained for sixteen days. I am still bedridden as a result of the injury I sustained.

25. Letter of 10 September 2002 from Col. Ron.

26. The testimony was given to ‘Atef Abu a-Rob at the witness’s home on 11 August 2002.

Nablus, 22 September 2002 - killing of Baha la-Bahbash

Testimony of Eva Yeshivich, British national, of the International Solidarity Movement²⁷

Today, around noon, I was walking in Nablus with four other foreign nationals and Baha, a thirteen-year-old Palestinian child who used to accompany ISM members in the city. Nablus was under curfew. We left the UPMRC offices to go to the Old City. We saw tanks and armored vehicles, and children throwing stones at them. We were about twenty meters from the children. The tanks fired several shots at the children, who were about fifteen meters from them, but none of them were hit. The tanks moved toward the Old City, and the children followed behind, throwing stones.

We decided to monitor the tank movement, and went to the edge of the Old City. The tank was on a road that overlooks the city, and we approached the lower part of the road. We stood on steps to see the tanks and the armored vehicle. We were in a position that made it impossible for the soldiers in the tank and armored vehicle to see us; nor could the children, who were still throwing stones. When we got to the top, the tank had already left, and it was quiet. We sat on the side of the road and decided to return to the UPMRC offices. We heard the tank and armored vehicle approach.

We were next to a shop that was closed. We formed a line, with me in the front and Baha at the back. The tank reached the street and turned left not far from us. An armored vehicle came behind it and stopped. There wasn't any stone throwing. I saw a soldier on the armored

vehicle grab his rifle and aim it at the group. One bullet was fired from the direction of the armored vehicle. I felt the bullet fly by me. All of us turned around. Baha was lying by the front door of the shop. Blood was flowing from his chest. A Palestinian man tried to resuscitate him. Lots of residents gathered at the site. Blood was oozing from Baha's mouth, nose, and ears. I called an ambulance, which evacuated him. I think he was already dead. The armored vehicle came a bit closer and then retreated down the road.

Firing of Tear Gas

Soldiers in Hebron fired tear gas at curfew violators. The fourteen-month-old infant Ghanem Mana'a died from inhalation of the gas, and her grandmother was injured when struck in the head by the tear-gas canister. In another case, Sari al-Ashab, 12, also from Hebron, was struck by a tear-gas canister. In Ramallah, soldiers intentionally fired tear gas at a house when the city was under curfew. In another case, soldiers stopped a civilian who was driving his car during curfew. The soldiers locked him in the car and threw a tear-gas canister inside. They did not let him out for about thirty seconds. The residents of the house and the driver required medical treatment following inhalation of tear gas.

The cases in Ramallah are particularly grave because the soldiers used tear gas as a punishment. B'Tselem requested the Chief Military Prosecutor to direct the Military Police to investigate the incident involving the tear gas in the car, but has not yet received a reply.²⁸

27. The testimony was given to Maya Johnston by telephone on 23 September 2002.

28. The letter was sent on 13 August 2002.

Hebron, 26 September 2002 – killing of Ghanem Mana'a

Testimony of 'Alia Muhammad Muslam Aloridat, 43, married with thirteen children, homemaker, resident of A-Dahariyeh, Hebron District²⁹

Last Thursday [26 September], around 8:00 A.M., I left my house to go to Hebron. My brother's daughter-in-law, Kheyta Mahmud 'Abd Al'aziz, 19, was with me. Kheyta had an appointment with the doctor. I also took my grandson, Ghanem Muhammad Ibrahim Mana'a, who was fourteen months old. Her mother gave birth fifty days ago, so I took Ghanem to give her a rest. Ghanem was a healthy infant. Her mother breast-fed her before we left.

At around 9:00 A.M., we reached Bab a-Zawiyyeh, in Hebron. As I was about to get out of the taxi, I saw people fleeing the area. I didn't know what was happening. I assumed that the Israeli army was in the area and chasing people. A few seconds after I got out of the taxi, I felt something hit me in the back of my head, and there was smoke all around me. My eyes, throat, and nose began to burn. I didn't know what had happened. I held my granddaughter with my right hand, and with my left hand, felt the back of my head. At first, I thought that I had been hit by a bullet, and I screamed that I had been shot. A few young men who were nearby took the child, and I ended up inside a shop that sells chickens.

I realized that I had been hit by a canister and not a bullet. I saw the young men trying to save my granddaughter's life. She was lying on

the ground, and they tried to resuscitate her. At that moment, I knew that she was in serious condition. Within a few minutes, an ambulance arrived and evacuated my granddaughter and another young man, who was around twenty years old, to Aliyah Hospital. The young man complained about pains resulting from inhalation of the gas.

I went into the emergency room with my granddaughter, where she received treatment. About fifteen minutes later, after I had recuperated, I was told that she had died. The dozens of people who had gathered at the hospital told me that she vomited before she died. I cried and regretted that I had taken her with me that day.

Later, a Civil Defense ambulance took Ghanem and me to a-Dahariyeh. She was buried in the local cemetery. Ghanem was the third of three sisters, the eldest being four and a half years old. Her father, my son, is unemployed.

Ramallah, 31 July 2002

Testimony of Ashraf 'Adel Ahmad Masalah, 25, married, engineer, resident of Ramallah³⁰

Since 24 June 2002, when the IDF invaded Ramallah and al-Bira, the city has been under curfew. The army lifts the curfew for a few hours every few days. Because of the situation, I decided to postpone my wedding party, which was supposed to have been held in the beginning of the summer, until things quiet down. When we saw that the situation wasn't changing, my fiancée and I decided to get married on 2 August during the hours that the curfew would be lifted.

29. The testimony was given to Musa Abu Hashhash on 30 September 2002.

30. The testimony was given to Iyad Haddad on 7 August 2002.

For a week, we made preparations for the wedding. On Wednesday, 31 July, during the break in the curfew, I gave out invitations throughout the city. The curfew was to restart at 6:00 P.M. However, I was unable to give out all the invitations, so I continued to do it until 7:30 P.M.

Then I decided to go home. I was driving in the family car, a Mercedes. When I reached the Abu Laban rental car agency, which is located on 'Ein Misbah Street, I saw an armored personnel carrier about one hundred meters away. I had my blinkers on and continued to drive until I got to about thirty meters from the personnel carrier. Then I stopped completely. I stayed in the car and kept my lights blinking to let the soldiers know that I see them, so they wouldn't shoot at me. The personnel carrier began to move toward me and stopped in front of my car. Three soldiers got out from the top of the carrier and aimed their weapons at me. One of them shouted to me in Hebrew, but I did not understand him. I expected that he would ask where I was going, so I stuck my head out the window and answered in Hebrew, "Home." One of them spoke into a radio transmitter while I waited in the car.

About two minutes later, an army jeep arrived and stopped next to the personnel carrier. One of the soldiers in the jeep used a loudspeaker to order me, in Arabic, to get out of the car. I got out. He then ordered me to leave the door open. I did as he ordered and stood next to the car. Then four soldiers got out of the jeep. I don't remember exactly what they looked like. But they were thin, tall, about twenty-two to twenty-five years old and had helmets on. Four of them came up to me. As they did, they aimed their weapons at me. They did not speak to me or ask for an identity card or anything else. Then one of them told me to close the window

on the driver's side of the car, and I did that. I saw the soldiers try to open the rear door, but they did not succeed. Then they ordered me to open it. Again, I did as they said.

One of them glanced into the car and ordered me to get into the back seat and close the windows and doors. While I was sitting in the back seat on the right side, the soldier locked the left door, opened the window on the driver's door and threw a tear-gas canister onto the passenger's side of the front seat. Then he closed the door. He leaned against the rear door to prevent me from getting out. The gas spread and I began to feel nauseous. I couldn't breathe. I felt as if I were choking, and my eyes began to tear. I shouted and called for help, and asked them to let me out. I also began to push on the door in an attempt to force my way out, but I failed. After about thirty seconds passed, the soldier moved away from the door, and I could get out. I was nauseous and couldn't open my eyes. At that point, the soldiers and the armored personnel carrier left the area.

When they left, the residents living nearby rushed over to me. They tried to give me first aid by having me sniff onions and drink tea. Then they took me into a house belonging to someone I didn't know, where I stayed for about fifteen minutes, until my condition improved a bit. After that, I went back to my car, which still smelled of tear gas. I wanted to drive home because I did not want to be outside during the curfew. I got in and drove even though it still smelled of tear gas.

After driving about thirty meters, I stopped. I felt as if I was choking. I went to some residents who lived nearby. They gave me water and perfume and an onion to sniff. I stayed there for about fifteen minutes before continuing on my way home. After driving about five hundred

meters, I had to stop again because I felt sick and couldn't continue. I stopped near a well in the 'Ein Misbah neighborhood, and went over to a group of men sitting there. They gave me onion and perfume to sniff. I sat with them for around twenty minutes when, by chance, an ambulance came by. We stopped it and explained to the paramedic what happened to me. He gave me a medicine to lessen the effect of tear gas. Then I got back into my car and managed to get home. I was still nauseous and my eyes were burning.

As for the wedding party, it was held late on Sunday, 4 August, during a period in which the curfew was lifted. We had to change the original date because the army did not lift the curfew on the day we had planned to hold the party.

Ramallah, 31 July 2002

Testimony of Khamis Yusuf 'Eid Abu 'Adi, 40, married, taxi driver, resident of the al-Qadira neighborhood of Ramallah³¹

Since the recent Israeli invasion into Ramallah, which began on 24 June 2002, we have gotten used to staying inside the house. Fewer Israeli vehicles pass through our neighborhood, and in cases in which Israeli patrols pass, we hide inside our houses. The soldiers on patrol sometimes fire in the air and throw tear-gas canisters when the residents are outside their homes, or when children are playing in the streets. I don't remember such cases occurring in our neighborhood, but there were cases like that in the nearby neighborhoods.

On Wednesday, 31 July, around 8:00 P.M., I was sitting, as usual, with my family on the

steps outside our house, which lead to the street. With me were my father, Yusuf Abu 'Adi, 79, my wife Karima Jamil al-Kitsuwani, 42, my children Yusuf, 18, Ahmad, 11, and Muhammad, 13, my sister 'Odeh Abu 'Adalah, 24, and my wife's three-year-old nephew. Na'ima Daraghah Jaris, 80, a neighbor, was also with us. While we were sitting on the steps, the children were playing soccer on the street in front of the house. Suddenly, I heard three shots. I think they were fired into the air to frighten the children who were playing. Everybody ran into the house.

Later on, I looked out the window and saw a truck with soldiers stop thirty meters from the house. An army jeep turned and stopped in front of our house. One soldier got out and threw two tear-gas canisters onto the patio of the house. The patio is connected to all the rooms of the house, and their doors were open. The smoke from the tear gas spread into the house and we began to smell the tear gas. I worried about my father, who had asthma, our neighbor, who was chronically ill, and about the small children. So, risking my life, I grabbed one of the canisters and threw it into the street. I burned my hand doing it, and I also inhaled a large quantity of gas. I couldn't open my eyes. As a result, I couldn't get rid of the second canister. I ran outside to breathe clean air. I felt nauseous, my hands and legs began to itch, and my face swelled up.

When I got to the street, I did not see the soldiers, who had left immediately [after throwing the canisters]. I shouted out and called for help. Some neighbors responded and helped me evacuate the people from my house. They gave us perfume and onions to sniff. My father, the child Amjad, and our neighbor Na'ima fainted

31. The testimony was given to Iyad Haddad on 7 August 2002.

when we took them outside. The others were choking, their eyes were burning, and their skin was itching. An ambulance arrived about fifteen minutes later and took my father to the hospital because his condition was serious.

We went to a neighbor's house. My hands and legs were numb, and I was unable to stand or walk. About ten minutes later, another ambulance arrived and took my three children, my wife, the elderly neighbor, and my brother to the hospital. They were in very poor condition, and some of them even fainted. There was no more room in the ambulance, and because I was in better condition than the others, I waited for a third ambulance to come. It came and took me to a-Sheikh Zaid Hospital, in Ramallah.

I got to the hospital about 9:30 P.M., where I saw the other members of my family. They told me that our neighbor Na'ima had been taken to Ramallah Hospital. I was taken to the emergency room, where I was given oxygen and an IV, and underwent general tests and X-rays. The tests revealed that my blood-sugar count had jumped to 560, which was high and very dangerous. I was given the necessary treatment, and by midnight, my condition had improved. My father was treated in intensive care for more than two hours, until he regained consciousness. Amjad regained consciousness after being treated. Some of us were discharged a bit after 10:00 P.M. My father, my son Yusuf, and I were not discharged until 1:00 A.M.

We then went to a relative's house because our house was still full of the smell of gas, and anyone who went into the house felt nauseous and itchy. I later learned that Na'ima had been hospitalized for two days. After she was discharged, she went to stay with her children.

She has not yet returned to her house. She lives alone and is afraid something else will happen to her.

The next day, my wife and I returned to our house. The gas odor had gone for the most part. We saw white powder on some of the furniture. We threw out the gas canister and washed the floor and walls. Members of the Palestinian Civil Defense came to our house and sprayed a special substance against the tear-gas odor. They told us to sleep elsewhere for a few days. We returned to our house three days later, after the gas odor was gone.

Hebron, 16 July 2002

Testimony of Heysham Ratab Muhammad al-Ashab, 43, married with five children, taxi driver, resident of the Khilat al-Ashab neighborhood in Hebron³²

Last Tuesday [21 July] afternoon, we received conflicting information about the curfew that had been imposed a few days earlier. Around noon, I was sitting with my family outside the house on the side of the street. Some people, children included, were moving about in the street. Suddenly, six or seven army jeeps drove by. They came from the south. The soldiers didn't say anything about people being in the street, which gave us reason to stay outside and the children to continue to play.

Later, my family and I went to the nearby mosque to pray, and at 1:00 P.M., we returned to sit outside by the street. Some of the children were still playing in the street, among them my son 'Abd al-Karim, 11, my brother's son Sari, and Mustafa al-Ashab, 14.

32. The testimony was given to Musa Abu Hashhash on 21 July 2002.

At 1:30 P.M., we were still sitting there, drinking coffee. Then a Border Police jeep came from the south. It was going slowly and its rear door was open. One of the border policemen in the jeep stuck a weapon out the door. The policemen in the jeep made one statement indicating there was a curfew. The jeep was around fifteen meters from us. The declaration of a curfew surprised us, and before we could get into the house, the soldier in the jeep fired a tear-gas canister at us. It exploded between our legs, and the gas began to spread. I felt a choking sensation and my eyes were burning. The incident confused all of us, and we all went into my house, which was closest to where we were sitting.

When the canister was fired, Sari was standing next to a taxi that was parked in the street. When he got to the house, his nose was bleeding. I was told that the tear-gas canister struck the taxi and then hit Sari. At first, we thought it was only a minor injury, but when the bleeding didn't stop, we decided to take him to the hospital. We got into a taxi and went to al-Ahali Hospital. During the drive to the hospital, nobody blocked our way, and I saw people walking in the streets.

At the hospital, we learned that Sari had been very seriously injured. The doctors apologized for being unable to treat him because they did not have the proper equipment. They recommended that we go to another hospital.

We took Sari to al-Mizan Hospital, where he underwent surgery, which lasted an hour. The tests showed that he had a broken lower jaw. The break resulted from the tear-gas canister hitting him in the face. The doctors recommended that we take him to Rafidiya Hospital, in Nablus, within the next twenty-four hours. The curfew made that impossible. Finally, after coordinating with the Red Crescent, Sari was taken to Jordan for treatment. He stayed in al-Mizan Hospital that night, and at 4:00 P.M. the following day, a Red Crescent ambulance came to the hospital and took him to Jordan. I later learned that he was taken to al-Istiqlal Hospital in Amman and that he underwent two operations. Sari's father went to Jordan with him.

* * * * *

B'Tselem contacted the spokesperson for the Civil Administration to find out the hours that Hebron was under curfew the day that Sari al-Ashab was injured.³³ The Civil Administration replied to B'Tselem by telephone that the curfew had been lifted from 1:00 P.M. to 7:00 P.M.³⁴ This information makes the soldiers' actions much worse: not only did they violate the prohibition on firing tear gas at civilians to enforce a curfew, in this case they fired the tear gas when the curfew had been lifted. The soldiers had acted simply to abuse the Palestinians, and had no security objective in mind.

33. Letter from B'Tselem to Captain Peter Lerner, Civil Administration Spokesperson, 25 July 2002.

34. The information was given by a Civil Administration official named Andre, 25 July 2002.

Imposing and Lifting Curfews

In some cases, Palestinians are not aware that the IDF imposed a curfew. This fact makes the army's open-fire policy during curfew particularly problematic. In response to a query by B'Tselem on the procedures for imposing and lifting curfews, the IDF Spokesperson's office stated:

Residents of an area in which a curfew is imposed are to be notified of the imposition and lifting of the closure in a clear manner, and care should be taken to ensure that declaration of the imposition and lifting of the curfew is provided to the residents by loudspeakers and in Arabic. The heads of the village/local authority should also be notified through familiar Palestinian officials: mayors of towns and villages, the Palestinian chamber of commerce, leading merchants, and Palestinian liaison officials.³⁵

Contrary to the letter of the IDF Spokesperson's office, in practice the residents are not clearly notified when a curfew is imposed or lifted. In many cases, the army does not pass through the city's streets to publicly announce the curfew. When it does, the soldiers do not make the announcement in every affected area. As a result, many residents are unaware that curfew has been imposed. The same is true after a curfew has been lifted for a short time. It is not unusual for soldiers to renew the curfew prior to the scheduled time, leaving many people still in the streets at the time of renewal of the curfew. There are also many cases in which residents are not in their houses when the

curfew is imposed and consequently do not know of the curfew. To return home, they have no choice but to violate the curfew.

The residents generally rely on notification from Palestinian officials, whom the army notifies. But the army does not even give proper notice to Palestinian officials. At times, the army notifies the Palestinian DCO about the hours of curfew, and at times the army fails to inform any Palestinian entity before imposing a curfew. As a result, the residents cannot rely on obtaining notification from Palestinian sources. Aggravating the problem are the frequent electricity blackouts, which make the customary way Palestinian officials inform the population about a curfew – via television broadcasts – unreliable. Moreover, television broadcasts do not reach all the villages that are under curfew.

These problems are apparent in the testimonies given to B'Tselem by Palestinian officials. The DCO heads in Bethlehem and Jenin reported that they regularly communicate with the army and are updated on the hours of curfew. However, their testimonies indicate that, in many cases, the army does not meet the schedule it set.

For example, the head of the Palestinian civilian DCO in Jenin, Majdi Ibrahim Alawna, related to B'Tselem that:

Since 20 June 2002, Israeli authorities have imposed a curfew on Jenin city and the Jenin refugee camp. At first, a curfew was imposed on the city without coordination

35. Letter of Captain Anrieta Levy, 29 July 2002.

with the DCOs. The army would declare a curfew and breaks in the curfew by loudspeaker. Now they notify the Israeli DCO about the hours of curfew and breaks in curfew and the Israeli DCO then contacts us, the Palestinian DCO, and forwards the information to us. I usually get the information from the Israeli DCO personally. We do not get any information from the Israelis about the towns and villages near Jenin, not even the towns located in Area A, which are under the control of the Palestinian Authority.

We receive daily updates on the hours of the curfew. The Israelis do not have a clear policy, and the times for breaks in the curfew are set on a daily basis. Our contact with the Israeli DCO is only verbal. We have never received a written document from them listing the times that the curfew will be lifted. The Israeli side usually informs us that the curfew is lifted right when the break begins. We never receive advance notice. They contend that notification is given at the last-minute for security reasons.

In some cases, Israeli security forces suddenly reinstate the curfew during a break in curfew. When they do this, it endangers the lives of the civilians. We have protested this practice. I should note that, when I talk about lifting the curfew, I am talking only about Jenin. All the roads leading to Jenin are blocked and closed. Whoever enters or leaves the city is violating the order.³⁶

The testimony of the head of the Palestinian civilian DCO in Bethlehem, 'Emad a-Natshe, painted a similar picture:

We are considered the only official entity that is assigned the task of communicating with the Israeli side in curfew-related matters. The Israeli side notifies us that a curfew is being imposed and the hours of the curfew. However, no specific person informs us that the curfew has been lifted. The only one who does that is the Israeli commander on duty, who notifies the on-duty Palestinian commander. They update us on the change in the hours of curfew, if the curfew has been extended, or whether the curfew has been lifted for a few hours.

We pass on the information to the residents of Bethlehem via local media – al-Majed television, and Bethlehem Radio 2000. They are the only means through which we inform the citizens about the curfew, even though television broadcasts do not reach all residents of the villages. We have not yet been able to resolve this problem.

Since the invasion, which began on 20 June 2002, there has been a great deal of confusion among Palestinians in Bethlehem. The residents sometimes think the curfew has been lifted, primarily when there is a blackout, and leave their homes. Television and radio broadcasts are the only way we can notify the residents about the curfew's hours.³⁷

Even if the IDF properly notifies the population about the imposition and lifting of curfews, it is still required to verify that the information reached all the residents. The testimony of David Kuttab, director of the educational television station in Ramallah, indicates the problems

36. The testimony was given to 'Atef Abu a-Rob on 10 August 2002.

37. The testimony was given to Suha Zeyd on 7 August 2002.

entailed in the IDF's reliance on transfer of the information to the general public through Palestinian officials. According to Kuttab, the governor of Ramallah forwarded to the television station the information on the curfew's hours that it received from the Israeli DCO. However, the information came with an instruction not to broadcast it because, according to the governor, it is not his task to be a conduit for IDF information.³⁷ A similar contention was raised by a Palestinian DCO official in Hebron, 'Abd al-Majid al-Sawiti, who told B'Tselem that the DCO does not receive information in an orderly manner from the army that a curfew is to be imposed, and no information on the lifting of the curfew. In any event, he contended, "We do not intend to inform the population about the curfew because we do not execute IDF orders."³⁹

The lack of certainty on the times that the curfew will be imposed and when the breaks will begin and end compels the residents to rely on what they see taking place in the street and on rumors. In doing so, they are liable to violate the curfew.

For example, Nimmer Tawil, 32, a resident of Hebron, told B'Tselem that, on 3 August 2002, he was driving his truck to the produce market in the city to buy vegetables. His brother was in the truck with him.

The shops on the street were still open, and we didn't know there was a curfew, particularly because information about the times of the curfew in recent days was confusing. To determine whether the curfew

was in effect, we would check the movement of cars and people on the street.⁴⁰

Ahmad Shawaneh, a resident of Jenin, stated that:

[On 21 June 2002], after 10:30 A.M., I heard the sound of automobiles in the market in the city's streets. At first, I hesitated to go to the market, so I called my friend Ahmad 'Asaf, who lives in the center of the market, to find out what the situation was in the city center. Ahmad's wife answered and told me that all the shops were open, and that the market was full of people. Based on that, I decided to go to the market to do my shopping.⁴¹

'Alam Ghanem, 19, who lives in Jenin, related in his testimony to B'Tselem, quoted above, that:

It was around 3:00 P.M. when a friend of mine, Muhammad Nasri, and I were walking around town with no particular destination. Around 4:00 P.M., we heard people in the street announce that soldiers were entering the city, even though the curfew had been lifted that day. Suddenly, we heard gunfire in the northern edge of the city. People began to run away, the shops closed, and drivers sped quickly away. Muhammad and I looked at the others and were puzzled.⁴²

The problems entailed in imposing and lifting curfews existed prior to Operation Determined Path, during which curfew turned into an

38. The testimony was given to Iyad Haddad on 15 August 2002.

39. The comments were made in a telephone conversation with Najib Abu Rokaya on 1 October 2002.

40. The testimony was given to Musa Hashhash on 7 August 2002.

41. The testimony was given to 'Ataf Abu a-Rob on 11 August 2002.

42. The testimony was given to 'Ataf Abu a-Rob on 11 August 2002.

ongoing policy. On 21 May 2002, the IDF imposed a curfew on Beit Furiq, which is located in Nablus District. Soldiers left the village twice that day, without indicating that the curfew had been lifted. B'Tselem requested clarification from the IDF Spokesperson's office as to whether the curfew had indeed been lifted, and, if so, why the residents were not notified. More than two months later, the IDF Spokesperson's office stated that the IDF had imposed a curfew on the village for a few hours that day, and added that, "The IDF regrets that there was a misunderstanding with the residents regarding the termination of the curfew. The IDF is examining ways to prevent the recurrence of such incidents and is issuing more precise procedures on the subject."⁴³ It is particularly grave that the IDF is only

now checking how to prevent such cases from recurring, six weeks after it imposed the extensive curfew.

The above testimonies indicate that the comments of the IDF Spokesperson's office regarding the orderly procedures relating to curfews, particularly those relating to lifting of curfews, are not implemented in the field: the residents are not always given authoritative, orderly information; even when the soldiers inform the residents by loudspeaker that a curfew is being imposed, the announcement is made only on the main streets and squares, and many residents are not aware of the curfew; the curfew is often reinstated without giving any warning and while many residents are still in the street.

43. Letter from Captain Anrieta Levy, 29 July 2002.

Conclusions

On 25 June 2002, many Palestinian residents of Ramallah left their homes. Some of them were students on their way to take matriculation exams. Israeli soldiers opened fire at them. Nobody was injured. On 31 July 2002, Mahmud Fahmi Salah a-Din, a sixteen-year-old resident of Jenin, was injured from shell fragments when he went to buy bread. On 3 August 2002, soldiers in armored personnel carriers fired at a truck carrying vegetables in Hebron; the gunfire killed 'Abd a-Rahim Ibrahim 'Abd a-Rahim Tawil. These are only a few examples of incidents that occurred in recent months in which soldiers fired at Palestinians who were ostensibly violating curfew.

The IDF has made curfew a daily reality for West Bank Palestinians. Curfew is no longer a tool to meet specific security needs, but a sweeping means of collective punishment. The prolonged curfew has made Palestinian life in the West Bank intolerable, forcing the residents to violate the curfew on occasion. In this context, the IDF's open-fire regulations relating to curfew at times endanger residents' lives.

Shooting a person simply because he left his home during curfew constitutes excessive use of force. This policy has led to the deaths of at least fifteen Palestinians, and many more have been wounded. The large number of dead and

the small number of investigations into those deaths create an atmosphere of neither law nor justice that encourages a trigger-happy attitude among soldiers.

Opening fire in situations in which soldiers' lives are not in jeopardy is the main cause of Palestinian deaths in the Occupied Territories, particularly during the al-Aqsa intifada.⁴⁴ Despite the many cases in which innocent people were killed in such circumstances, the IDF has not amended the open-fire regulations. This failure testifies to the IDF's shameful disregard for the lives of the residents of the Occupied Territories.

The use of gunfire and tear gas to enforce curfews is particularly grave because in many cases, the residents are completely unaware that they are under curfew. Communication between the DCOs is irregular; the declarations of curfew made in the streets do not reach all the residents; similarly, the television broadcasts do not reach all the citizens, and are, in any case, irrelevant during the frequent blackouts. Even when the IDF lifts a curfew, the soldiers do not always inform the residents; rather, the soldiers simply leave the area. In some instances, the soldiers decide to impose a curfew on their own initiative. All these practices create confusion and uncertainty among the Palestinian residents.

44. See B'Tselem, *Trigger Happy*.

In light of the above, B'Tselem demands that the defense establishment:

- cease using curfew as a permanent policy;
- immediately stop the use of gunfire to enforce curfews, and investigate every instance in which soldiers open fire at Palestinians solely because they ostensibly violated curfew;
- establish clear procedures for imposing and lifting curfews, and investigate every instance in which soldiers violate these procedures.

Response of the IDF Spokesperson's Office

Israel	Defense	Forces
The	I.D.F	Spokesperson
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15	October	972-3-6080343
		2002



To:
"B'Tselem"
Mr. Shlomi Swisa

**RE: The IDF Response to "B'Tselem" Report on Regulations of Curfew Imposition,
Lifting and Enforcement**

The above mentioned report was received in our office. Hereby we attach our response :

1. Curfews are one of the measures the IDF is forced to take in its fight against terror, which originates among others from the Palestinian cities. It must be emphasized that this is a preventative measure, and is not used as a punitive measure. Palestinians initiate terror activity from within the Palestinian civilian population, thus endangering it.
2. As to the level that decides to impose and remove curfews, it should be noted that the orders by which the IDF abides, delineate those authorized to impose or remove a curfew. The longer the curfew lasts, the security considerations at the basis of the extension must be more significant, and the level of those deciding has to be more senior. In this manner, a balance is achieved between the security needs and the needs of the population. In places where the security needs enable, the utmost efforts are made by IDF forces operating on the ground to alleviate the burden on the civilian population.
3. The cynical use of the freedom of movement by the terrorists, prevents us from relieving the burden on the civilian population. For example, on August 31, 2002, after the IDF approved the opening of the new school year in Nablus, a terrorist attack was carried out that very same night in the Jewish community of Bracha in Samaria, in which a husband and wife were moderately to seriously wounded.
4. During the Jewish holiday of Sukkot on September 23, 2002, a shooting attack was perpetrated against Jews on their way to prayers in the Cave of the Patriarchs in Hebron, in which an Israeli civilian was killed and his three children were wounded. The terror attack proved, alas, that the decision to enforce a curfew on Hebron, contrary to your claims on page 4 of the report, was necessary.
5. IDF soldiers are instructed to act according to the ideals and values of the IDF, and the rules of international law, and operate day and night in order to protect and defend the citizens of Israel. In specific cases, where mistakes are discovered on the operational level, the events are investigated by the

commanders and by professional levels in the IDF authorized to do so. Thus for example, in the event that occurred in Jenin on June 21, 2002 resulting in the death of four Palestinians, a Military Police investigation was instigated. The inquiry has not ended, but when concluded, the findings will be forwarded to the Military Advocate General. As to the event on July 31, 2002, in which a civilian was imprisoned in Ramallah and a grenade was put inside his vehicle, a Military Police investigation has also been opened.

The wounding of two people who broke the curfew in Jenin on July 24, 2002 by gunfire, will be investigated by the Military Prosecution.

6. Your statement that soldiers are allegedly permitted to shoot anyone outside their home during the curfew is baseless. In the opening fire orders there is no order permitting opening of fire only for breaking the curfew. Even during a curfew, opening fire is permitted only in life endangering situations, or towards suspects of dangerous crimes and this according to the procedure for arresting suspects.
7. Herewith is our response to several of the cases mentioned in your report:
 - Following the death of Ahmad Al-Kurayni, the truck driver who was killed on August 10, 2002 in Nablus, disciplinary actions were taken against the officer and soldier involved in the event. After an investigation, due to the manner in which they fired (as distinguished from its legality), it must be emphasized that there was no fault with the mere fact that shots were fired.
 - From the investigation conducted following the death of Abd a-Salem Samrin in Ramallah on September 19, 2002, it transpires that on that morning an IDF force fired deterrence shots in a direction that was not in the proximity of the location where the youth was killed. The forces did not identify striking the man, and they did not identify treatment or evacuation of wounded Palestinians. Following the incident, a meeting was coordinated between IDF and Red Cross representatives. In the meeting, held at the scene, blood stains were found, but no incident in which IDF forces opened fire in this area is known.
 - The death of Baha Said al-Babbash in Nablus on September 22, 2002 is still being investigated. We wish to note in this respect, that all attempts by the IDF to meet with human rights activists, claiming that they were present at the scene at the time of the incident, in order to advance the investigation, were turned down by them.
 - The case of the death of the baby girl and the injury of the 12 year old boy in Hebron on September 26, 2002 was thoroughly investigated by the IDF Central Command. The IDF does not possess enough information to determine the veracity of the claims according to which the two suffered from the gas grenade. No ambulances were seen in the vicinity of the incident. It is important to note, that our request to receive an autopsy of the baby's corpse or any other information that could assist the investigation was turned down. The IDF military prosecution will look into the circumstances of the incident.
8. You referred to the striking of the vehicle of the Israeli journalist Gideon Levi, claiming that the thorough investigation of this incident was conducted because he is an Israeli journalist. We emphasize that the identity of the passengers had no bearing on the decision to conduct an investigation, its process or conclusions. The reason for the investigation is the serious breach of procedures by the soldiers, and this is what was investigated. Following the investigation, disciplinary measures were taken against those involved in the

incident. In addition, the dismissal of the officer involved in the incident from any commanding position will be considered.

9. Many cases mentioned in the evidence, clarify the importance of immediate reporting of incidents, both by the Palestinians to the relevant DCO's, and of the human rights' organizations to officials in the IDF with which they maintain working ties. Such reporting enables a more professional and thorough investigation of the incidents, vis-a-vis the authorized IDF officials.
10. The IDF Chief of Staff, Lt. Gen. Moshe Ya'alon, upon entering office, stated in his order-of-the-day, which all commanders are obliged to convey to all IDF soldiers the following:

"It is our duty to examine at all times, the suitability of our modes of activity and force design to the changing reality. The complexity of this period affords us unique human and national situations. More than ever, we are required to combine all qualitative components, according to which the strength of the IDF is formed, I mean you, the soldiers and commanders of the IDF. Within you is the might – the morality, professionalism, quality of thought, determination and tenacity you display. Thus emerged and developed the IDF spirit and you continue this.

I am sure that while fulfilling your operational missions, we, soldiers as well as commanders, will be able to cope fearlessly with deviant behavior, that could undermine the moral basis of our activity."



Sincerely Yours,
Cap. Anrieta Levi

Head of Assistance Section