



Status Report

August 2003

Hebron, Area H-2

Settlements Cause Mass Departure
of Palestinians

ביתלם

מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)

بتسيلم - مركز المعلومات الإسرائيلي لحقوق الإنسان في الأراضي المحتلة

B'TSELEM - The Israeli Information Center for
Human Rights in the Occupied Territories

Hebron, Area H-2

Settlements Cause Mass Departure of Palestinians

Status Report August 2003

B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories was founded in 1989 by a group of lawyers, authors, academics, journalists, and Members of Knesset. B'Tselem documents human rights abuses in the Occupied Territories and brings them to the attention of policymakers and the general public. Its data are based on independent fieldwork and research, official sources, the media, and data from Palestinian and Israeli human rights organizations.

Researched and written by Shlomi Swisa

Edited by Yael Stein

Data coordination by Tomer Gardi, Maya Johnston, Sohad Sakalla, Ronen Shnayderman

Fieldwork by Musa Abu Hashhash

Translated by Zvi Shulman, assisted by Rachel Greenspahn

Cover photo by Nati Shochat, Reuters

B'Tselem thanks Attorney Shlomo Lecker for his assistance in the preparation of this report.

Introduction

Hebron is the only Palestinian city in the West Bank in which there are Israeli settlements in the heart of the city. For this reason, Hebron was the only city in the West Bank that was not included in the interim agreement signed in 1995 and from which the IDF did not withdraw. In 1997, the Hebron agreement was signed and the city was divided into two parts: Area H-1, which is eighteen square kilometers in size, was handed over to complete Palestinian control; and Area H-2, which covers an area of 4.3 square kilometers, remained under Israeli security control, and the Palestinian Authority was given control of civilian matters for the Palestinian residents living in the area. During the IDF's Operation Defensive Shield, in April 2002, the IDF reentered Area H-1.

Hebron is home to 150,000 Palestinians, of whom approximately 35,000 reside in Area H-2. Also living in Area H-2 are about five hundred settlers, most of them in settlements that are located near each other in the Casbah (the Old City): the Avraham Avinu neighborhood, Beit Romano, Beit Hadassah, and Tel Rumeida.

From the beginning of the twentieth century until the signing of the Hebron agreement, the size of the Palestinian population in the Casbah declined substantially for urban-demographic reasons, to the point where almost no Palestinians were left. The overcrowding in

the old buildings, along with the increase in the standard of living and family size, led many Palestinians to leave the Casbah for more spacious accommodations.

After the signing of the Hebron Agreement, the Palestinian Authority's Hebron Rehabilitation Committee (HRC) invested large sums in renovating and developing the Casbah. The HRC also encouraged Palestinians to move to this area, and provided tax benefits and free water and electricity as an incentive. This policy led families from lower socioeconomic groups in particular to move into the area. As a result of the PA's efforts, the Palestinian population in the Casbah increased, and 2,500 Palestinians resided in this area in September 2000.¹

On 29 September 2000, the al-Aqsa intifada erupted and the violence increased substantially. Eleven settlers in Hebron and Kiryat Arba have been killed by Palestinians during the intifada, among them Shalhevet Pas, a ten-month old infant. There have also been incidents in which Palestinians shot and wounded settlers and hurled petrol bombs and stones at them.

Violent acts by settlers against Palestinians have also increased in the past two and a half years. In most cases, the Israeli security forces did nothing to protect the Palestinians and took no measures against lawbreaking settlers. The IDF imposed an almost total curfew on Area H-2, and ordered the closing of shops and

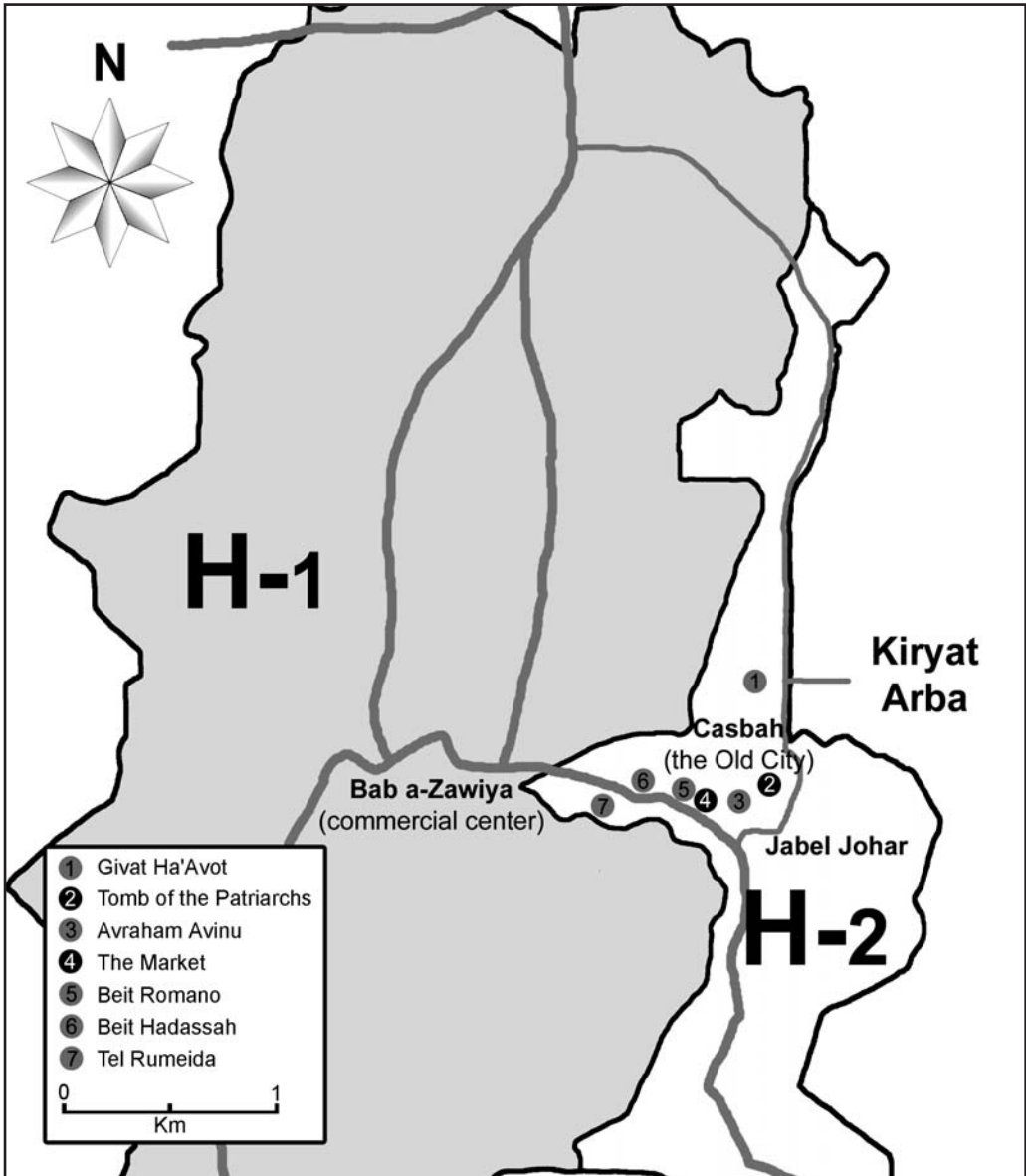
1. Danny Rubinstein, "A City Forever Divided," *Ha'aretz*, 15 January 1999; Ada Ushpiz, "By Hate Possessed," *Ha'aretz*, 11 August 2000.

businesses. The grave situation in Area H-2 led many Palestinians to move out of the area; most of those who remained did not have the financial means to move to the more expensive neighborhoods outside the Casbah.

This report discusses the living conditions of Palestinians in Area H-2 and some of the causes that led many Palestinians to leave their homes

in the Casbah: settler violence and the failure to enforce the law on those who committed the violence, violence by the security forces, the ongoing curfew, and the closing of shops and markets by the IDF. The report also discusses the Bab a-Zawiya area, in which, although it lies in Area H-1, security forces have been regularly present since Operation Defensive Shield.

Map of Hebron



Mass departure from the Casbah

Hebron's Casbah lies between the Tomb of the Patriarchs and the checkpoint at the end of a-Shohada Street, which residents must cross to reach Bab a-Zawiya and Area H-1. The Casbah contains old buildings, alleys, and narrow passageways. The former Jewish quarter is situated nearby. The Israeli settlements in Hebron are concentrated in this area.

The number of Palestinians who have left the area since the outbreak of the intifada is unknown. The prolonged curfew on Area H-2 and the total prohibition on Palestinian movement on some of the streets make it impossible to determine the precise number.

B'Tselem's research indicates that there is a connection between the proximity that Palestinians in the Casbah live to houses of settlers and the number of Palestinians who have left the area. In other neighborhoods in Area H-2, fewer Palestinian families have left.

B'Tselem checked the situation on two main streets in Area H-2: al-Casbah Street and Small a-Shalala Street. Before the outbreak of the intifada, some one hundred families lived on al-Casbah Street, the Old City's main street. Since then, thirty families (about 250 persons) have moved away. On Small a-Shalala Street, which is located between Beit Hadassah and Beit Romano, fifteen families have left their homes during the current intifada.

The IDF prevented B'Tselem staff members from entering a-Shohada Street to conduct

its research. B'Tselem's conversations with residents of the street indicate that only seventeen of the forty-five families who lived there at the beginning of the intifada continue to reside there.

In total, 169 families lived on the three streets in September 2000, when the intifada began. Since then, seventy-three families – forty-three percent – have left their homes.

Before the current intifada, Area H-2 was home to a wholesale market, a vegetable market, thousands of shops, and an industrial zone. Because of Israel's severe restriction on commercial activity in Area H-2, the city's commercial center has moved to Area H-1.

Since the beginning of the intifada, 2,000 to 2,500 businesses have closed in the Casbah and Bab a-Zawiya.² There are five hundred shops on al-Casbah Street. Only fifteen of them are open for business; they open their doors once every few days for a few hours when the curfew is lifted. Of the ten bakeries and ten restaurants on the street that have closed, some have moved to Area H-1. Small a-Shalala Street contained 130 shops. All of them have closed. The shop owners do not have access to their shops, and, as mentioned, non-residents of the street are forbidden entry. On a-Shohada Street, all the shops have closed. Some of the shops have been broken into by settlers.

Another gauge of abandonment of the Casbah is the number of students who attend the Qordoba

2. The lower figure was provided by Khaled Qawasmi, of the Hebron Rehabilitation Committee. The higher figure was given by the Palestinian Chamber of Commerce, Hebron District.

school, which is opposite Beit Romano. The size of the school's student body dropped from five hundred students before the intifada to 130 pupils today. Khaled Qawasmi, of HRC,

informed B'Tselem that, just prior to the intifada, there were eight hundred applications from Palestinians to move to the Casbah. That number now stands at ten.

Life in the Casbah

Testimony of Nidal Farid al-‘Awiwi, 34, married with seven children, Hebron Municipality employee, resident of the Casbah³

I have seven children, ranging in age from a year and a half to fourteen years old. I live in an apartment in an old building that I inherited. The building is in the Casbah, at the entrance to the old vegetable market, and is close to the Avraham Avinu Israeli settlement. My apartment has three rooms, plus a kitchen and bathroom. Two rooms are on the third floor, and there is a small third room that we built on the roof. We live in the rooms on the third floor because the army set up an observation post on the roof and doesn't allow us to go into the room on the roof.

I am an inspector for the Hebron Municipality. I earn NIS 1,112 a month. Since 15 November 2002, I have been unable to work because of the curfew Israel imposed on the neighborhood.

I moved into this apartment seven years ago. During this entire period, we have suffered from abuse and our property has been damaged. Settlers and soldiers bother us all the time. The harassment increased after the al-Aqsa intifada began. We are under curfew most of the time, which greatly affects our living conditions. I used to work at the Abu Eisha car dealership, where I earned NIS 1,600 a month. The agency was located in Area H-2, but it closed down.

The curfew makes it almost impossible for my wife and me to meet with friends and

family. We are like prisoners in our house. The last time I visited my parents was during the holiday. Sometimes, more than two months go by before I am able to visit them.

Our financial situation has deteriorated, and I do not earn enough to meet our needs. I had to disconnect the telephone and do not have money to buy furniture and replace items that are worn out. As for food, we eat the minimum necessary.

The prolonged curfew and harassment has also affected our neighbors, some of whom have moved to Area H-1. On the two-hundred-meter section of the road between the entrance to the Casbah and my house, only six of the twenty-three families remain. Two hundred and forty shops located in the area between the entrance of the Casbah and the Tomb of the Patriarchs have closed. A large number of shop owners who shut down their businesses opened new businesses or moved to shops in Area H-1. Even the market is closed now. It wasn't enough for the army that the shops were closed for a long time; in the past two weeks, the army has welded shut the doors of more than twenty shops near the Avraham Avinu settlement.

The abuse that my family and I have suffered began before the outbreak of the al-Aqsa intifada. On 26 August 1998, my wife and I were hospitalized for smoke inhalation, after settlers from the Avraham Avinu settlement torched the bottom part of our house. During the intifada, on 4 August 2002, a soldier assaulted my son Sa'id, 14, and pushed him into a steel gate, fracturing his skull. He, too,

3. The testimony was given to Musa Abu Hashhash on 24 February 2003.

was hospitalized. On 5 September 2002, a soldier threw a large rock, weighing more than three kilograms, at my son Ghazi, 3, when he was riding on a bicycle with his brother Sa'id near the house during a break in the curfew. Ghazi's left thigh was broken in two places, and he was hospitalized as a result.

On 22 December 2002, a Sunday, the IDF blocked the entrance to the vegetable market with dirt and stones. The dirt and stones piled up in front of our house, and we were unable to open the gate. My entire family was at home except for my daughters Sa'ad, 9, and Sohad, 6, who were at school. It took four days before they were able to return home. The Hebron Municipality removed the dirt. The army had declared a curfew on that Sunday and did not allow municipal workers to remove the dirt that day. The army also cut off the electricity. I asked an army officer to allow the municipal maintenance workers to turn the electricity back on, but he refused. We were left without electricity for ten days. Finally, the municipality reconnected us, using another power cable because the cable that was disconnected passed through the Avraham Avinu settlement.

The soldiers at the observation point on the roof of our house come into our house about

two times a week. They used to come in once a day, claiming they had to search the house.

On the day that the settler Natan'el Azuri was buried, around two months ago, settlers went up on the roofs of the houses near my house. The children were unable to go to the bathroom, because the settlers outside could see everybody who went to the bathroom. I called the municipality and explained the problem to the mayor. He told me that he would call a friend, an officer in the Israel Police Force, and ask him to help. An hour later, the officer and an officer in the Border Police came to the house. They were carrying a metal container. They said that they could not allow us to go to the bathroom. They gave us the can, and said that we should use it instead of the bathroom. The Border Police officer said that, if he were in my place, he would buy a rifle and use it – anything rather than have to live like this.

This is just some of what we go through living in this house. I think that their [the army's] actions toward my family are intended to make me move out. I cannot leave the house. First of all, I do not own another house, and I do not earn enough to rent another place. Also, I think that if I leave, the settlers will take over the house, and I don't want that to happen.

Failure to enforce the law against settlers

The establishment of settlements in Hebron has led to much violence between the settlers and Palestinians. It has also resulted in routine loss of life and property damage. The violence increased with the outbreak of the al-Aqsa intifada. In the past two and a half years, Palestinians have killed eleven Jewish residents of Hebron and Kiryat Arba, among them the ten-month-old-infant Shalhevet Pas, who was shot by a Palestinian sniper on 26 March 2001. Palestinians have also thrown stones and petrol bombs and fired at settlers. The security forces have responded harshly to these acts, at times violating the rights of Palestinians in the city.

Some of the attacks on Palestinians by settlers have been in response to Palestinian attacks while some have been unrelated to Palestinian attacks. The attacks have included assaults on Palestinians, torching of shops and buildings, throwing stones, and taking control of buildings. In the most serious attack, settlers killed Nibin Jamjum, a fourteen-year-old girl. In the vast majority of cases, the Israeli defense establishment did almost nothing to prevent these attacks and failed to take measures against the lawbreakers.⁴

A presentation prepared by the Civil Administration describes the violence in Hebron and shows that the defense establishment is well aware of the violence.⁵ According to the presentation, the settler violence is well planned and is intended to expand the Jewish settlement

in Hebron and cause Palestinians to leave their homes in Area H-2. The presentation presents the following analysis of the situation:

Guiding principles of the Jewish settlement

- Hebron is a Jewish city and Jews have a preferential right to the city.
- In Area H-2, Palestinians have stolen Jewish property. This property should be returned to Jewish hands.
- The Jewish settlement should strive to develop and expand to solidify itself.
- The [Israeli] government is a tool for fulfilling the settlement's goals, and nothing more.
- The current intifada proves that the settlers were right, and legitimized their lawbreaking.

General background

- Even before the outbreak of the current intifada, there were reports of hundreds of instances of settlers committing offenses against Palestinians, TIPH [Temporary International Presence in Hebron] observers, foreigners, the IDF, the Israel Police Force, and Civil Administration personnel.
- The offenses include verbal and physical violence, damage to property, and trespass.

4. On these subjects, see the following B'Tselem reports: *Tacit Consent: Israeli Law Enforcement on Settlers in the Occupied Territories*, March 2001; *Free Rein: Vigilante Settlers and Israel's Non-Enforcement of the Law*, October 2001; *Standing Idly By: Non-Enforcement of the Law on Settlers, Hebron, 26-28 July 2002*, August 2002.

5. "Violations of Law – Jews in the 'Tide' of Events – The City of Hebron" (hereafter: the presentation).

- Waves of violence followed the killing of Jewish settlers in Hebron.
- There has been a decrease in the magnitude and number of offenses from the end of 2001 following army operations, limitations on the movement of Palestinians, and pressure on the settlers to reduce the violence.

The method

- The settler leadership identifies an objective that is suitable for its purposes.
- Young settlers break into a place and burn or remove its contents.
- They sneak into a site and attempt to “establish themselves” there.

Najati a-Sha’atawi, 59, a father of eight children, described how settlers took control of his house in a manner similar to the method depicted in the presentation.

I was born and grew up in a ten-room building that is about 150 years old. My family jointly owns the building with the a-Siaj family. I was married in the building and gave birth to eight children while living there. One of my ancestors bought the building from a Jew, and he has documents confirming the purchase. My family and I lived in an apartment on the third and fourth floors. The apartment was 120 square meters and had three rooms, plus a bathroom and kitchen. The building is by the entrance to the market in the Casbah and next to the Beit Romano settlement.

Until the early 1980s, we lived in the building without disturbance. After the attack on Beit Hadassah in 1980, settlers went to live in the Osama Bin Munqaz School, which has been called Beit Romano

since then. The house and my family became constant targets for settler violence. They threw stones and garbage at us, and threatened us, all in order to get us to leave. They sent real estate brokers who tried to convince us to sell the house. Most of my family has suffered from the abuse and beatings by the settlers and soldiers. Despite the violence and abuse, we continued to live in the house. However, our neighbors, the a-Siaj family, left and moved to another area in Hebron after the Beit Romano settlement was established. My family and I did not move because we did not find an apartment elsewhere.

The settlers’ violence continued and even increased during the 1990s, particularly after the new structure went up in Beit Romano. That building is higher than our building. Settlers used to stand on the roof and throw stones and garbage at us. I filed dozens of complaints with the Israel Police Force against the settlers, but nothing was done. We continued to live in our building and to suffer the harassment and annoyance.

On 20 January 1991, my son Ahmad, who was then six years old, lost his right eye when he was hit by a stun grenade thrown by soldiers. We sued and were awarded compensation of NIS 115,000.

On 12 September 2002, we moved into a house that was still under construction on land owned by my son Ahmad. The land is at the edge of Hebron, in the al-Ha’oz section. We moved there temporarily because of the constant curfew, the stress, and the abuse. We planned on returning to our apartment in the winter, so I left furniture in the apartment. Apparently, the

settlers found out that I had left. When I went back to check on the apartment on 1 October 2002, I saw that the main gate to our house and to the house of our neighbor ‘Azmi Dandis, which he had rented out years ago to the Hebron Municipality, was welded shut. At first, I did not realize what happened. I immediately called the Israeli police. Police officers came and broke down the gate. I went inside along with the police officers, and I saw that the settlers had broken through the wall that is between the settlement and the entrance to Dandis’s and my house. The police officer asked me to go up to my apartment and check its condition. I found that the settlers had entered the apartment, but none of the furniture was missing. The police officers asked me to file a complaint against the settlers, which I did.

In the days that followed, the settlers went to my house and Dandis’s house. They painted Dandis’s house and installed doors and windows. It was therefore clear to me, the police, and the Civil Administration that the settlers had taken over the house.

‘Azmi Dandis and I filed an eviction suit against the settlers. The Building Committee in Hebron helped us. Ultimately, an order was issued directing the settlers to vacate the two apartments. Later, soldiers knocked down the main gate and enabled us to return to our houses. It didn’t take more than thirty minutes for the settlers to protest against the order. As a result, the two apartments were declared a closed military area, and we were not allowed to go back to our homes.

My family and I now live in my son Ahmad’s house. He is not married. There are seven of us living in the house. My brothers helped me complete the construction. I am still waiting for the military order to be revoked so that we can return to my house in the Casbah. More than once, I saw settlers going in and out of the house, but I do not know if they are living there. For four months now, there has been a curfew on the area, and I can’t get to the apartment.⁶

The Civil Administration’s presentation indicates that not only is the defense establishment aware of the violence of settlers, but also that Israel does not take the requisite actions to enforce the law against the lawbreakers. As the presentation states:

- The acts by Jews in Hebron, as described above, *appear as if they were done under cover of the Israeli government*. Even if this is inaccurate, there are no precise, clear, numerical data that the Israeli law enforcement authorities can present to show that the law is being enforced, to use for public relations purposes, and to refute rumors.
- *The State of Israel has a very bad image as relates to law enforcement in Hebron.*⁷

These conclusions are not new. Human rights organizations and the media have published detailed reports on these topics over the years. Official committees and commissions have reached similar conclusions. In 1982, the Karp Committee was appointed to examine the handling of complaints against settlers. It noted the many deficiencies in enforcing the law, among them the failure to initiate

6. The testimony was given to Musa Abu Hashhash on 13 March 2003.

7. Emphases in the original.

investigations, the unreasonable length of the investigations, and the faulty conduct of investigations in serious cases.⁸ The Shamgar Commission, which was established following the massacre in the Tomb of the Patriarchs, in February 1994, reached similar conclusions. The Shamgar Commission found, *inter alia*, that:

Much has been written about this subject, and much has been spoken, but the actions taken have been too slow, too little, and too late. The various Israeli governments and the executive bodies charged with the matter have not done their best, following the intifada, to enforce the law, either in the Arab sector or in the Jewish sector.⁹

Law enforcement has not improved during the al-Aqsa intifada, during which violence increased. On several occasions, senior government and IDF officials indicated their dissatisfaction with the failure to enforce the law on settlers in Hebron. Following settler rioting in the city in March 2001, Col. Noam Tibon, former commander of the Hebron Brigade, said, “The law here has no teeth to it; I have no means to get the hooligans out of here.”¹⁰ Moshe Givati, advisor to the then minister of public security, Uzi Landau, characterized settler violence in Hebron following the killing of Elazar Leibowitz as a “pogrom” and said that the security forces “acted with too much restraint. It was necessary

to employ much greater force. A situation like this, which undermines the rule of law, must not be allowed.”¹¹

The IDF’s chief-of-staff, Lt. Gen. Moshe Ya’alon, told the Knesset’s Foreign Affairs and Defense Committee that, “I, too, am not satisfied with the level of law enforcement over the years. Why is there no enforcement? That is a complicated question.”¹²

The following case is a perfect example of the failure of the Israeli security forces to protect Palestinians attacked by settlers, even after the incident. The brothers ‘Izat and Da’ud Nasser a-Din live in Hebron. They own a building that contains a small apartment and storage room near the Beit Hadassah settlement. From 12-23 July 2001, Area H-2 was under a complete curfew. On 24 July, when the curfew was lifted, the brothers went to their building. It had been destroyed. The land on which the building was situated had been tiled and turned into part of the entrance to Beit Hadassah. The brothers filed a complaint with the Hebron police, alleging destruction of the structure and theft of merchandise that was in the storage room. The police promised to investigate the theft, but refused to handle the matter of trespass.

On 27 December 2001, the brothers petitioned the High Court of Justice, asking the court to order the police to protect them during restoration work on their house.¹³ Despite the

8. *Investigation of Suspicions against Israelis in Judea and Samaria – Report of Monitoring Committee* (in Hebrew), 23 May 1982.

9. *Report of the Commission on the Massacre in the Tomb of the Patriarchs in Hebron, 5754 [1994]* (in Hebrew) (Jerusalem, 1994), pp. 192-193.

10. Nadav Shargai, “Hebron Brigade Commander Mad at the Police, the Settlers, and the Hebron Agreement,” *Ha’aretz*, 3 April 2001.

11. Amos Harel, “Landau Advisor: Participants in Funeral in Hebron Committed a Pogrom against Arabs,” *Ha’aretz*, 30 July 2002.

12. Smadar Shmueli, “Chief-of-Staff: I am not Happy with Law Enforcement in Judea and Samaria,” *Y-net*, 22 October 2002.

13. HCJ 10303/01, *‘Izat Nasser a-Din and Da’ud Nasser a-Din v. Ministry of Public Security, Hebron Hebron Police Department, and Military Commander of Judea and Samaria*.

Civil Administration's presentation, which completely supported the petitioners' version of events, the state's response accepted only some of the contentions raised by the brothers. The state demanded that the petitioners provide documents testifying to their ownership of the structure and the building plans, and refused to provide police protection. The state undertook only to monitor the matter and decide whether it will indeed protect the persons involved in restoring the structure. Ultimately, the state agreed to protect the construction personnel, provided that the building plans were changed, after coordination with army and police officials and in accordance with pressing security constraints. Because of the delay in obtaining approval for the new plans, the brothers have not yet requested police protection.

This case illustrates the gravity of the situation. All the relevant bodies were well aware of the lack of law enforcement against settlers who harm Palestinians. Despite this, the authorities did nothing to improve law enforcement and protect the Palestinian population. This failure is especially grave in light of the many cases in which the police and army were able to anticipate settler violence and prepare for it. The fact that the defense establishment is aware of settler violence, yet chooses to do nothing to change it, enables the settlers to continue their violence and achieve their goals. By failing to act, the defense establishment is cooperating with the settlers.

Israel maintains direct control over the area. Therefore, under international law, it is required to preserve order and safety, and to enforce the law against all persons, settlers and Palestinians alike.

Testimony of Najah Sa'id Hassan D'ana, 38, married with five children, Hebron Municipality official, resident of Hebron¹⁴

I live in a small house in the al-Mahor area, which is near the western fence of Kiryat Arba. My children range in age from three to twelve. My house adjoins my parents' home and is fifteen meters from the Kiryat Arba fence. The closest house in Kiryat Arba is about five meters from the fence, and therefore is twenty meters from my house.

My family has an eleven-dunam lot next to the house. Another lot that we had was taken from us in 1979 and handed over to settlers from Kiryat Arba. They built a road, park, and parking lot on the land. On our current lot, we have an olive orchard that is more than a hundred years old, fig trees, and peach trees.

Following the action against the Israeli army in the area of Wadi al-Nasarrah [Worshippers' Way], on 15 November 2002, in which twelve soldiers were killed, the soldiers cut down more than one hundred trees, most of them large, old olive trees that were a source of livelihood for us. Following the army's action, things changed in the area. The army set up a control tower next to our lot, paved a road, and put up a wall along the path to the Tomb of the Patriarchs. They cut down more than fifty dunams of trees that were located on land belonging to the Sabber, D'ana, and Abu Hamed families.

The abuse by residents of Kiryat Arba has increased substantially in recent months. They throw stones at the houses, shatter windows, chase after children, beat them with clubs and strike them with stones, aim their rifles at the children, and damage land and trees.

14. The testimony was given to Musa Abu Hashhash on 16 July 2003.

In mid-June, a group of settlers from Kiryat Arba cut the fence separating our land from Kiryat Arba and took control of three to four dunams of our land. They put up a fence between us, erected tents and huts, furnished them with things like cabinets, chairs, and tables, and put up Israeli flags. They settled permanently on the land, and a number of them keep guard over the area. About fifty settlers, among them women and children, go there daily. On the Sabbath, dozens of settlers come to worship there.

Other members of my family and I filed several complaints with the Israeli police. Over the period of a month, the police came more than ten times. The only thing they did was ask us to point out the settlers who had attacked us or had thrown stones. We said that almost all of them had hit us. The police officers apologized for not being able to remove the settlers and said that the only thing they could do was prevent them from harming us. The power to remove them, they said, rested with the Civil Administration. They gave us names of people at the Civil Administration – Tareq, Zion, and Amos.

My brother Tamer and I twice contacted the Civil Administration to meet with the officials. One of the officers arranged a meeting between Tamer and an officer named Zion for this morning at 10:00 A.M. The soldier at the D.C.O. [District Coordinating Office] told us that Zion did not come in today.

On Sunday, 13 July, at noon, I was on my way home. My son, Sa'id, 12, was playing under the trees with eight of his cousins, among them Yazen Qa'id D'ana, 10. Around 2:30

P.M., I heard shouts outside. I rushed outside to the area where the noise was coming from. My brother Qa'id and my sister-in-law were there. My sister-in-law was screaming that her son Yazen had been wounded. Then I saw my son Sa'id and his cousins, some of whom were four and five years old, running in panic toward the house.

Seven or eight settlers were standing near the settlers' tents. They appeared to range in age from fourteen to twenty, and some of them had clubs and stones in their hands. The settlers threw stones at us. I saw Yazen holding his left eye. He was screaming. His mother picked him up. About ten armed settlers came over to the area and stood near the fence by their tent. My brother Qa'id called the Israeli police. I shouted at the settlers to stop throwing stones, and told them that the police were coming. The armed settlers left the area, and the others stopped throwing stones and went back to the encampment.

A relative of mine, Samih D'ana, arrived in his car and took Yazen and his mother to 'Ali al-Mukhtasab Hospital. The Israeli police arrived a few minutes later and arrested one of the settlers, a fourteen-year-old youth. They put him into the police car. My brother Qa'id went with them to the Gush Etzion Police Station to give a statement regarding the incident.

My brother Sa'id later told me that he, my son Sa'id, Yazem, and his cousins were picking peaches about two meters from the encampment when the settlers attacked them with stones and clubs. The children fled. Yazen was hit in the left eye by a stone. One of the stones struck Sa'id in the leg.

Testimony of Iyad ‘Abd al-Mu’ati, 25, married with two children, laborer in tile factory, resident of Hebron¹⁵

I live with my family in Jabal Karbaj, about a kilometer south of the Tomb of the Patriarchs. I began to work in the tile factory, which is located about three hundred meters south of the Tomb of the Patriarchs, ten days ago. I work from 7:00 A.M. to 4:00 P.M.

Last Sunday [19 January], I left home at 6:30 A.M. as usual and walked to work. I approached the intersection about one hundred meters south of the Tomb of the Patriarchs. There is an army checkpoint at the intersection. I was about ten meters from the checkpoint when three soldiers suddenly came out from behind a fence, where they had been hiding. One of them aimed his rifle at me and ordered me to stop. Then they took me to the front of some closed shops that face the Border Police checkpoint and sat me down there.

About five minutes later, I saw three settlers running toward me. They were laughing and shouting in Hebrew: “Arabs.” They were armed with guns and had knives that were 20-30 centimeters long. The three soldiers were standing about two meters from me.

One of the settlers stood in front of me and waved his knife. The other two settlers came from behind me. I felt two stabs. One was above

my waist on the left side. It was a deep thrust, but I was wearing two jackets and four shirts, so the knife did not penetrate deep into my body. The second stab wound was to the upper part of my thigh and was not deep. The settler who was in front of me stabbed me in the face, on my left nostril, drawing blood. The settlers were in their twenties. The three soldiers did not try to prevent the settlers from attacking me. They did not even say anything.

Suddenly, twenty or more settlers, most of whom were armed, started to run toward me. When they were about fifteen meters from me, two of the soldiers stood between them and me, with their backs facing the settlers. They grabbed my hand and one of them told me to flee. He said in Arabic, “Run home, quickly.” I ran quickly toward the military checkpoint on the street where the school is, until I reached the Jabel Johar (al-Mukhtar) intersection. On the way, I called my father, who was at home, and told him what happened. He came to pick me up in his car within a minute after I called him. He took me to ‘Alia Hospital. When I sat down in the car, my waist really hurt from the stab wound.

I reached the hospital at 8:00 A.M. I was examined and had X-rays taken, and the wounds to my waist and face were stitched. I was discharged at 1:00 P.M. the next day. Since then, I have been bedridden and unable to go to work.¹⁶

15. The testimony was given to Musa Abu Hashhash on 23 January 2003.

16. In a letter of 2 March 2003 to the IDF Spokesperson, B’Tselem requested that an investigation be opened into the conduct of the soldiers, and that the SHAI Police District investigate the settlers’ conduct. On 27 March 2003, Maj. Gen. Shlomo Efrati, of the Israel Police Force, Hebron District, responded that the Police did not find any complaint regarding this incident, and that the complainant should file a complaint.

Violence of security forces

On the evening of 30 December 2002, a Border Police jeep drove down Tareq Ben Zi'ad Street, in Area H-2. Four Palestinians were standing on the street, among them 'Imran Abu Hamdiya. The border policemen stopped alongside them, asked to see their identity cards, and put Abu Hamdiya into the jeep. An hour and a half later, Abu Hamdiya's body was found in Hebron's industrial zone.

The very next day, B'Tselem demanded that the Department for the Investigation of Police, which is part of the Ministry of Justice, investigate the incident. A month later, on 26 January 2003, Abu Hamdiya's family consented to having the body exhumed in order to perform an autopsy. Al-Haq, a Palestinian NGO, and B'Tselem brought the Danish pathologist Dr. Jurgen Thomson to Israel to perform the autopsy together with an Israeli pathologist. The autopsy report unequivocally stated that Abu Hamdiya had been killed by a sharp blow to his head.¹⁷

At first, Border Police officials denied any involvement in the incident, and its spokespersons contended that no Border Police jeep was in the area at the time. On 18 April 2003, four border policemen were arrested on suspicion of killing Abu Hamdiya.¹⁸ Statements given by the officers following their arrest, which were published in *Yediot Aharonot's*

weekend supplement *Seven Days*, indicate that they pushed Abu Hamdiya out of the jeep while it was moving quickly. His head hit the road, killing him. On 1 May 2003, indictments were filed against the four border policemen charging them with killing Abu Hamdiya, abusing three other Palestinians, and obstructing justice.

In the meantime, other border policemen were arrested on suspicion of stealing from shops by use of threats with a knife, and of committing violent acts. These arrests led to the filing of indictments against eleven border policemen.¹⁹ These cases put the Abu Hamdiya incident in perspective: Border Police and IDF soldiers routinely commit violent acts against Palestinians, with the killing of Abu Hamdiya being the most severe of these incidents. The following cases are examples of this phenomenon.

- On 3 December 2002, four soldiers entered a barbershop on Jabel Johar Street, in Area H-2, and abused the barbershop's owner and three customers for an hour. The soldiers beat the Palestinians, used them as human shields while firing over their shoulders at children who were throwing stones, cut the hair of two Palestinians against their will, and humiliated the others. Following B'Tselem's request, a Military Police investigation was launched and is apparently still underway.²⁰

17. Amir Ben-David and Yuval Karni, "The Killing Journey," *Yediot Aharonot*, 16 May 2003.

18. Efrat Weiss, "Four Border Policemen Suspected of Involvement in Death of Palestinian," *Y-net*, 18 April 2003; Arnon Regular, "Department for Investigation of Police: Four Border Policemen Documented the 'Journey of Revenge' in Hebron," *Ha'aretz*, 20 April 2003.

19. Efrat Weiss, "Indictment: The Police Officers Beat and Robbed Residents of Hebron," *Y-net*, 6 July 2003; Baruch Kara, "Serious Charges against Ten More Police Officers of Hebron Company of the Border Police," *Ha'aretz*, 17 June 2003.

20. B'Tselem, *Abuse of Palestinians in Hebron by IDF Soldiers*, 3 December 2002, December 2002.

- On 18 December 2002, at around 8:30 A.M., Border Police officers abused Badiya Abu Hamda, 23, and Zi'ad Banat, 15. The officers beat them with their rifle butts and threw stones at them. They smashed Zi'ad Banat's head against the wall, kicked him in the head, beat him with a club, and one officer even attempted to stab him with a knife. The officers shattered the windows of Abu Hamda's car and slashed the car's tires and seats.²¹
- In the early evening of 27 December 2002, Ahmad al-Ajaloni, 19, was on Jabel Johar Street. Palestinians were throwing stones at a Border Police jeep. One of the soldiers grabbed al-Ajaloni and smashed his head into a truck trailer. Al-Ajaloni required medical treatment for the powerful blow to his head.²²
- On the morning of 29 December 2002, a border policeman stopped Hani Barqan, 17, who was on his way to school. The officer got out of a jeep and told him that the area was under curfew. He grabbed Barqan's right leg and twisted it sharply. Barqan fell to the ground and another border policeman, who had also been in the jeep, kicked him in the waist and stepped on his stomach.²³
- On 3 January 2003, at around 11:30 A.M., Bassem Ahmara, 25, passed by the Tomb of the Patriarchs on his way home. A border policeman stopped him, took his documents, and had him stand facing a wall. He beat him in the back with his hands and the barrel of his rifle. Another border policeman also hit him in the back. According to Ahmara, the officer took a knife from his [the officer's] pocket and claimed that the knife belonged to Ahmara, and that was the reason that he had been stopped. The officers detained Ahmara for two hours, beating him from time to time, and then let him go.²⁴
- On 23 January 2003, around 8:00 A.M., Muhammad D'ana, 13, left home to go to school. An army jeep stopped alongside him. Soldiers in the vehicle asked him where he was going. The boy said that he was on his way to school. One of the soldiers said, "To school, you son of a bitch," and struck him on the temple with his weapon. Two soldiers picked up the boy and threw him down. His body hit an electricity pole, and he started to bleed. The soldiers fired into the air and then left the area. At the hospital, physicians found that Muhammad had a deep wound thirteen centimeters long.²⁵

Following these incidents, the Border Police commander, Major General David Tzur, appointed an internal committee of inquiry to investigate the actions of the Border Police's Hebron Company, which was the unit of the officers against whom the indictments were filed. In accordance with the committee's recommendations, Major General Tzur disbanded the company, dismissed the company's commander, and made a notation in the personal files of senior Border Police commanders.²⁶

21. Abu Hamda gave his testimony to Musa Abu Hashhash on 6 January 2003.

22. Al-Ajaloni gave his testimony to Musa Abu Hashhash on 6 January 2003.

23. Barqan gave his testimony to Musa Abu Hashhash on 6 January 2003.

24. Ahmara gave his testimony to Musa Abu Hashhash on 5 January 2003.

25. D'ana gave his testimony to Musa Abu Hashhash on 29 January 2003.

26. Baruch Kara, "Hebron Company, Whose Soldiers are Accused of Abuse in Hebron, to be Disbanded," *Ha'aretz*, 30 June 2003.

Throughout the handling of these cases, the Border Police commander and other officials emphasized that the incidents involved some “rotten apples” and several “unusual cases.” They repeatedly stated that the violence was part of a “journey of revenge” of Border Police officers after Palestinians killed several of their comrades in the unit in late November 2002. Attorney General Elyakim Rubinstein said that, “Just as the State Attorney’s Office defends the security forces against false accusations of commission of crimes, so, too, it must defend the defendants in the present cases,” and called for “maximum punishment of the suspects in the event they were indeed responsible for the acts, in order to emphasize our abhorrence for these acts.”²⁷ Police Commissioner Shlomo Aharonishky said that, “This is a matter of rotten apples, this is not the way the Israel Police Force or the Border Police operates.”²⁸ The Border Police commander, Major General David Tzur, said, “Right, this is an extreme and unusual incident... this is a horrific, extraordinary case.” A senior Border Police office said, “It is infuriating that a very few bring discredit to the whole corps.”²⁹

However, abuse of Palestinians by members of the security forces is not unusual, and the attempt to link the cases to a particular “journey of revenge” is refuted by the facts. Harassment, delay at checkpoints, degrading treatment, and a “small” degree of violence, such as a slap or a kick, has for some time now been part of the daily experience of Palestinians in the Occupied Territories. The increasing presence of IDF and Border Police forces in Hebron, in comparison with other cities on the West Bank, has resulted,

as a matter of course, in more cases, and more serious cases, of violence.

The relatively serious handling of the killing of Abu Hamdiya and the other incidents attributed to the Hebron Company only emphasizes the disregard that Israeli officials have shown toward the routine violence in the city. Because the authorities consider the Abu Hamdiya case unusual, and not as indicative of a wider phenomenon, they have subsequently avoided giving serious attention to cases of routine violence. It is no surprise, therefore, that severe cases of violence continue, as is revealed by the following testimonies.

Testimony of ‘Amr Haj Khader Hassan Rab’i Tamimi, 38, married with six children, truck driver, resident of Hebron³⁰

I live with my wife and six children, who range in age from one to sixteen years old, in a building along the road from Kiryat Arba to the Tomb of the Patriarchs, in the Sabber neighborhood. The building lies about five hundred meters from the Kiryat Arba settlement. Two of my brothers live with their families in the same building. My brother Akram died four years ago. His wife and six children live with me, and I support them. I am a truck driver. I transport construction materials from the quarries and stone sawmills in nearby villages into the city. I drive along Route 60, and from the Rass al-Jura checkpoint, Checkpoint 35, which is at the northern entrance to Hebron, between Hebron and Halhul. Sometimes I take side roads to avoid long delays at the checkpoint, even though I have a permit to pass.

27. Efrat Weiss, “Rubinstein: ‘Maximum Punishment of Border Policemen Suspected of Killing Palestinian Required,’” *Y-net*, 18 April 2003.

28. Arnon Regular, “Suspicion: Border Police in Hebron, with Knife Threats, Steal from Palestinians and Share the Booty,” *Ha’aretz*, 22 April 2003.

29. These last two quotations appeared in “The Killing Journey,” *Yediot Aharonot*, 16 May 2003.

30. The testimony was given to Musa Abu Hashhash on 16 July 2003.

On Thursday, 29 May, from 11:30 to 12:00 in the morning, I was transporting boulders from Bani Na'im to the Hebron industrial zone. I took the bypass road and stopped at the industrial zone intersection, between the dirt roadblock at the northern entrance to Yatta and the dirt roadblock at the southern entrance to Hebron. I looked for a side road that goes into Hebron. There were cars parked and people standing around. They, too, wanted to enter the city.

Munir Sa'adi al-Fakhoury was one of the people waiting in line. An army jeep was parked about two hundred meters from us. Alongside the jeep were electric company workers who were fixing the electricity poles. Three soldiers were standing there. One of them was an Ethiopian who was tall, thin, and looked about twenty years old. The second soldier had blonde hair, was thin and tall, and looked about the same age. The third soldier was dark-skinned. I assumed that they were protecting the electric company workers and would leave when the workers finished their job. About five minutes later, the electric company workers finished and left, but the soldiers stayed. The three soldiers got into the jeep and drove toward us. They swore at me and at the other driver. They used words that I am embarrassed to repeat. The other driver was in his truck, and I was in mine.

I got out to show the soldiers my ID and my travel permit. They began throwing stones at the front of my truck, shattering the windshield, the left window, and the mirror on the right side. I could not understand why soldiers would act like that, and I asked them why they were damaging my truck. One of the soldiers came

over to me and punched me in the face. Another soldier hit me on the left arm with the barrel of his rifle, and another soldier hit me with his rifle barrel on the left side of my chest. I felt intense pain and dizziness, and fell to the ground.

The other driver asked the soldiers why they assaulted me if I have a travel permit. The blond soldier went over to him and slapped him. The soldier who had punched me asked to see my ID and travel permit. When I showed them to him, he told me that I could go. It was impossible for me to move because of the beating, and I asked the soldier to call for help. He refused and ordered me to leave the area. The other driver went toward the jeep. The blonde soldier saw him. He took him aside and threatened to shoot him if he took down the jeep's license plate number. The soldier ordered him to stay next to the truck. The soldiers then got into the jeep and drove east, toward the D.C.O. building.

When the soldiers left, several people came over to me. One of them, Muhammad Johar a-Rajib, who was about forty-five years old and a truck driver, drove my truck to the industrial zone. Another friend, the son of Arafat Rajbi, 25, drove me to Muhammad 'Ali Hospital. They ran some tests, treated me, and discharged me. I went back to the hospital the next day. The physicians transferred me to 'Alia Hospital, where they took X-rays and told me that I had a cracked rib. I was unable to work for a month. There was nobody else to drive the truck, so for a month it lay idle. My family suffered greatly. A few times during the month, I tried to work, but I couldn't work because of the intense pain I felt in my chest and left hand.

Testimony of Zakariya Mahmud Muhammad Taha, 49, married with eight children, garage owner, resident of Wadi al-Qadi, Hebron³¹

I live at the end of al-Pahas Street, which is in the industrial zone of Area H-2. We run a garage, which is beneath our apartment. Since 1999, I have suffered from blood pressure problems and kidney dysfunction. I go to the Bikur Holim and Hadassah hospitals, in Jerusalem, for follow-up care. I take medication three times a day. Because of my condition, I spend most of my time at home, but sometimes I go down and sit in the garage.

On Tuesday afternoon, the 24th of June, I was in the garage together with Hussein al-Qarqi, 65, and al-Haj Ibrahim Abu Sneineh, 70. They were playing dominos. Around 3:30 P.M., I heard a voice call out on a loudspeaker that the area was under curfew. I went to the door of the shop to close it. The door has ten parts to it. While I was closing the last two parts, a Border Police jeep came by the garage. The jeep stopped, with its front end facing south. The driver called out to me. He was thin, light-skinned, and about twenty years old. He ordered me to turn around and go over to his side. While I was standing alongside the door of the jeep, the driver opened the door and grabbed me by the collar without saying a word.

A thin, short, dark-skinned border policeman got out from the back of the jeep and started punching me in the back. When I turned around and faced him, he punched me in the face. The driver joined in the beating. I tried to fend off their blows, and I told them that I am a sick man. I told them that I have sons who are older than they are, but they ignored my comment. I heard my wife talking inside the house with two border

policemen in Hebrew and Arabic. She told them that I was sick and that they shouldn't hit me. They ignored her, too. My wife came down, shouting at them to stop beating me.

The officers beat me for about five minutes, until my mouth and nose started to bleed and stain my shirt. They demanded that I give them my ID card. I gave it to them, and the jeep turned around and drove north. I went into the shop and washed off my face. I put a piece of cloth on my face and nose, and then went outside to go find the jeep to get back my ID card. I walked about one hundred meters to the north and saw the same jeep. It was driving south [toward me]. I motioned to the driver to stop, and he stopped. I asked for my ID. The policeman sitting alongside the driver gave it to me and ordered me to go back home quickly. I went home and at around 4:00 P.M., I went to the al-Muaminin Mosque to pray. Alongside the mosque, which is around two hundred meters from my shop, I ran into a few people who told me that Border Police officers had thrown tear-gas canisters into the mosque. Therefore, I could not go to the mosque to pray.

The next morning, I went to 'Alia Hospital to be examined. When I got back home, my son Yehiye, 20, told me that a Border Police jeep with license number 611-098 had come to the house. The policeman who was sitting next to the driver said that the day before, they had beaten up a man by mistake, and that they wanted to find him and apologize. My son told them that I was not at home. The officer told him that they would come back in an hour, and that he should pass on their apology to me. The jeep drove along the street five times before 1:00 P.M. I had still not returned home.³²

31. The testimony was given to Musa Abu Hashhash on 8 July 2003.

32. B'Tselem took testimonies about other acts by the same Border Police officers on the same day in the same area: the theft of beverages from a grocery store and the throwing of tear-gas canisters into a mosque when worshippers were inside.

Testimony of Fahmi ‘Abd al-Fatah Fahmi a-Zaru, 42, married with nine children, accountant, resident of Jabel Jales (Area H-2), Hebron³³

My wife, our nine children, who range in age from two to sixteen, and I live in Jabel Jales, which is in the al-Qasara area, where the quarry is. We live with my father who is sixty-eight, and my mother, who is fifty-six years old. Our house is about 150 meters west of the Kiryat Arba settlement. When the intifada started, I stopped working as an accountant and started to work as a taxi driver, using my car. I work on the route from the quarries to al-Baqa. I make about seventy shekels a day.

On Saturday, 28 June, around 1:00 P.M., I drove Sa’id Jabber’s wife and small daughter from al-Baqa and dropped them off near the Jabel Jales intersection, about ten meters west of the Kiryat Arba fence. Four soldiers were standing near the post that had been set up at ‘A’id a-Razem’s house, which is about six meters from the intersection where I was. My car was stopped when one of the soldiers demanded my ID, registration, and keys. He told me to get out of the car and took me to ‘A’id a-Razem’s house. I don’t remember what the soldier looked like.

One soldier searched me while we were on the stairway. Another soldier tied my hands behind me and blindfolded me with a black cloth. That soldier was tall, dark-skinned, had a small beard, and appeared to be in his twenties. I tried to explain to them that I had not done anything wrong. I told them that they saw me every day and that I drive people who need help, like the elderly and people who are sick, who have no other means of transportation. One person who lives there, al-Haj Ibrahim al-‘Arab, 55, called

out to the soldiers from the door of his house, which was about thirty meters from a-Razem’s house, that he needed me to help him take things to another house of his, which was in the area. The soldiers told him to go back into his house. I told them that the man was elderly and ill, but they ignored me.

Five minutes later, one of the soldiers ordered me to spin around for two or three minutes and slapped me twice. One of the soldiers, I think it was a different soldier, punched me in the face and chest. They continued to punch me all over my body. They beat me for about five minutes. One of them struck me real hard in the back of the head. I think he hit me with his rifle butt. I was also hit in the stomach and took another blow to the testicles. I fell onto the ground. I don’t recall what happened after that. I remember that, while they were beating me, I asked them, “Why are you beating me? What did I do?”

In the evening, I regained consciousness. When I woke up I was in ‘Alia Hospital. I was dizzy and unable to concentrate. I felt pain in my abdomen and chest. I stayed in the hospital that night and the next day. After being discharged, I did not leave home for a week. During that week, my neighbor, ‘A’id al-Razem, 33, the owner of the house next to the one where I was beaten, visited me. He told me that he had seen me lying unconscious next to his house that afternoon. He said that an Israeli ambulance was in the area and an Israeli army doctor treated me and tried to help me regain consciousness. The soldiers asked ‘A’id to bring me water to drink. About thirty minutes later, he said, a Palestinian ambulance came and took me to ‘Alia Hospital, which is in Area H-1.

33. The testimony was given to Musa Abu Hashhash on 19 July 2003.

Another neighbor, Ra'id al-Barda'i, 33, visited me in the hospital. He told me that the soldiers gave him my ID and registration after I was taken to the hospital, and that he drove my taxi back to my house.

I am still suffering from the beating. I feel dizzy and my stomach and the back of my head still hurt.

Curfew and closing of businesses

Since the beginning of the al-Aqsa intifada, the IDF has imposed unprecedented restrictions on the movement of Palestinians in the Occupied Territories. Driving on roads is almost completely forbidden, and hundreds of checkpoints and physical roadblocks limit entry into towns and villages.

Because of the settlers living in the heart of the city, Area H-2 is subject to the harshest restrictions on movement. The IDF has imposed a prolonged curfew and almost all the shops and markets in the area have closed. Previously, Area H-2 was the city's commercial center. Now it is empty.

Reports issued by the Palestinian Information Office, Hebron District, describe the economic damage that has been caused to the Palestinian Authority and Hebron in particular over the past two and half years of intifada.³⁴ According to these reports, economic activity in Hebron fell fifty percent since the outbreak of the intifada. The decline resulted, in part, from the closing of businesses, the blocking of streets, and the ongoing curfew. Even taking into account objective economic factors, such as the global recession and decline in consumption in Arab countries, Israel, and the Occupied Territories, the restrictions on movement, blockage of roads, curfews, closures, and closing of markets and shops

have a decisive effect on the economy of Area H-2, as will be shown below.

In addition, the IDF has taken physical control of three schools in the Jabel Johar neighborhood in Area H-2, in which 1,835 pupils studied. In its response to a petition filed by The Association for Civil Rights in Israel against the IDF's seizure of the schools, the state argued that the seizure was necessary due to "imperative security needs." The court accepted the state's argument and rejected the petition.³⁵ B'Tselem sent a letter to the IDF Spokesperson to clarify whether the schools had reopened. The IDF Spokesperson responded that the schools had not yet reopened and that the IDF would remain in the schools as long as the gunfire attacks continue.³⁶

Curfew

During the al-Aqsa intifada, the IDF has frequently imposed a curfew on Palestinian residents of Area H-2. Curfews in the area – with short breaks to allow the residents to obtain provisions – have become routine.

B'Tselem requested precise figures from the IDF Spokesperson regarding the number of days of curfew in Area H-2 during the course of the current intifada. The IDF Spokesperson's Office replied that they were unable to supply that kind of information. B'Tselem's research

34. Palestinian National Authority, Economic Information Authority, Hebron District, *Al-Aqsa Intifada, Facts and Figures*, September 2002, December 2002; Chamber of Commerce and Industry, Hebron District, *The Economic Situation in Hebron*, January 2003.

35. HCJ 8286/00, *The Association for Civil Rights in Israel v. Commander of IDF Forces in Judea and Samaria*. The decision was given on 13 December 2000.

36. Letter from the Assistance Division of the IDF Spokesperson's Office, 22 October 2002.

indicates that residents were imprisoned in their homes for many months.

Curfew is legitimate when intended to meet defined, urgent security needs, and when no other means are available to the security forces to prevent attacks on civilians or soldiers. In Hebron, however, it appears that the army employs curfew as the immediate, easy, and inexpensive way to achieve its security objective, whether or not it is urgent. Curfew is imposed on Palestinian residents of Area H-2 in response to violence by Palestinians, violence by settlers, or to enable settlers to hold public events.

At the beginning of the intifada, the area was under curfew for three consecutive months. Following the killing of the infant Shalhevet Pas, a curfew was imposed for three weeks. After the attack on Worshipers' Way, in which nine security forces and three auxiliary personnel from Kiryat Arba were killed, the IDF imposed a curfew for six months. The curfew also applies to the Bab a-Zawiya area (located in Area H-1 near Area H-2), which the IDF has controlled since Operation Defensive Shield (April 2002).

The IDF also imposes a curfew on Area H-2 in response to Palestinian shooting at settlers from Area H-1. Clearly, imposition of the curfew on Palestinians in Area H-2 is unrelated to the attempt to arrest the Palestinians who are responsible for the shooting or to prevent the gunfire.³⁷

In other cases, the IDF imposes curfew on Palestinians to enable settlers to maintain their way of life and to hold public events in the city during Jewish and national holidays. For example, on 23 September 2002, during the Sukkoth holiday, the IDF imposed a curfew on Palestinians to enable Hebron's settlers to host thousands of Israelis who had come to visit the city.³⁸ Last Purim, the IDF imposed a curfew to allow settlers to conduct their annual parade and because it was the anniversary of the death of Baruch Goldstein, who committed the massacre in the Tomb of the Patriarchs.³⁹ Curfews are also imposed during funerals of settlers.

In January 2003, The Association for Civil Rights in Israel petitioned the High Court of Justice challenging the prolonged curfew on Palestinians in Hebron. The petitioners argued that the prolonged curfew on Area H-2 and on the al-Bawir, Azun, and al-Baqa neighborhoods, which are adjacent to Hebron, was illegal. The petitioners also contended that the army fails to inform the residents about the breaks in the curfew, and that during these breaks, residents are not allowed to leave their homes. In addition, the petition contended that army officials disregard the grave harm to the local population and take only security needs into account in deciding to impose such a prolonged curfew.

In reply, the state contended that the breaks in the curfew enabled the residents to obtain provisions. The state also contended that the

37. In March 2001, the IDF imposed a curfew on the city during a parade conducted by settlers for the Jewish holiday of Purim. Army officials claimed that the curfew was not imposed because of the parade but because of gunfire from the Abu Sneineh neighborhood that struck an Israeli visitor. Amira Hass, "Hebron Settlers Celebrated; Curfew Imposed on the Palestinians," *Ha'aretz*, 12 March 2001; Amos Harel, "For First Time in More than a Month – Heavy Gunfire Exchanges in Hebron," *Ha'aretz*, 26 June 2001.

38. Daniel Ben-Simone, "A Holiday Day in the City of the Patriarchs," *Ha'aretz*, 24 September 2002.

39. Efrat Weiss, "Purim Parade in Hebron: Settlers Danced and Palestinians under Curfew," *Y-net*, 18 March 2003.

curfew was intended to prevent attacks on the Jewish population, the Palestinian population, and on security forces, and that curfew was a legitimate military method.⁴⁰ In its judgment, of 9 July 2003, the court denied the petition, accepting all the state's arguments. The court did not give an opinion on the factual dispute that revolved around the question of breaks in the curfew and announcement of the breaks by loudspeaker.

Curfew is the most extreme form of restriction on movement. Clearly, the longer the curfew, the greater its effect on the daily life of the people under curfew. The prolonged curfew on Area H-2 prevents Palestinians from living a normal life, despite the lifting of curfew for brief intervals. Imposing curfew on Palestinians to protect them against attacks by settlers, as the state indicated in its response, reflects the discriminatory nature of the army's policy. Israel has the duty to protect Palestinians from settler attacks. By imprisoning Palestinians in their homes while failing to enforce the law against violent settlers, Israel is delinquent in meeting this duty.

Closing of markets and shops

The Casbah was once the commercial center of Hebron. Over the past two and a half years, business activity there has been almost non-existent. Some of the shops and markets were closed pursuant to army orders. Others closed because of the lack of customers, either because of curfew or other restrictions on movement of Palestinian residents. The Bab a-Zawiya area,

over which the IDF took control in April 2002, was also a significant commercial section of the city, and it too, has been silenced for similar reasons. An estimated 2,000-2,500 businesses in the Casbah and the Bab a-Zawiya area have closed. The curfew on the Bab a-Zawiya area and the closing of shops there created particularly serious hardships for the merchants. Many of the storekeepers previously had shops in the Casbah and moved to the Bab a-Zawiya area following the problems in the Casbah. The closing of their new shops added to the losses that they had suffered in the Casbah.

Following the massacre in the Tomb of the Patriarchs, in February 1994, a-Shohada Street was closed to Palestinian vehicles. The army contended that the restriction was required to ensure the safety of the settlers. Only Palestinians living on the street were allowed to go there, even when the area was not under curfew. Some sixty shops along a-Shohada street closed because of the lack of customers. The two gas stations on the street closed. In 1999, the street was opened in stages for public transport only, initially from Gross Square to the gas station, and then from the gas station to Police Square.⁴¹ When the current intifada erupted, Palestinian movement on the street was stopped completely, except for Palestinians living on the street.

The Avraham Avinu settlement is situated near the wholesale market, which contained fourteen large shops of greengrocers. This market closed after the massacre in the Tomb of the Patriarchs. In the Hebron agreement, Israel undertook to

40. Response of the state in HCJ 854/03, *Dr. Sufian 'Adb al-Rahman et al. v. Commander of IDF Forces in Judea and Samaria*.

41. Amos Harel and Yair Sheleg, "A-Shohada Street Opened to Traffic; Settlers Demonstrate in Response," *Ha'aretz*, 20 August 1999; Amos Harel and Nadav Shargai, "Search for Perpetrators of Attack near Tarquimiya leads to Area B," *Ha'aretz*, 1 November 1999.

open the market, but it remains closed. Other markets that remained open, such as Huzeq al-Fawar and Bab al-Han, were closed after the killing of Shalhevet Pas in March 2001.

On 2 June 2002, five shop owners in the Huzeq al-Fawar and Han al-Khalil markets petitioned the High Court of Justice to order the army to allow them and seventy-three other merchants to open their businesses. The petitioners also demanded that the police protect their shops and prevent break-ins and looting when the shops are closed.⁴² In response, the state offered conflicting contentions. First, it contended that the market was closed to protect the Jewish residents in the nearby Avraham Avinu settlement and to prevent “friction.” However, the market was closed immediately after the killing of Shalhevet Pas by a Palestinian sniper from Harat a-Sheikh Hill, which lies in Area H-1. Clearly, the closing of the market will not prevent the continued presence of Palestinian snipers on the hill.

Later in its response, the state made two other contentions, unrelated to protection of settlers and certainly insufficient to warrant the closing of the market. The state contended that the area is under curfew most of the time, so revoking the orders closing the businesses will not enable the shops to be opened. In addition, settlers have taken over the market, and until they are removed, it cannot be opened. A military appeals court is currently hearing the matter of the removal of the settlers from the market.

The petitioners also demanded that the state compensate them for damages they suffered from the closing of their shops. The High Court recommended to the state that it reach an appropriate arrangement with the petitioners.⁴³ The parties are currently trying to negotiate a settlement.

In addition, there are cases in which soldiers closed shops without first obtaining a formal order signed by the commander. In a letter to the Judge Advocate General, The Association for Civil Rights in Israel (ACRI) contended that closing the shops without an order and without advance warning harms the shop owners and residents of Hebron, who are unable to shop when the curfew is lifted. The reply indicated that the army was unaware of any prohibition on opening the shops when the curfew is lifted. In a telephone conversation, Lt. Zigler, of the office of the legal advisor for Judea and Samaria, informed Attorney Noa Stein, of ACRI, that, “the act is illegal,” and that she should complain to the Judge Advocate General’s Office.⁴⁴ The Judge Advocate General’s Office stated that the subject was under review.⁴⁵ In the meantime, soldiers in Hebron continue to close shops.⁴⁶

* * * * *

The curfew and closing of shops and markets made life in Hebron intolerable for its Palestinian residents. The inability to move about freely and to earn a livelihood resulted in an increase in the level of unemployment and number of persons living in poverty. The harsh

42. H CJ 4639/02, ‘*Abd Alsalem Qatsrawi et al. v. Commander of IDF Forces in Judea and Samaria and the Minister of Defense.*

43. Moshe Goral, “Let the Ones who Closed the Market Support the Merchants’ Families,” *Ha’aretz*, 20 November 2002.

44. Letter from ACRI to Lt. Col. Pnina Sharbit, of the Judge Advocate General’s Office, 1 June 2003.

45. Correspondence between Attorney Noa Stein and the Judge Advocate General and the legal advisor for Judea and Samaria, 19 February 2003 to 1 June 2003.

46. ACRI also petitioned the High Court in the matter of the closing of shops on a-Shalala Street: H CJ 7007/03, *Muhammad ‘Ali Qawasmi v. Commander of IDF Forces in Judea and Samaria.*

restrictions on movement have impaired the ability of the Palestinians in the city to obtain medical services and for children to attend school in a normal manner.

By seeking to justify these restrictions on serious security considerations that leave the army no option, Israel ignores its duty as the occupier of the area to allow the population to live normal lives. In particular, Israel has the obligation, among others, to enable the residents to earn a living in dignity, and to maintain educational, medical, welfare, and religious systems.⁴⁷

In protecting five hundred settlers, the army seriously harms a Palestinian population of 35,000 people. Clearly, Israel has failed to properly balance the needs of the local population and its security needs, and therefore uses grave and unreasonable means that cause much greater harm in comparison with the security they provide. Such a policy constitutes collective punishment, which is forbidden under international law.⁴⁸ This collective punishment is perhaps most clearly demonstrated by a statement made by the commander of the Hebron Brigade during the IDF's operation in the city in February 2003. In an interview with Israel television's Channel 1, the commander said: "The economic burden does not stand alone, it is a part of a long process to create pressure within the city of Hebron so that they [the Palestinian residents] will themselves condemn the terror."⁴⁹

Testimony of Muhammad Jodi Mahmud Khamis a-Natshe, 41, married with five children, goldsmith, resident of Hebron⁵⁰

I live on a-Salam Street, which is in Area H2. Since 1993, I have worked as a goldsmith and gold trader. My partner, 'Abd al-Wahab Abu Ramila, and I have a gold shop opposite Beit Romano that he bought in 1980.

From then until the beginning of the al-Aqsa intifada, we worked continuously. When the intifada began, the curfew, the increased violence of the settlers, and the harassment by the soldiers prevented us from working more than a few days at the shop. From the beginning of 2002, it was hard to get to my shop. The other fifty shop owners in the gold market, which is located on the Beit Romano road, had the same problem. At first, one day we would be able to get to the shop, and the next day we wouldn't. Then everything was closed down completely. We were not personally given an order of closure. Then my partner and I leased another shop, in Bab a-Zawiya Square, for key money. We paid \$200,000, and started to work there. The business was doing better than at the previous shop, despite the harassment and gunfire by the soldiers in the Bab a-Zawiya area.

This situation continued until 15 November 2002, when there was an attack on soldiers near Kiryat Arba. Since then, the Bab a-Zawiya area has been closed and we have been under constant curfew, except for short breaks for two or three

47. International Covenant on Economic, Social and Cultural Rights, of 1966, Chapter 3, Articles 6-14.

48. Regulations attached to the Hague Convention Respecting the Laws and Customs of War on Land, of 1907, Article 50; Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Article 33.

49. *Weekend Journal*, Channel 1, 7 February 2003.

50. The testimony was given to Musa Abu Hashhash on 6 February 2003.

hours every three or four days. Our work in the shop has stopped almost completely. ‘Abd al-Wahab and I started to lose money because we had to pay wages to our workers, rent, and other expenses, which amounted to a thousand dollars a day. In addition, the shop’s value fell, and in the current situation, we are unable to sell it or rent it out. Merchants are looking for areas far away from Bab a-Zawiya Square.

My partner and I thought about looking for a shop north of ours, far from Bab a-Zawiya. A month ago, we found one about one hundred meters from our shop. The army blocked the road with concrete blocks a few meters from the new shop, and we thought that the shop

would not be within the closed area. We paid \$13,000 for the new shop, which is smaller than the previous one, and began to set things up so that we could start working there.

On 30 December 2002, the Israeli army entered Area H-1, declared a curfew, and expanded the closed area to include the site of our new shop. I do not know how long this new situation will continue. If it does not change, we will not be able to work. I do not think that my partner and I can afford to buy another shop. We invested a lot of money in buying the new shop. In addition, we have the losses that accumulated beforehand, as well as the living expenses for our two families, a total of thirteen people.

Demolition of houses for “security needs”

On 29 November 2002, the OC Central Command, Moshe Kaplinski, issued orders to demolish structures near Worshipers’ Way, which leads from the gate of Kiryat Arba to the Tomb of the Patriarchs. The demolition orders were issued after Palestinians killed on that site nine members of the security forces and three auxiliary personnel from Kiryat Arba.

On 10 December 2002, the owners of the structures petitioned the High Court of Justice. In their petition, they contended that the order relates to twenty-two structures, some of which are abandoned and unsuitable for human habitation, and others still inhabited. The petitioners demanded cancellation of the orders, the right to be heard in court, and the opportunity to renovate the structures. They also proposed an alternative that would not harm the structures or the residents. The petitioners claimed that the true purpose of the demolition was the army’s desire to create territorial contiguity between Kiryat Arba and Hebron, and that the security claims on which the orders are based are only a cover for the actual motive. The petition contained an opinion given by an architect from the Bimkom organization that the structures have historical and architectural value.⁵¹

In response to the petition, the state contended that the army intended to demolish only thirteen of the houses in the area to which the order relates, and that all were abandoned and unsuitable for habitation. The state denied

that the orders were issued for extraneous reasons, and contended that the demolition was necessary for security needs: “Clearly, the right to life prevails over the right to property of the residents of the region.” The state rejected, for security reasons, the alternate route suggested by the petitioners, contending that the alternate route was close to Palestinian houses and a wooded area in which attackers could hide. Furthermore, the suggested route was steep and made it hard for pedestrians to reach the Tomb of the Patriarchs.

In a hearing on the petition, held on 13 February 2003, the justices demanded that the state consider alternatives to the demolition orders – such as sealing houses, stationing soldiers in the area, and the establishment of an alternative route – and file a supplemental response to the court. The state has not yet filed this response.

International law forbids the destruction of private property unless the destruction is necessary for imperative military needs.⁵² Clearly, “imperative security needs” do not apply to the demolition of houses along Worshipers’ Way, particularly given the length of time that has passed since the orders were issued. The question of whether the houses were inhabited or vacant is irrelevant: the demolition affects the property rights of the owners, and the fact that they live elsewhere does not mean that they relinquished their rights to their property. Furthermore, the state’s argument that the cases involved balancing the right to life

51. HCJ 10497/02, *Hebron Municipality et al. v. Maj. Gen. Moshe Kaplinski, Commander of IDF Forces in Judea and Samaria*.

52. Hague Regulations, Article 23(g); Fourth Geneva Convention, Article 53.

and the right to property is disingenuous. The matter deals with the path that settlers in Kiryat Arba use to reach the Tomb of the Patriarchs, and not with their places of residence. If any balance is to be made, it is the balance between the settler's right to worship and the property rights of the owners of the houses. Yet, it appears that the commander issued the demolition orders as a cynical response to the attack along Worshipers' Way in which twelve Israelis were killed. The media reported that there are plans underway to build a promenade between Kiryat Arba and the Tomb of the Patriarchs, and of the desire to create territorial contiguity between Hebron and Kiryat Arba by constructing a neighborhood with one thousand housing units.⁵³

In addition, since the beginning of the al-Aqsa intifada, Israel has made broad use of the narrow exception in international law that allows destruction of private property. On the basis of this exception, Israel has demolished hundreds of houses and destroyed thousands of dunams of farmland.⁵⁴ Israel's repeated reliance on the same section raises doubts about the existence of "security needs" that ostensibly justify the damage to property.

On 13 April 2003, Brig. Gen. Amos Ben Avraham issued an order for the demolition of three additional structures that lie near the fence of the Kiryat Arba settlement. The order was based on the contention that Palestinians hiding in the structures had attacked settlers. On 30 April, the D'ana family, which owns the structures, petitioned the High Court of Justice

to cancel the orders.⁵⁵ The court prohibited the demolition until the state files its response, which it has not yet done.

Testimony of Samiah Nu'aman Shuqri D'ana, 35, married with three children, resident of Area H-2, Hebron⁵⁶

On Friday, 7 March 2003, the army claimed that somebody tried to penetrate the Kiryat Arba settlement. Following that, Israeli bulldozers came to a plot of land that my family owns. Six or seven settlers were with them. The bulldozers razed nine dunams [about two acres] of land. About a month later, we received a requisition order regarding six dunams. The plot that was razed contained olive trees, grape vines, almond trees, and vegetables. The bulldozers also demolished four pens where we kept sheep.

On Saturday, 5 April 2003, there was an attempted attack on the Kiryat Arba settlement. Later, I heard that the attacker, 'Ala Joda a-Natshe, who belonged to Hamas, was killed. The operation entailed intense shooting. A substantial part of the gunfire was aimed at our house and some of the bullets penetrated the house. Around 8:00 P.M., my nephew, Yazid 'Imad D'ana, was hit in the right knee by one of the bullets. We called for an ambulance, but it took about three hours to coordinate the matter with the authorities.

Shortly before midnight, bulldozers accompanied by soldiers came to the area. They demolished a pen that was 20 X 7 meters in size, a well, and a vacant house that was eighty square meters.

53. Nadav Shargai, "The Sharon Plan," *Ha'aretz*, 18 November 2002; Irit Rosenblum, "Ministry of Tourism to Budget NIS 12.5 Million for Sites in the Occupied Territories," *Ha'aretz*, 23 December 2002.

54. On this subject, see B'Tselem, *Policy of Destruction: Demolition of Houses and Destruction of Agricultural Land in the Gaza Strip*, February 2002.

55. HCJ 3966/03, *Shaqer D'ana et al. v. Commander of IDF Forces in Judea and Samaria*.

56. The testimony was given to Musa Abu Hashhash on 16 April 2003.

The house belonged to my father. Then the bulldozers flattened out a plot of our land that had fruit trees on it. Dozens of settlers began to attack the house and broke the windowpanes. Around 2:30 A.M., soldiers from the Civil Administration came to our house and summoned my father for interrogation. I stood at the door with other members of my family and saw settlers beating my father as he left the house. The soldiers told him to run back into the house. The blows by the settlers wounded my father in the head and right ear. My father has a heart condition and underwent open-heart surgery a month ago.

That same night, around 3:00 A.M., the army called out on a loudspeaker to the 'Abd al-Halim D'ana family, a family of seventeen persons, twelve of them children, and ordered them to leave the house. Then the soldiers shelled the house with a weapon that they held on their shoulders, damaging the house. Five days later, the army let the family return to their house.

Every night from 7 March to 5 April 2003, soldiers came to our house and to nearby houses. They removed all the occupants and searched the houses. On Friday, 11 April, the army put up barbed wire around the plot of land that it had plowed. When we asked the soldiers why they did that, they said that it was for security reasons.

Yesterday [14 April], we received a letter from the Civil Administration. The letter contained a military order seizing the land and an order to demolish three houses: my house, in which eleven people live, Abd al-Halim D'ana's house, in which seventeen people live, and Shaqer D'ana's house, which is presently vacant. The letter was dated 13 April 2003, and it stated that we could raise our objections within ninety-six hours from the day of delivery of the letter. We received the letter during the Passover holiday, two days after it was issued, so we couldn't do anything.⁵⁷

57. In the meantime, as mentioned above, Attorney Shlomo Lecker filed a petition with the High Court of Justice on this matter.

Conclusions

The presence of Israeli settlements in Hebron is the main cause of the human rights violations against Palestinians living in Area H-2. Israel has regularly disregarded its obligation to protect the welfare and safety of these Palestinians. Rather, the security forces have invested most of their efforts in protecting the settlers, while grossly violating the human rights of the local Palestinian residents.

This situation – in which harm to Palestinians is said to be a byproduct of the need to protect settlers – is not unique to Hebron.⁵⁸ Israel is indeed required to protect the welfare and safety of the settlers in Hebron, but it is not permitted to do so by systematically infringing the rights of Palestinians

As this report demonstrates, Israel's law enforcement authorities have consistently ignored the settlers' almost daily violence against Palestinians and Palestinian property. The security forces are not properly prepared in cases in which it is obvious that settlers intend to harm Palestinians, nor do they generally intervene when they are present at the scene of violence. The instances in which settlers are arrested and tried for harming Palestinians are few.

The IDF systematically infringes the human rights of the city's Palestinian residents also in circumstances unrelated to settler violence. The prolonged curfew on the Palestinians has resulted in the closing of markets and shops, and brought Palestinian life in Area H-2 almost

to a standstill. The IDF also plans to demolish houses along Worshipers' Way.

Violence by security forces against local Palestinians has been routine for some time. Only in grave cases, such as the killing of 'Imran Abu Hamdiya, has the Department for Investigation of Police opened an investigation. That investigation led to the discovery that violence by security forces in Hebron is a widespread phenomenon. Despite this fact, the defense establishment fails to give serious attention to the matter, and the acts of violence continue.

Settler violence and the lack of law enforcement on settlers, the ongoing curfew and severe restrictions on movement in the area that once was the commercial center of Hebron, and violence against Palestinians by members of the security forces have caused Palestinian families to pack up and leave the area.

B'Tselem urges the government of Israel to:

- lift the ongoing curfew;
- enable the markets and shops to open;
- revoke the house demolition orders;
- enforce the law and punish all lawbreakers to the full extent of the law;
- investigate every case of violent conduct by members of the security forces;
- dismantle the Jewish settlement in Hebron.

58. See the following B'Tselem reports: *Al-Mawasi, Gaza Strip: Daily Life in an Enclave, March 2003*; *Land Grab: Israel's Settlement Policy in the West Bank, May 2002*.

Response of the IDF Spokesperson's Office



Israeli IDF Int.	Defense Spokesperson Org.	Forces Unit Section
------------------------	---------------------------------	---------------------------

Tel:	972-3-6080214	
Fax:	972-3-6080343	
280	-	8-1
2003	August	14

**TO: Mr. Shlomi Suissa
B'Tselem**

Re: IDF Spokesperson's Response to the B'Tselem Report on Hebron

Dear Mr. Suissa,

Following is the IDF's response:

Hebron has been a hub for terrorist activity against Israeli civilians and the IDF alike since well before the latest outbreak of hostilities some three years ago. The large number of wanted terrorists caught in Hebron and the number of terrorist attacks launched from the city indicate the vast infrastructure serving all the terrorist organizations.

It is the fundamental responsibility of any sovereign state to guarantee the safety and security of its civilian population. It is with this purpose that the IDF has been forced to take action in Hebron against the terrorists and their infrastructure which are responsible for so many vile attacks and their tragic results.

Law Enforcement on Israeli Residents of Judea and Samaria

The IDF and the Israeli Police are responsible for law enforcement throughout Judea and Samaria amongst both the Israeli and Palestinian populations. In the event that claims are made concerning the lack of law enforcement vis-à-vis the Israeli residents, these claims are thoroughly investigated, and in any case where these claims are substantiated, severe actions are taken.

These law enforcement activities in Judea and Samaria, based on special procedures developed in cooperation with senior legal officials, find expression in the concentration of efforts in friction prone areas.

It should be pointed out that there is presently an appeal to the High Court of Justice dealing with this very issue (בג"ץ 4547/03 חלבי ואח' נ' ראש הממשלה ואח'). The State's defense will be presented to the Court within the framework of the legal proceedings of the appeal.

Moreover, in light of the recommendations of the Shamgar Committee (appointed following the shooting in the Cave of the Patriarchs), responsibility for law enforcement over the Israeli residents of the city falls on the Israeli Police.

Curfews

Against the backdrop of these vast terrorist activities in Hebron, IDF commanders resort to the use of curfews against Palestinians living adjacent to the Israeli population. In the absence of better means, curfews are used as an operational means for suppressing terrorist attacks aimed at the residents.

Regarding the use of curfews in Hebron, as stated in the report, the appeal to the High Court of Justice was rejected (בג"ץ 854/03 סולטאן ואח' נ' מפקד כוחות צה"ל באי"ש) the Court stated that the IDF is well aware that curfews are to be seen as drastic measures, not to be used except for situations where they are essential for protecting the lives of civilians and soldiers. The Court was convinced that, in the absence of operational alternatives, the IDF had no other choice but to enforce a curfew in Hebron, in accordance with accepted rules and regulations. Moreover, the B'Tselem report ignores the fact that the curfew followed a number of murderous terrorist attacks carried out by Palestinians from Hebron and its surroundings.

Curfews are periodically reconsidered in light of the changing security environment and are removed every 48 hours. The movement of humanitarian vehicles (ambulances, municipality, food, etc.) is not hindered by curfews.

It should be pointed out that recently, in light of improved operational considerations, the duration of curfews in the city has been cut to a minimum, and in cases where there is no pinpoint intelligence information regarding planned attacks, curfews are not enforced.

"Violence" on the part of the Security Forces

The B'Tselem report includes a number of incidents in which IDF soldiers were purportedly involved in injuring innocent Palestinian residents. The IDF takes these claims very seriously. In those instances where IDF soldiers were indeed involved, military police investigations were begun, and have yet to be completed. Those incidents previously unknown have been referred to the Military Advocate General.

The remaining incidents presented in the report involved forces from the Border Police and therefore are under Police responsibility.

Closing of Shops and Markets

Shops and markets are closed only when there is an operational necessity, which compels IDF commanders in the area to close them, because their opening poses a security threat.

Claims regarding the forced closing of shops and markets in Hebron, such as that presented in the report relating to the purported closure of the al-kzazin market, are being investigated by the IDF, due to the fact that Palestinian terrorists take cover behind innocent bystanders in order to carry out terrorist attacks.

It should be pointed out that two petitions regarding the closing of stores in Hebron by a military commander are presently standing before the Supreme Court:

- a. בג"ץ 4639/02 קצראווי נ' מפקד כוחות צה"ל באיו"ש – the petition deals with the closing of stores near the city's Casbah. The State's detailed response, supported by the statement of the commanding officer of the Central Command, explains the security need for the continued closure of the stores in the market as resulting from their proximity to the "Avraham Avinu" neighborhood, and as a result of the threats created by terrorist organizations via the movement of customers in the market.
- b. בג"ץ 7007/03 קוואסמי נ' מפקד כוחות צה"ל באיו"ש – the petition deals with the closing of stores on Shalala St. in the old city of Hebron. The State's response, in which the rationale behind the closing of stores will be detailed, will be submitted to the High Court of Justice over the next couple of days.

It should be mentioned that, following a situation analysis and according to security considerations, the opening of a large number of stores is being reconsidered within the framework of efforts being made to lighten restrictions on the Palestinian population.

House Demolitions for Security Purposes

"Prayer's Axis" – Following the bloody attack that took place on 15 November, 2002 on the "Prayer's Axis" in which twelve people were killed, and in light of the number of previous incidents along, or near to this axis, a decision was made to take security measures that would improve the personal security of pedestrians along this axis on their way to prayer. Accordingly, the IDF commanding officer in this area signed land and demolition orders for the purpose of protecting the axis.

These orders were protested by two petitions to the High Court of Justice (בג"ץ 10356/02 הס' נ' מפקד כוחות צה"ל בגדה המערבית, בג"ץ 10497/02 עיריית חברות נ' מפקד כוחות צה"ל באזור). In the course of the discussions that took place in the Court during the month February 2003, the judges decided that before they reach their decisions, the military commander must examine possible alternatives to demolition activities, balancing the advantages and disadvantages of each alternative.

On 7 August 2003, the State submitted its statement. After examining the different alternatives, it was decided to choose the alternative that considerably reduces damage to

buildings. This choice is a balance between the security needs and the desire to minimize, as much as possible, damage to the surrounding buildings. Specifically, it was decided that the widening of the axis would require the partial demolition of two buildings, and the destruction of a wall of a third building. Furthermore, the exit of a number of buildings will need to be sealed as well as blocking the passages leading to the axis from the eastern Casbah.

ש"ב 3966/03 דענא נ' מפקד כוחות צה"ל באיו"ש – The petition concerning the dedemolition of three buildings in Hebron, adjacent to the fence surrounding Kiryat Arba', is soon to be heard in the High Court of Justice. The State's position will be presented in the framework of the ongoing process.

Conclusion

Hebron is the only Palestinian city in which Israeli and Palestinian residents live side by side. Due to this, and the large number of terrorist attacks against the Israeli residents and the IDF soldiers protecting them, the city poses a complex security challenge.

In this complex and delicate situation, the IDF strives to protect the lives of the Israeli residents, and itself, at a minimal cost to the daily routine of the Palestinian residents. The balance between these two goals is not easy. Each reported case of *aberrant* IDF behavior is investigated individually.

IDF commanders in general, and those serving in Hebron in particular, are well aware of the heavy burden of responsibility they bear for protecting the rights and well being of the Palestinian residents. With this in mind, IDF commanders make every effort to communicate the sensitivity of the situation in the city and the responsibility vis-à-vis the Palestinian residents to their soldiers during training, routine briefings, and any other occasion that presents itself.

Sincerely,



Major Sam Wiederermann

Head of International Organizations Section

Response of the Border Police*

Border Police Headquarters
Office of the Commander
Telephone 08 - 9 7 7 0 4 0 0
Facsimile 08 - 9 7 7 0 4 2 0
3 A u g u s t 2 0 0 3

B'Tselem

Re: **B'Tselem's Request for a Response regarding "Hebron Report, July 2003" – Violence of Security Forces**

1. The policy of the Border Police command is not to belittle, but to handle, every exceptional case in which a Border Police officer acted in violation of procedures and orders. The handling of events in Hebron exemplifies this policy.
2. The complaints are investigated and handled, and where necessary are investigated by an external body – the Department for the Investigation of Police.
3. It is important to recognize and praise the contribution of Border Police combatants in intense security operations to maintain safety and order among the civilian population.

Sincerely,

Border Police Spokesperson

* Translated by B'Tselem

* Translated by B'Tselem

Response of the SHAI District Police Department*

ISRAEL POLICE FORCE

SHAI	District	Headquarters
Review and Public Complaints Officer		
Telephone		02 - 6279243
Facsimile		02 - 6279293
Date:		17 August 2003

B'Tselem/Attn. Shlomi Swisa
Via Fax: 02-6749111

Re: **B'Tselem Report regarding Hebron – July 2003**

1. Your request to us regarding the aforementioned report was forwarded to the Hebron District for review. Our reply is as follows:
 - A. Our response naturally relates only to police actions in the area. Most of the claims do not relate to us, but to other security bodies.
 - B. Law enforcement in Hebron and its surrounding areas is regularly reviewed by the Ministry of Justice/State Attorney's Office, and also by the Supreme Court sitting as the High Court of Justice in petitions that were filed by residents of the Arab section of the city or by residents who live near the houses of Jews in Hebron. The said High Court cases involved both law enforcement in general and dozens of files relating to the handling that the petitioners contended was faulty in various ways.
 - C. As is the case elsewhere in the State of Israel, the cases before us raise many problems in locating suspects that result primarily from the complainants' inability to make positive identification, and sometimes because the complainants fail to appear before the police and the courts to give statements or testify.

- D. It should be noted that, in many countries, investigation files are not solved, but this does not mean, and in the case of Hebron District such is the case, that great effort is not made to locate suspects and prosecute them. It goes without saying that in many other cases, suspects are indeed prosecuted and punishment is meted out to them by the court.
- E. There have been more than a few instances in which we received complaints from human rights groups from Israel and abroad that, when we investigated them, we found that no complaint had been filed or that our requests to the complainants to provide further details or to appear in court had been unsuccessful. In such instances, we request that these organizations assist us.

2. Regarding the specific complaints, our examination revealed the following:

A. The complaint of Farid al-‘Awiwi –

- 1) His complaint alleging assault and causing [property] damage was handled, but the suspects were not found and the file was placed in the archives.
- 2) His complaint of 26 December 1997 for causing [property] damage – a suspect was questioned in the file, but the file was closed by the prosecutions unit because of lack of evidence.

B. Regarding the complaint of Iyad ‘Abd al-Musati Salhab – the Hebron District attempted to locate the complaint, but none was found on his name at the Hebron Police Department. The complaint may have been filed by another person.

C. Regarding the complaint of Najat Sha’atawi and ‘Azmi Dandis –

- 1) The complaint of 22 July 1998 for trespass was handled, two suspects were questioned and the file was ultimately closed by the prosecutions unit because of lack of public interest.
- 2) The complaint of 2 May 1999 for trespass – one suspect was questioned, but the file was closed because of lack of evidence.
- 3) The complaint of 1 October 2002 for trespass and causing [property] damage – effort and investigative actions were taken to locate the offenders, but we were unable to identify the perpetrators.

- D. The complaints of Najah Sa'id D'ana – the Hebron Police Department did not find complaints on the said name. Regarding the incident in which the child Yazen was wounded on 13 July 2003, a file was opened for assault and a minor was questioned as a suspect. The file is still under investigation. Upon completion of the investigation, decision will be made on its further handling.
- E. The complaints of 'Izat and Da'ud Nasser a-Din – the complaints were filed by the sons of the aforesaid.
- 1) Regarding the complaint of Samir Nasser a-Din and his son 'Izat – a file was opened for breaking and entering and for theft. Two suspects were arrested and the file was forwarded to the prosecutions unit with a recommendation to prosecute.
 - 2) Regarding the complaint of Mahmud Nasser a-Din on breaking and entering and theft – in this file, too, two suspects were questioned, and the file was forwarded to the prosecutions unit for prosecution.
3. In sum – the Hebron District handles each and every complaint and engages in many investigative actions in order to uncover and locate suspects in each and every file. Clearly, a suspect is not found in every file, and even when we find suspects, there is not always sufficient evidence to prosecute the suspects. As stated, the subject of law enforcement in the Hebron area receives proper handling, the attention of the State Attorney's Office, and repeated review of the High Court of Justice in the framework of petitions filed by persons who contend that police officials in the Hebron District did not properly handle their matters.

Sincerely,

[signed]

Yonatan Lahav, Chief Superintendent
Legal Advisor, SHAI District

Copy: Commander, SHAI District