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Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city

As Palestinians in Hebron mark 22 years since the Israeli authorities first closed al-Shuhada Street in the Old City, and amid intensified and devastating closures imposed there since October 2015, Amnesty International is today calling on the Israeli authorities to lift the discriminatory restrictions, end the collective punishment of Palestinians in the city and protect human rights defenders there.

Since October 2015, as violence in the Occupied Palestinian Territories (OPT) and Israel has surged, the Israeli authorities have drastically increased the arbitrary and discriminatory restrictions on movement imposed on Palestinians in and around Hebron's Old City, declaring parts of it a "closed military zone". This has further entrenched and exacerbated a pattern of long-standing violations of the rights to freedom of movement, work, health and education of Palestinians in Hebron, especially tens of thousands residing or working in or near the Old City. The arbitrary and discriminatory restrictions, which are not applied to the Israeli Jews living in the illegal settlements in and around the city, constitute collective punishment and violate international humanitarian law. Furthermore, Palestinian and international human rights defenders, including monitors, have been prevented from accessing the areas of al-Shuhada Street and Tel Rumeida, and are constantly harassed by Israeli forces and settlers.

The Israeli authorities must immediately end all measures that collectively punish Palestinians in Hebron, lifting the arbitrary and discriminatory restrictions on movement imposed since October as a first step. They must protect human rights defenders and allow all international monitors unrestricted access to all areas of Hebron. They must also address the root cause of the continuing human rights crisis in the city by taking measures to evacuate the Israeli civilians living in the illegal settlements there.

New and discriminatory Israeli restrictions on Palestinian movement in Hebron deepen collective punishment

On 29 October 2015, the Israeli military declared the Palestinian neighbourhood of Tel Rumeida near Hebron's Old City a "closed military zone", a type of administrative order used by the Israeli military to prevent non-residents from accessing certain areas. The Israeli military frequently uses such orders to repress Palestinian protests and demonstrations in the West Bank, justifying the orders as necessary for "security", as well as following Palestinian attacks on Israelis; in many cases, the orders are imposed in a manner that amounts to collective punishment. The order for the closed military zone in

Tel Rumeida has been renewed each month, with the latest renewal taking place on 5 February. The terms of the closure mean that only people resident within the borders of the zone, and who agree to register with and receive a number from the Israeli army, can access the neighbourhood. Those Palestinian residents are then subjected to arduous checks at multiple checkpoints, located at the entrances to the neighbourhood and various points within it. Since October, human rights organizations have reported instances of Israeli forces detaining residents for hours at the checkpoints.

None of these measures are being applied to Israeli Jews resident in illegal settlements in and around the area of the closed military zone, or to those visiting them. They are free to enter and leave the area on foot or in vehicles, including while carrying firearms, and without undergoing security checks, even though Israeli settlers have frequently threatened or attacked Palestinian residents of the city. Since October, after incidents of Palestinian violence against Israelis, the human rights organization B'Tselem reported that Israeli forces prevented Palestinians who own shops in the area from reaching their businesses. Such measures are patently aimed not at protecting civilians, but to punish an entire community for the actions, or alleged actions, of particular individuals.

While the Israeli authorities have stated that Tel Rumeida was declared a closed military zone for security reasons, the broad and sweeping actions applied to only one group of people are discriminatory and collective punishment. 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, including Article 33, which prohibits collective punishment. Israeli forces are thus prohibited from imposing measures in the name of security – including in response to Palestinian attacks on Israelis – that are arbitrary, discriminatory or amount to collective punishment. The tightened restrictions imposed continually for more than three months in Hebron violate all of these provisions and must be lifted immediately.

The long-standing restrictions that have so devastated Palestinian life in and around the Old City must also be lifted, including by opening al-Shuhada Street to Palestinian traffic, allowing Palestinian businesses on the street to reopen, and allowing residents who have been displaced to move back to their homes.

Israeli forces' harassment of human rights defenders in Hebron

Alongside the recent restrictions on movement in the centre of Hebron, human rights defenders – Palestinian, Israeli and international – have come under renewed pressure from Israeli forces and settlers. The area of the closed military zone extends to a house in Tel Rumeida owned by Issa Amro, a human rights defender and director of Youth Against Settlements, a Palestinian activist group committed to non-violence. The house functions as the group's headquarters and an education centre, but is now only accessible to Issa Amro, as he is the legal owner. After two Israelis were shot and wounded by a Palestinian gunman near the Ibrahimi Mosque/Cave of the Patriarchs on 6 November 2015, the Israeli army, accompanied by Israeli settlers, raided the centre and occupied it for 24 hours. During that time, the group says that the soldiers ransacked the house and destroyed

camera equipment. The Israeli army raided the centre again on 27 November 2015 and arrested and detained Issa Amro and a 16-year-old activist. During his detention, Issa Amro told Amnesty International that he was kept blindfolded in the smelly bathroom of a police station for four and a half hours with his hands cuffed behind his back. He said that soldiers constantly opened and slammed the door and chanted his name outside and that some threatened to shoot him. Issa Amro was released without charge later the same day, while the 16-year-old was released six days later. Issa Amro has also frequently been threatened and sometimes attacked physically by Israeli settlers, often in the presence of Israeli soldiers or police; these incidents have increased since October.

Other activists in Youth Against Settlements have faced similar harassment and attacks by Israeli forces and settlers. The Sharabati family live in a house on al-Shuhada Street, near Checkpoint 56, opposite the illegal Israeli settlement of Beit Hadassah. Family members use cameras and smart phones to document abuses by the army, border police and settlers against them and other Palestinians in the area. During various visits to the Sharabati family home in October 2015, Amnesty International documented several attacks and other harassment by Israeli forces and settlers against the family. On 17 October 2015, two members of the family documented on video the immediate aftermath of the killing of Fadel al-Qawasmeh by an Israeli settler on al-Shuhada Street in the presence of the Israeli army.¹ Following the incident, masked Israeli security personnel in civilian clothing raided the Sharabati family home and confiscated equipment and interrogated members of the family. The family have been attacked and harassed by Israeli forces and settlers on numerous occasions since and continue to be under immediate threat. Some family members still face restrictions when trying to enter their home because they refused to register with the Israeli military and receive numbers that allow them access through checkpoints around the Old City.

International activists and human rights defenders, who have played a crucial role for many years in documenting Israeli violations against Palestinians living in Hebron, have also been harassed and attacked by Israeli forces and settlers, and prevented from entering the area designated a closed military zone. Activists from the International Solidarity Movement (ISM) told Amnesty International in October that Israeli settlers had physically attacked them frequently, including in the presence of Israeli forces, who did not act to stop the attacks. The ISM also reported that the Israeli police arrested two international activists on 3 November 2015 at the request of Israeli soldiers at a checkpoint the two activists were observing. The two were released, ISM said, when they agreed to leave the city for a week despite the Israeli police telling them there was “no evidence” against them.

In late October 2015, Israeli settlers put up posters containing pictures of international activists and human rights defenders with the accompanying message “This is not a tourist, this is a hostile anarchist.” The posters called on soldiers to “act accordingly” to the activists’ “anti-Semitic” intentions. A number of individuals featured on the posters

¹ For more on this incident, see Amnesty International, “Israel/OPT: Israeli authorities must protect Palestinian civilians in wake of settler attacks in Hebron”, 30 October 2015, available at <https://www.amnesty.org/en/latest/news/2015/10/israel-opt-israeli-authorities-must-protect-palestinian-civilians-in-wake-of-settler-attacks-in-hebron/>

either left Hebron for fear of their safety or were pulled out of the city by their organization, citing security concerns. After the closed military zone was declared in Tel Rumeida, the Israeli army evicted ISM activists from the apartment they were renting in the neighbourhood. To Amnesty International's knowledge, international activists and human rights defenders have not been allowed access to the area of the closed military zone in Tel Rumeida since it was declared in late October. Although some of them are continuing their activities, including monitoring, in parts of the Old City outside the closed military zone area, the restrictions imposed on them have removed a crucial level of protection for the Palestinian residents of the area, long subject to violence and intimidation from both Israeli forces and Israeli settlers.

The Israeli authorities must protect human rights defenders – Palestinian, Israeli and international – from attacks and harassment and allow all international monitors unrestricted access to all areas of Hebron.

Unlawful killings, attacks on civilians, and illegal settlements

Since the beginning of October 2015, individual Palestinians have targeted Israeli soldiers, police and civilians in stabbing, shooting and ramming attacks in the city, as well as elsewhere in the OPT, and Israeli forces have responded with excessive and lethal force. Since 1 October 2015, 20 Palestinians have been killed by Israeli forces in the centre of Hebron or in close proximity to its illegal settlements. Most were killed during actual, alleged or attempted attacks on Israeli forces or civilians. A minority were killed during clashes, when Israeli forces opened fire on Palestinian protesters, and one was killed during an arrest raid on a Hebron hospital.² One Palestinian was also shot and killed by an Israeli civilian whom the Israeli authorities claim he intended to stab.³ During the same period, one Israeli civilian was killed after he was stabbed by a Palestinian in the Old City of Hebron.

Deliberate attacks on civilians, including attacks on Israeli civilians in settlements in the OPT, are never justified,⁴ and Israel has a duty to take necessary, proportionate, non-discriminatory measures to ensure the security of all civilians under its control. However, Israel's response to the escalation in violence has replicated existing patterns of unjustified and excessive use of lethal force against Palestinians, arbitrary restrictions on their movement, and the arrest, detention and harassment of human rights defenders. Amnesty International investigated some cases of Palestinians killed by Israeli forces in

² For more on this incident, see Amnesty International, "Israel/OPT: Investigate apparent extrajudicial execution at Hebron hospital", 12 November 2015, available at <https://www.amnesty.org/en/latest/news/2015/11/israel-opt-investigate-apparent-extrajudicial-execution-at-hebron-hospital/>

³ See Amnesty International, "Israel/OPT: Israeli authorities must protect Palestinian civilians in wake of settler attacks in Hebron", 30 October 2015, available at <https://www.amnesty.org/en/latest/news/2015/10/israel-opt-israeli-authorities-must-protect-palestinian-civilians-in-wake-of-settler-attacks-in-hebron/>

⁴ See Amnesty International, "Israel/OPT: All deliberate attacks on civilians reprehensible and unjustified", 20 November 2015, available at <https://www.amnesty.org/en/latest/news/2015/11/israel-opt-all-deliberate-attacks-on-civilians-reprehensible-and-unjustified/>

Hebron that appear to have been extrajudicial executions and which have not been effectively investigated by the authorities.⁵

Israeli forces have an obligation to protect all civilians. As the occupying power, Israel has particular obligations towards Palestinian civilians living under occupation, who are protected persons under the Fourth Geneva Convention. But the way they respond to threats or harm to civilians in Hebron depends on whether those threatened or harmed are Israeli or Palestinian, as has been demonstrated repeatedly in recent months. The actions of Israeli forces in Hebron are consistently discriminatory, and have served to allow the settlers to continue to harass and attack Palestinians with virtual impunity, while collectively punishing tens of thousands of Palestinians.

The presence of illegal settlements in and around Hebron is both the cause of the long-standing human rights crisis in the city, and the primary reason for the escalating violence seen there in recent months. The settlements were established in violation of international law, their presence has resulted in grave violations of Palestinians' human rights over many years, and Israel's settlement policy is a war crime under the Rome Statute of the International Criminal Court. Instead of continuing the discriminatory measures and actions that compound an illegal situation and violate Palestinians' human rights, Israel must evacuate the Israeli civilians living in the illegal settlements in and around Hebron, as well as elsewhere in the OPT.

Background: Settlements, restrictions and forced displacement in Hebron

Hebron is in the southern half of the occupied West Bank, and is a major commercial hub. It is the only Palestinian city in the West Bank, apart from East Jerusalem, where Israeli settlers live inside the city centre. About 800 settlers live in four settlement enclaves inside and adjacent to Hebron's Old City – Beit Hadassah, Beit Romano, Avraham Avinu and Tel Rumeida. In addition, more than 7,000 settlers live in two settlements on the edge of Hebron, Givat Harsina and Kiryat Arba (including Givat Ha'avot), and regularly enter the city. There is a large contingent of Israeli soldiers, border police and police present in and around Hebron to protect the settlers. As elsewhere in the OPT, the Israeli authorities apply Israeli civil law to settlers in and around Hebron, while military law and orders, with harsher penalties and fewer protections, are applied to Palestinians.

In 1997, Israeli forces withdrew from about 80% of the municipal area of Hebron, known as H1, and handed over control to the Palestinian Authority. However, they retained control over the remaining part of the city, H2, which includes the Old City, the four settlement enclaves, the Ibrahimi Mosque/Cave of the Patriarchs and the city's industrial area. The Old City has traditionally been the commercial and cultural heart of Hebron.

⁵ See Amnesty International, "Israeli forces in Occupied Palestinian Territories must end pattern of unlawful killings", 27 October 2015, available at <https://www.amnesty.org/en/latest/news/2015/10/israeli-forces-must-end-pattern-of-unlawful-killings-in-west-bank/>; Amnesty International, "Israel/OPT: Investigate apparent extrajudicial execution at Hebron hospital", 12 November 2015, available at <https://www.amnesty.org/en/latest/news/2015/11/israel-opt-investigate-apparent-extrajudicial-execution-at-hebron-hospital/>; Amnesty International, "Israel/OPT: Evidence indicates West Bank killing was extrajudicial execution", 25 September 2015, available at <https://www.amnesty.org/en/documents/mde15/2529/2015/en/>

On 25 February 1994, an Israeli settler shot dead 29 Palestinians praying at the Ibrahimi Mosque/Cave of the Patriarchs, a holy site for Muslims and Jews, and wounded scores of others. Following the killings, the Israeli authorities imposed a series of severe and discriminatory restrictions on movement on the city's Palestinian residents, closing many parts of al-Shuhada Street – formerly the city's commercial centre – completely to Palestinians while allowing Israeli settlers and those visiting them free access.

Restrictions on movement have remained in place over the years, with the Israeli army periodically imposing additional curfews or closures, sometimes for long periods of time, including when Palestinians have attacked Israeli soldiers or civilians. During the second Intifada, the army routinely imposed 24-hour curfews on Palestinians in H2, sometimes for weeks at a time, lifting the curfew occasionally to enable them to stock up on supplies. Since then, the Israeli army has continued to impose severe restrictions, especially in and around the Old City, much of which Palestinian vehicles are prohibited from entering, so that all goods, whether for personal or commercial use, have to be carried in and out by hand or on a handcart. Palestinians are forbidden even to walk on some streets of the Old City, including al-Shuhada Street. None of the restrictions are applied to the Israeli settlers or those visiting them. Restrictions are sometimes tightened so that settlers can celebrate Jewish holidays or host large gatherings. Over the years, Israeli forces have generally not stopped settlers taking control of property in the Old City in areas closed to Palestinians, and Israeli courts have often failed to uphold Palestinian property rights. These restrictions, imposed to varying degrees for over 20 years, have made life in the Old City extremely difficult and pushed thousands of Palestinian businesses and residents to move to other parts of the West Bank, forcibly displacing them.