

AMNESTY INTERNATIONAL PUBLIC STATEMENT



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Israel/OPT: No justification for deliberate attacks on civilians, unlawful killings by Israeli forces, or collective punishment of Palestinians

As a significant escalation in violence since 1 October 2015 in the Occupied Palestinian Territories (OPT) and in Israel continues, Amnesty International condemns all deliberate attacks on civilians, including Israeli civilians in the OPT, and calls on all sides to end such attacks. Amnesty International also condemns the widespread use of excessive force by Israeli forces against Palestinian demonstrators across the occupied West Bank, and their failure to protect Palestinians from a wave of settler attacks. The organization urges the Israeli authorities to halt the use of excessive force and unlawful killings of Palestinians by Israeli forces, end punitive home demolitions and other collective punishment of Palestinians, and ensure that Israeli troops, police and civilians responsible for unlawful attacks on Palestinian civilians in the OPT are held accountable.

These serious violations of international law cannot be justified in the name of achieving political goals or security or on any other grounds. The only way forward that will not lead to further unlawful killing is for all parties to respect human rights and international humanitarian law, including in all their actions in response to the current escalation. At the same time, the international community must urgently address the repression, discrimination and dispossession that are inherent in Israel's illegal settlement project in the OPT, beginning by insisting that Israel halts construction in and expansion of settlements.

Since 1 October, four Israeli citizens have been killed in two separate attacks by Palestinians, while others have been wounded in those and other attacks; both the attacks in which Israelis were killed were endorsed by Palestinian armed groups. Israeli forces have killed five Palestinians in the occupied West Bank, including East Jerusalem, at least two in circumstances raising serious concerns about the use of lethal force, and used live fire, rubber-coated metal bullets and less-lethal weapons against Palestinians across the West Bank, injuring hundreds. This escalation in the use of excessive force by the Israeli army and Border Police, combined with widespread arrests, the closure of Jerusalem's Old City and other Palestinian neighborhoods and villages, punitive home demolitions, and the Israeli authorities' failure to prevent a wave of Israeli settler attacks on Palestinians, indicate an intensification of collective punishment and other Israeli violations, rather than proportionate measures to protect Israeli civilians.

This statement does not attempt to analyse all violations since 1 October, but covers key categories of violations in the occupied West Bank, including East Jerusalem, up to the evening of 8 October.

Palestinian attacks on Israeli civilians

Since 1 October, there have been a number of attacks by Palestinians that have targeted or appear to have targeted Israeli civilians. Deliberate attacks on civilians cannot be justified. Most of the attacks appear to have been initiated by individuals, rather than ordered by Palestinian armed groups, according to the information currently available. However, the fact that Palestinian armed groups have praised the attacks and, in at least one case, claimed responsibility for a deadly attack on civilians is disturbing.

On the evening of 1 October 2015, Palestinian gunmen shot and killed two Israeli civilians, Eitam and Naama Henkin, in their car on a road between the illegal Israeli settlements of Itamar and Elon Moreh in the Nablus district of the occupied West Bank. Their four sons, aged between four months and nine years, who were with them in the car at the time, were physically unhurt but treated for shock. A small Fatah-affiliated armed group, the Abd al-Qader al-Husseini Brigades, claimed responsibility for the killing in a statement, while Hamas and other Palestinian factions voiced support without claiming responsibility. On 5 October, the Israeli authorities announced the arrest of several Palestinians from Nablus who they claimed were responsible for the attack, describing them as a " Hamas cell " and noting that they were being investigated by the Israel Security Agency (ISA); one alleged member of the cell was arrested by undercover Israeli forces who stormed a hospital in Nablus on 4 October. ISA interrogators have tortured and otherwise ill-treated Palestinian detainees for many years with impunity.

On the evening of 3 October, Mohannad Halabi, 19, a Palestinian from Surda, near Ramallah in the occupied West Bank, fatally stabbed Aharon Bennett, 22, an off-duty Israeli soldier, and seriously injured his wife Adele. The couple were walking with their two small children, one of whom was lightly injured in the attack, in the Old City of Jerusalem. Bennett was wearing civilian clothing at the time of the attack. Nahamia Lavi, a rabbi and reserve officer in the Israeli army who lives in a settler compound in the Old City, tried to intervene and was also stabbed and fatally wounded. Israeli police shot and killed Halabi at the scene of the incident. Islamic Jihad issued a statement praising the attack without claiming responsibility for it. The statement noted that Halabi was a member and active with Islamic Jihad's student group at his university, but did not claim that he had been active with Islamic Jihad's armed wing.

Amnesty International has repeatedly condemned the establishment of Israeli settlements in the OPT as violations of the Fourth Geneva Convention. However, the unlawful status of Israeli settlements does not affect the civilian status of those who live, work or study in them; these individuals only lose their protected status as civilians if and for such time as they take a direct part in hostilities. Army reservists who are not on active duty are civilians and entitled to protection as such.

At the same time, Israeli actions to apprehend and bring to justice those responsible for such attacks must comply with international law; there is no justification for arbitrary arrests, or for torture or other ill-treatment during arrest or detention.

Other attacks by Palestinians have wounded Israeli civilians in Israel and the OPT. These have included incidents of stone and Molotov cocktail throwing at Israeli vehicles, and a

string of stabbing attacks, with seven such attacks reported on 7 and 8 October alone. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that at least seven Israelis, including an infant, had been injured by objects thrown at vehicles through 5 October.

Stabbing incidents have included one in which an Israeli civilian was stabbed and moderately wounded on 7 October in the city of Petah Tikva, in central Israel, by a 25-year-old Palestinian man from al-Dhahiriyya, near Hebron in the OPT, who was arrested by Israeli police. On 8 October, at least two Israeli civilians were seriously wounded in two of several stabbing attacks: a 25-year-old yeshiva student who was stabbed in the upper body at a light-rail stop in East Jerusalem by a 19-year-old Palestinian from Shu'afat refugee camp who was arrested by Israeli police; and an Israeli resident of the illegal settlement of Kiryat Arba, near Hebron.

Unlawful killings by Israeli forces and widespread use of excessive force against Palestinians

Since 1 October, Israeli military and police forces have responded to dozens of spontaneous Palestinian protests throughout the occupied West Bank, including East Jerusalem, by massively increasing their use of excessive force from what was already an unacceptable level. While Palestinian demonstrators have thrown rocks and firebombs towards Israeli forces in many demonstrations, and there are reports that Palestinians have shot at Israeli forces in isolated cases, Israeli military and police forces are heavily protected and must ensure that all use of force is strictly necessary and proportionate, and that firearms must only be used to protect against the imminent threat of death or serious injury. Israeli forces have killed at least two Palestinians, one of them a child, in circumstances indicating the killings were unlawful, and possibly extrajudicial executions, and used excessive force on a massive scale, including extensive use of live ammunition against people who were not posing an imminent threat of death or serious injury.

On the morning of 4 October, Fadi Alloun, 19, from Issawiyya in East Jerusalem, was shot and killed by the Israeli police near Jerusalem's Old City, in what appears to have been an extrajudicial execution. Israeli police said that he tried to stab a 16-year-old Israeli boy who was lightly injured, and had a knife in his hand when he was shot. But video of the incident shows him being chased up a Jerusalem street by a group of Israeli civilians before an Israeli police patrol arrives, after which a policeman shoots Alloun in the upper body from some metres away, without attempting to arrest him.

On 5 October, 13-year-old 'Abd al-Rahman Obeidallah was shot by an Israeli soldier armed with a .22 Ruger rifle in Aida Refugee Camp, Bethlehem, and died in the hospital shortly afterwards; doctors said he was killed by a gunshot wound to the chest. An 11-year-old boy standing next to him was shot in the leg at the same time; witnesses told researchers from Defense for Children International - Palestine that both boys were standing about 70m from clashes between Israeli forces and Palestinian youths. An initial probe by the Israeli military found that the killing was "unintentional" and that the target of the gunfire was an adult standing next to Obeidallah. Israeli human rights organization B'Tselem noted that the Ruger rifle has a telescopic sight and the incident took place in broad daylight, that at least three other Palestinians have been killed and dozens injured

by Israeli forces using .22 ammunition in the West Bank during 2015, and again called for the military to cease using .22 ammunition as a means of crowd control. The killing of 'Abd al-Rahman Obeidallah was unlawful and should be effectively investigated as a possible extrajudicial execution.

Hudhayfa Suleiman, 18, from the village of Bala' in the Tulkarem district of the West Bank, was shot and killed by the Israeli military during clashes at a checkpoint near the city of Tulkarem late on 4 October. Medics reported that he was shot with live fire in the chest, and that three other Palestinians were wounded from live fire used by the Israeli military, one seriously. The Israeli military said that there had been a violent demonstration in which rocks and firebombs were thrown at Israeli forces, and that troops had used riot dispersal means before opening fire at three Palestinians who were throwing firebombs, but did not release information to suggest that the lives of Israeli troops had been in danger.

On the evening of 8 October, Israeli police forces shot and killed Wissam Farraj, 20, in Shu'afat refugee camp in East Jerusalem, during clashes there with Palestinians. Medics reported that he was shot with .22 ammunition in his chest, and that six other Palestinians were injured by live ammunition, some seriously, and dozens by rubber-coated metal bullets. In September, the Israeli security cabinet approved the use of the .22 Ruger rifle by police forces in Jerusalem, among other measures that it described as part of "the fight against rock-throwing in Jerusalem". The details of the open fire regulations governing the use of .22 ammunition by Israeli forces in Jerusalem, as in the West Bank, have not been made public. Based on their experiences documenting the killings of Palestinians by Israeli forces using .22 ammunition in the West Bank, local human rights groups expressed serious concerns following the security cabinet's decision that allowing the Israeli police to use live ammunition in occupied East Jerusalem would lead to similar unlawful killings there.

A member of an undercover Israeli unit was filmed shooting an unarmed Palestinian in the leg at point blank range on 7 October near the illegal Israeli settlement of Beit El. The man was being arrested by four armed soldiers at the time, yet the Israeli military's official explanation was that the soldier fired his weapon because he felt that lives were in danger. The use of lethal force in this situation was plainly unjustified – although the man was struggling, he was unarmed and there were more than enough Israeli forces present to overpower him without the use of fire. The man was also severely beaten by a crowd of Israeli soldiers after he was overpowered.

Israeli forces have also used live fire and other excessive force during search and arrest operations in the West Bank. For example, during an arrest raid on Jenin refugee camp on 4 October, Israeli forces injured 55 Palestinians, 11 of them by live ammunition, OCHA reported, and also set a home on fire, severely damaging it.

The Palestine Red Crescent Society (PRCS) reported that its teams provided emergency medical services to a total of 1,298 Palestinians injured by Israeli forces throughout the occupied West Bank, including East Jerusalem, between 2 and 7 October. Of those treated, PRCS reported 75 were injured by live ammunition, 344 were hit by rubber-coated metal bullets and 20 were severely beaten, with the rest treated for tear gas. PRCS

is not the only provider of emergency medical services in the West Bank and its statistics do not reflect a full casualty count. On 8 October, the Palestinian Ministry of Health reported that, since 1 October, 165 Palestinians injured by live ammunition and 375 injured by rubber-coated metal bullets had been treated in its hospitals, and an additional 150 Palestinians injured by live ammunition or rubber-coated metal bullets had been treated at the Al-Maqassed Hospital in Jerusalem. Covering a different time period, OCHA reported 794 Palestinians injured by Israeli forces across the occupied West Bank, including East Jerusalem, between 29 September and 5 October, with approximately 10% injured by live ammunition and 35% by rubber-coated metal bullets, a huge increase on the previous reporting period.

Amnesty International calls on the Israeli authorities to publicly disclose the current open-fire regulations for Israeli police and military forces, including those being applied in East Jerusalem. The Israeli authorities must urgently issue directives clarifying that Israeli army and police personnel can only use live fire, including .22 ammunition, when strictly unavoidable to protect against the imminent threat of death or serious injury, and that all use of force must be absolutely necessary, strictly proportionate to a legitimate aim, and in full compliance with international human rights standards. Given the high level of deaths and serious injuries caused by rubber-coated metal bullets, they must never be treated as less-lethal weapons appropriate as a means of crowd control. The Israeli authorities must conduct independent, impartial and prompt investigations into all incidents where Palestinians are killed or seriously injured by Israeli forces in the OPT, and where sufficient admissible evidence exists, prosecute those responsible according to fair trial standards.

Israeli attacks on ambulances and medics

PRCS reported 30 attacks or other violations, such as significant, arbitrary delays at checkpoints, by Israeli military or police forces or settlers against its ambulances and emergency medical teams between 2 and 7 October. These included Israeli forces firing live ammunition at two PRCS ambulances at Qalandia checkpoint on 4 October, at least two incidents when rubber-coated metal bullets or tear gas canisters were fired at ambulances, and incidents when ambulances transporting seriously wounded people were significantly delayed.

Ambulances and medics have special protection under international humanitarian law, which applies to the OPT, and direct attacks on ambulances or medics are unlawful. Under international humanitarian law, parties must not impede the provision of care by preventing the passage of medical personnel. They must facilitate access to the wounded and sick, and provide the necessary assistance and protection to medical personnel.

Demolition of homes, arbitrary restrictions on movement and collective punishment

Since 1 October, Israel has imposed additional arbitrary restrictions on Palestinian movement in the occupied West Bank, including East Jerusalem, and implemented other measures that amount to collective punishment, including punitive home demolitions and mass arrests.

On 4 October, the Israeli authorities banned all non-resident Palestinians, except for business owners and school students, from entering the Old City of Jerusalem for two days, and also banned men under 50 from praying at the Al-Aqsa mosque. The ban on access to the Old City did not apply to Israelis or tourists, and the authorities had repeatedly imposed restrictions on Palestinian access to the Al-Aqsa mosque compound in recent weeks. The entrance to Issawiyya, in East Jerusalem, was also blocked by Israeli forces after the killing of Fadi Alloun, and numerous other access restrictions in different areas of East Jerusalem were reported. OCHA reported that Israeli forces also established over 120 temporary checkpoints in the West Bank through 5 October, forcing Palestinian vehicles in many areas to wait or take long detours.

The right to freedom of movement is guaranteed by Article 12 of the International Covenant on Civil and Political Rights. In exceptional situations, limited restrictions may be imposed for legitimate security grounds. However, they must be provided by law, necessary, strictly proportionate and non-discriminatory. As the occupying power, Israel is also bound by the Fourth Geneva Convention, and is prohibited from imposing measures in the name of security – including restrictions on the movement of Palestinians in the OPT – that are arbitrary, discriminatory or amount to collective punishment.

Israeli forces have also resumed punitive home demolitions – the demolitions of the family homes of Palestinians responsible for attacks on Israelis, a practice sanctioned by Israel's Supreme Court – in a further escalation of collective punishment. On 6 October, Israeli forces destroyed two family homes in Jabal al-Mukabber and sealed another home in Abu Tur, both neighbourhoods in East Jerusalem. According to the Israeli human rights organization B'Tselem, 13 people, including seven children, lost their homes as a result. The home of Nadia Abu al-Jamal, the widow of the attacker who killed four worshippers at a Jerusalem synagogue and wounded others before being killed by Israeli police on 18 November 2014, was destroyed in an explosion that also destroyed another apartment in the same building. The home of Muhammad Ja'abis, who killed an Israeli civilian by running him over with a bulldozer in August 2014 and was subsequently killed by Israeli police, was destroyed in an explosion that rendered the entire building uninhabitable and damaged neighbouring buildings. Israeli forces also sealed the family home of Mu'ataz Hijazi, who seriously injured a right-wing Israeli activist in October 2014. The demolitions and the sealing of the Hijazi family home were acts of collective punishment, prohibited under the Fourth Geneva Convention, which cannot be justified on any grounds.

Prime Minister Benjamin Netanyahu has advocated further punitive home demolitions, and on 5 October instructed Minister of Justice Ayelet Shaked to find a way to shorten the legal process for this, raising fears that additional punitive demolitions will be carried out in the coming days or weeks.

Israeli forces have also conducted mass arrests in the occupied West Bank, including East Jerusalem, since 1 October. OCHA reported that 166 Palestinians were arrested by Israeli forces through 5 October, while the Palestinian Prisoners' Society reported on 8 October that at least 320 people had been arrested since the beginning of the month, about half of them children under 18. In many cases, Israeli forces have used violence against those arrested, or arrested demonstrators or others who were already wounded.

Settler violence against Palestinians

Since 1 October, there has been a huge increase in attacks by Israelis living in illegal settlements on Palestinian civilians and their property throughout the occupied West Bank, and Israeli forces have completely failed to prevent such attacks or protect Palestinians.

Yesh Din, an Israeli human rights organization, reported on 5 October that it had received dozens of complaints of settler attacks, including settlers stoning Palestinian vehicles and homes, blocking roads to Palestinian villages, and at least one attempted arson attack. Yesh Din also reported that in several cases settler attacks took place in the presence of Israeli forces who did not intervene. Palestinian human rights organization Al-Haq documented 29 incidents of settler violence against Palestinians between 28 September and 4 October, including stone throwing, beatings, burning crops, and gunfire. In some cases, settlers were explicit that the attacks were carried out to exact revenge. For example, on 2 October settlers torched a car in a Palestinian village near Ramallah, and spray-painted “Revenge Henkin” in Hebrew on the wall of a house.

Israeli forces must protect Palestinian civilians and their property from settler attacks, and end the impunity for such attacks by addressing the systematic failures in investigating them.