

# בִּיִּזְלֵם

מרכז המידע הישראלי לזכויות האדם בשטחים

'בִּיִּזְלֵם' מרכז המידע הישראלי לזכויות האדם בשטחים

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

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B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, was founded in February 1989 by a group of lawyers, intellectuals, journalists, and Members of Knesset.  
The objective of B'Tselem is to document and to bring to the attention of policy makers and the general public, violations of human rights in the territories.

## INTIFADA FATALITIES – TOTALS

637 Palestinian residents of the territories have been killed by Israeli security forces between the beginning of the Intifada and the end of March 1990. Of these:

- \* **Shooting deaths** (including plastic and "rubber" bullets): **604**
- \* **Non-shooting deaths** (beatings, burns and other): **33**
- \* **Children: 142**
  - Aged 12 and younger: **41**
  - Aged 13 to 16: **101**

More than 77 additional people died a short time after exposure to tear gas, of whom some 30 were infants. From a medical standpoint it is difficult to determine whether tear gas was the sole and direct cause of death.

An additional 29 Palestinians have been killed, apparently by Israeli civilians, and 5 apparently by collaborators.

During this period, 10 IDF soldiers and 9 Israeli civilians were killed by Palestinians in the territories. 3 of them were infants.

According to the Associated Press, 201 Palestinians suspected of collaborating with the Israeli authorities have been killed.

During this period, according to the IDF Spokesperson, 23 Israeli civilians and 4 soldiers were killed within the Green Line by Palestinian residents of the territories. At least 5 Palestinian residents of the territories have been killed by Israeli civilians.

### **Fatalities in March 1990**

In March 1990, according to B'Tselem's figures, 10 Palestinians were shot dead by security forces, 8 of them on the West Bank and 2 in the Gaza Strip. One of them was a boy aged ten.

According to the Associated Press, 11 Palestinians suspected of collaborating with the Israeli authorities were killed in March 1990.

In the first three months of 1990, 30 Palestinians were killed in the territories by security forces' gunfire. In the three months preceding this period, 64 were killed.

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B'Tselem's data are based on fieldwork, independent investigations, and official Israeli sources, as well as on the data of Palestinian sources, especially human rights groups such as PHRIC and al-Haq.

## RECENT TRENDS

Over the last six months a new trend has appeared in the nature of the Intifada. During this period, there has been a sharp drop in the number of fatal clashes between soldiers and Palestinians in the territories, and the number of casualties has decreased accordingly. In the first two years of the Intifada the average monthly number of fatalities was more than 25, whereas since the beginning of 1990, about 10 Palestinians have been killed each month by security forces.

This is indeed a significant decline. Yet, as stated in an *Al-Hamishmar* editorial of April 2, 1990, which dealt with B'Tselem's figures on the decline in fatalities:

The tendency towards saving people's lives in confrontations between Palestinian residents and IDF troops is of utmost importance. However, we ought not to be satisfied by the fact that "only" thirty Palestinians were killed [in the first three months of 1990], versus sixty-four in the preceding period. There are still thirty fatalities too many.

The decline in the number of casualties directs attention toward what goes on every day in the territories, the routine of daily searches, mass arrests, numerous curfew days, cumbersome bureaucracy, and daily contact with security forces.

This Information Sheet deals with two phenomena relating to the daily contact between IDF troops and Palestinian residents of the territories. One is the beating and degradation of men and women during searches and arrests, and the other is damage to property and entry into private property.

## IDF POSTS IN PRIVATE HOMES

The IDF often takes over buildings, roofs, or entire floors in private homes in the territories, most often to set up observation posts inside Palestinian settlements, as both a deterrent and a security measure against disturbances and stone throwing, but also to house soldiers. The seizure is effected by a military order signed by the Regional Commander, on the basis of the general authority vested in him under international law as commander of IDF forces in the region.

A High Court of Justice (HCJ) ruling<sup>1</sup> determined that if a military need arises for the temporary seizure of private property in return for monetary compensation, the military authorities may exercise their authority. The HCJ ruled that such measures are not precluded by Regulations 23(6) and 52 of the Hague Regulations.

B'Tselem conducted a comprehensive investigation, examining many houses in the West Bank and Gaza Strip that were seized for military purposes. In only one of these cases was the owner given a seizure order for his house. In all the other cases the owners say they neither received an order nor were told how long the soldiers would remain in their houses. In principle the occupants are entitled to compensation for damages, and families evacuated from their homes are entitled to payment for the use of the domicile, but in many cases the residents are unaware of these rights.

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The High Court of Justice ruled that: "Since these are privately owned properties, the temporary nature of the seizure should be expressed by delineating the period of time in the seizure order for the property."

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In September 1989 journalist Gideon Levy, together with a B'Tselem team, visited the home of the al-Delal family in Nablus, on whose roof an IDF observation post has been permanently stationed. Levy subsequently reported the family's complaints about the soldiers' behavior - the noise and dirt they cause and their demeaning treatment of family members - in an article in the Ha'aretz weekend magazine.

On the roof of the house is a small apartment intended for use by one of the family members who was soon to marry. During our visit in September we saw the apartment, fully furnished with

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<sup>1</sup>HCJ 401/88, Mahmoud Ibrahim Abu-Rian and Azami Badr al-Hadi Jehshan v. Commander of IDF Forces in Judea and Samaria Region (Judgments 42, II).

a bedroom, easy chairs, a sofa, and kitchen utensils. In October, according to the family, soldiers removed the apartment's window grill, entered the premises and opened the door (the family reports that the soldiers had never asked them for the key). The family says that the soldiers burned some of the furniture for warmth and that all the furniture is now gone.

In early December 1989 a military outpost was set up on the roof of the home of Hussein and Muhammad al-Kharoub in the el-Daheisha refugee camp. At the time construction of the house was incomplete. In testimony to a B'Tselem team Hussein al-Kharoub stated:

On Saturday, January 6, 1990, I was busy building the rooms on the top floor. At approximately 3:30 p.m., the soldiers descended to the ground floor and saw that a fire was burning for warmth in the barbecue. One of the soldiers wanted to take the barbecue. I refused, saying that it was cold and the fire was to keep the small children warm. I behaved forcefully but not violently. The soldier also wanted to take my firewood, but I refused.

Afterwards a group of six or seven soldiers arrived. The soldiers grabbed me, dragged me, made me face the wall of the facing house, and started hitting me with their rifle butts and hands and kicking me. One of the soldiers pushed me forward, I felt a cinder block strike the left side of my forehead, and my head was driven against the wall. I lost consciousness and awoke in al-Moqassed Hospital in East Jerusalem. Later I learned that the soldiers had taken me to the UNRWA clinic in el-Daheisha, and from there I was taken by ambulance to the hospital. I was hospitalized for three days.

Advocate Abd al-Jawad Abu-Ras built a house for his family in Gaza's Tufah neighborhood; the ground floor of the building contains six large storerooms. According to an affidavit he gave B'Tselem, soldiers arrived at the house on May 8, 1989, before its construction was completed, demanded the key and said they wanted the building for two or three days. Abu-Ras says he objected but the soldiers promised to return the key and the house in two days.

In the meantime, Adv. Abu-Ras and his family moved in with relatives. When the soldiers failed to vacate the house, Abu-Ras sent a letter to the adviser for Arab affairs demanding that they leave as promised. Copies of the letter were forwarded to the head of the Civil Administration in Gaza and to the IDF legal adviser in Gaza. However the house was not vacated and its owners were denied access to the premises. Additional appeals and a conversation with the deputy legal adviser in Gaza have likewise produced no results to date.

On February 21, 1989, Ami Dar published an article in the Jerusalem Post about his impressions from reserve duty in Nablus. Dar relates to Prime Minister Yitzhak Shamir's famous visit to Nablus on January 17, 1989, during which he met with soldiers in the reserves and heard serious charges from them about what was going on in the territories. At the end of the article Dar writes:

Every day, several observation points are set up on various roofs in and around Nablus. The soldiers who man these posts usually stay put from sunrise to sunset. They eat there, they watch the city awake and trade and work, and sooner or later they also have to defecate. But there are no toilets on the roofs of these buildings, and so the soldiers have to make do with landings, rooftops and abandoned rooms. The results can be appalling.

On one building where I was stationed for a few days, large areas of the roof were covered with a coat of excrement and used toilet paper. Unfortunately, the building's tenants have to hang their laundry on that roof. Believe me, Mr. Prime Minister, it's not a pretty sight to see a middle-aged woman from a good family making her way through piles of feces to reach her laundry.

When we asked the brigade commander in charge of Samaria if anything could be done about this problem, we received the usual answer: "No money for chemical toilets."

The trouble, of course, is that if the woman in question had been Jewish instead of Arab, no one would even have thought of using her roof as a public lavatory.

Muhammad Haza' Mouhana, from the Sabra neighborhood in Gaza, owns a ten-floor building whose construction is incomplete with the exception of the ground floor and the first floor. The building was designed to house 27 families.

The ground floor consists of shops and storerooms, and Mouhana's 30-member family resides on the first floor. In an affidavit to B'Tselem, Mouhana relates:

On October 10, 1989, twenty soldiers arrived with bulldozers and began to pile up mounds of earth along the sides of the building. When I protested to the officer he threatened me with his pistol and said that if I kept talking he would expel me from the house.

Two busloads of soldiers arrived that night and went upstairs with their equipment. They took over the whole building, except for the first floor, where we live. They are in the building to this day. More than one hundred soldiers.

From that day until now I have been given no written order and no one has asked for my consent. Naturally I object to all these actions.

Trouble began from that day. They dirty the steps. At first dozens of soldiers were posted at the entrance to the building, and my family and I could not enter or leave freely. To this day the soldiers use the same staircase we do. The soldiers did not behave nicely toward the women and girls of the family, so I sent them (the latter) to reside elsewhere.

The groups of soldiers switch off from time to time, and every group imposes new arrangements on us.

I was forced to close the carpentry shop and the furniture store on the ground floor, from which I made my living, because buyers were frightened of the soldiers and did not come. The soldiers brought a generator, but they also hooked up to our electricity and use it for their needs at my expense.

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They use one of the apartments on the top floor for all their refuse, including feces and food scraps. One day they threw the garbage from their garbage bin onto our balcony. They urinate into the eavestrough and urine leaks on to the balcony of the floor where we live. Once a soldier threw feces on the staircase. They also threw garbage and feces into the shaft intended for the elevator [...] and the stench began spreading through the floor where we live. I brought workers and sealed all the openings to the elevator shaft. Since then they have been throwing their garbage into the walls.

One morning at around 4 a.m. I heard strong pounding and when I investigated the matter at about 9 a.m. I saw that they had broken two doors on the fifth floor. I learned that a unit had done this just before being replaced.

One night teargas grenades were thrown from above onto the balcony of the floor where we live and onto the street below. I complained to the officer that gas was being thrown and was endangering the [children]. He replied that another patrol had done it.

The soldiers do not respect our customs. They shower nude in the courtyard opposite our apartments and our neighbors' apartments and they come out of the showers naked.

I have submitted many complaints regarding this situation. I sent letters to the [military] governor of Gaza, to the Arab affairs adviser in Gaza, to IDF General Chief of Staff Dan Shomron, and to Minister of Defence Yitzhak Rabin. Dan Shomron and Yitzhak Rabin visited the building. I didn't manage to talk to Shomron. With Rabin I pushed myself forward and forced him to talk to me, but nothing came of it.

I protest the continuation of this state of affairs and demand the return of my house.

The situation described above raises serious questions about the standards of behavior of IDF soldiers and officers in their daily contact with inhabitants of the occupied territories.

The legality of taking over private property without providing a written order to the owner of the house and without specifying a date for its evacuation is, in our opinion, dubious, especially in light of the High Court of Justice's treatment of this question, which determined that: "Since these are privately owned properties, the temporary nature of the seizure should be expressed by delineating the period of time in the seizure order."<sup>2</sup> It would further seem that the use of the inhabitants' electric lines, at their expense, would not stand up in court.

Beyond these legal questions, however, the cardinal problem here concerns the soldiers' behavior. Numerous testimonies dwell on manifestations of filth, noise, and lack of consideration for the occupants of the houses seized. Others speak of damage caused to property; of soldiers throwing garbage and relieving themselves in places not intended for those purposes; and of soldiers showering or sunbathing fully or partially naked, actions that are disrespectful of the residents' sensitivities and show disregard for their way of life.



In light of these testimonies, we can draw one of two conclusions: Either the IDF does not issue clear instructions to its troops regarding behavior in these situations, or it does not properly supervise soldiers' behavior.

The security authorities contend that such invasions of privacy in the territories are necessitated by "military needs." In view of the testimonies cited above, these authorities would be well advised to find ways to meet these military needs without causing unwarranted damage to property and distress to many people.

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<sup>2</sup>HCJ 290/89, Naim Khalil Issa Jouha v. Military Commander of Judea and Samaria Region (Judgments 43, II).

## PURIMSHPIEL IN THE VILLAGE OF 'ABUD

The incident described below occurred on the holiday of Purim." An IDF unit entered a West Bank village on a search-and-arrest operation after stones were thrown at passing Israeli vehicles. During the operation several villagers were beaten and humiliated, and property was damaged. B'Tselem's investigation was undertaken following the receipt of a letter from one of the soldiers in that unit, who was shocked by the events. The following description is based on both the testimony of the soldier and testimonies supplied by villagers which reinforced and confirmed the former's evidence.

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The officer asked me: "Where do you work?" I said: "In Israel." The soldiers hit and kicked me all over and said: "This whole country is Israel."

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At about 8:30 p.m. on Sunday, March 11, 1990, an IDF force of a few dozen regular and reserve soldiers arrived in jeeps at the village of 'Abud in the Ramallah district, after some passing Israeli vehicles were stoned. The soldiers parked the jeeps at the entrance to the village, entered on foot in four separate groups, and began house-to-house searches. Witnesses say that several doors were smashed. The soldiers removed youths from their homes and brought them to the center of the village, beating them all the while.

One of these youths, Yusuf Mahmoud Ahmad Sallah, relates:

I woke up at about 8:30 p.m. when pounding started on the gate to the house. I didn't want to open it because I thought they were settlers. After a few minutes of pounding they began shouting, "Open up! Soldiers!" When I opened the gate I was slapped by one of the soldiers who entered the house shouting and cursing.

He then slapped me on the face again. Just then, my father, who is 68 and has a heart condition, came out and the same soldiers attacked him, knocked him down and stepped on him, cursing all the while.

My brother's four children cried and screamed with fright. Then the soldiers entered and made a thorough search of the house. After the search a soldier took me from the house to the center of the village without letting me put on my coat.

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"Purim is a Jewish holiday in early spring which is celebrated by wearing amusing costumes. The "Purimshpiel" (literally "Purim-game") is a holiday custom in which humorous skits are presented.

Outside I saw other youths being taken by soldiers. When we reached the center of the village I saw soldiers beating my cousin all over because he had asked to put on his coat when they took him from his house.

We were taken, about 13 youths, to the center of the village and made to sit in sewage water. We sat the entire time with our heads down and if anyone raised his head he was beaten. The soldiers beat us the entire time with their hands, kicked us, and cursed our mothers and sisters.

They took us aside one at a time and interrogated us. When my turn came the officer asked me: "Where do you work?" I said: "In Israel." The soldiers hit and kicked me all over and said: "This whole country is Israel." The officer asked me who had thrown the stones at Israeli vehicles passing by the village. I told him I didn't know. The soldiers hit me and said: "When the officer asks you have to be courteous and answer affirmatively."

Later I learned that during the search of my uncle's house the soldiers had struck my cousin in the chest with a rifle butt. She fell down and still [three weeks after the event] needs medical treatment. In addition, a lot of damage was caused the house during the search.

Ismail Muhammad Abduī Majid was arrested in his house and taken to the center of the village.

I told the soldier I wanted to put on my coat because I was cold. The soldier refused. My mother brought me a coat and threw it on me. I heard a soldier say to his friend, in Hebrew: "They are putting on coats... they don't know that they're going to warm up soon."

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The soldiers started singing, "Purim, Purim," and told us to sing, "I'm Purim, I'm Purim," and that if we didn't sing they would beat us and wouldn't return our ID cards.

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They sat us down, about 15 youths, on the ground with our heads toward the wall. You weren't allowed to raise your head or talk to anyone else. More soldiers arrived in a military jeep. The soldiers got out of the jeep and started calling us one by one for interrogation on the side. When my turn came they took me aside. A soldier asked me:

From the soldier's letter to B'Tselem:

- 1) A number of youths were taken from the homes and beaten for no reason, [...] including a boy who was beaten because he was unable to answer the soldiers in Hebrew.
- 2) A car entered the village without stopping at the roadblock at the entrance. Soldiers damaged the car [...] They asked the driver something and after he replied they pretended he had said "son of a bitch" so they would have reason to break parts of the car.
- 3) The incident occurred on Purim. Two youths were taken and smeared with the paint they were using to erase graffiti. They were forced to sing "I'm Purim, I'm Purim" and to teach the other youths to sing along with them.
- 4) One of the youths said: "I wasn't here today. I was in Tel Aviv." A soldier responded: "You were in Tel Aviv and I'm here!" and struck him.

"Who is throwing stones?" I said that I go home at 6 p.m. and don't know what goes on in the village. The soldier told me: "Paratroopers will get here soon... they will beat you until you talk and I won't intervene."

About ten minutes later paratroopers arrived (wearing red berets). The paratroopers started asking everyone, "What's your name?" while hitting us on the back, the neck, and the head with their hands and fists.

They took me and Raji and told us to bring black paint from the house. I said I didn't have any. A soldier told me: "Look all over the village and if there isn't any, go buy some in the market." I went home. We had a little green paint. I brought the paint to a soldier.

The soldier said: "Didn't you hear what the soldier told you - that he wants black paint - if he sees it's green paint he'll kill you." I took the paint back home, Raji brought brown paint. The soldier praised us and said we were good guys and would not be beaten as much as our friends.

Raji and I went with four soldiers and a jeep. The soldiers had clubs. They hit us on our legs as we walked. We walked about 100 meters and the jeep drove behind us. We started erasing graffiti. The soldiers again hit us on the back with their clubs because we weren't painting properly. At first we used a piece of cloth and then they ordered us to erase the graffiti with our hands.

the battalion commander to censure the sergeant severely for deviating from orders. It bears stressing that the Military Advocate took this step despite the life-threatening situation in which the unit found itself.

In light of the Minister of Defence's reply, the following can be concluded:

1. The Minister of Defence does not explain what is meant by the soldier's "deviation from orders." The photographs in our possession suggest that the shooting occurred from extremely close range, a fact which raises doubts about contentions that the soldier's life was threatened and that simply deviation from orders was involved.
2. The slow pace of the investigation prevented placing on disciplinary trial the soldier who deviated from orders and caused the death of a 14-year-old girl. The Minister of Defence does not explain why, even if the soldier had already been demobilized and the period for a disciplinary hearing had elapsed, he was not court-martialled.
3. The IDF did not provide the soldiers involved with a sufficient quantity of the ammunition required in such cases.
4. The IDF initially denied its involvement in the incident. This denial subsequently proved incorrect. The Minister of Defence does not state whether anyone was brought to justice for misleading the public.

