



## **STANDING IDLY BY**

Non-enforcement of the Law on Settlers,  
Hebron 26-28 July 2002

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**B'TSELEM**

The Israeli Information Center for  
Human Rights in the Occupied Territories



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Hebron 26-28 July 2002**

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Cover Photo: Hebron, 28 July 2002 (Gil Cohen Magen, Reuters)

# Introduction

On Friday, 26 July 2002, around 6:00 P.M., Palestinians fired at two Israeli cars traveling near Yata, a town located south of Hebron. The gunfire killed Elazar Leibowitz, a twenty-one-year-old soldier and resident of the Jewish settlement in Hebron, who was a passenger in the first vehicle. Three residents of Pesagot (an Israeli settlement near Ramallah) – Hana and Yosef Dickstein and their nine-year-old son Shuva’el – who were in the second car, were also killed, and two of their children were wounded.

Shortly after the shooting, settlers began to attack Palestinian residents of Hebron and inflict damage on their property. These attacks reached their peak on Sunday afternoon [28 July], after Leibowitz’s funeral. During this period, Hebron’s Palestinian residents were shut in their homes because of the IDF’s curfew on the city.

The harm to Palestinians and their property was severe. Settlers killed Nivin Jamjum, 14, stabbed Ahmad a-Natsheh, 8, beat Ahmad’s brother Falah, 9, injured more than ten other Palestinians, took control of a house (in which

they still remain) and damaged property in some twenty other houses. Settlers also attacked Israeli security forces in the city.

In response to an earlier B’Tselem report on settler violence against Palestinians following Palestinian attacks on Israeli civilians, the IDF Spokesperson contended that, “In light of lessons learned from past events, forces in the field are prepared for disturbances by Jews following violent acts taken by Palestinians. The number of forces employed at points where friction between settlers and Palestinians is likely to occur is increased, and reinforcements from other security bodies are also summoned, to prepare for the events and to minimize the possible damage.”<sup>1</sup>

Despite the IDF Spokesperson’s claims, settler attacks on Palestinians, mainly after Palestinian attacks, remain a common phenomenon. The events described below clearly indicate that whatever the lessons learned by the security forces, the changes that were made are not sufficient to protect Palestinians from settler violence.

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1. Response of the IDF Spokesperson to B’Tselem’s report *Free Rein: Vigilante Settlers and Israel’s Non-Enforcement of the Law*, October 2001.

## Hebron, 26-28 July 2002

### Friday evening, 26 July

Shortly after the killing of Elazar Leibowitz, settlers broke into the house of Yusef a-Sharabti, which is located near the Avraham Avinu settlement. The two-story house is located in the Old City portion of Hebron. A fence made of chicken wire separates it from the settlement. There is also chicken wire over the yard and some of the rooms. Five people live in the house. Tareq a-Sharabti, 34, described to B'Tselem what happened that day:

I was at home, on the first floor, with my brother Muhammad. At around 6:30 P.M., about an hour after the settlers were shot in the Hebron area, settlers started throwing stones at the house. Some of the stones hit the chicken wire and some entered the house where the wire had been dislodged.

My brother Muhammad ran away, but I insisted on staying inside and protecting the house from the settlers. The settlers made an opening in the fence. Fifty or sixty of them besieged the house and banged on the doors. I looked through a crack in the door and saw that there were about ten or fifteen soldiers with them. The settlers broke in with iron bars and other tools. I hid inside one of the rooms and locked its iron door. The settlers knew I was inside. I heard them say that I was a terrorist and should be killed. They tried to break into the room but didn't succeed.

During the night, Tareq a-Sharabti called the police several times. Although several police

officers came to his house, they did not remove the settlers. The settlers continued to threaten him (see below). Regarding the following day's events, a-Sharabti told B'Tselem:

The settlers kept trying to break into the room until around 11:30 A.M. on Saturday. They were inside the house the whole time. At around noon, I called my friend Jalal Jibrin. I told him I was trapped inside my house and asked him to notify my family so that they would call the Red Cross or the TIPH (Temporary International Presence in Hebron).

Shortly afterwards, my two sisters, three brothers, and a neighbor, Marzuk Muhtaseb, arrived with some soldiers. Only then did I open the door and come out. Police and Civil Administration officials came and took pictures of the damage done to my house. The ten or so settlers who were still in the house left. An officer told me that, by military order, had to leave the house. I demanded that he show me an official order. He said he would, but I haven't seen him since.

The settlers destroyed everything: chairs, other furniture, three television sets, two tape recorders, a washing machine, kitchenware, a stove, closets, clothes, books, windowpanes, pictures. Everything was broken and destroyed.<sup>2</sup>

On Saturday, settlers broke into his house again. They broke all the windows and doors. The a-Sharabti family was not at home at the time. The settlers are still in the house; the a-Sharabti family is staying with relatives.

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2. The testimony was given to Najib Abu Rokaya in al-Azariyeh on 1 August 2002.

## **The night between Saturday and Sunday, 27-28 July**

The attacks on Palestinians continued through Saturday night and into Sunday morning. Settlers broke into two other houses. The first house, belonging to 'Izz a-Din a-Sharabti, is a five-story structure in which twenty-one people live. A Palestinian folklore museum is located in the building. The museum displays ceramic and metal vessels, coins, and watches, some more than two hundred years old. The house also contains a library of more than three thousand volumes.

During the night, settlers set fire to the house and destroyed the property inside, including the objects in the museum. 'Izz a-Din a-Sharabti told B'Tselem that:

I came home on Sunday, at about 6:45 A.M. The main door was locked. When I went inside, I saw smoke coming out of the library. Many of the old artifacts in the yard were overturned and destroyed. I realized that the settlers had entered the house and caused damage inside. I wondered how they got in. I went up the stairs and was shocked to see that everything had been destroyed. I couldn't believe what I saw. I went from room to room. When I got to the library, I saw that the window had been broken and its iron bars had been cut with an electric saw. I realized the settlers had entered through that room. I stayed home, not knowing what to do.

I cannot estimate my loss. I lost everything: the ancient artifacts, the library, all the furniture, and all the mementos that had

accumulated in the house from the time I was born...

The house is destroyed. My children and grandchildren are homeless. We are staying with relatives now. This house was my very soul. I feel as if I've lost everything.<sup>3</sup>

The second house that the settlers broke into that night belongs to Fadel Samuh, 36, who is married and has four children. His house is close to the Beit Hadassah settlement. In his testimony to B'Tselem, Samuh stated:

I was woken by loud shouting in my house between 2:30 and 3:00 A.M. The shouting also woke up my wife and children. My children (the eldest is eleven years old) began to cry and asked me to hurry out of the house. I tried to calm them down saying that we didn't have anywhere to go and there was a curfew. I took them to an inner room and looked out through the window of the living room. The lights inside were off. From where I was sitting, I could see more than 150 settlers; they were men and women between the ages of twenty and thirty. I also saw about twenty soldiers. The settlers had already jumped onto the balconies of my house and the roof. The settlers came to the window of the room where I was sitting and with iron bars smashed the windowpanes. At the same time, they threw stones at the panes of the other window. I heard the water containers falling onto the street. There was a loud noise from below. I realized that the settlers on the roof had destroyed the containers and thrown them over the side.

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3. Unless stated otherwise, this testimony and the following testimonies were given to Musa Abu Hashhash between 29 July and 2 August 2002.

I asked my wife, who was watching the children in the next room, to keep quiet and make sure the children didn't make a sound, so the settlers wouldn't know that they were here. They kept quiet, but they were scared and sat close to the wall.

The attack lasted about an hour. Some of the settlers tried to force open the metal door with their iron bars, but they failed...

In the morning, I went outside. I saw seven water containers and a satellite dish lying in the street. Another five or six water containers and a satellite dish remained on the roof, all of them broken and destroyed. They belonged to my neighbors and me. We have had no water since the attack.

## **Sunday afternoon, 28 July**

The peak of the violence occurred on Sunday, after the funeral of Elazar Leibowitz, in which thousands of settlers took part. Around 2:00 P.M., settlers started to fire at Palestinians, damage property, and try to break into their houses.

## **Killing of Nivin Jamjum, 14**

### ***Testimony of Marwan Musa 'Awad Jamjum, 22, brother of the deceased***

I live with my family, eleven people in total, on the third floor of an old building in the old city of Hebron, in Area H2. On Sunday [28 July], I was at home with my parents, my brothers Nidal and Mazen, and my fourteen-year-old sister Nivin. Nivin was playing video games. The area had been under curfew since Friday morning, and no one could leave home. At around 1:30 P.M., I heard gunfire and people screaming that the settlers had come. I hurried downstairs to lock the iron door leading outside. Nivin wanted to know what was going on

and followed me. When I looked through the small windows in the stairway, I saw more than twenty-five settlers on the street near our house. Some had guns and others had knives. They were young, between eighteen and thirty years old. I started down the stairs. I was surprised to see that two settlers had already entered through the iron doors. They were standing at the bottom of the stairs.

My sister Nivin went ahead of me. I suddenly heard two shots. Nivin fell down the stairs. She didn't scream. Blood started flowing on the stairs and on her clothes. I realized she was hit and shouted: "*Allah Akbar! Allah Akbar!* Settlers are attacking us!"

I carried my sister in my arms and went into the street. I went to a neighbor and asked him to bring his car. The neighbor, Abu Ramzi, started the car and I put my sister inside. My brother Nidal arrived in a hurry and we took off toward 'Alyah Hospital. Three soldiers stopped us near Beit Romano [a settlement in the city]. We told them a girl had been hit and was going to die. They detained us for about five minutes while they checked the car, and then let us go.

Nivin was breathing heavily. When we got to the hospital, she was taken into the emergency room. She was pronounced dead fifteen minutes later. A bullet had hit the right side of her head and fractured her skull.

When I was at the hospital, one of the doctors noticed blood on my foot. He asked to examine it, and I was surprised to find many wounds on my right ankle and a large wound on my left foot. Bullet remnants apparently hit me. I received treatment at the hospital, but refused to be admitted. I insisted on going back home to depart from my sister, who was buried at the Harat a-Sheikh cemetery on Monday [the next day].

## **Stabbing of Ahmad a-Natsheh, 8, and beating of his brother Falah, 9**

### ***Testimony of their mother, Maryam a-Natsheh, 39, married with six children***

On Sunday [28 July], at about 2:00 P.M., I was at home cooking when I heard a noise and the sound of the door being pushed open. I went to see who pushed the door open. My sons, nine-year-old Falah and eight-year-old Ahmad, went ahead of me. As soon as I left the kitchen I saw an settler who was tall and fat and had a gray beard. He had a rifle and held a knife in one hand and a large stone in the other. He ran up the stairs, and more than ten other settlers, who were also older men, ran up behind him.

When the first settler saw me, he threw the stone he was holding in his hand at me. He was about one meter away from me. I ran back into the room, shouting “Settlers! Settlers!” I hoped that the neighbors would hear me and come to help. I thought that all my children were inside the room. When I discovered that my sons Ahmad and Falah were not there, I thought maybe they were with my sister in the kitchen. I opened a crack in the door, looked, and saw two settlers beating my son Falah. One was lifting him by the ears and the other was punching him. I couldn’t take it. I thought that the settlers would kill my son. I decided to defend him myself. I pushed my four younger children to the back of the room. Then I took a pair of scissors and decided to attack the settlers, who had already gone down the stairs toward the door. Apparently, the last settler saw me come out of the room and fired a shot. I later found the shell near the door.

My husband, who had been sleeping in another room, woke up and saw the settlers beating Falah. He went down the steps toward the room,

calling out that the settlers are attacking us.

When I got to the room, Falah was lying on the floor unconscious. I looked for my other son, Ahmad, and found him standing inside the room, with his back bleeding. He must have been shot by the settlers, I thought, but as I held him and cleaned the blood from his shirt, I realized that he had been stabbed, not shot. I brought his father’s *galabiya* [long white garment] and wrapped him with it. The garment was soon covered with blood. I thought that my son was about to die, and I cried. I couldn’t move.

A few minutes later, some soldiers came into the house. I can’t say how many. One of them was an army doctor, who tried to give my son first aid inside the house. My husband’s sister carried the boy in her arms, and along with my husband, his brother Hassan, and my sister followed the soldiers towards the vegetable market. From there, my son was taken to the hospital, where he remained for three nights.

## **Breaking the hand of Jwadat Dweiq, 95**

### ***Testimony of Jwadat Dweiq, married with nine children***

On Sunday [28 July], I was at home. I live alone in a very old house in Area H2 in Hebron. I have nine children and more than seventy-five grandchildren.

At about 2:30 P.M., when I was praying the noon prayers, I heard the sound of footsteps nearby. Before I could see where the sounds came from, stones started hitting me. I turned and saw four or five Jewish men around me. They were about two meters away and had stones in their hands. There were loud noises and shouting outside. One of the attackers hurled a big stone at me. The stone hit my arm

and I fell down. Then the men left the house. I heard stones hitting the windows. A stone hit the TV and broke it. The attack lasted for a few minutes.

I wrapped my arm with a sheet and walked down to my neighbors, the Qawasmeh family. Their house was a mess. They told me that they had been attacked by settlers, and some of them had been injured. They told me that they didn't know I was home; otherwise, they would have checked if the settlers had gone into my house.

Then I went to my son Zakariya's clinic, which is near the Jordanian bank, about 400 or 500 meters from my home. My son and I walked another 200 meters to 'Alyah Hospital. My arm was X-rayed and treated. The doctor told me that my arm was fractured. He put a cast on it. I went to my son's house and spent the night there. I went home the next morning.

### **Entry of settlers into the house of the al-'Ajal family**

#### ***Testimony of Maher al-'Ajal, 36, married with four children***

I live with my family in the old city in Hebron, on Suk a-Laban Street, about 150 meters away from the Avraham Avinu settlement. The settlers have thrown stones at our house several times in the past.

On Sunday [28 July], I was half-asleep in my bedroom. At about 2:00 P.M., I heard a loud noise and people speaking Hebrew. The front door was open. My wife and four children (the eldest is nine years old) were in the front room. I left the bedroom to see what was going on and to lock the door. The noise sounded very

close, and I realized there were settlers inside the house. Instead of going to the front door, I rushed back to my bedroom, took the children and locked the door from the inside.

While I was in the bedroom, I heard the sounds of things breaking, banging, and people speaking Hebrew. It sounded as if there were more than ten people inside the house. Three times they tried to force open the bedroom door and break into the room. They banged on the door and kicked it, but it didn't open. When the settlers were trying to open the door, I looked at my children. They were pale. My eight-year-old daughter, 'Ezzyyah, picked up the Quran and began to read, hoping that it would protect her. My wife prayed to the Almighty for help.

The attack lasted for about ten minutes. After the settlers left, we stayed in the bedroom for another twenty minutes, until our neighbors assured us that the settlers had gone. When we left the bedroom, we found that the house had been destroyed: all the living room furniture, glasses, china, a fan, vases, etc...

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After the funeral, settlers also attacked Israeli security forces. The Samaria and Judea District Police Department [SHAI District Police Department] stated that blows and stone throwing by the rioters resulted in injuries to fifteen police officers and border police. In addition, two police patrol vehicles were damaged and transmitter equipment was looted.<sup>4</sup> Palestinian witnesses also noted the confrontations between settlers and security

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4. Ha'aretz, 29 July 2002.

forces. Anwar Maswadeh told B'Tselem that, "the settlers beat and assaulted soldiers and police officers and chased after them." He added that he saw settlers chasing after and beating a Druze police officer while shouting "Arabs!"

Some settlers justified the attacks on Palestinians, contending that the latter threw stones, rocks, and iron bars at them during the funeral. Moshe Ben-Zimra, a member of the Hebron Jewish Settlement Committee, contended that, "At the beginning of the funeral procession, Palestinians threw blocks, rocks, and iron objects at the people taking part in the funeral. Another massacre might have taken place, in addition to the one on Friday – so we responded."<sup>5</sup>

Even if this is an accurate description of the events, it does not justify the settlers' attacks on the Palestinians and their property. The security

forces, and not the settlers, are in charge of enforcing the law.

Moreover, testimonies given to B'Tselem paint a different picture. The Palestinians were under curfew and were in their homes. In only one instance did Palestinians throw objects at settlers who tried to break into their homes. The SHAI District Police Department also told B'Tselem that it was aware of only one such incident. The SHAI District Police Department said that, "an investigation of the events at the funeral indicates that dozens of settlers chased after a local Palestinian, threw stones, and even fired at him. As he was being attacked, the local resident pushed a wagon at the settlers who were chasing him. Other than this instance, there are no testimonies, as mentioned above, about Palestinians hurling rocks and iron bars at settlers."<sup>6</sup>

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5. *Y-net*, 29 July 2002.

6. Letter from attorney Superintendent Rakefet Levin, Review and Public Complaints Officer, SHAI District Police Department, to B'Tselem, 6 August 2002.

*Testimony of A., a soldier in the standing army*<sup>7</sup>

I am an IDF soldier. I arrived in Hebron on 28 July 2002 to participate in Elazar Leibowitz's funeral. I went to Hebron in a bullet-proof bus, which took us straight to the cemetery. Therefore, I was not aware of the incidents that took place during the funeral procession, which started from the Tomb of the Patriarchs and proceeded through the Jewish settlement in the city to the cemetery.

When we got to the cemetery, I saw a lot of hate graffiti in Hebrew on the walls of Palestinian homes in the area. It was a shocking sight. There was a large number of security forces on the path leading to the cemetery, mostly police officers and border police and a few paratroopers. At that stage, I didn't see any civilians around, Israeli or Palestinian.

We waited for the funeral procession at the entrance to the cemetery. People started arriving little by little. As they were arriving, I heard the sound of glass breaking. At first I thought it was some kind of religious custom I had never heard of. I asked one of the female soldiers who were with me if she knew what it was. A woman, apparently from the area, heard us talking. She said it wasn't a custom. It was just that the Arabs brought out the evil in them.

When I left the cemetery, I saw a group of settlers, including men, women and

children, going into the yards of Palestinian homes, destroying everything in their path.

They broke windows, fences, and flower pots and damaged cars. At that stage, I saw a soldier on duty standing near one of the Palestinian homes that had been attacked. He did nothing. Four other soldiers arrived a little later. They didn't try to stop the settlers either.

I noticed a Palestinian who had gone up to his roof. He called out to the soldiers asking for help, but they ignored him. The Palestinian didn't try to harm the settlers in any way. He just cried for help. When the settlers saw him, they started throwing stones at him. Later, some police officers tried to stop the settlers, but the settlers beat them. The Palestinian homes were locked, so the settlers didn't manage to get inside. One settler tried to get in through a window, and then a soldier stopped him.

My impression was that the security forces, who were there *en masse*, didn't really make an effort to stop the settlers. They intervened only when it looked as if the settlers would actually manage to get inside one of the houses. Nevertheless, at a later stage, the security forces did try to disperse the settlers, though, in my opinion, not hard enough. It seemed to me that they didn't want to confront the settlers, and wanted to let them vent their anger, an expression the settlers kept repeating.

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7. The testimony was given to Eyal Raz and Ronen Shnayderman by telephone on 7 August 2002. The witness's name is on file at B'Tselem.

Part of the security forces' problem was that there were no female soldiers who could remove the women who were rioting. The male soldiers avoided confrontation with them. In any case, even when the soldiers managed to remove the settlers, a few minutes later they would return. This happened because the soldiers didn't arrest the settlers. They just moved them away. As far as I can tell, there were enough soldiers there to stop the attacks on the Palestinians and their property, but, as I said, my impression was that they just wanted to let them vent their anger. I would like to mention that the settlers beat the soldiers and swore at them. They were particularly hateful

toward the police. During the ceremony, a police officer came into the cemetery. When they [the settlers] saw him, they all shouted at him. Some of the participants started chasing him, and he ran away.

Personally, I felt terrible. I was traumatized. I'd never felt this way before. I wondered how something like this could happen in my country. I have been having great difficulty in coming to terms with what happened there. When the funeral ended, everyone left the cemetery and the rioting continued. I couldn't take it anymore, and I just hurried back to the bus. I don't know what happened next. I returned from the funeral all shaken. I talked about it with other people who had been there. The experience had shocked them all.

# Security Forces' Performance

## Preparation

In response to a letter from B'Tselem, the IDF Spokesperson wrote, "In anticipation of the funeral of the fallen soldier, Elazar Leibowitz, units of the IDF, Israel Police and Border Police were deployed to secure the funeral ceremony and to prevent confrontations between the Jewish and Palestinian populations. For this purpose, reinforcements were brought in and roads were closed wherever contact was anticipated."<sup>8</sup> The SHAI District Police Department was more reserved in its response, stating that, "Security, IDF, and Israel Police forces were prepared to prevent attacks on Palestinians during the funeral, although we did not expect the response to be so rash and severe."<sup>9</sup>

Nevertheless, the security forces' preparation was insufficient. Proper preparation does not merely include reinforcements. It should also include clear orders on how police officers and soldiers must deal with settler violence, distribution of appropriate crowd-control equipment, collection of up-to-date intelligence, etc. Past experience, primarily in Hebron, dictated that the security forces should have expected the settlers' response and prepared accordingly. The contention of SHAI District Police Department that they did not expect "the response to be so rash and severe" is especially grave, and indicates police failure. Only on Monday, after the events had ended, did Police

Commissioner Shlomo Aharonishki increase the size of the police force in the city.<sup>10</sup>

It can readily be assumed that the security forces would have prepared themselves in a completely different manner if Palestinian attacks on settlers in the city were involved.

## Response during the events

B'Tselem asked the IDF Spokesperson and the spokesperson of the SHAI District Police Department what steps were taken by security forces during the events to stop the attacks on Palestinians and their property. The IDF Spokesperson told B'Tselem that, "Following the outbreak of disturbances between Palestinians and those present at the funeral, the IDF further reinforced its units, positioning them to prevent civil disturbances. Action was taken to expel protesters and isolate areas of confrontation."<sup>11</sup> The SHAI District Police Department stated that, "during the funeral, the police acted aggressively toward the rioters, five of them were arrested, and others were dispersed by force, using clubs."<sup>12</sup> The IDF Spokesperson and the police did not relate to the attacks on Palestinians and their property that preceded the funeral.

The testimonies given to B'Tselem clearly indicate that the security forces' attempts to prevent the attacks on Palestinians, if made, were marginal. In most cases, the security

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8. Letter from Captain Henrietta Levy, Head of the Assistance Branch, IDF Spokesperson's Office, 6 August 2002.

9. Letter from Superintendent Rakefet Levin, 6 August 2002.

10. *Y-net*, 29 July 2002.

11. Letter from Captain Henrietta Levy, 6 August 2002.

12. Letter from Superintendent Rakefet Levin, 6 August 2002.

forces stood aside and did not intervene. The soldiers and police officers ignored the requests of Palestinians to protect them and refused to remove settlers from Palestinian homes. In one case, the police even suggested to one homeowner that he leave his house.

Tareq a-Sharabti, whose house was taken over by settlers about one hour after Elazar Leibowitz was killed, described to B'Tselem the attempts he made to get help from the police:

I called the police at around 10:00 P.M. and told them that settlers had entered my house and wanted to kill me. I gave them my location, hung up and waited for them to arrive. The police arrived an hour later. I looked through the key hole and saw three police officers in blue uniforms. I heard them arguing with the settlers. The officers made no attempt to speak with me. I was afraid to call out to them, because there were so many settlers and soldiers there. I knew that even if they wanted to, they wouldn't be able to protect me. Another reason I was afraid to go out and talk to them was that I heard one of the settlers suggest to another settler that one of them open the door and the other shoot. The police left after about thirty minutes, without getting the settlers out. The settlers kept on trying to break the door of the room I was in, but didn't succeed.

I called the police again at around 2:00 A.M. An officer promised that they would come again, and I gave him my location. Police and Civil Administration officers arrived at around 3:00 A.M. Once again, they didn't get the settlers out and did not even try to speak with me. The police left thirty minutes later. The settlers maintained their siege on the door of the room I was in.

There was a moment when I was terrified they would actually manage to break in and kill me. The Almighty protected me and prevented them from opening the door. I think I was very lucky to survive...

I went to the police and filed a complaint against the Avraham Avinu settlers and the soldiers who did not prevent them from entering my home. The officers showed me photos of settlers. I didn't recognize any of them. If they had lined up settlers from Avraham Avinu, I would have recognized the ones who took part in the riots, but they showed me old photos. I have a copy of the complaint at my house in Hebron.

I wanted to go back into the house at 6:00 P.M., but the soldiers in the area wouldn't let me.

Fadel Samuh told B'Tselem about a similar response that he received from the security forces:

While the settlers were attacking, I heard a soldier telling them that it was enough and that they were not kids. A settler responded that the soldiers were bad, that they should support them or keep quiet and watch. The soldiers didn't do anything to stop the settlers. They just stood by watching.

When the settlers left, the soldiers remained for a few minutes. I decided to talk to the soldiers through the window. I asked who the officer was so that I could talk to him, but the soldiers didn't answer. One asked what I wanted. I replied that they should see what the settlers had done to my house. He said I could go to the police in the morning and file a complaint. Then the soldiers left.

Anwar Maswadeh was injured by settler gunfire.

He tried to reach the hospital, but was stopped by two soldiers. In his testimony to B'Tselem, he said that, "I raised my left arm and he saw the blood. He told me to wait until the settlers who were attacking the houses in the street left. I waited for a while and when there seemed to be a lull, the soldiers advised me to take advantage of the opportunity and run quickly to the first house along the way."

The police's treatment of the family of 'Izz a-Din a-Sharabti, whose house was taken over by settlers on Saturday night, clearly reflect the attitude of the police to settler violence against Palestinians and their property. In this instance, rather than order the settlers to leave the house, the police officers told the family not to return home that night. Tayseer a-Sharabti, 29, told B'Tselem:

On Saturday, at around 6:30 P.M., I was at the Reconstruction Committee building, where I work as a guard, when my twenty-five-year-old cousin Jasim called me and said that two police officers were waiting for me near the family home. When I got there, half an hour later, the two police officers were waiting in the street. There were some young men and children surrounding them, including my cousin Jasim.

The police officers said that they wanted to go up to the roof to watch what the settlers were doing in my uncle's house. I opened the door and they went upstairs and watched for half an hour. They asked where my father and the other family members were. I told them that they had gone to a relative's wedding party in Area H1 and wouldn't be back that night. The police officers asked if I had a mobile phone and took my number. They said they would call

me at nine o'clock that night, and come back to our house to observe again. It felt as if they were expecting something. I suggested that my father return home with the family and stay with the police officers. They said they preferred to be alone in the house and advised me to tell my family not to come home that night.

The police officers left and I locked the iron doors and went to my house where I met my parents. I told my father about my meeting with the two police officers and that they said they would call. He said that if they called at nine o'clock, he would go instead of me. We waited, but they didn't call. At about 1:00 A.M., the phone rang. I guessed it was the police, but I turned off the mobile phone. I thought it was too dangerous to go to our house after midnight. Also, there was a curfew. The following morning, I found out that the settlers had entered the house and destroyed almost everything in its twenty-one rooms.

I went to the house on Sunday morning and saw the damage. I called the police and told them what had happened. They said they couldn't come because there were incidents in the area. At around 11:00 A.M., I went to the station with my cousin, Tareq a-Sharabti, whose house had been taken over by settlers. Seven police officers came with us and we walked on the main street. There were hundreds of settlers ahead of us, waiting for the funeral. I suggested that Tareq and I take another road and meet the officers in front of our house. We got to the house and waited a long time, but the police officers didn't come. Soldiers saw us waiting, and told us to go inside. The police didn't come that day.

The next day at 11:00 A.M., my cousin Mufid and I went back to the police station. We waited in front of the station until about 2:00 P.M., when a police officer (the same one who came to our house on Saturday) came out and asked why I hadn't answered his phone call on Saturday night. I said I'd waited but he hadn't called. He said he called me at 1:00 A.M. to ask me to open the door so they could put out the fire in our house that the settlers had set. An officer at the police station said he, too, had called me, but my mobile phone was off.

Four police officers, one of them a photographer, came to the house and took pictures of the damage. I went with them to the police station near Kiryat Arba and gave a statement.

Our house is surrounded by military posts. One is on the top of our neighbor's house, just ten meters from our house. Sometimes, the soldiers at that post come over to our roof. There is another lookout, near the settlement, on our neighbor's roof. Sometimes, the settlers go onto the roof and stay with the soldiers. In other words, the soldiers and the police officers are all over the place. They must have seen the settlers entering our house. They know that the settler got hold of my uncle's house and they know that they are still there.

## Response after the events

The SHAI District Police Department wrote to B'Tselem that, "After the funeral, the police

conducted an intense investigation into the events. So far, eleven Israelis have been arrested on suspicion of rioting, injuring Palestinians, and assaulting police officers. Nine of the suspects were released by the court pending trial. The court ordered one Israeli to be held until completion of the legal proceedings against him, and another person who was arrested is being brought before the judge today. The investigation is continuing, and further arrests are planned after the police identify other persons in the film they took during the rioting."<sup>13</sup> The IDF Spokesperson's Office added that, "Particular emphasis has been placed on investigation of the shooting incident which caused the death of a Palestinian teenage girl, and the stabbing of a Palestinian boy."<sup>14</sup>

The IDF Spokesperson's Office also informed B'Tselem that, "one suspect has already been indicted."<sup>15</sup> This indictment deals with an assault on police officers, alleging that the suspect assaulted the police officers during the funeral.<sup>16</sup>

It is still too early to evaluate the Police Department's handling of settlers who attacked Palestinians during the events described in this report. However, past experience paints a dismal picture of non-enforcement of the law in such cases, intolerable leniency toward the lawbreakers, and failure to make a genuine attempt to locate and prosecute the guilty parties.<sup>17</sup>

This situation is even more disturbing because of the contrast between the way the security forces responded to Palestinian calls and the speed

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13. *Ibid.*

14. Letter from Captain Henrietta Levy, 6 August 2002.

15. *Ibid.*

16. *Ha'aretz*, 4 August 2002; *Y-net*, 6 August 2002.

17. See B'Tselem, *Free Rein*; B'Tselem, *Tacit Consent: Israeli Law Enforcement on Settlers in the Occupied Territories*, March 2001; B'Tselem, *Law Enforcement vis-a-vis Israeli Civilians in the Occupied Territories*, March 1994.

in which they arrested Palestinians suspected of attacking settlers. Anwar Maswadeh told B'Tselem that, on Sunday [28 July], he and his neighbors saw settlers trying to break into their houses. He stated:

My neighbor, Mahran 'Abeidu, pushed one of the settlers down the stairs and ran upstairs, to the upper roof. When I saw the settler trying to open our neighbor Qafeesheh's door, I took a metal wheelbarrow that was on the roof and dropped it on the settlers below. The wheelbarrow didn't hit the settlers but it made a loud bang. The settlers ran downstairs to the street. Four or five soldiers

came onto the roof and arrested Mahran 'Abeidu. They must have thought that he had thrown the wheelbarrow. They beat him, handcuffed him and took him downstairs. The settlers tried to attack him, but the soldiers protected him.

Maswadeh added, "On Tuesday [30 July], four police officers, accompanied by six settlers, arrived on our street. The settlers identified my brother Karam as having thrown stones and the wheelbarrow at them. The police arrested him. He is still in custody and we don't know where he is being held."

# Conclusions

Moshe Givati, advisor to the Minister of Public Security in matters related to settlement in the Occupied Territories, chose to describe settler violence during the funeral as a “pogrom” that was executed “without any provocation by the Palestinians.” He added that the police and the army “acted with too much restraint. It was necessary to use much greater force. It is forbidden to allow such a breach of the rule of law. It is inconceivable that they [the settlers] curse and swear at soldiers and police officers.”<sup>18</sup>

Over the course of three days, settlers carried out a series of violent attacks on the Palestinian residents of Hebron while the latter were shut in their homes because of an IDF-imposed curfew. The security forces stood aside, watched the settlers, and chose to do nothing. It is clear that if the violence had been directed toward Israeli citizens and their property inside Israel or in the Occupied Territories, the security forces would have responded differently.

In October 2001, B’Tselem published a report on the non-enforcement of the law against settlers who attacked Palestinians in response to attacks on Israeli civilians. The main argument of the report was that, “The vast majority of these incidents could have been prevented if the police and army had been properly prepared and had made any effort to prevent anticipated violence.”<sup>19</sup>

These comments are also applicable to the events described in this report. The violent

reaction of settlers to the killing of the soldier Elazar Leibowitz, a resident of the Jewish settlement in Hebron, was to be expected. It is hard to accept the contention of SHAI District Police Department and the IDF Spokesperson that they had suitably prepared. If that were the case, these events would never have occurred.

The contention that the security forces responded properly during the events is unfounded. The testimonies presented in this report clearly indicate that for the most part, the security forces stood idly by and did not raise a finger. The fact that the settlers attacked police officers and soldiers, injuring fifteen of them, does not lessen the security forces’ duty to protect Palestinians and Palestinian property.

These events took place in Area H2 of Hebron, which is under complete Israeli control. A massive number of troops are permanently stationed in the city and are located at observation points and checkpoints spread throughout the area. It is unreasonable that they did not see the attacks on Palestinians over a period of three days.

Allowing settlers to injure Palestinians and damage their property and the failure to enforce the law on settlers are not new phenomena; events similar to those described in this report have occurred numerous times in the past. The Israel Police Force and the IDF have a policy to refrain from intervening in events in which settlers attack Palestinians. Despite the harsh criticism that officials – including the Karp

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18. *Ha’aretz*, 30 July 2002.

19. B’Tselem, *Free Rein*, p. 25.

Committee, the Shamgar Commission, and the Attorney General – direct at the police and the IDF, these bodies have not changed their policy.

Israel, as the occupier in the West Bank and Gaza Strip, has the duty to protect Palestinians living there. The policy that it implements flagrantly violates this duty and gives the settlers a clear signal that Palestinians and Palestinian property may be freely attacked. It is, therefore, no surprise that settlers believe that they can act

as they wish, in broad daylight, and in front of television cameras, knowing that no measures will be taken against them.

The police must now take all the necessary measures to stop settlers from harming Palestinians and to prosecute the offenders. Also, the officials responsible for formulating and implementing Israeli security policy must establish clear procedures to prevent the recurrence of incidents like those described in this report.

# Response of the IDF Spokesperson's Office

Israel Defense Forces  
IDF Spokesperson's Unit  
Public Relations Branch  
Tel: 972-3-6080-215/339/340  
Fax: 972-3-6080-334  
07 August 2002



## "Betzelem" Organization

Attention: Mrs. Yael Stein

### *Re: IDF Spokesperson's Response Concerning the Incidents in Hebron*

This is to acknowledge receipt of your request for a response from the IDF Spokesperson concerning damage to Palestinians and their property in Hebron. We advise as follows:

In anticipation of the funeral of the fallen soldier, Eliezer Leibowitz, units of the IDF, Israel Police and Border Police were deployed to secure the funeral ceremony and to prevent confrontations between Jewish and Palestinian populations. For this purpose, reinforcements were brought in and roads were closed wherever contact was anticipated.

Following the outbreak of disturbances between Palestinians and those present at the funeral, the IDF further reinforced its units, positioning them to prevent civil disturbances. Action was taken to expel protesters and isolate areas of confrontation.

Moreover, it should be noted that following these incidents, the police arrested several Israelis suspected of rioting, injuring Palestinians and assaulting police officers, Border police and IDF soldiers. One suspect has already been indicted and the court has been requested to remand the suspect until completion of legal proceedings.

Israeli police has been redoubling its efforts in recent days to locate persons involved in the civil disturbances, damage to Palestinian property, and assault of police officers. The police have questioned and taken statements from all those involved in the incidents, including Palestinians and police officers.

Particular emphasis has been placed on investigation of the shooting incident which caused the death of a Palestinian teenage girl, and the stabbing of a Palestinian boy. The investigation of these incidents is still continuing.

Sincerely,

A handwritten signature in black ink, appearing to be 'Arieta Levi', written over the printed name.

Capt. Arieta Levi  
Chief, Assistance Dept.,

# Letter and Response of the SHAI District Police Department\*

## ISRAEL POLICE FORCE

SHAI District Headquarters  
Review and Public Complaints Officer  
Telephone 02 - 6279243  
Facsimile 02 - 6279293  
Jerusalem, 6 August 2002

B'Tselem/Yael Stein, Attorney

### **Re: B'Tselem report – Harm to Palestinians and their Property by Settlers in Hebron**

1. Your letter of 31 July 2002 containing a number of questions regarding the above-referenced events was forwarded to our office.
2. Our response to your questions is as follows:
  - A. The allegations made by the settlers that during the funeral Palestinians threw rocks and iron bars was checked, but no testimonies have yet been found about these contentions. Investigation of the events at the funeral indicates that dozens of settlers chased after a local Palestinian, threw stones, and even fired at him. As he was being attacked, the local resident pushed a wagon at the settlers who were chasing him. Other than this instance, there are no testimonies, as mentioned above, about Palestinians hurling rocks and iron bars at settlers.
  - B. Security, IDF, and Israel Police forces were prepared to prevent attacks on Palestinians during the funeral, although we did not expect the response to be so rash and severe. Hundreds of police officers, Border Police, and soldiers were present, and they, too, were assaulted during the funeral, and some of them were injured.
  - C. During the funeral, the police acted aggressively toward the rioters, five of them were arrested, and others were dispersed by force, using clubs.

\* The SHAI District requested that this letter serve as its response to the report. Translated by B'Tselem.

- D. The orders given to security forces regarding settlers endangering the lives of Palestinians are identical to the orders regarding Palestinians endangering the lives of settlers. The police certainly do not give preference to one side over the other, and do everything possible to prevent harm to people and/or their property.
  - E. After the funeral, the police conducted an intense investigation into the events. So far, eleven Israelis have been arrested on suspicion of rioting, injuring Palestinians, and assaulting police officers. Nine of the suspects were released by the court pending trial. The court ordered one Israeli to be held until completion of the legal proceedings against him, and another person who was arrested is being brought before the judge today. The investigation is continuing, and further arrests are planned after the police identify other persons in the film they took during the rioting.
3. We shall continue to assist, as required.

Sincerely,

s/

Attorney Rakefet Levin  
Superintendent  
Review and Public Complaints  
Officer