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# ISRAEL AND THE OCCUPIED TERRITORIES

## The heavy price of Israeli incursions

*“The Palestinians must be hit and it must be very painful. We must cause them losses, victims, so that they feel the heavy price”.*

Ariel Sharon, Israeli Prime Minister, speaking to the press on 5 March 2002

Since 27 February 2002 the Israeli Defence Forces (IDF) have launched two waves of incursions into the Palestinian areas occupied by Israel in 1967, using tanks, armoured personnel carriers (APCs) and Apache helicopters. In the six weeks up to 11 April 2002 more than 600 Palestinians may have been killed and more than 3,000 injured.

The declared aim of the incursions into the Occupied Territories, which were continuing as this report was written, was, according to a briefing on 1 March 2002 by the Commander of the West Bank division Brigadier General Yitzhak Gershon:

*“To clarify that there isn’t and will not be a safe place for the terrorists and their senders. Our intention is to destroy the terror infrastructure in the refugee camps, if they are found.”*

He added that:

*“It is important to clarify that this activity is not intended against the population which is not involved in terrorism. We have done all efforts to prevent causing harm to civilians.”*

However, the IDF acted as though the main aim was to punish all Palestinians. Actions were taken by the IDF which had no clear or obvious military necessity; many of these, such as unlawful killings, destruction of property and arbitrary detention, torture and ill-treatment, violated international human rights and humanitarian law. The IDF instituted a strict curfew and killed and wounded armed Palestinians. But they also killed and targeted medical personnel and journalists, and fired randomly at houses and people in the streets. Mass arbitrary arrests were carried out in a manner designed to degrade those detained.

Amnesty International delegates, who visited the area between 13 and 21 March, saw a trail of destruction: homes, shops and infrastructure demolished or damaged; apartments trashed and looted; cars crushed and lamp-posts, walls and shopfronts smashed. The IDF had deliberately cut electricity and telephone cables and water pipes, leaving whole areas without power and water for up to nine days. David Holley, an independent military expert, one of Amnesty International’s delegates, said:

*“The military operations we have investigated appear to be carried out not for military purposes but instead to harass, humiliate, intimidate and harm the Palestinian population. Either the Israeli army is extremely ill-disciplined or it has been ordered to carry out acts which violate the laws of war.”*

The first incursions were ended by a gradual and partial Israeli pullback after the arrival of US envoy Anthony Zinni on 14 March. However, the destruction and gross violations of human rights inflicted by the IDF between 27 February and 20 March (when the IDF finally pulled out of areas round Bethlehem) reached unprecedented levels during the second wave of incursions, “Operation Defensive Wall”, which started on 29 March 2002 with an attack on President Yasser Arafat’s headquarters in Ramallah. The IDF spread through Ramallah, then entered Bethlehem, Tulkarem and Qalqiliya from 1 April, followed by Jenin and Nablus from the nights of 3 and 4 April. Towns were declared closed military areas, with strict curfews imposed on those within the towns. The IDF showed a widespread disregard for life, law and property. People from outside the invaded areas, including journalists, United Nations agencies, other humanitarian workers and even diplomats, were prevented from gaining access to offer aid or report on what was going on.

With six main cities and many villages effectively under siege, blocked off from the outside world, and with movement within the towns prohibited, a humanitarian disaster loomed as supplies of food and water ran out for many Palestinians. Ambulances, including those of the International Committee of the Red Cross (ICRC), were not allowed to move or suffered lengthy and life-threatening delays. Medical personnel or those who tried to help the injured were fired on and the wounded bled to death on the street. With movement banned, those who died could not be properly buried; they remained in houses or morgues or were hastily buried in parking lots or gardens. In the 10 days until 7 April, according to IDF figures, 200 Palestinians were killed and 1,500 wounded; on 12 April the IDF admitted that the real figures of those killed were in hundreds in Jenin alone. As the IDF tried to keep journalists and outsiders away from areas where they were carrying out operations, many of the reports of large-scale human rights violations by the IDF, including extrajudicial executions, expulsions, massive house destruction by the IDF could not be verified.<sup>1</sup> At first the families of Palestinians arrested had no idea where they were or even whether they were alive or dead. On 11 April 2002 official IDF figures stated that, since 29 March, more than 4000 Palestinians had been arrested and more than 350 were in administrative detention. A military order, issued on 5 April, banned visits to detainees by lawyers for the first 18 days of their detention.

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<sup>1</sup>Difficulties increased because land telephone lines were frequently cut and the Palestinian mobile telephone company was damaged. Often only those with Israeli mobile phones could telephone out but, with electricity also often cut, they could not recharge their batteries.

During the month before 27 February 12 Israeli civilians were killed by Palestinian armed groups. Since the beginning of the *intifada*, the targeting of Israeli civilians by Palestinian armed groups and individuals, through suicide bombs and drive-by shootings has been a grim feature. With the first incursions a sharp escalation of suicide bombings by Palestinian armed groups took place deliberately targeting Israeli civilians. Between 2 March and 1 April at least 40 civilians were killed in such attacks. The attacks included the killing of 10 Israelis, including six children, standing outside a synagogue in Beit Yisrael; the 9 March killing of 10 Israelis in a café in West Jerusalem; and the killing of 26 Israelis celebrating Passover at the Park Hotel in Netanya. Amnesty International has unreservedly condemned such deliberate killings of civilians by armed groups as violations of the right to life. This report focuses on the human rights abuses which accompanied IDF incursions into the Occupied Territories after 27 February. Other abuses, including those perpetrated against Israeli civilians by armed Palestinian groups, have been and will be addressed in separate statements and reports. No crime, however appalling, can excuse the wanton disregard of international human rights and humanitarian law carried out daily in the Occupied Territories during the post-27 February incursions by the IDF under the orders of the Israeli government headed by Prime Minister Ariel Sharon.

### **Background and international standards**

The West Bank, East Jerusalem and the Gaza Strip were occupied by Israel in 1967 after the Six-Day War. An *intifada* of Palestinians against Israeli occupation, which began in 1987, ended when the Israeli government and Yasser Arafat, Chairman of the Palestine Liberation Organization, signed the Declaration of Principles in September 1993. However, little or no progress had been made on these negotiations by September 2000 when talks between the Israeli government and the Palestinian Authority (PA) on a final settlement collapsed.

The second, or *al-Aqsa*, *intifada* began when demonstrations and riots by Palestinians were met with lethal force by Israeli police on 30 September 2000 in the precinct of *al-Aqsa* mosque in Jerusalem. This triggered a series of Palestinian demonstrations and riots which were also met with lethal force. By the end of 2000 more than 300 Palestinians had been killed, mostly by the IDF using excessive force including lethal force when other lives were not in danger.<sup>2</sup>

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<sup>2</sup> *Israel and the Occupied Territories: Excessive use of lethal force* (AI Index: MDE 15/41/00, October 2000)

From January 2001, the IDF went increasingly on the offensive, invading Palestinian areas (including areas under full Palestinian control), shelling and demolishing houses, and razing orchards and crops. In February 2001 Ariel Sharon was elected to succeed Ehud Barak as Prime Minister. By the end of 2001, the number of Palestinians killed had risen to 750 and by the end of February 2002 to more than 1,000. Most Palestinians had been killed by IDF shooting at residential areas, during exchanges of fire or in extrajudicial executions.

Members of armed Palestinian groups, including *Hamas*, *Fatah* and the Martyrs of *al-Aqsa*, as well as individuals, deliberately killed Israeli civilians, arbitrarily shooting at cars with Israeli numberplates on roads in the West Bank and launching suicide bomb attacks targeting civilians, often in cafes or shopping malls. By the end of February 2002 over 250 Israelis had been killed during the *intifada*, the vast majority of them civilians. The Israeli government called on the PA to arrest the organizers of attacks on Israelis, but bombed with Apache helicopters and F16s, often several times in succession, centres of the Palestinian security services.

The Israeli occupation of the West Bank and Gaza Strip has been accompanied by the progressive settlement of the Occupied Territories by Jewish Israelis. In response to Palestinian attacks on Israelis, Israel's policy of closure of Palestinian areas, preventing Palestinians from travelling within the Occupied Territories and outside them has progressively tightened. By the end of 2001 more than 100 roadblocks - manned checkpoints, piles of earth or concrete blocks erected by the IDF - separated Palestinian towns and villages from each other and from the outside world. Many main roads are barred to Palestinians and a journey of 20 kilometres can take two hours along twisting dirt roads. At times the IDF completely blocked off towns and villages, leaving no way out. At least 30 Palestinians have died after delays encountered at checkpoints, including babies born on the roads or after long delayed journeys.

Israeli pressure on Palestinians during the current *intifada* has included demolition of more than 600 family homes up to the end of February 2002 mostly in the Gaza Strip, but also in the West Bank and East Jerusalem. The practice of demolishing Palestinian houses is long established and discriminatory.<sup>3</sup> The demolitions over the past 18 months appear to be a collective punishment for Palestinian attacks on Israelis or part of a policy of creating wide no-go areas around Israeli settlements. In November 2001 the Committee against Torture stated that Israel's policy of closures and its demolitions of Palestinian homes "may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment" in breach of Article 16 of the United Nations Convention

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<sup>3</sup> *Israel and the Occupied Territories: Demolition and dispossession: the destruction of Palestinian homes* (AI Index: MDE 15/59/99, December 1999)

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which Israel ratified in 1991.

Amnesty International's exclusive concern in Israel and the Occupied Territories is the human rights of all people; these human rights are codified in international humanitarian law. The Palestinian people are living under occupation and this fact is fundamental in assessing the human rights and humanitarian law standards Israel, as the Occupying Power, is bound to respect in relation to the Palestinians.

The rules of an Occupying Power are set out in the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949, to which Israel is a High Contracting Party. Palestinian residents of the Occupied Territories benefit from the protection of the Fourth Geneva Convention and are "protected persons". The unfinished peace process did not change the status of the Occupied Territories in this regard.

Under the Fourth Geneva Convention Palestinians in the West Bank and Gaza Strip, as protected persons, may not be wilfully killed, tortured, ill-treated or suffer humiliating and degrading treatment. They may not be deported. *The occupying power may not deport or transfer parts of its own civilian population into the territory it occupies.* The property of protected persons may not be destroyed unless such destruction is "rendered absolutely necessary by military operations".

In addition, the Fourth Geneva Convention has a categorical prohibition against collective punishment and reprisals. It states, in Article 33:

*"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.  
Pillage is prohibited.  
Reprisals against protected persons and their property are prohibited."*

Article 147 of the fourth Geneva Convention sets out a list of "grave breaches" of the Fourth Geneva Convention:

*"... wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive*

*destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."*

Israel also has obligations to respect and protect human rights under UN human rights treaties which it has ratified. These include the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights (ICCPR). This treaty, which Israel has of its own accord made a solemn obligation to uphold, contains several articles which cannot be suspended even "in time of public emergency which threatens the life of the nation" (Article 4(1)). These non-derogable articles include the duty to protect and respect the right to life and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The relationship of the PA to the armed groups which carry out attacks on Israeli civilians has long been a subject of controversy. The Israeli Government alleges that a document reported to have been found by the IDF during its attack on PA offices in Ramallah in April 2002 shows that the official in charge of PA finances helped to finance the making of explosives for bombs. A basic rule of customary international law is that civilians must never be the target of an attack. This principle applies at all times. It is binding on Israel and the PA, but also Palestinian armed groups and Israeli and Palestinian individuals. Palestinian armed groups, and, if its involvement is proved, the PA, have broken this fundamental principle.

### **Amnesty International's research**

After receiving reports of human rights violations committed by the IDF during their incursions into refugee camps and other areas in February-March 2002, Amnesty International sent three delegates to the region, including Major David Holley, a former member of the British regular army; Curt Goering, Executive Deputy Director of Amnesty International USA; and an Amnesty International researcher. Delegates arrived in the region on 13 and 14 March and visited the Gaza Strip, Ramallah, Bethlehem and its vicinity, Tulkarem, and Nablus and Balata Refugee Camp. IDF action often made travel and research in Palestinian areas difficult and dangerous.

During the period delegates were in the Gaza Strip – and for the previous nine days – the area south of Gaza city, where three-quarters of the population live, including around 300,000 refugees, was effectively cut off from the north and Amnesty International delegates were unable to investigate reports of unlawful killings in that area.

After visiting Ramallah on 15 March to carry out research, it proved extremely difficult for Amnesty International's delegates to leave the town by the only route left

open, a heavily guarded checkpoint at Qalandiya. As the delegates waited, a tank shone a blinding light at the Palestinians waiting to cross after the border was opened for the first time in four days and a shot was fired over their heads. The Jerusalem residents were not allowed to cross and only those who approached the tank waving foreign passports were allowed to pass.

While Amnesty International was carrying out research in Deheisheh Refugee Camp, a curfew was announced by the IDF over a loud speaker. Delegates immediately

*The West Bank extends 130 km north to south, and some 50 km east to west, with a total area of 5,800 square km. The boundary with Israel to north, west and south is the "Green Line" (the 1949 armistice line); to the east lies the River Jordan flowing into the Dead Sea, and beyond that the Kingdom of Jordan.*

*The present Palestinian population is two million; natural growth is very high at 3.5 per cent per annum. Overcrowding is high especially in the 27 refugee camps where those Palestinians expelled from their homes in 1947-8 have lived for the past 50 years; here educational, health and other services are provided by the United Nations Relief and Works Agency (UNRWA). Refugee camps are within or beside existing towns: Nablus (population 110,000) includes Balata refugee camp (population 19,000); Tulkarem hosts Tulkarem refugee camp (population 14,500); Bethlehem (population 45,000) contains Deheisheh refugee camp (population 10,000) and Aida refugee camp (population 4,000). Jenin (population 31,000) contains Jenin refugee camp (population 14,000) while Qalqiliya (population 38,000) has no refugee camp. Both Hebron (population 141,000) and Jericho (population 18,000) also have neighbouring refugee camps.*

*The Gaza Strip is 45 kilometres long and never more than 12 kilometres wide. More than 20 per cent of this area is occupied by Israeli settlements, with a population of about 5,000 settlers, less than 0.5 per cent of the total population of the Gaza Strip. This area is barred to Palestinians. More than a million Palestinians, including 824,672 refugees, nearly 80 per cent of the total population, live in the remaining area. Jabaliya refugee camp, with some 102,000 refugees, is the largest of all the refugee camps.*

went to Bethlehem University through streets thronged with armed Palestinians, and, as the shooting grew more intense, they were forced to leave by a back route. Travelling to Nablus, the second largest town in the West Bank, an important commercial centre, the only way into the city was by taking a taxi to the village of Burin, south of the city, then climbing over a mountain ridge on foot, about four kilometres, and taking a taxi from the village of Tel on the other side. On the way back, around 5pm, as it was growing dark, the way was barred by an Israeli armoured personnel carrier sitting on the top of the ridge. Amnesty International's delegate, with a foreign passport, was the only individual

allowed to cross the mountain; on the way down she passed a weeping girl and men, women and children stranded in the gathering dark on the bare, rocky, slope.

Amnesty International's delegates, who arrived just after the IDF withdrawal, were able to investigate immediately the damage and havoc left behind by the Israeli incursion in Ramallah, al-Am'ari, Deheisheh and Khader before Palestinians had repaired houses and surrounding areas or tidied up the trashed apartments. In Tulkarem, which delegates visited on 18 March, and Balata Refugee Camp, visited on 20 March, houses had already been patched up (new cement clearly covered bullet holes) and apartments which had been messed up by the IDF had been tidied. However, the remains of demolished and damaged homes were visible legacies of the incursions.

Amnesty International delegates talked to eyewitnesses of killings, the owners of occupied, destroyed or damaged homes, members of the refugee camp councils, Palestinians who had been rounded up, arrested and released, ambulance workers and coordinators of the Red Crescent, Palestinian medical relief committees, foreign health workers, and lawyers. Amnesty International is particularly grateful to those, including members of Palestinian human rights organizations, the Palestinian Centre for Human Rights, *al-Haq*, *Addameer* and LAW, who accompanied them in most of their visits to the Occupied Territories, sometimes at considerable risk. In addition to gathering information about human rights abuses committed by the IDF in the course of the incursions, delegates also raised concerns about the killing of Israeli civilians and alleged Palestinian "collaborators" by Palestinian armed groups and individuals with Ahmad 'Abd al-Rahman, Cabinet Secretary of the PA. They did not meet a representative of the IDF during this research visit; however, Amnesty International delegates have been able to discuss IDF strategies and the organization's findings and concerns with the legal adviser to the IDF four times since the beginning of the present *intifada*, most recently in February 2002. On previous visits Amnesty International delegates have raised concerns on the killing of Israeli civilians with leaders of Palestinian armed groups, including Marwan Barghouti, Secretary General of *Fatah* and Shaikh Ahmad Yassin, leader of *Hamas*.

### **Violations of the right to life**

*"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". [ICCPR, Article 6(1).]*

Without proper investigations, which are not taking place, it is impossible to say how many of those killed by the IDF were armed Palestinians who were actively engaged in targeting Israeli forces. However, the use of force by the IDF appears to have been disproportionate and often reckless. There are also reports of extrajudicial executions.

The IDF incursions into Palestinian refugee camps and towns have encountered resistance by Palestinian armed groups. Amnesty International delegates witnessed the exchanges of fire between the two sides on two occasions during their recent visit.

- In Jabaliya on 13 March 2002 five Israeli tanks rolled into Salah al-Din Street, the main street of Jabaliya, flattening a car (a seemingly gratuitous act of vandalism as the road is extremely wide) and terrifying the population, especially the small girls from a primary school who had just ended their morning lessons; the five- to seven-year-olds ran weeping down the street trying to escape. The tanks were fired on from the roofs of houses by armed Palestinians. The Kalashnikov bullets were ineffective against tanks and the IDF clearly had orders not to respond to the fire. The incursion passed off without casualties apart from the material damage and the trauma to the children and the population.
  
- On 17 March Amnesty International delegates in Deheisheh camp and Bethlehem witnessed heavy exchanges of fire by both members of the IDF and armed Palestinian groups. Delegates saw some 200 armed Palestinians in civilian dress as they passed through the streets of Deheisheh and Bethlehem. Palestinian bystanders, including children, in the town appeared to be at risk of being targeted by the IDF or shot by either side in crossfire.

During Amnesty International's research in other areas its delegates were told that Palestinians who had weapons and who were not members of armed groups had shot at the IDF forces.

- During Israel's incursion into Jabaliya on 11-12 March the IDF unlawfully killed bystanders by shooting randomly. Any Palestinian seen by the IDF on the top of a building appeared to be targeted by the IDF. In addition, there were many cases in all areas where Palestinians who apparently misunderstood instructions by the IDF - standing still, or coming forward or retreating when ordered to do something different - were shot. One IDF conscript told Amnesty International in February: "Any person that is considered a threat can be killed. 'Threat' is a very fluid notion - as big as the ocean".
  
- Eight Palestinians watched the incursion on the roof of their house in Tel al-Za'tar quarter in north Jabaliya when it started around 10.30pm. As IDF Apache helicopters flew overhead the eight hastened to leave, but **'Abd al-Rahman Muhammad 'Izz al-Din**, aged 55, the last person to flee, was shot in the back apparently by IDF snipers on a neighbouring roof, just as he reached the door to the roof to go downstairs. His son **Walid 'Abd al Rahman 'Izz al-Din**,

35, turned to rescue him and was himself shot dead minutes later by a bullet that passed from his shoulder to his heart. Ambulances tried to reach the 'Izz al-Din house but were unable to do so. An ambulanceman from the Palestinian Red Crescent Society (PRCS) said: "It took us more than an hour to enter the house. A tank was standing at every entrance to the house".

- In Salah al-Din Street a deaf and mute man, **Samir Sadi Sababeh**, aged 45, died when the IDF prepared to demolish a small metal workshop on the other side of the street from where he sheltered. Around 10.30pm on 11 March the IDF summoned all residents of the flats beside the workshop to leave, allowing them no time to collect their possessions. The IDF called Samir Sababeh to join the residents being evicted from their houses. When he failed to come, they shot and killed him.
- **Huda al-Hawaja**, aged 31, a mother of five children living in Aida Refugee Camp in Bethlehem, was killed on 8 March when IDF soldiers used explosives to open the door of her house in order to occupy it as a strategic post. The incident was recorded by a reporter of Israel's Channel 10 TV and shown on Channel Two. According to the Israeli newspaper *Ha'aretz*: "During the briefing before entering the house, the soldiers are told to break down the door with a hammer, and if that didn't work, to use an explosive brick. That's what they do. The result: the mother of the family is mortally wounded and lies on the floor bleeding. The children stand behind her choking back tears. The father tries calling an ambulance but it is trapped between checkpoints. The soldiers continue moving through the house by cutting through the walls."
- **Mahmud Salah**, aged 23, alleged to have been a member of an armed militant group, *al-Aqsa* Martyrs' Brigade, reportedly on his way to carry out a suicide bombing in Jerusalem, was killed at al-Ram checkpoint near Jerusalem on 10 March in what appeared to be an extrajudicial execution. Investigations carried out by the Palestinian human rights organization, LAW, as well as by *Agence France Presse*, showed, through videos and photographs taken by residents of houses overlooking the checkpoint, that Mahmud Salah was lying on the ground, stripped of his clothing, with his hands tied behind his back when he was shot at close range by a member of a special unit of the IDF.
- **Raffaele Ciriello**, aged 42, an Italian freelance journalist, was killed in Ramallah at 9.30am on 13 March when he was shot by a machine gun mounted on an IDF tank about 150 metres away. The IDF reportedly did not allow ambulances to approach him and he was carried to hospital by Palestinians. According to Amedeo Ricucci from the Italian TV station *Rai Uno*, there was no Palestinian fire at the time Raffaele Ciriello was shot.

In the latest incursions, there seems to have been an even greater readiness to kill. Some extrajudicial executions have taken place. Other killings appear to be cases of what the Israeli army describes as “death kill verification” - the extrajudicial execution of those wounded. Amnesty International condemns such practices.

- At midnight on 29 March the IDF attacked the Cairo-Amman Bank where members of Force 17, a PA security force, engaged them from the third floor. After the IDF had stormed the building, five bodies of members of Force 17 were found; each one had been wounded and shot at close range with a single shot to the head or throat.
- In Jenin on 6 April the IDF demolished Palestinian houses over the heads of people who remained inside. Reports from Palestinians within Jenin Refugee Camp were confirmed by a reporter accompanying the IDF. The report of Ron Leshem of the Israeli newspaper *Yediot Ahronot*, was quoted by *Agence France Presse*: "Two bulldozers demolish homes and sometimes bury beneath them those who refused to surrender. Pillars of smoke climb out of the camp".

The Israeli forces are reported to have often used Palestinians effectively as human shields, endangering their lives and in violation of international humanitarian law.

- Among those used in this way was **Majdi Shehadeh**, whose house was occupied by Israeli soldiers. He said:

*"The IDF came to the house at 4am on Thursday [7 March] and collected the family and put us in one room. I have seven children aged between one and seven. They asked what I had on the roof; I said 'Pigeons'. The soldiers came on to the roof, and my neighbour heard them talking and shot and wounded a soldier. The soldiers started shooting and left the roof. One soldier wanted to kill me but the officer told him not to. Then they used me as a shield to go back on the roof and they placed explosives in the pigeon house and destroyed it. The pigeons were killed and the water tank exploded and water came pouring down. The soldiers started shooting in all directions... They made another entrance into my home and told me to go out and then to open the door of the neighbouring home. I couldn't open it so they broke it down. They used me as a shield to open doors to other houses and eventually let me go back home at 8am."*

- In a house occupied by Israeli soldiers in Balata camp between 28 February and 4 March, the IDF confined about 40 of the residents to one room and then allegedly

told some of the men to stand at windows in the top floor flat, which was frequently being shot at by armed Palestinians.

On 8 April at about 1pm, six IDF soldiers entered al-Baq Mosque in the old city of Nablus, where an emergency clinic had been established. In the clinic were 45 wounded people, four doctors, several volunteers, and 10 corpses. Dr. Zahara el-Wawi, a doctor at the clinic, told the Israeli human rights organization, *B'Tselem*, that the soldiers entered the mosque with their guns resting on the shoulders of Palestinian civilians who were forced to march in front of the soldiers as "human shields". The soldiers separated the medical staff from the patients, searched the dead bodies, and checked the identities of the injured patients.

Recent reports by the Israeli army have suggested that a number of Palestinians have blown themselves up while pretending to surrender. Amnesty International condemns this practice.

### **Targeting of medical personnel**

*“Each party to the conflict shall be obliged to apply, as a minimum, the following: ...*

*(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely...*

*(2) The wounded and sick shall be collected and cared for”.*

[Common Article 3 of the Geneva Conventions]

Articles 20 and 21 of the Fourth Geneva Convention require respect and protection for medical personnel and convoys.

Amnesty International condemns the fact that the Israeli authorities have consistently violated the right to life by failing to respect the principles of medical neutrality. During the first week of Operation Defensive Wall, according to a statement given by Peter Hansen, the Director of UNRWA, on 5 April 2002, more than 350 ambulances had been denied access and 185 ambulances had been hit by gunfire. “I would strongly suggest that when 185 ambulances have been hit, including 75 percent of UNRWA's ambulances... this is not the result of stray bullets by mistake hitting an ambulance, this can only be by targeting ambulances”, he said. Since 27 February 2002 six medical personnel have been killed and many wounded by IDF fire. The head of the Palestinian Red Crescent in Tulkarem told Amnesty International delegates on 18 March

2002: "I find it safer now to send patients needing dialysis or other medical treatment by taxi, rather than by ambulance."

The Israeli invasions of the past six weeks have seen an unprecedented attack on medical personnel. The IDF's consistent fire on ambulances travelling to the injured halted ambulances for days at a time. The IDF has also fired on civilians, including women, who ventured out to carry the injured. After two medical assistants travelling with ambulances were killed within the space of a few hours on 7 March, the ICRC told ambulances not to move and, during the whole of 8 March, while clashes were continuing in Tulkarem Refugee Camp and the wounded were lying in streets and homes, not a single ambulance was able to leave the station.

The ICRC tried to coordinate the movement of ambulances by contacting the Civil Administration (the Israeli military government in the Occupied Territories) and obtaining IDF authorization first. They were delayed and, even with this coordination, they were frequently shot at. Nor was the ICRC emblem any protection. In a public statement, the ICRC on 5 April 2002 stated that it was "obliged to limit its movement in the West Bank to a strict minimum". It continued:

*"Over the past two days, ICRC staff in Bethlehem have been threatened at gun point, warning shots have been fired at ICRC vehicles in Nablus and Ramallah, two ICRC vehicles were damaged by IDF tanks in Tulkarem and the ICRC premises in Tulkarem were broken into. This behaviour is totally unacceptable, for it jeopardises not only the life-saving work of emergency medical services, but also the ICRC's humanitarian mission."*

Two doctors and four paramedics were killed by IDF fire between 4 and 12 March 2002. Amnesty International investigated the killings of Sa'id Shalayel, Kamal Salem and Ibrahim Jazmawi.

- On 4 March 2002 **Dr Khalil Suleiman**, aged 58, was killed when the clearly marked PRCS ambulance he was travelling in was hit by gunfire from members of the IDF. Dr Khalil Suleiman was head of the PRCS Emergency Medical Service (EMS) in Jenin in the West Bank. Also injured were four Red Crescent paramedics and the driver who were travelling in the ambulance. An injured girl was being transported in the ambulance at the time.
- On 7 March, the first day of the Israeli army's entry into Tulkarem, the use of ambulances was allowed only in coordination with the ICRC, accompanied by the ICRC ambulance. However, after 5pm the ICRC ambulance had to leave. As it grew dark a clearly-marked UNRWA ambulance on its way to collect three

wounded people was attacked by a missile from an Apache helicopter. **Kamel Salem**, an UNRWA sanitation worker with medical training, sitting in the ambulance beside the driver, was killed. Another ambulance, with **Ibrahim Muhammad Jazmawi** as the medical assistant, had been at the scene, and his ambulance returned to the centre. Meanwhile more calls came to help the wounded, including three injured in a car accident. The PRCS tried to coordinate their movements with the IDF through the ICRC and waited nearly an hour before they eventually got agreement to send out ambulances. Two PRCS ambulances left to collect the three injured people. However, two minutes from the hospital in a main shopping street of Tulkarem they saw a tank facing them. The ambulance of Ibrahim Jazmawi reversed about a metre. The tank fired on both ambulances killing Ibrahim Jazmawi and damaging the second ambulance. The surviving ambulancemen escaped on foot. After half an hour a group of ambulancemen were able to return on foot to collect the body of Ibrahim Jazmawi. After that the ICRC told the ambulancemen not to move and they remained inactive for the whole of 8 March, despite continuing clashes and casualties in the camps.

· **Sa'id Yusuf Shalayel**, from a Palestinian military medical ambulance, was killed during the night of 7-8 March; another medical assistant, Muhammad al-Hissu, from the PRCS survived with multiple injuries only because he was wearing a flak jacket (46 flak jackets were donated by the ICRC). Three ambulances were called north of Gaza where there had been an attack, apparently from an IDF gunship, on a small Force 17 post. The two assistant medical personnel started to go towards the wounded and were about 70 metres from the three ambulances, their top-lights flashing, when there was suddenly a large explosion, apparently from a shell. Sa'id Shalayel was killed and Muhammad al-Hissu injured. The head of the PRCS emergency services telephoned the ICRC who tried to coordinate with the IDF the entry of ambulances to attend the wounded. Meanwhile Muhammad al-Hissu had been able to use the mobile telephone of his dead companion to describe what had happened; that he was badly injured, and that the other ambulanceman and three others had been killed. The head of emergency services immediately put out a call for any ambulance to respond, without any coordination, and 10 ambulances turned up from different services all with lights flashing, but the attacks continued and the medical personnel could not go forward. By that time a fourth person in the area who had tried to reach the wounded had also been killed. It was only after a further 20-minute wait with flashing lights that ambulancemen were able to go in to retrieve the dead and wounded.

· On 8 March the IDF killed **Dr Ahmad Nu'man Sabih al-Khudari**, the director of the small Yamama Hospital in al-Khader, as he drove to Deheisheh Refugee

Camp, on the fringes of Bethlehem. The doctor had received assurances from an Israeli official the same day that his security would be respected.

As a result of the closures, PRCS ambulances in the Gaza Strip have had difficulty in responding to any urgent call outside Gaza and Jabaliya. The IDF cut the 45 kilometre-long Gaza Strip in three portions and the IDF operated in many areas; even for emergency cases unconnected with the *intifada* the PRCS had to contact the ICRC to seek coordination. The ICRC in turn had to coordinate through the Israeli Civil Administration (the military administration overseeing the Occupied Territories), which would then coordinate with the IDF. This would cause a delay of more than an hour even for the most urgent cases. On 13 March it took one and a half hours to get authorization for the entrance of a PRCS ambulance into a village south of Gaza to pick up a five-year-old boy who had swallowed insecticide. Notwithstanding an accord granted by the IDF, the ambulance was prevented from reaching the child's house because the road had been closed by the IDF by piles of sand. A curfew was in force and by the time the ambulance left it was dark. A tank blocked the road behind the blockade and the IDF there said they knew nothing of any coordination. Eventually the only solution was to telephone a neighbour to fetch the boy's parents and to give them instructions over the telephone about what to do.

By 11 April 2002 the situation as regards provision of medical services was dire. Ambulances were not allowed to pick up the wounded where IDF operations were continuing, particularly in Jenin and Nablus. Where they could travel, ambulances were stopped and searched so frequently that they were taking hours to cover very short distances. There were also reports of the IDF shooting at ambulances with people in them and of tanks crushing empty ambulances.

The IDF has often stated that arms are carried in ambulances and this is the reason for the frequent stopping and searching of ambulances. The allegation was consistently denied by the PRCS and other medical organizations. While most of the reports of violations of medical neutrality reaching Amnesty International involve actions by the IDF, there have also been two incidents involving Palestinians. The first is the alleged misuse of a Palestine Red Crescent Society ambulance to transport explosives. The ambulance was stopped at one of many checkpoints the ambulance passed through and an explosive device was found by Israeli soldiers searching the back of the vehicle. It was detonated in the presence of a representative of the International Committee of the Red Cross. The ICRC said on 29 March it was "shocked and dismayed" by the reports of explosive material being found in a Palestine Red Crescent Society ambulance and condemned abuse of an ambulance and of the Red Crescent emblem. The PRCS president vehemently denied that it had willingly carried the explosive and said that it had been planted to discredit the Society. The PRCS called for an independent inquiry into the

incident; Amnesty International does not have information about the outcome of such an inquiry at the time of writing.

Breaches of humanitarian standards by Palestinian armed groups have also occurred. On 31 March, a suicide bomber attacked the station of the Magen David Adom (MDA, Israel's national emergency medical service) in Efrat, an Israeli settlement near Bethlehem. Three MDA personnel were wounded, one gravely. Other civilians also suffered injuries. Such an attack breaches the prohibition under international humanitarian standards of attacks targeted at civilians and medical facilities.

### **Demolitions and destruction**

*“Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”*  
[Article 53 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949]

In every refugee camp they occupied, Israeli soldiers left a trail of destruction. Tanks rolled over parked cars, broke down walls and house fronts and knocked down lamp-posts and street signs. Sometimes they rolled for no apparent reason into the front of houses. Electricity, water and telephones were cut for as long as the Israeli army remained in occupation. Meanwhile wall-piercing bullets and sometimes tank rounds were shot for no apparent reason into shop fronts or houses.

From the beginning of the incursions homes of “wanted” men or those who had carried out attacks on Israelis were demolished. During the invasion of Jenin on 5 and 6 April 2002 at least 20 Palestinian homes in Jenin Refugee Camp were demolished either to make the narrow roads wide enough for tanks or because they contained armed Palestinians who refused to give themselves up.

Not only does the IDF action in destroying property when not absolutely necessary and trashing apartments breach Article 53 of the Fourth Geneva Convention, it also breaches Article 33 of that Convention, prohibiting collective punishment, pillaging and reprisals.

In Ramallah the house of Afif Ahmad, containing six people, was hammered by wall piercing fire and missile rounds on 12 March from a tank as six members of the family lay in fear on the floor for four hours.

The IDF entered and occupied those houses and apartment blocks which appeared to be in strategically advantageous positions. Residents in the houses were confined to a single room or a single flat for as long as the IDF occupied the town – sometimes for as long as four or five days. The soldiers occupying flats systematically trashed them, opening drawers and wardrobes and scattering their contents, tearing clothes, damaging pictures, throwing televisions or computers down stairs. There were reports of looting from many areas; sometimes victims complained to the IDF who took no action. In one flat in Deheisheh camp belonging to Amal ‘Abd al-Mun’im, the family Qur’an had its pages cut out and scattered over the floor and a report by *B’Tselem* had been pierced over and over again, apparently by a knife or bayonet. She told Amnesty International:

*“They came on Saturday 9 March, 25 soldiers with armoured cars. They put us all in one room - there were six of us, [my husband], my four children and myself. They stayed about five hours and we were confined to one room. Then they took my husband away. They stayed four days in the house. When we came back we found everything destroyed. My house is three storeys high and they destroyed everything. They stole two video cameras each one [worth] \$300. They took all our money, the computer which cost about 8,000 shekels. They were using the toilets but they didn’t clean anything. We found their excrement everywhere - they filled towels with shit and smeared it on the wall, in the kitchen and our dishes. They tore up the Qur’an and broke everything.”*

In many houses entered by the IDF the soldiers broke open holes in walls in order to reach neighbouring houses. This is a recognized military technique in town-fighting sometimes known as “mouse-holing” to provide soldiers with escape routes. The Israeli soldiers called it “walking through walls”. In the houses visited by Amnesty International, the making of holes from one house to the other always created chaos in the rooms on either side. Sometimes holes were made from one apartment to another when it was possible for soldiers to have entered from a verandah or window. In Balata Refugee Camp, according to Palestinians, about 30 holes were made to enable Israeli soldiers to pass through a row of houses up to the UNRWA school.

In al-Am’ari camp, Ramallah, 30 soldiers came without warning into the house of Halima al-Nabi around 7.30pm on 12 March 2002. They went up to the top floor, trashed the apartment and broke a hole through the wall of her son’s apartment next door although there was a verandah and a door which could have given access. They spent about three hours there and then from the flat of her son Jamal al-Nabi they tried to break

through to the house of another son, Nabil al-Nabi, but found the concrete wall too thick. So they used a window, descending into the bedroom where all of Nabil al-Nabi's 11 children slept together. They scattered clothes and cushions around, broke the glass of family photos, tore the Qur'an and threw the television downstairs. They stayed in the house for three days, until the morning of 15 March, while the family was shut into their grocer's shop downstairs with one mattress between the 13 family members. "Some of the children were scared to death and we took two, aged five and six, to hospital", said Halima al-Nabi.

*"In any army of the world, soldiers who behaved like the IDF, destroying property and looting, should be immediately court martialled". [David Holley]*

In Balata Camp, in an act of collective punishment, the IDF blew up on 3 March the house of Nasser 'Aways, a "wanted" member of *Hamas* who was killed a month later during the IDF's second attack on Nablus. Seventeen people lived in the house. In a camp where almost every house shares two or more walls and even the alleyways are barely one metre wide, the demolition of the house caused severe damage to six houses nearby. In Deheisheh Camp, in another extensive act of collective punishment, four homes of members of the family of Mahmud al-Mughrabi, alleged to have carried out attacks on Israelis, were blown up with explosives. Neighbouring houses were severely damaged by the destruction.

Electricity cables, water pipes and telephone lines were cut in most towns entered. Educational, cultural institutions, government offices and especially police stations were destroyed by missiles and explosives. Bethlehem University's new Millennium Hall, opened in 2000, costing \$2million, of which \$1.2million was provided by USAID's ASHA program (American Schools and Hospitals Abroad), was destroyed by four TOW missiles, each costing \$180,000, provided in aid to the IDF by the US Government. As Curt Goering, Deputy Executive Director of Amnesty International USA said:

*"It is difficult to imagine that the strike on the university was not intentional."*

*And he commented: "US funding made the new Millennium Building possible. US funding also made possible its devastation."*



### ***Arbitrary arrest and cruel, inhuman or degrading treatment***

*“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment ...”* [Article 7, ICCPR]

*“Each party to the conflict shall be obliged to apply, as a minimum, the following: ...*

*(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely...*

*To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:...*

*outrages upon personal dignity, in particular humiliating and degrading treatment*

[Common Article Three of the Geneva Conventions].

*“ The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.”*

[Fourth Geneva Convention, Article 29]

Torture and cruel, inhuman or degrading treatment is prohibited by the Geneva Conventions. It is also prohibited by the Convention against Torture, to which Israel is a state party, and is also a non-derogable article of the ICCPR. Even in “time of public emergency which threatens the life of the nation” a state is never allowed to torture or allow anyone for any reason whatsoever to suffer cruel, inhuman or degrading treatment or punishment.

The arrests of Palestinians from the Occupied Territories carried out by Israel since 27 February were almost invariably accompanied by cruel and degrading treatment; a number of allegations of torture have been received.

IDF incursions were often accompanied by a house to house search for suspected members of armed groups. However, between 1 March and 12 March in three of the refugee camps – Tulkarem, Deheisheh and al-Am’ari – and in Qalqiliya, mass arrests were carried out accompanied by degrading treatment of those detained. The typical pattern was a summons by the IDF by loudspeaker for all male Palestinians between certain ages (usually 15 to 45) to report at a designated assembly point. Palestinians at al-Am’ari camp said that they were told that if they came and had not been involved in any offence they would be released; those in Tulkarem camp said the loudspeaker warned

that anyone who failed to report might be killed (however, most people interviewed by Amnesty International were arrested from houses or streets). Once there they were sorted, usually by being asked basic details such as name and age, some were immediately released. However, the majority were blindfolded and handcuffed with plastic handcuffs (which can tighten and be extremely painful). Some were numbered on their wrists; however, after protests in the Knesset (Israeli parliament) and in many sectors of Israeli society, this practice, which was not general, was stopped. The vast majority of those arrested said they were not given any food for the first 24 hours and were not allowed even to go to the toilet; they had to relieve themselves on the ground where they sat. During a season when nights remain extremely cold, no blankets were given to detainees during the first night of their detention. Those arrested and detained included many children reportedly as young as 14 or 15.

Those arrested were taken to temporary holding stations located in military camps or settlements. By 17 March, three weeks after the first invasion of refugee camps, some 135 Palestinians of at least 2,500 arrested over the previous 19 days from Tulkarem, Deheisheh, al-Am'ari and Qalqiliya, remained in detention in the temporary camps. They were detained in Huwara, Ofer and Majnuna Military Camps, and Kedumim, Gush Etzion and Beit El Settlements. Others were detained at Erez.

In light of the large number of those arrested and detained, but with very little interrogation, Amnesty International is concerned that the aim of the arrests, accompanied as they were by ill-treatment, may have been to collectively punish Palestinians uninvolved in armed opposition, and to degrade and humiliate those arrested. Palestinians sitting in large numbers blindfolded and handcuffed were photographed and their pictures shown on television and published in Israeli newspapers.

- Testimony of **Jamal Issa**, aged 37, from Tulkarem refugee camp:

*"The IDF came to my house at 6am [on 8 March]. They gathered everyone, three families, in one room and we stayed there from 6am until 10am when we were moved to another house. They collected 20 people in the same house. Then we were taken to the school where we stayed for four or five hours, blindfolded and with our hands bound. They collected all our IDs and tried to sort us in groups. After three hours they took us to the DCO [District Coordination Office]. We stayed the night at the DCO, about 60 of us, handcuffed and blindfolded, treated as terrorists and humiliated. The basic rights of prisoners in the past were denied us. We asked to go to the toilet and they refused. We spent a night of shouting and crying.*

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*"After that some were transferred by buses to Kedumim and others to Huwara Military Camp. There wasn't a prison in Huwara; it was better than the other place, they removed the blindfolds and handcuffs. We spent six days without any interrogation and then they released us. We hoped that someone would tell us why we were taken. We had been scared the whole time because they had threatened to kill us, but in the event we were more frightened of the release than of detention as we were left at the military camp checkpoint, where we collected our IDs and we had to find taxis and go past all the Nablus settlements. It took us four hours to get home."*

- Testimony of **Majdi Shehadeh**, from Tulkarem refugee camp:

*"At 9am on Friday [8 March] there was an announcement on the loudspeaker that we had to report. We came on to the street and we were all told to take off the clothes on our upper part. We were about 100. We put on the clothes after about an hour, and then went on foot to the school. They checked all our IDs until 9pm. Then they brought buses and transferred us to Kibbutz Sanaws. We were all handcuffed and we sat on a pebbly ground. We weren't given any food, and when we asked for water they poured it over us. The handcuffs were tight and when the blindfolds were taken off on our arrival I saw some people with hands black and swollen. We told the soldiers that they were cutting into us and they said there was no alternative. We started to shout and cry, begging them to ease the handcuffs. It was very cold and some of us had T-shirts and no shoes. We weren't allowed to go to the toilet and had to relieve ourselves there. By 3.30am we were starting to shake and our teeth were chattering with cold. We huddled up together and then we stood up. The soldiers tried to impose order and shot in the air, but we were not afraid or scared and we did not accept to stay. Among us were some people more than 50 and children under 14. We protested at such arrests. Then an officer came and said, 'You will go home at 7am'; they released the old and the young at 4am. There were no charges against anyone. We protested against the cold. Around 10am they put us into line and a soldier had a stick and beat us all. Then we were released and taken to the DCO."*

- Testimony of **'Awni Muhammad Ibrahim Sa'id**, aged 27, from al-Am'ari Camp in Ramallah:

*"At 9am on Tuesday 12 March they announced that people aged between 16 and 45 should report. They said that those who didn't report would be killed. I went around 11am to the school with three of my brothers. We stayed for a bit, then we were moved to Ofer in an armoured truck. At Ofer there were about 210 people. Among them was one deaf-mute and he was allowed to go. It was at Ofer that we were handcuffed and hooded - at the school we weren't. We stayed like that until*

*I am when a soldier took our IDs and searched us; they took everyone's mobiles. Then they picked out some people and gave them tents and told them to put them up – there were four tents for the 200, about 50 in each tent. By 2.30-3am we had finished putting up the tents and we asked them for mattresses which they refused. They brought us wood instead, rough, worse than you make coffins with. We had no blankets at all the first night – they only brought them around 10.30pm on Wednesday. By that time five people were sick from the cold; they took them to see a doctor but he did nothing. We were given our first food on Wednesday at 8am. Later we were also given two cigarettes per day. They released us all on Thursday; we were transferred in buses but we stayed in buses for the whole day before release."*

During Operation Defensive Wall, up to 11 April more than 4,000 Palestinians were arrested, mostly in house to house searches. In some places mass arrests took place after broadcast orders to all males between 15 and 45 to report. This reportedly took place in al-Bireh on 30 March; many men who reported at the Diaspora School were put on buses and taken to Ofer. They were reportedly blindfolded and handcuffed and held in the open until their interrogation after three days. The interrogation was minimal: name, birth and personal details. After questioning they were taken to a tent and given blankets and wooden pallets to sleep on. Most were released at Qalandiya after seven days. Other detainees arrested in Ramallah reported being held in the open in half-finished houses or school yards; they were kept lying down and handcuffed and hooded when they went to the toilet. Detainees said that they were sometimes beaten.

With strict curfews in place in most towns, families whose relatives had been arrested did not know whether they were alive or dead. Israeli human rights organizations who tried to trace detainees were inundated with appeals but were unable to find information from the IDF who said that they themselves had no idea of the names of those they had arrested. A Military Order, number 1500, was issued on 5 April 2002 allowing the army to hold detainees for 18 days without access to lawyers before being brought before a judge (who could renew the lack of access order). As a result of reports that detainees had toes and fingers broken, four human rights organizations, B'Tselem, the Association for Civil Rights in Israel (ACRI), HaMoked and Physicians for Human Rights (PHR) petitioned the Israeli High Court of Justice (HCJ) that such treatment should cease; the HCJ rejected the petition.

## **Recommendations**

- The Israeli Government must end the gross violations of human rights and humanitarian law it is committing during Operation Defensive Wall: it must stop the unlawful and disproportionate use of lethal force, including against medical

personnel; end extrajudicial executions; end wanton destruction of homes and other collective punishment, through destruction and damage of Palestinian property and infrastructure, including water and electricity supplies; cease arbitrary arrest and detention; end torture and other cruel, inhuman or degrading treatment or punishment; ensure that the practices of trashing apartments and looting come to an end.

- All sides must respect the neutrality of medical vehicles and facilities. The Israeli government should allow immediate and unhindered access to all areas by medical workers, including the PRCS, the United Nations and the ICRC.
- The Israeli Government should ensure that access by observers, including journalists, non-governmental organizations, and other representatives of civil society, is not unduly impeded.
- The Israeli Government should immediately set up a Commission of Inquiry to examine violations of international humanitarian law in Jenin and other areas of the Occupied Territories since 27 February.
- Palestinian armed groups must cease all deliberate attacks on civilians.
- The Palestinian Authority must condemn and do everything possible to prevent attacks on Israeli civilians.
- The international community should act urgently to despatch an international observer mission with a strong and transparent human rights component to Israel and the Occupied Territories.
- All sides and the international community should ensure that any peace or cease-fire addresses the human rights violations of Palestinians which are at the core of this conflict.