



## Response to Na'ama Baumgarten-Sharon – Betzelem

### Re- Response to the report on Nebi Salah



1. Hereunder are responses from the various authorized bodies relayed to us for replying to your draft report.
  - a. The demonstrations at Nebi Salah are mostly violent demonstrations. Any attempt to discount this is twisting the weekly reality there.
  - b. The Betzelem report actually state that the assemblies at Nebi Salah have reached, at instances, various levels of violence involving the throwing of stones and rocks at security forces. The report further notes and specifically relates to judicial processes held against perpetrators who acted violently and exposed IDF troops to danger. This information would more likely than none, enforce the notion that these demonstrations are of a violent intent, and as such could lose proportion at given times during a given day, despite the efforts invested to contain them.
  - c. The IDF has made it very clear that there is no interdiction from protesting on condition that no violence is exercised, that no property is damaged and that no civilians or security personnel are exposed to danger.
  - d. The report does quote the IDF Spokesperson's response only partially. The part of the responses that is NOT quoted is where the Spokesperson clarifies the way demonstrations are managed, the consideration given to preliminary information and the correct evaluation of the likely danger forces could be exposed to, all contributing to the overall decision on how to handle a given assembly or demonstration. ( The IDF Response is included as an appendix.)
  - e. Furthermore the report quotes the Samaria and Judea regional commander from a meeting that took place between Betzelem representatives and the Commander in July of this year. Unfortunately the quote is incomplete. To the best of our recollections, the Commander was quoted as saying that past experience has shown that when demonstrators reached the highway, their violent behavior placed the users of this road in great danger, and in view of this a decision was taken not to enable the demonstrators from reaching the road, (hence this is not the case of purely abstract fears).
  - f. The commander further stated that policy on the handling of demonstrations is reviewed periodically in accordance with the pattern of these demonstrations. The claim that the IDF does not examine the concrete dangers drawn from these encounters, is a wrong assumption. For example, the decision of the IDF at a recent demonstration NOT to use means of dispersal, mentioned in the report, re-enforces the notion that no categorical decisions are made.

- g. With regard to pre-empting demonstrations, we note that the practice of declaring the known areas as closed military zones has become a preventative method following a lengthy period during which regular gatherings evolved rapidly into violent confrontations.
- h. As for the claims against the use of tear gas, contrary to impressions created in the report, the IDF has handed down very strict general rules with regards to the use of Tear Gas for the dispersal of demonstrations. With regard to the specific repeated demonstrations at Nebi Salah, the specific instruction on the use of Tear Gas is handed down from senior commanders of the Region. The individual troop has not got the right and cannot apply the use of Tear Gas by his own judgment only.
- i. The legality of declaring the Al Quds Spring as an archaeological site:
  1. An archaeological survey was held in January 2010 to promote the possibility of planting in the region of the Al Quds Spring, as well as South and West of the Spring. Furthermore, the survey sought to improve the pumps at the Ein Ria Spring and the cleansing of an active waterhole at Hirbat Al-Tibna.
  2. With the discovery of archaeological finds dating back to Roman, Byzantine and early Moslem times, the regional officer responsible for archaeological sites in the Civil Administration, handed down a decree drawn up within his authority and in coordination with the inhabitants of the nearby village, forbidding further planting of new trees as well as any further work to be done with mechanical tools, and thus began a process to declare the site as a Historical Site, according to Jordanian Law.
  3. The limitations instituted on the use of the land, according to par.10B of the Jordanian Law on Antiquities, prevent the destruction and damage to antiquities, and these can be instituted prior to the declaration of a site as Protected under the law.
  4. Aside from statutory limitations, no other limitations were introduced including the local inhabitants' access to their lands, so that the claim that the region was declared a closed military zone under the pretext of it being an archaeological site, is false.
  5. To the best of our knowledge, the decision to limit access to the Spring on Fridays, was taken in view of repeated severe unrest during demonstrations and is applied when demonstrations actually take place. These limitations are bound by time and the immediate vicinity to the Spring, and serve purely as reasonable preventative measures, notwithstanding any link to the declaration of the site as a protected archaeological site.
  6. Following the deleting of a petition against the limitations fixed on the Site, and following the clarification proving the inaccuracy of the claims, the local regional archaeological officer was approached by village representatives to permit certain alterations and adjustments to be made therein, so as to preserve the antiquities.
- 2. We are at your disposal for any further responses.

**Public Affairs Branch  
IDF Spokesperson's Unit**