

B'tselem – The Israeli Information Center for Human Rights in the Occupied Territories

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***TACIT CONSENT:***  
**Israeli Policy on Law Enforcement toward Settlers  
in the Occupied Territories**

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## Introduction

Violence by settlers and other Israeli civilians against Palestinians have occurred in the Occupied Territories practically since the occupation began. Major acts of violence that occurred prior to the first *intifada* include the attempted assassination of three West Bank mayors in 1980, the raid on the Islamic College in Hebron in July 1983, in which three students were killed and many others wounded, and the Jewish Underground, which planned to bomb a number of Arab buses, and was apprehended by the General Security Service in 1984.

Since the beginning of the first *intifada*, in 1987, 119 Palestinians, among them 23 minors, have been killed by settlers and other Israeli civilians. In many other incidents, settlers injured Palestinians, damaged their property, and abused them in other ways. In recent months, the number and intensity of such violent activity have increased.

This violence occurs against the background of leniency and prolonged impotence of the Israeli law-enforcement authorities. These factors received much media coverage following two recent decisions of Israeli courts. The first was the Supreme Court ruling to accept the Parole Board's decision to release Yoram Skolnick, convicted of killing a Palestinian who was tied-up, after serving only eight years in jail. In her dissenting opinion, Justice Dorit Beinisch stated that, "This result violates the sense of justice and the value of the sanctity of human life."<sup>1</sup> The second decision was the Jerusalem District Court's sentence of Nahum Korman to six-months' public service, for his manslaughter conviction, as the result of a plea bargain, in the killing of an 11-year-old Palestinian boy. In response to the sentence, former Attorney General Michael Ben-Ya'ir stated that "it is completely incomprehensible."<sup>2</sup> However, these decisions are only the tip of the iceberg of a widespread and continuing phenomenon to which all the law-enforcement authorities are party: the disregard for Israel's legal duty, as an occupying power, to protect the well-being and security of the Palestinian population under its control.

Over the years, various bodies have vehemently criticized the law-enforcement authorities' handling of settlers' offenses against Palestinians. For example, the state commission of inquiry established in 1994 following the massacre in the Tomb of the Patriarchs sharply criticized law-enforcement policy on offenses against Palestinians, and held that, despite repeated warnings, meaningful measures had not been taken over the years to improve it.<sup>3</sup> A report that B'Tselem published shortly before the establishment of the Commission concluded that all Israeli law-enforcement authorities – the army, the police, the State Attorney's Office, and the judiciary – implement an undeclared policy of leniency, compromise, and failure to fully prosecute Israeli civilians who harm Palestinian residents in the Occupied Territories.<sup>4</sup>

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<sup>1</sup> HCJ 89/01, *Public Committee Against Torture in Israel v. Parole Board and Yoram Skolnick* (not yet published).

<sup>2</sup> The comment was made on the Channel 3 television program, "Personal Meeting," on 27 January 2001.

<sup>3</sup> *Report of the State Commission of Inquiry Concerning the Matter of the Massacre in the Tomb of the Patriarchs, in Hebron, 1994* (hereafter: Shamgar Report).

<sup>4</sup> B'Tselem, *Law Enforcement Vis-a-Vis Israeli Civilians in the Occupied Territories*, March 1994.

Since the beginning of the current *intifada*, there has been a sharp increase in Palestinian attacks on settlers, during which Palestinians fire at settlers' cars and at their homes, including in Psagot, Hebron, and Gilo. From 29 September 2000, when the current *intifada* began, to 15 March 2001, Palestinians have killed 22 Israeli civilians and wounded many others.

As will be explained below, settlements are illegal under international law. However, this does not sanction attacks on settlers as individuals. Deliberate attacks on civilians is a flagrant violation of fundamental principles of international law. Even if the Palestinians demand for evacuation of the settlements in the framework of the agreements between them and Israel is legitimate, that fact cannot justify harming residents of the settlements. Settlements such as Psagot and Gilo, which are home to a civilian population, including children, are not a legitimate target for attack. B'Tselem condemns any attack on civilians, and urges the Palestinian Authority to take firm action to prevent deliberate attacks on settlers, to investigate incidents of attacks, and to prosecute those responsible.

However, it is superfluous to add that Palestinian attacks on settlers do not legitimate settler attacks on Palestinians. Regarding Palestinian attacks on settlers, the Shamgar Commission stated: "None of this justifies violation of the law and taking the law into one's own hands, and offenders should not be treated with leniency and understanding. The *intifada* does not justify acceptance of trampling on the law, disregarding offenses that were committed, and lessening motivation for enforcing the law."<sup>5</sup>

This report begins with an explanation of the legal status of the settlers. Part 1 then describes the various kinds of violent acts committed by settlers against Palestinians during the events of the recent months. Part 2 of the report will discuss law enforcement by the authorities, and conclude with data on the authorities' handling of cases in which Palestinians were killed by settlers and other Israeli civilians. The report will then present conclusions and recommendations.

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<sup>5</sup> Shamgar Report, p. 167.

## Legal Status of the Settlers

According to statistics compiled by Peace Now, 200,650 Israeli citizens live in 145 settlements in the Occupied Territories.<sup>6</sup> Israel's establishment of these settlements contravenes international law, which prohibits transfer of a population from the occupying state to the territory under occupation and prohibits permanent changes that are not intended for the benefit of the local population in the occupied territory.<sup>7</sup>

The settlers live in areas under military rule that were not annexed into Israel. Despite this, they benefit from an extraterritorial status that enables them, among other things, to be tried under Israeli penal law in civil courts in Israel. Palestinians, on the other hand, are tried under military law. The Oslo Accords did not change the status of settlers because Israel continued to have sole authority over them.<sup>8</sup> The Palestinian Authority does not have any jurisdiction over Israeli citizens, even when they commit offenses in areas under PA control.<sup>9</sup>

The Israeli legal system grants settlers a number of legal rights that are absent from the military justice system applying to Palestinians. The period of detention of a suspect before being brought before a judge, the right to meet with an attorney, the defenses available to a defendant at trial, maximum sentences set by law, release of prisoners before serving a full sentence – all of these differ in the two systems of law, with the Israeli system granting more extensive rights and defenses.<sup>10</sup>

The dual system of law in the Occupied Territories constitutes flagrant discrimination: in the same geographic area, two systems of law exist with the nationality of the individual determining which system applies. The clear disparity in the two systems means that the identity of defendants affects their rights and the punishment imposed on them. In 1995, following Prime Minister Yitzhak Rabin's criticism of the ineffective law enforcement against settlers, Attorney General Michael Ben-Ya'ir suggested that the hearing of some security offenses committed by settlers, such as violation of restrictions or of orders prohibiting the possession of arms, be transferred to military courts in the Occupied Territories.<sup>11</sup> The proposal did not relate to penal offenses, such as cases in which settlers harm Palestinians. In his legal opinion, which was submitted to the government, Ben-Ya'ir stated that law enforcement against settlers is not effective in part because hearings in civil courts drag on for many years. Transfer of the hearing on these kinds of offenses to military courts would lead to execution of judgment within a much shorter period of time.<sup>12</sup>

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<sup>6</sup> Figures of Peace Now's Monitoring of Settlements Committee, November 2000. According to figures of the Central Bureau of Statistics, in August 2000, 194,779 Israelis were living in the Occupied Territories. In addition, according to the 1998 Jerusalem Yearbook, 164,902 Israelis live in areas that Israel annexed into Jerusalem, in violation of international law, and are not subject to military rule.

<sup>7</sup> For details on this matter, see B'Tselem, *Israeli Settlements in the Occupied Territories as a Violation of Human Rights: Legal and Theoretical Aspects*, March 1997.

<sup>8</sup> Article 12(1) of the Interim Agreement on the West Bank and the Gaza Strip, 28 September 1995.

<sup>9</sup> *Ibid.*, Article 1 (2B) of Annex 4 (Protocol Concerning Legal Matters).

<sup>10</sup> For details, see B'Tselem, *Law Enforcement*, Appendix 1.

<sup>11</sup> *Ha'aretz*, 16 March 1995.

<sup>12</sup> *Ha'aretz*, 28 April 1995.

After long deliberation, and confronted with the vigorous opposition of the IDF and other bodies, the prime minister ultimately rejected Ben-Ya'ir's recommendations and held that settlers suspected of committing security offenses would continue to be tried in civil courts in Israel. The prime minister requested the Justice Minister, David Liba'i, to prepare for the government a proposal to strengthen the State Attorney's Office and the courts to ensure that the handling of these offenses would be more effective and efficient in expediting prosecution of settlers suspected of having committed security offenses.<sup>13</sup>

A substantial segment of the settlers in the Occupied Territories carry weapons that they received from the IDF. These settlers act in a number of frameworks:

- Army regional defense units: reserve units that the IDF established, operating in the Occupied Territories, in a manner comparable to regional defense units operating along the borders with Jordan, Lebanon, and Syria.
- Guarding the settlements: the settlers receive weapons from the ammunition depot of the settlement and are subject to the orders of the settlement's security coordinator, whose authority does not include pursuing, on his own initiative, suspected perpetrators outside the settlement.<sup>14</sup>
- Reservists living in the Occupied Territories can request, from their army units, permits to carry an IDF weapon also when not on active reserve duty.

According to the IDF Spokesperson, these settlers operate according to the army's open-fire regulations and conduct their firing-range exercises pursuant to army commands.<sup>15</sup> The IDF's supervision of individuals carrying weapons in these frameworks is not sufficiently clear. The IDF Spokesperson made only a general statement, indicating that "the IDF only investigates cases that are brought to its attention regarding illegal use of weapons."<sup>16</sup>

In addition to these military frameworks, permanent residence or work in the Occupied Territories is a basis for obtaining a Ministry of Interior permit to carry a pistol.<sup>17</sup>

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<sup>13</sup> *Ha'aretz*, 17 July 1995.

<sup>14</sup> See section 36 of Annex 5 of the Supreme Command Regulations. See also the court's decision in T-A 001802/96.

<sup>15</sup> Letter of 9 January 2001 from Efrat Segev, head of the Assistance Division of the IDF Spokesperson, to B'Tselem.

<sup>16</sup> *Ibid.*

<sup>17</sup> Firearms Law, 1949.

## Part 1: Settler Violence

In 1998, the Attorney General, Elyakim Rubinstein, published a procedure concerning law enforcement toward settlers in the Occupied Territories.<sup>18</sup> The procedure details the primary points of friction between Israelis and Palestinians in the Occupied Territories. These points include Jewish settlements located near Palestinian communities, isolated Palestinian communities, agricultural lands, holy sites, and public roadways. The procedure also describes some of the common acts of violence by settlers against Palestinians, including the following:

- Gunfire and stone-throwing intended to cause bodily harm.
- Rioting in Palestinian communities: breaking windows, damaging motor vehicles, overturning stands in the market, and the like.
- Blocking roads and initiating disturbances on roadways and at intersections.

The procedure's provisions are based on experience unfortunately gathered over many years. The very preparation of a special, detailed procedure dealing with this matter and delineating the kinds of offenses indicates that these acts of violence are an widespread and on-going phenomenon. This is also true about most of the violence perpetrated by settlers during the present *intifada*.

In recent months, some leaders of the settlers have warned that settlers are liable to "take the law into their own hands" because of their sense of insecurity and feeling that the IDF is not doing enough to protect them from Palestinian attacks. The warnings were voiced to senior army officers and other officials. For example, right at the outbreak of the *intifada*, the YESHA Council spokesperson, Yehoshua Mor-Yosef, stated: "We act in coordination with the army, if something exceptional happens and the situation worsens, we are also ready to act on our own."<sup>19</sup> YESHA's executive director, Shlomo Filber, said that, "The Palestinians need to understand that if they disrupt our lives, we'll do the same to them."<sup>20</sup> Uri Ariel, head of the Beit El Council, said, "We are in a difficult situation and are considering ensuring our own security in the Beit El area and elsewhere in YESHA."<sup>21</sup> In a meeting with the commander of the Samaria Brigade, the rabbi of the Itamar settlement, Natan Hai, stated that, "If, Heaven forbid, another soldier or civilian is killed here, we'll lose control, the residents will descend from the hills and take brutal revenge against Palestinians."<sup>22</sup>

Palestinian testimonies given to B'Tselem indicate that at least some of the fears expressed by the settlers' leaders were realized and that settlers killed and injured Palestinians and damaged their property.

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<sup>18</sup> "Law Enforcement Procedure and Arrangement Concerning Israeli Offenders in Judea and Samaria and in the Gaza Strip," September 1998; see also Part 2.

<sup>19</sup> "Settlers: IDF Acting in Subdued Manner," YNET, 2 October 2000.

<sup>20</sup> "Settlers: We'll Disrupt Palestinian Life," YNET, 8 October 2000.

<sup>21</sup> Channel 7 Radio, 5 February 2001.

<sup>22</sup> "Stand Up, Jewish Officer," *Ha'aretz*, 20 October 2000.

In several Israeli settlements in the Occupied Territories, such incidents have been more extensive in recent years, and particularly during the current *intifada*. This includes settlements in Hebron, the area of Itamar and Yitzhar, and settlements in South Mount Hebron.

According to B'Tselem's data, since the outbreak of the *intifada*, on 29 September 2000, settlers killed at least six Palestinians:<sup>23</sup>

- Fahed Mustafa Bacher 'Odeh, 23, killed by gunfire in the village of Bidia, Qalqilya district, on 7 October 2000
- Farid Musa 'Issa Nasasreh, 28, killed by gunfire in Bet Furiq, Nablus district, on 17 October 2000
- Mustafa Mahmud Musa 'Alyan, 47, killed by stone-throwing near Kufur Malek, Ramallah district, on 14 November 2000
- Muhammad Juda Abu-'Iasi, 27, killed by gunfire in the Erez industrial area in the Gaza Strip, on 7 December 2000
- Muhammad Hamed 'Ali Shalash, 18, killed by gunfire in the area of 'Abud Village, Ramallah district, on 17 December 2000
- Muhammad Najib 'Abido, killed by gunfire at Beit Hagai, near Hebron on 22 December 2000

In addition, over the past few months, settlers fired at and wounded Palestinians, threw stones at Palestinian vehicles, damaged property, uprooted trees, burned a mosque, harmed Palestinian medical teams, attacked journalists, prevented farmers from reaching their fields, and blocked roads.

Testimonies of Palestinians describing some of these acts follow.

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<sup>23</sup> The number of Palestinians killed by settlers may be higher; there are cases in which it is unclear whether soldiers or civilians were responsible for the deaths. Because there were no eyewitnesses in some cases, and since the IDF Spokesperson does not report killings of Palestinians by security forces, it is not always possible to determine the party responsible. Furthermore, there are cases in which Palestinians were run over by settlers and it is unclear if the incident was intentional or accidental.



## Gunfire and Rioting within Palestinian Towns and Villages

A common practice of settlers is to intentionally enter Palestinian residential areas, shoot and throw stones at houses, damage property, and commit other acts of vandalism, such as burning cars, breaking windows, and shooting solar heating devices. These acts may be conducted by a few individuals or by larger groups.

For example, according to the description of a resident of Bidia<sup>24</sup>:

On 8 October 2000, at 9:15 P.M., numerous settlers, who came from the east, from the area of the Ariel settlement, entered our village. There were about four vehicles - a Ford, a GMC, and others - which were full of settlers. They began to destroy the village. When residents saw the settlers, they called out on loudspeakers for villagers to come to the eastern entrance to defend the village.

For some time, the settlers burned several shops. They fled when the residents began to gather. The settlers carried on westward, toward Maskhah Village, around two kilometers from Bidia. They caused destruction, burned property, fired shots, and then left. It lasted for fifteen minutes.

Several communities in the Occupied Territories have suffered in recent months from systematic and regular attacks by settlers. Two examples follow.

### *Hebron*

Since its establishment in 1968, the Israeli settlement in Hebron has been one of the primary focal points of settlers' violence against Palestinians. The violence increased with the outbreak of the first *intifada*, in 1987.<sup>25</sup> The pinnacle of violent activity occurred in February 1994, when Baruch Goldstein, a settler from Kiryat Arba, killed 29 Muslim worshippers in the Tomb of the Patriarchs.

The Hebron settlement is unique in that it is the only settlement located in the heart of a large Palestinian city. Hebron has 120,000 Palestinian residents and 500 settlers, the latter concentrated in a couple of neighborhoods.

Because settlers live in the city, Hebron was the only large Palestinian city that was not handed over to Palestinian Authority control during the redeployment of IDF forces in the Occupied Territories in 1994-1995, and it was not before 1997 that the PA entered the city. By agreement between the parties, Hebron is divided into two parts.<sup>26</sup> Control in Area H1 was transferred to the PA, and Area H2, in which some 30,000 Palestinians and all 500 settlers reside, remained under complete Israeli

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<sup>24</sup> The testimony was given to Hashem Abu Hassan on 13 December 2000.

<sup>25</sup> See B'Tselem, *Impossible Coexistence: Human Rights in Hebron since the Massacre in the Tomb of the Patriarchs*, September 1995.

<sup>26</sup> Agreement Concerning Redeployment in Hebron, January 1997.

control. Testimonies given to B'Tselem, media reports, and reports of TIPH<sup>27</sup> indicate that, even following implementation of the agreement, both Palestinian residents of Hebron and the settlers residing in the city continued to commit acts of violence against each other.

The settlers' presence was also the primary, if not the only, reason for imposition of the curfew on Area H2 during the current *intifada*. The curfew began on 29 September 2000. It continued during October and November, except for a number of short breaks of several hours at a time. Curfew was imposed 12 days in December, and since then, Israel has imposed curfews a number of times. The curfew applies, in a blatant discriminatory fashion, only on the Palestinian population, while the settlers were allowed to move about freely.<sup>28</sup>

The testimonies given to B'Tselem paint a harsh picture of systematic settler abuse of Palestinian residents. This maltreatment included numerous instances of assault, stone-throwing at homes, destruction of merchandise in shops, overturning stands in the market, other property damage, and destruction of farmland. Settlers also attacked journalists on a number of occasions. Some of the incidents took place when the Palestinians were under curfew and unable to leave their homes to protect their property.

*Shooting of Mansur Jabber, 12, resident of Hebron, eighth-grade pupil*

On the morning of Friday, 8 December 2000, Palestinians near the settlement of Beit Hagai shot and killed two settlers from Hebron - Rina Didovski and Eliyahu Ben Ami. Later that morning, dozens of settlers took control of the home of 'Ata Jabber, in Hebron's al-Biqa neighborhood, which is adjacent to the Israeli settlement of Givat HaHarsina. The house is in the final stages of construction, and the family had not yet moved in. Neighborhood residents informed B'Tselem that, during the weeks preceding the incident, they were often mistreated by settlers, primarily settlers from Givat HaHarsina.

The next morning, a Saturday, approximately 25 settlers came to the home of Naji Jabber. The house lies approximately 400 meters from the house that settlers had taken over. Naji Jabber described to B'Tselem what happened then.<sup>29</sup>

My son Mansur opened the door to see what was happening outside, and the moment that he opened it, a settler shot him. The shot struck him in the palm of his left hand and his hip, and exited his body.

After the shooting, I went outside with my wife and children and saw three settlers. One of them was around 55, tall, wearing glasses, and with a beard and white hair. He was of average build. The second was

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<sup>27</sup> TIPH is a force of international observers established after the massacre in the Tomb of the Patriarchs, in 1994, pursuant to agreement between Israel and the PLO, to monitor the actions of the parties in imposing order in the city and to help give the residents a renewed sense of security.

<sup>28</sup> See B'Tselem, *Civilians Under Siege: Restrictions on Movement as Collective Punishment*, January 2001.

<sup>29</sup> The testimony was given to Najib Abu Rokaya on 10 December 2000.

tall, had glasses, a long face, and beard. He was around 35 years old. The third was younger than the other two, around 30 I think, and he also had a beard.

I saw that Mansur had been wounded by the shooting and was lying on the ground. The three settlers were standing five or six meters from me. An army jeep was around 10-15 meters away. I put my son into my car. I wanted to take him to the hospital, but the soldiers and settlers hindered me. The soldiers told me that, because of the curfew, I was not allowed to travel. The settlers stood with their weapons and shouted all kinds of things. I went onto the road, together others in my family and we carried my wounded son. We walked around 100 meters along the bypass road, and by chance we came across a Civil Administration official, Amnon. He stopped, heard what had happened and summoned an army ambulance, which took my son as far as Jerusalem's Gilo neighborhood. From Gilo, a civilian ambulance took my son and me to Hadassah Hospital, in Ein Kerem.

That same day, the family of 'Ata Jabber received an order from the Civil Administration declaring their property a closed military area and forbidding entry to it for three months. The police arrested Yehoshua Shani, a member of the Kiryat Arba Council, on suspicion of shooting the child.<sup>30</sup> The Jerusalem District Attorney filed an indictment against Shani charging him with causing injury under aggravated circumstances.<sup>31</sup>

It should be noted that, on Saturday morning, attorney Leah Tsemel filed a petition with the on-duty justice of the Supreme Court demanding that the Minister of Defense and the Minister of Public Security exercise their authority to protect 'Ata Jabber and his property against the illegal invasion. The justice rejected the application to file the petition at that time, contending that life-saving matters were not involved. Following the shooting of Mansur Jabber, Tsemel returned to court, and the justice ordered the respondents to present the measures that they had taken to remove the invading settlers.<sup>32</sup>

*Testimony of Meyson Faisal Mahmud Abu Hadid, 30 years old, resident of Hebron (Area H2), secretary at al-Mizan Hospital, Hebron*<sup>33</sup>

Meyson Abu Hadid is the sole supporter of her family, because her brothers and sisters are unable to work due to the curfew on Hebron. Because she works at the hospital, Israel issued her a permit to move about the city during curfew. In her testimony to B'Tselem, she spoke about the daily abuse by settlers:

About a week ago, I think it was Sunday, the fourth of February, while I was coming home from work around 4:30 P.M., the area was, as usual,

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<sup>30</sup> "Settler Suspected of Severely Wounding Child in Hebron Surrenders to Police," *Ha'aretz*, 11 December 2000.

<sup>31</sup> "Indictment against Settler Who Shot Youth," *Ha'aretz*, 11 December 2000.

<sup>32</sup> "Settlers Shot Child while Invading House in Hebron," *Ha'aretz*, 10 December 2000.

<sup>33</sup> The testimony was given to Raslan Mahagna on 11 February 2001.

under curfew. I got to the army checkpoint at the entrance to Area H2 and presented my permit. The soldiers let me pass without trouble. When I got around 50 meters from the area referred to as Qantrat al-Hamam, two male settlers, one around 30 years old and the other older, around 50, ordered me to stop and go back to where I had come from. They were threatening and shouting. They frightened me a lot. I told them that my house was nearby and that I had a permit to enter the area during curfew. I pointed out my house to them. The younger settler punched me in my shoulder and tried to forcefully remove the scarf that was covering my head. I began to scream and shout, and four soldiers came to the scene.

The soldiers tried in a courteous way to convince the two settlers to leave me alone. They argued for a few minutes, but I did not understand what they said because they spoke in Hebrew, which I do not understand. Then one of the soldiers came to me and told me in Arabic to find another path to get home. I showed him my permit, and he said that nothing could be done about it, that he couldn't convince the two settlers to let me pass. When I refused, the two settlers began to scream and shout. Luckily for me, the soldiers stood between us. I was frightened and turned around to find another way to get home. I walked through the a-Sheikh neighborhood, in Area H1, where I descended toward the Ibrahim mosque, and then to my home.

When I got to the door of my house, the younger settler looked at me with a sarcastic expression and motioned with his hand that he had succeeded in making me turn around. I went into the house and did not respond to him.

*Testimony of Murtadeh Muslem 'Abd Rabbo Abu 'Ayesheh, 75, married with eight children, resident of al-Hawaz, Hebron, owner of a clothing store<sup>34</sup>*

I have owned a clothing store for more than 40 years. The shop is located in what was formerly Hebron's business center. Since the Avraham Avinu settlement was established nearby, my business has deteriorated. The shop was frequently closed because of curfews, settler violence, and closing of a-Shawadeh Street, which connects the new and old parts of Hebron.

Since the beginning of the *intifada*, the Israeli army has imposed a continuous curfew on Area H2. Also, the settlers increased their attacks on Palestinian residents, which occur every time that the army lifts the curfew. Settlers, men and women, throw stones at the shop owners and passers-by. They overturn vegetable stands and damage the merchandise. Sometimes they confiscate merchandise. The massive presence of soldiers in the area did not stop or even lessen the daily attacks by the settlers. The soldiers only intervene when Palestinians

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<sup>34</sup> The testimony was given to Musa Abu Hashash on 2 January 2001.

who are attacked defend themselves. Several times, soldiers pushed, beat, and threatened to arrest Palestinians who tried to defend themselves against the settlers' attacks.

At the beginning of Ramadan, a month ago, the curfew was lifted for a number of hours, and other merchants and I opened our shops. Around 11:00 A.M., eight female settlers and three male settlers came to the front of my shop and threw merchandise onto the floor. They entered nearby clothing stores and did the same. When they finished throwing the clothes, some of them began to take clothes and cross the checkpoint. When we tried to stop the women who took the clothes, the soldiers, who totalled more than 40, stopped me and the other merchants. I tried to grab one of the women, but a soldier aimed his weapon at me.

Half an hour later, eight police officers arrived. They pushed the settlers away from the site. We asked the police to return the clothes that had been taken, but they told us to go to the police station near the Ibrahim mosque [Tomb of the Patriarchs]. We did that and were told to go to the Kiryat Arba settlement and speak with the police officer there. Some people advised us not to go there because it was dangerous, so we didn't go.

### *Hawara*

The town of Hawara is located in northern Samaria, near Nablus, and contains 4,000 residents. It is located in Area B, which is under Israeli security control. Surrounding Hawara are the Israeli settlements of Itamar, Bracha, Tapuah, and Yitzhar. The IDF imposed a curfew on Hawara from 6 October to 8 November 2000. The IDF contended that it imposed the curfew to safeguard settlers in the area travelling along the road that passes through the town.<sup>35</sup> Subsequently, the IDF imposed three shorter curfews on the town. Hawara was under curfew for a total of 64 days.

In recent months, residents of Hawara have repeatedly been subject to attacks by settlers from the nearby settlements. In raids on the town, settlers fired weapons and threw stones at homes, damaged motor vehicles, workshops, stores and other property. Settlers also shot at residents of the town while they were picking olives in the groves near Yitzhar, uprooted many trees, and damaged crops. In a few cases, settlers attacked vehicles of Hawara residents outside the town. On the night of 12 October 2000, settlers torched the town's large mosque. The mayor of Hawara, Muhammad 'Abd a-Rahman Badawi, described the incident to B'Tselem:<sup>36</sup>

Residents saw a white Mitsubishi car, whose driver and a few other settlers who were with him torched the mosque. Inside the mosque were around 50 Persian rugs, which were rolled up and lying alongside the

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<sup>35</sup> Letter from the legal advisor for Judea and Samaria to HaMoked: Center for the Defence of the Individual, 15 November 2000.

<sup>36</sup> The testimony was given to Hashem Abu Hassan on 21 November 2000.

wall. The settlers poured the petrol through the window and set the mosque afire. The fire burned the rolled-up carpets, the other carpets that were spread out on the floor of the mosque, and the bookcase. The carpets that were burned cost around \$20,000.

Rabbis from the settlements in the area spoke about the burning of the mosque to the commander of the Samaria Brigade, Col. Yossi Adiri. Yaki Savir, the Rabbi of Alon Moreh settlement, said that, "After we buried a friend yesterday, the fact that only one mosque in Hawara was torched and not all five is what should surprise you. As far as I am concerned, if twenty mosques were to go up in flames, I would be much happier." David Dudkavich, the Rabbi of Yitzhar, said on the same occasion that, "The fact that all of Hawara did not go up in flames - if not by you, then by us - is proof that the public here is exercising incredible restraint."<sup>37</sup>

*Testimony of Romel Muhammad Hassin Shahrur, 37, resident of Hawara*<sup>38</sup>

On 21 November 2000, at around 9:30 P.M., close to 120 settlers entered Hawara. They were shouting "Death to Hawara." They arrived in a convoy of around 40 vehicles coming from the north of the village, i.e., from the direction of the settlements [Alon Moreh, Yizhar, and Itamar], since only one road connects them and the Za'atreh junction, and it passes through Hawara.

The settlers stopped their vehicles outside the village, and they walked toward the village, throwing stones at homes on the main road. Then they tried to enter the Imam 'Ali mosque and dislodge the mosque's gate, but they failed. They threw stones at the mosque and broke the windows and tried to burn it, as they did to the large mosque on 12 October 2000. Then they torched the mosque through one of the windows, and the fire burned up all the rugs and carpets and the bookcase in the mosque.

The Imam 'Ali mosque, which was built a short time ago, lies on the main road of the village. Because its gates are strongly built and its windows hard to open, the settlers were unable to break into the mosque. After they failed at that, they began to throw stones at adjacent homes, and shattered their windows. For example, they threw stones at the house of Haj Mar'ab al-Hawari, shattering the windows, and his daughter-in-law, Amal Jihad al-Hawari, was wounded from flying glass fragments. This situation continued for about an hour, all the time the settlers trying to burn the mosque. IDF soldiers were present, but did not intervene and attempt to stop the settlers.

We called the Civil Administration officer, whose name is Guy, and he claimed that there were too many settlers for the soldiers to control. The

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<sup>37</sup> See "Stand up, Jewish Officer," *Ha'arets*, 20 October 2000.

<sup>38</sup> The testimony was given to Hashem Abu Hassan on 23 November 2000 in Hawara.

army waited until reserve forces appeared, and only then expelled the settlers from the village.

Emotionally, the children suffered greatly. Some of them cannot even walk to the school. Some are beginning to hate. My daughter, who is 12, is one of them. From the moment that she heard that settlers were in the village, she ran and hid in the bathroom. Most of the children in the village acted like that. It is a result of the situation that we have faced here for a month and a half. For thirty-seven days, we have been under curfew, during which our homes were fired at and settlers took provocative acts against families in the village, all while the Israeli army saw and heard what was going on.

*Testimony of 'Abd a-Rahman Muhammad 'Abd a-Rahman 'Odeh, 32, resident of Hawara*<sup>39</sup>

I own a ceramics shop at the northern entrance to Hawara, alongside the junction of the Yitzhar settlement. The shop's merchandise is located outside. The settlers came during the recent events, in October, at night, from ten o'clock to one in the morning, broke ceramic tiles and stole some of the merchandise. At that time Hawara was under curfew, so I wasn't at the shop. I tried to get there a few times during curfew, but the Israeli soldiers didn't let me and they beat me up. Despite this, I managed to get to the shop to see what happened to the goods outside the shop, but I couldn't check everything.

These acts were repeated for four days in a row. The soldiers were near the shop but didn't do anything against the settlers and did not try to prevent the settlers from damaging the merchandise.

After there were incidents [of attacks against Israelis], things would get worse. After a settler was killed in a nearby area, groups of settlers would appear, shatter windows and glass, and throw stones at Arab vehicles.

The Israeli army sees everything that is going on but does not help. They do not try to prevent it, even though the soldiers know the settlers personally and recognize their vehicles. Sometimes we tell the soldiers about the attacks, but they don't lift a finger against the settlers.

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<sup>39</sup> The testimony was given to Hashem Abu Hassan on 16 January 2001.

## Shooting and Throwing Stones at Palestinian Vehicles

Over the past few months, settlers have shot at and stoned Palestinian vehicles numerous times. Most of these incidents occurred as ambushes near settlements, in which a group of settlers hid near the road and, when they saw a Palestinian vehicle passing, attacked it. In some cases, the settlers fired or threw stones from their vehicles. Such attacks occurred both at night and during the day.

Palestinians told B'Tselem that, after several such incidents, out of fear of settler attacks on their vehicles, they stopped travelling along the roads where these kinds of attacks took place. These circumstances, together with Israel's sweeping restriction on movement, make it almost impossible for Palestinians to travel on roads in the Occupied Territories, causing them great harm.<sup>40</sup>

*Killing of Mustafa 'Aliyan, 47, married with eight children, resident of 'Askar Refugee Camp, Nablus District*

Mustafa 'Aliyan sold vegetables around 'Anata, near Jerusalem, with Hussein Musalam, also a resident of the refugee camp. On 14 November 2000, the two returned home from their work. With them was 'Aliyan's son, 'Ala, who drove the car. Musalam described to B'Tselem what happened along the way:

When we reached the a-Sabah intersection, at Malek Village, ours was the only vehicle on the road. Immediately after the intersection there is an Israeli settlement whose name I do not know.<sup>41</sup> Near there, standing at the bus stop on the main road, were some 13 settlers. They were around 20 years old. When they saw that our car had green plates [from the Occupied Territories], around seven of them started to throw stones at us from a meter or two away. The Israeli army was not present at the site when the stones were thrown at us. 'Ala drove faster to get away from there. After we got some distance away, he slowed down so that we could see the damage.

We realized that Mustafa had been wounded by a large rock that struck him in the chest. He was sitting next to the right window, on the side from which the attack came. The rock that hit him weighed around four kilograms. We have it. We drove to find a medical clinic or doctor. Mustafa said that the pain was increasing. Within a few minutes, he lost consciousness.

We went onto a side road and came across some residents of Malek Village who were picking olives. We asked them whether there was a medical clinic or doctor in the area, and they said that there was a clinic in the village. We stopped a Ford van that passed by carrying workers and asked the driver to take Mustafa to the clinic, because it was far away. The driver, whose name I don't know, agreed and took us to the

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<sup>40</sup> See B'Tselem, *Civilians under Siege*.

<sup>41</sup> The reference is apparently to Kochav Hashachar.



clinic. At the clinic, the doctor examined Mustafa and said that he was dead. We left his body at the clinic and summoned an ambulance from Ramallah to take the body to Rafidiyeh Hospital, in Nablus. That was at 3:45 P.M.

The ambulance took us to the Z'atreh junction. On the other side, the ambulance from Nablus was waiting for us. The Israeli soldiers at the checkpoint stopped, searched us, and saw Mustafa's body. They asked what had happened, and we told them. After a wait of five minutes, the soldiers let us pass. We transferred Mustafa's body to the ambulance from Nablus, and the ambulance from Ramallah returned to Ramallah. We got to Rafidiyeh Government Hospital, where they took pictures of Mustafa's body. The following day, we buried him in the cemetery of Askar Refugee Camp.<sup>42</sup>

*Testimony of Marwan Abu 'Ali, 38, married with seven children, resident of Dir Istiyeh, Salfit District, construction worker<sup>43</sup>*

On 1 January 2001, at 10:00 P.M., Marwan Abu 'Ali drove from Maskheh toward his home, in Dir Istiyeh, via the Trans-Samaria Highway. Two other village residents were passengers in the car. In his testimony to B'Tselem, Abu 'Ali stated:

On the way to our village, a car with yellow [Israeli] license plates came toward us. It was a white or beige Renault station wagon. It made a quick 180-degree turn and proceeded in front of us at a very slow pace. In the vehicle was a driver and one passenger, and we saw that it was a settler's vehicle. After about 200 meters, the Renault speeded up and disappeared from view. Near the Barkan junction, not far from the Barkan settlement, the Renault again blocked our lane, making it impossible for us to pass. The Renault turned a bit to the right, toward the Barkan settlement, and stopped. The driver of our car, Abu Qaher, tried to pass. When we were alongside the car, the driver of the Renault took out his weapon and aimed it at us, and we saw the barrel of the rifle. He fired several shots.

The first bullet that the settler fired struck me. I was sitting next to the driver, in the front, so that I was closer to the settler's vehicle than the other passengers in our car. The bullet entered my back and stuck in my abdomen, because, when I saw the settler draw his weapon, I tried to take cover and turned my back toward him. I was taken to the clinic of Dr. 'Ali, in Kifel Hares village. He treated me and summoned an ambulance.

I remained in the clinic until the ambulance arrived, and it took me to Nablus... When we reached the outskirts of Nablus, before we got to Qusin junction, we were stopped at an Israeli army checkpoint on the

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<sup>42</sup> The testimony was given to Hashem Abu Hassan on 15 November 2000.

<sup>43</sup> The testimony was given to Hashem Abu Hassan on 3 January 2001.

Tulkarm-Nablus road. There were several army vehicles and soldiers. They told us that entry was not allowed. Even though we were in an ambulance, they did not let us enter Nablus. The ambulance driver asked them to let us pass and explained that a wounded person was in the ambulance, but they refused. So we had to retrace our steps and travel by the bypass toward Hawara-Burin and from there to the Hawara-Nablus road.

That was how we got to Nablus and the Rafidiyeh Government Hospital. It was already midnight. They took me into the emergency room and then into surgery. At that stage, I lost consciousness, and I remained unconscious until the following morning. I do not know what they did to me. Since then, I have been hospitalized in the hospital's intensive care unit, and my medical condition remains unstable.

*Testimony of 'Abd a-Rahim Sudqi Qusuzi, 33, married with four children, resident of Nablus<sup>44</sup>*

'Abd a-Rahim Qusuzi, a Reuters press photographer, told B'Tselem about the incident in which his car was attacked while he was travelling from Jerusalem to Nablus:

On Monday, 13 November 2000, we finished our work and left the office at six o'clock in the evening. It took us about an hour to get out of Jerusalem because of traffic jams along the way. We were in a car with yellow [Israeli] plates, which Reuters gave us to go from Jerusalem to Nablus.

While we were in Jerusalem, we heard about the killing of Israeli soldiers and settlers that day, so the driver changed directions and drove along the (Ma'aleh Ephraim) bypass road. It was quiet until we reached Z'atreh Junction. At first the driver was afraid that Palestinians would throw stones at the vehicle, which had Israeli plates, but the opposite occurred.

When we got near Z'atreh, a vehicle standing alongside the road gave us warning signals with its lights, but we didn't pay attention to it. When we got to Z'atreh Junction from the east, settlers were standing at the junction. We drove slowly and carefully, when about 20 settlers came at us from behind dirt piles alongside the road, and threw stones at us from the left side of the road even though our vehicle had yellow plates and a "press" emblem.

They threw stones at us and ran after us. The driver drove fast. About seven stones hit us, and others struck the car, broke the windows and caused lots of damage to the vehicle. We drove another 50 meters and reached concrete blocks, where there were 10-15 young settlers, who

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<sup>44</sup> The testimony was given to Hashem Abu Hassan on 14 November 2000.

began to throw stones at us. The driver drove towards them and they fled.

We continued ahead another 20 meters and came across another group of settlers standing on the right side of the road, near the concrete blocks. Four Israeli soldiers were with them. All the settlers began to throw stones, and they broke all the windows on the side of the car and cracked the front windshield with a stone. I was struck in the left shoulder by a stone that was thrown into the vehicle. We succeeded in getting past them. The driver was terrified. He had a pain in his back and couldn't control the car, and we almost veered into the ditch off to the right of the road.

At the junction at Birniyeh village, we told the driver that we would find another vehicle, and that he should try to get back to Jerusalem by another, safer route. I later heard that there were other vehicles that were attacked by settlers throwing stones.

The four soldiers at the junction did nothing to try to prevent the stone throwing. We later stopped a Border Police jeep and told them what had happened, but they didn't care. They didn't even tell us to file a complaint with the police.

## Attacks and Maltreatment of Palestinian Farmers

For years, Palestinian lands used for farming and grazing have been a primary focus of settler attacks.

In recent months, settlers have fired at farmers in numerous villages, beaten them, and prevented them from getting to their fields to pick olives and work their land. In some places, settlers uprooted olive trees. In this context, Benny Katsover, a leader of the settlers in the West Bank, said that, “if trees must be uprooted, because stones were thrown in a certain area, or some structure or other obstacle must be dismantled, then the young people do it. It takes time for the army to do it, and even then, they do it in a convoluted way.”<sup>45</sup>

Palestinian farmers have particularly suffered during this period. October and November are the olive-picking season, and olives are the principal source of income in many areas of the West Bank. The inability to reach the olive groves led to the destruction of the crop and substantial financial loss. Also, the closure caused great loss of income to Palestinians: the general closure prevented them from working in Israel, which provides a living for tens of thousands of Palestinian families. The difficulties in movement within the Occupied Territories, resulting from the siege, the internal closure, and attacks by settlers also gravely impaired their ability to work within the Occupied Territories.<sup>46</sup> Therefore, agriculture remained the sole source of income for many families, and this was severely impaired by settlers’ attacks.<sup>47</sup>

### *Firing at farmers in Beit Furiq and the killing of Farid Nasasreh*

On 17 October 2000, several dozen residents of Beit Furiq, men, women and children, left the village to pick olives on their land some five kilometers south of the village. They reached the olive groves at 7:00 A.M. and began the harvest. Shortly afterwards, two settlers from Itamar began to fire at them. Mahmud Nasasreh described the incident:<sup>48</sup>

My uncle Hamdi Nasasreh and I were in the group near the road to Itamar, our olive grove being close to the road. At around 9:30 A.M., we saw two settlers pass along the nearby road to their field. One of them was 55, with a white beard, and the other was 35, and he had a black beard. I noticed them look at us. I identified the younger settler because he had expelled us from the groves last year.

About 15 minutes later, we heard shots being fired. I didn’t know from which direction they were coming, and I asked my brother if he knew. The firing increased, and my uncle told us: “Don’t be afraid, stay where you are.” A bit later, I heard that Maleq had been wounded. He was around 150 meters away from us.

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<sup>45</sup> “We Held Back, We’ve Had Enough,” *Ma’ariv*, 2 January 2001.

<sup>46</sup> See B’Tselem, *Civilians under Siege*.

<sup>47</sup> Additional harm to farming was committed by the IDF, which damages other agricultural fields and groves in operations referred to by the IDF as “exposure actions.”

<sup>48</sup> The testimony was given to Hashem Abu Hassan on 21 October 2000.

Later, I saw the younger settler, the one with the black beard, stand in front of the caravan and behind the trees. He fired straight at us. I tried to find cover. He fired four bullets at me, but they did not hit me. I fled, and the settler fired at my uncle, who was carrying a sack of olives on his back. He was struck in the back and threw down the sack of olives. I told my uncle ‘Abdullah that Hamdi had been wounded and that we have to help him. Hamdi descended, from the northeast side, and the settler, who was located at a site overlooking all of us, continued to fire directly at us.

We hid near the stream. The settler fired at my uncle’s wife, Umm ‘Emad, but missed. When one of my uncle’s sons tried to lift those who were wounded onto a horse tied up nearby, to take them to get treated in town, the settler fired at the horse, and then shot randomly.

My uncle Hamdi moved toward the village, going with his son ‘Emad and Samer, and I remained with my uncle Jamal and Khaled’s elderly mother. I saw the settler fire at Khaled ‘Issa Nasasreh, who was hiding two or three meters from me, when he tried to flee, and struck him in the leg. Jamal, Khaled’s brother, evacuated him and took him to get treated.

Hassan Nasasreh described the killing of Farid Nasasreh:<sup>49</sup>

When it started, Maleq Nasasreh was wounded, and Farid Nasasreh helped Maleq’s father evacuate him to the village by donkey, because there was no vehicle access from the direction of Beit Furiq. Maleq was then taken to the hospital.

Five or six minutes after he evacuated Maleq, Farid came back. The firing continued and Hamdi Nasasreh, Farid’s uncle, was wounded. Farid returned to take him to the village by donkey, and when he was around 30 meters from Hamdi, a settler shot and wounded Farid in the chest and right hip. Farid fell immediately, grasping his hip, and lost consciousness.

An ambulance summoned to evacuate the wounded was delayed by soldiers at the checkpoint.<sup>50</sup> Farid Nasasreh, 29, father of two children, died from his wounds on the way to the hospital. During the incident, three other residents were wounded by gunfire.

On the day of the incident, the police arrested Yaron Dagani and Gad Tana, residents of Itamar, on suspicion of killing Farid Nasasreh, and causing injury to other Palestinians, in aggravated circumstances. Five days later, they were released for lack

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<sup>49</sup> The testimony was given to Hashem Abu Hassan on 25 October 2000.

<sup>50</sup> See B’Tselem, *Illusions of Restraint: Human Rights Violations during the Events in the Occupied Territories, 29 October 2000 to 2 December 2000*, December, 2000.

of evidence, despite claims that the police did not make all efforts to investigate the matter.<sup>51</sup> It was recently reported that, because of the difficulty in formulating an indictment, the State Attorney's Office is considering closing the investigation file against them.<sup>52</sup>

For some time, settlers from the area have attempted to take control of lands belonging to Beit Furiq. Mahmud Nasasreh, a resident there, told B'Tselem:<sup>53</sup>

Our land has never been expropriated, but the settlers use terror to try to take control over it, even though we have documents certifying that we own the land. Recently, the settlers placed several empty caravans on the land, and from time to time try to frighten our people in various ways and expel us from the land. Two years ago, settlers killed Sheikh Muhammad a-Zamut on his land, which is adjacent to ours.

These comments confirm the comments made by one of the persons arrested in the matter, Gad Tana, in an interview that he held with the Keshev organization about a month before the incident: "On Saturday, for example, Arabs came to pick figs in the field bordering ours. Of course, we threw them off. We annihilated them. They are not allowed to come up here. If they come nevertheless, we immediately call the army or the police. When the army's out of the picture, our men take care of them. On Saturdays [the Sabbath], we chase them by foot with hoes and axes."<sup>54</sup>

*Testimony of Hafiza Yusuf Mustafa Zaban, 82, widow with five children, resident of Burin Village, Nablus District*<sup>55</sup>

Hafiza and her family make a living from the produce of her olive groves. Since the Yitzhar settlement was established near the village, residents of Burin have suffered from the malicious acts of settlers from Yitzhar, which made it difficult for them to work their fields, especially during the olive-picking season. Zaban related that, before the settlement was founded, Burin residents used to sleep in the fields throughout the harvest season. Since then, due to fear of the settlers, they have not done that, but they continued to work the land. In her testimony to B'Tselem, Zaban stated:

Since the beginning of the events, on 29 September 2000, we could not go to the fields because the settlers stationed themselves at the entrance to the land, and we were afraid to go there. When the olive-picking season arrived, residents of the village who have olive groves requested a permit from the Palestinian DCO via the village council. The DCO officials, in coordination with the Israeli DCO, permitted us to enter the groves and pick the olives. The permit was given on 14 November 2000.

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<sup>51</sup> "Police in no Rush to Solve the Incident in Itamar," *Ha'aretz*, 22 November 2000.

<sup>52</sup> "Difficulty in Formulating Indictment against Two Settlers," *Ha'aretz*, 11 March 2001.

<sup>53</sup> The testimony was given to Hashem Abu Hassan on 21 October 2000.

<sup>54</sup> The comments were made on 5 September 2000 to a researcher from Keshev - The Center for the Protection of Democracy in Israel.

<sup>55</sup> The testimony was given to Raslan Mahagna on 13 February 2001.

On Tuesday, 14 November, at seven in the morning, my family and I went to the groves to harvest the olives. We were around 40 people altogether. Other families entered the adjacent groves. Most of the people working were women and small children, and Bashir, ‘Emad, and Hamzeh – my nephews – and Muhammad’s sons were the only males in the area. We picked from seven to noon, when around 30 settlers arrived, all of them young men, aged 20 to 30. They attacked us from all sides and began to throw stones at us and beat us with sticks and stones. We screamed and shouted. The males fled as did some of the young women and children. I am an elderly woman and could not flee.

Suddenly, one of the settlers, a healthy, fat young man, came at me with a pole. He was wearing a skullcap and had a long beard. He hit me in the head with the metal bar, striking me on the right side of my head, near my eye. Blood began to gush from my head. I fell and passed out. My niece Fathiyeh and my daughter ‘Aziza threw water on me. I woke up, and they lifted me up and wanted to remove me from the area, but the settlers began to throw stones at us. One of the stones struck me in the back of the head, and I passed out again. All the time, I was bleeding profusely. I awoke in Rafidiyeh Hospital, in Nablus, after undergoing surgery, and the staff told me that I had been unconscious for several hours and had been lying on the ground bleeding for close to an hour, until the ambulance arrived and brought me to the hospital. I was hospitalized for 12 days. The wound that I suffered near my right eye is around five centimeters long, and they told me that I could have died. Now, thank God, I am healthy.

When I regained consciousness in the hospital, I asked my son and daughters about the olives that we had harvested, and they told me that they had left all the olives in the field, and that the settlers had taken them for themselves. From then until now, nobody has gone close to the groves and we did not continue with the harvest.

In the same incident, my niece Fathiyeh, 50, was also wounded. She was injured in the leg by a thrown stone. My niece ‘Aziza, 32, was also wounded, by a stone that struck her in the shoulder. They were treated at the hospital and discharged the same day.

*Testimony of Salim Yusuf Saliman Shohaneh, 15, resident of Thulath Village, Qalqiliya District<sup>56</sup>*

I left school last year to help my brothers in farming. We have citrus groves, with oranges, tangerines, lemons, and the like. Our land is located around seven kilometers west of ‘Izbat Salman.

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<sup>56</sup> The testimony was given to Hashem Abu Hassan on 3 December 2000.

On Tuesday, 20 November 2000, my brothers were harvesting the produce on our land. I decided to help them. I walked from my house to 'Izbat Salman. On the way, around 2:00 P.M., I approached the lands of Oranit, the settlement west of 'Izbat Salman. A long fence separates the settlers' lands and ours, along which lies a road used by security vehicles of the settlers. I walked west, near the fence of the settlers' land, when two settlers appeared. At first, I did not see them. They walked alongside the fence along the road inside the settlement. I was six meters from them, and they shouted at me. Only then did I notice them. I think that they were around 30 years old. I turned my back to them. Several seconds passed, and then they fired at me. They were six meters, or less, from me. I do not know what kind of weapon they had. I fell to the ground and felt dizzy. I did not feel pain, and did not see any blood. The settlers who shot me fled.

Farmers who were working their land nearby, who know me and my family, came and took me by tractor to the main road. From there, they took me to 'Azun and then to Rafidiyeh Hospital, in Nablus. I reached the hospital about two hours after being shot. It was around 4:00 P.M.

I was taken to the emergency room, where I was X-rayed. The X-rays showed that the gunfire had fractured my leg. Also, a great number of bullet fragments had entered my upper left thigh. I underwent surgery. The surgeon put pins in my knee to join the bone. I am now in good condition, but am still receiving treatment. The fragments remain in my leg.



## Blocking Roads to Palestinian Traffic

### “Operation Daybreak”

Once there was a man, whom they beat, shot at and stoned, tried to bomb him, and almost... So he decided to do something...

For a week, for our good, we'll block Base 3 Junction between 6 and 8 in the morning.

We'll pray there – the public is requested to bring prayer shawls and phylacteries.

The objective of the operation is not to replace the IDF but to encourage it!!

Don't shirk your responsibility – join us at least once a week.

Leaving from the Rahamei Tirza Synagogue at 6:00 A.M..

“Death rose in our window” “and who is not with us knows for what”

With the help of God we shall act and succeed

The Organizers<sup>57</sup>

The settlers' violent activity in the Occupied Territories includes blocking roads to Palestinian traffic. Armed settlers set up a roadblock on a route travelled by Israelis and Palestinians and prevent the Palestinian vehicles from continuing along the road, while permitting settlers' vehicles to pass. Sometimes the roadblock is accompanied by attacks and stone-throwing at Palestinian vehicles. Settlers have set up roadblocks of this kind in Gush Etzion, Benyamin, Beit El, the Jordan Valley, and elsewhere.

Unlike the various attacks and abuse that were described in the previous sections, the roadblocks are established in an organized, almost official, manner. Many of the settler leaders openly encourage the actions and even take responsibility for them. Benny Katzover, one of the leaders, explicitly admitted that roadblocks had been set up: “The youth are pressuring [us] to act and complain that we are not militant enough. We direct the youth to take offensive action, which includes setting up roadblocks and clearing the roads.”<sup>58</sup>

Concurrently with these road blocks, Settler leaders called on the IDF to prohibit Palestinian vehicular traffic. YESHA Council members threatened that, if their demand to forbid Palestinian traffic was not met, they would take action to do it themselves. “A decision like that is the minimum required in light of the continuous shooting at private Israeli cars driving along the roads in Judea and Samaria,” said Zvika Bar Hai, head of the South Mount Hebron Regional Council.<sup>59</sup>

On 13 December 2000, settlers declared a “roadblock operation” under the slogan “remove the killers from the road.” This operation was in protest of the lack of enforcement of an order by the Chief of Staff forbidding travel by Palestinian vehicles containing only males, an order that was widely criticized within the army.<sup>60</sup>

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<sup>57</sup> Published in the bulletin “Brave Connection,” of the Alon Moreh settlement.

<sup>58</sup> “We Held Back, and We've had Enough,” *Ma'ariv*, 2 January 2001

<sup>59</sup> “YESHA: Prohibit Palestinian Vehicles from Travelling,” *Ha'aretz*, 10 December 2000.

<sup>60</sup> “Settlers Blocked Palestinian Vehicles from Travelling on Roads in the Occupied Territories,” *Ha'aretz*, 11 December 2000.

Among other things, the council heads in Samaria urged independent action to block the Qalqiliya bypass road - Route 55 - to Palestinian traffic. Yehuda Lieberman, head of the Karni Shomron Council, said that, "We decided not to wait any longer for the IDF to act... As Council heads, we have responsibility for residents who travel on the roads. We decided that, in places where they [Arabs] shoot and throw stones at Jews, it won't only be Jews who can't travel safely. Arabs too won't travel safely. We won't get into a confrontation with the army, but we shall aid it in maintaining order here."<sup>61</sup>

Roadblocks severely harm the Palestinian population, which already suffers from Israel's sweeping restrictions on their movement. The actions by settlers to block roads at the rare times and places in which the IDF allows Palestinians to travel further aggravates the harm.

*Testimony of Ibrahim Khalil 'Abdullah Hijazin, 50, president of the Latin Church in Ramallah, judge of the ecclesiastical court in Jerusalem, director of the National College in Ramallah<sup>62</sup>*

Ibrahim Hijazin, a churchman, returned from an engagement ceremony that he conducted in Nablus. He was traveling to his home in Ramallah.

I returned to Ramallah at 5:50 in the evening. At 6:20 I was on the road linking the Ali settlement (near Luban village) and the Shilo settlement (near Tarmus 'Iya village). A group of 40-50 people were standing just before the Shilo junction. I saw them as I approached the site. Most of them were armed, and the group included three or four women. The settlers ordered me to stop, which I did. They asked me, in Hebrew, where I was going. I told them in English that I was on my way to church. They asked for my identity card. I gave them my passport. They looked at it, and after they read some details, threw it on the seat of the car. I felt humiliated.

They ordered me to go back to where I came from. I asked why, and they said that the road is for Jews only. I said that I had been on this road two hours earlier. They repeated that the road was only for Jews. When I started to turn around, a guy, around 50, aimed his weapon at me and kept it aimed at me. After I turned around and drove around ten meters, another group blocked my way. This group, of about 25 people, was younger. I did not see any women among them. I stopped on their orders. One of them approached me and said "shalom," and before I answered, the others began to throw stones at my car. I was inside, with my hands on the steering wheel. My right hand was wounded, I think from glass that shattered as a result of the stone-throwing. They broke all the windows, except for the left front one, which was open. The body of the car was also damaged. The stones did not strike me directly.

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<sup>61</sup> "Settlers' Heads: Our Restraint has Ended," *Ma'ariv*, 3 November 2000.

<sup>62</sup> The testimony was given to Na'im al-S'adi on 14 October 2000.

I was startled by what happened. After they had damaged my entire car, I told them “thank you.”

*Testimony of ‘Azmi Lutfi Muhammad Haj Muhammad, 34, married with four children, resident of Beit Dajan, Nablus District, official in the Palestinian Authority’s Ministry of Trade*<sup>63</sup>

I live in Beit Dajan and work in Ramallah, at the Ministry of Trade. Before the recent events began, I used to go to work and return home daily. My wife is a housewife and our sole income is my salary, which is NIS 3,300 [\$800], including travel. Beit Dajan is 10 kilometers from Nablus, near the villages of Beit Furiq, Sallem, and Dir al-Khatab. Some 20,000 people live in these villages. The Israeli settlement Alon Moreh lies on a hill overlooking these villages. A road to the settlement was paved to bypass Beit Furiq, Beit Dajan, and Sallem. Hundreds of dunams of land were expropriated for the settlement.

The army closed the only road leading to Sallem, Beit Dajan, and Beit Furiq at the beginning of the recent events, at the end of last September. So we began to use improvised side roads to get out of the village. We had to do that because we are completely dependent on Nablus for services, work, and shopping.

Since the beginning of the recent *intifada*, the settlers abuse the Palestinian residents, by attacking them, throwing stones at cars, damaging property, blocking roads, uprooting trees, and damaging farmland and irrigation systems on land near the bypass road.

In the first months of the recent events, dozens of settlers would arrive in the early morning and station themselves at the exit from the village. They would pray in the middle of the road, and every Palestinian car that tried to pass would be pelted with stones. Many of the vehicles were damaged. For example, they damaged the taxis of drivers that worked the route to Nablus: Rashid Hamed, ‘Eyad Hanini and Najib Abu Warda. Dozens of cars belonging to residents the neighboring villages were damaged. As a result, and out of fear of the settlers, the residents did not leave the village.

The settlers would show up three, four times a week at the entrances to the villages, during the morning from six to ten o’clock, and then from four to seven in the afternoon, and prevent the residents from leaving their villages. The army would arrive and the soldiers would remain with the settlers until they finished praying. On days in which they did not pray, the settlers would patrol along the roads and, by stone-throwing and armed threats, prevent Palestinians from continuing on their journeys...

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<sup>63</sup> The testimony was given to Rasllan Mahagna on 14 February 2001.

In December, the settlers' activity diminished somewhat, but they still patrol the roads, which frightens the residents and prevents them from leaving the villages.

*Testimony of Richard H. Meyer, 43, resident of the Old City, Hebron, staff member of Christian Peacemaker Team*<sup>64</sup>

On Monday, 20 November 2000, at dusk, settlers demonstrated in the Bakaa neighborhood of Hebron. I received a phone call as the demonstration was taking place, but, because it was dark outside and the area under Israeli control (H2) was under curfew, I couldn't get there that day. The settlers stoned cars and homes. It was the third or fourth settlers' demonstration with property damage within two weeks. I thought it very likely that another demonstration would take place soon, so I went to al-Bakaa the following day.

On the afternoon of the 21<sup>st</sup>, I helped a farmer plant cauliflower in al-Bakaa. From there, I could see the gas station and route 60. Late in the afternoon, a settler's car parked near the intersection. The settlers got out and stood in a group. Over the next hour, more settlers arrived, many of them on foot from the road leading down from the Israeli settlement on Givat HaHarsinah. By dusk, there were some one hundred settlers there, and more continued to arrive. Two police patrol cars and two or three army jeeps were on Route 60 and on the road to Givat HaHarsinah. One jeep drove up to the house of 'Ata Jabber and parked there. I went to speak with the soldiers in the jeep and asked if everything was all right. They said that they were there to protect Jabber's home.

When it got dark, the settlers placed a large, truck tire on the road and burned it. They stood near the fire and blocked Route 60. Every time that a car approached from the north or south, a group of settlers would run to it. If there were Jews inside, the settlers would let them pass: if it was a car with Palestinians, the driver, seeing there was trouble, would back up or turn around as fast as possible.

The army and police would follow the settlers, but always when it was too late. Two or three cars were pelted with stones and two or three succeeded in getting away. The police or army then set up a roadblock a kilometer north of the gas station. I couldn't see a roadblock to the south, but I think that they put one up there as well, because an hour later, no more Palestinian cars appeared. In the morning (I spent the night in a Palestinian home), I saw pieces of broken glass from a car on the road at the site where one of the cars had been stoned.

### **Armed Settlers' Patrols**

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<sup>64</sup> The testimony was given to Musa Abu Hashash on 17 February 2001.

*“At a time when the IDF is engaged in a bitter struggle against terrorists, the media exposed the activity of other armed groups in the Territories, who with impudence and ingratitude, challenge the sole dominion of the IDF over security... What kind of dominion does the IDF have in the Territories when such activity is taking place under its nose? Who else is giving these people IDF weapons? Why are these people, who are identified on television, their spokespeople and leaders still not in prison? What kind of justice is there in this leniency? [...] This is precisely how fascism was born, this is what is creating the Lebanonization of the Occupied Territories.”<sup>65</sup>*

The danger that the activity of armed settlers will become an organized militia was forecast a number of times in the past. Several months before the outbreak of the recent events, the media reported a General Security Service report warning about the intention of groups of settlers to organize locally, an action liable to become an armed militia.<sup>66</sup> During the current *intifada*, worrisome progress has been made toward realization of this danger.

Shortly after the *intifada* began, settlers in a number of communities began to operate independent “security” patrols along roads in the West Bank outside their communities. The chair of the YESHA Council, Benny Kasriel, explained the patrols: “If the army does not control the roadways, the settlers are left with no choice... We prefer that the IDF assign more troops to guard the roads. If they don’t, we’ll take care of the matter. This is not a threat, it is a statement of fact.”<sup>67</sup>

The armed patrols act at their own initiative. They are not part of any official framework, and are not subject to the IDF or the Israel Police Force. The patrols take place mostly in the areas of Nablus, the Jordan Valley, Gush Etzion, and settlements around Ramallah. In addition, settlers established independent guard posts on the Qalqiliya bypass road between Kadumim and Alfe Menashe.<sup>68</sup> Amos Harel described this phenomenon in *Ha’aretz*: “Also acting within this Wild West are settlers. Their regional defense army units are at least subject to military command. The armed patrols operating now in four sectors in the West Bank and in the Jordan Valley do not receive instructions from anyone. The IDF, like the government, does not dare prevent the patrols from operating.”<sup>69</sup> B’Tselem’s letter on this matter to the Spokesperson for the SHAI Police District has not received a reply.<sup>70</sup>

Various IDF officials conceded that the patrols are unacceptable. For example, in response to B’Tselem’s correspondence regarding the armed patrols, the IDF

<sup>65</sup> MK Ephraim Sneh, proposal for the Knesset’s agenda on the matter of “Armed Settlers Militia in Judea and Samaria,” 12 May 1993.

<sup>66</sup> “GSS Worries about Armed Organizing of Settlers,” *Ma’ariv*, 7 May 2000.

<sup>67</sup> “YESHA Army,” 15 December 2000.

<sup>68</sup> “Settlers Establish Guard Posts,” *Ha’aretz*, 1 December 2000; “Settlers Establish Another Security Arm,” *Ha’aretz*, 11 December 2000.

<sup>69</sup> “IDF Operates like a Boxer with his Hand’s Tied,” *Ha’aretz*, 12 December 2000.

<sup>70</sup> B’Tselem sent its letter on 21 January 2001.

<sup>71</sup> Letter of 9 January 2001 from the IDF Spokesperson to B’Tselem.

<sup>72</sup> The comments were made on Israeli television’s Channel 1 “Journal,” 5 January 2001.

<sup>73</sup> “Fear in IDF: Settlers will revenge Murder of Kahane,” YNET, 31 December 2000.

<sup>74</sup> “Senior IDF Official: Settler Guard Patrols Disturb Security,” *Ma’ariv*, 14 March 2001.

<sup>75</sup> “IDF Considers Legalizing Settlers’ Patrols,” *Ha’aretz*, 28 February 2001.

Spokesperson stated that the legal frameworks for armed settlers to act are regional defense, guarding the settlement, and accompanying school trips.<sup>71</sup> Independent security patrols do not fall within one of these permissible categories, but the IDF Spokesperson refrained from relating to that fact. On this point, Lt. Col. Benny Gantz, IDF Commander for Judea and Samaria, said: “I do not accept this activity. I think that it is improper. Joint activity by the IDF and settlers in everything related to defense of the settlements themselves or several activities that we coordinate with them must take place, and they in fact do. Other activities do not need to occur.” In response to the contention that the activity was authorized by the IDF, Gantz replied that “they did not receive authorization. Show me one who received such authorization.”<sup>72</sup> A senior officer in the Central Command was quoted on Ynet News: “In recent days, we have been witness to a phenomenon of private militias patrolling the roads, and we very much dislike the phenomenon. Now there is a chance that one of them will take the law into their own hands, and this is more likely to occur than previously.”<sup>73</sup> *Ma’ariv* quoted an IDF “senior official” who stated, regarding the settlers’ guard patrols: “The moment that they are organized, it is a militia and forbidden... This is not the Wild West.”<sup>74</sup>

Despite these unequivocal comments, it does not appear that the IDF has made any effort in recent months to prevent the patrols. Absurdly, it appears that the method selected by the IDF to address this illegal activity is to legitimize it. The press has recently reported that the Central Command is examining formulation of a legal arrangement that would legalize the patrols. The reason for this is that the IDF is unable, in practice, to prevent them.<sup>75</sup>

B’Tselem does not have any information regarding involvement of armed patrol members in violence against Palestinians. However, a democratic state cannot tolerate armed forces organized by civilians that are not part of the state apparatus and are not subject to any official body. The danger of such forces to the rule of law – given that they do not operate under a defined chain of command and are not accountable to any state body – cannot be exaggerated. The present situation, in which these forces operate openly and unhindered, reflects a flagrant contempt toward the Israeli law-enforcement authorities charged with the well-being of the civilian population in the Occupied Territories.

## Part 2: Official Israeli Response to Violent Offenses Against Palestinians

*“There can be no proper governance that does not endeavor to maintain the rule of law, because this is what builds the bulwark protecting against anarchy and ensures state order. This order is fundamental to safeguarding the policy and social frameworks and to protecting human rights. They do not exist in an atmosphere where there is no law.”<sup>76</sup>*

The authorities’ duty to enforce the law is one of the foundations of the rule of law. As the Shamgar Report stated, “An atmosphere in which persons who consider themselves just take actions, without bearing the actual risk that they will be held responsible for exceeding the permissible, impairs the proper functioning of the authorities charged with efficient control in the area.”

Over the years, law enforcement in the Occupied Territories against settlers who harmed Palestinians has received stinging criticism from official commissions, the Supreme Court, and human rights organizations. As early as 1982, a special report of a commission headed by Deputy Attorney General, Yehudit Karp indicated serious defects in the manner Israeli authorities enforced the law against Israeli civilians suspected of committing offenses against Palestinians.<sup>77</sup> That same year, the High Court of Justice also sharply criticized the failures of the police in investigating Palestinian complaints.<sup>78</sup>

The Karp Committee found significant defects in police activity in the Occupied Territories, and stated that it was necessary to urgently solve the problem to prevent deterioration and undermining of the foundations of the rule of law. The Commission’s conclusions included the following:

- the police had failed to honor its commitment to the High Court of Justice to show vigilance regarding events in sensitive locales and prevent unlawful actions;
- the number of cases closed on grounds of "offender unknown" was inordinately high, and in some cases, the police did not make a significant effort to locate the offenders;
- the police were lenient with settlers who refused to cooperate under interrogation;
- the police were ambivalent in their investigations, as is apparent from investigation results;
- eyewitnesses were rarely questioned, making the investigations one-sided.

Studies conducted since the Karp Committee Report indicate that the police did not implement the Commission's recommendations. For example, in 1985 the Palestinian Human Rights Information Center released research on 23 cases in which Palestinians were killed and the settlers were the suspected perpetrators. In all 23 cases, only one settler had been tried.<sup>79</sup> According to a study carried out by then-MK Dedi Zucker, of

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<sup>76</sup> HCJ 428/86, *Barzilai v. Government of Israel*.

<sup>77</sup> Report of Coordinating Committee, headed by Yehudit Karp, Deputy Attorney General.

<sup>78</sup> HCJ 175/81.

<sup>79</sup> PHRIC, *Israeli Settlers Violence in the Occupied Territories: 1980 – 1984, 1985*.

40 police investigations into offenses committed by Israeli civilians against Palestinians, suspects had been tried in only five cases.<sup>80</sup>

B'Tselem's 1994 report indicated a similar situation. From a sample of 158 cases in which Israeli civilians had injured Palestinians or damaged their property, only 32 indictments were filed.<sup>81</sup>

The Shamgar Commission was established following the massacre by Baruch Goldstein in the Tomb of the Patriarchs, in February 1994, in which he killed 29 Palestinian worshipers. The Commission sharply criticized the law-enforcement authorities, and concluded that law enforcement against settlers in the Occupied Territories was a failure and that over the years no measures were taken to improve it. The Commission pointed out the failures in investigating incidents in which settlers were involved and in prosecuting them to the extent of the law. The Police Commissioner, Rafi Peled, told the Commission that, "There was, in fact, some measure of the appearance of law. Undoubtedly... there are locales in which we aren't even present. Therefore, we don't know. There is surely no law enforcement there." The Commission recommended increasing police presence in the settlements, that the police's function be clearly defined, and coordination with the army be increased.<sup>82</sup>

For many years, matters regarding responsibility, procedures, and coordination between the various law-enforcement authorities in the Occupied Territories were unclear. In 1981, Attorney General Yitzhak Zamir pointed out these problems. The Karp Committee, which primarily dealt with the police handling of offenses by Israelis in the Occupied Territories, was established, in part, for this reason. The stinging conclusions of the Karp Committee, published in 1982, did not lead to immediate policy change. On this point, the Shamgar Commission wrote: "We did not do everything there was to do between 1981-1988 in preparing coordination procedures."<sup>83</sup>

Only in 1988 were attempts initiated to formulate procedures to regulate the division of powers between the police and the military in matters relating to law enforcement against settlers. In 1993, a provisional procedure was formulated by the Attorney General and the State Attorney's Office. Following recommendations of the Shamgar Commission, Attorney General Ben-Ya'ir published new procedures. In 1998, the Attorney General instituted a new procedure for "enforcing law and order on Israeli offenders in YESHA," which was formulated together with the IDF, police, and GSS. In response to criticism by settlers' leaders, Attorney General Rubinstein stated that the procedures are intended to provide an answer to the prolonged and grave situation of under-enforcement of the law against Israeli residents of Judea, Samaria, and Gaza."<sup>84</sup>

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<sup>80</sup> Parliamentary query of 20 March 1992 by MK Zucker; reply of 11 July 1993 by the Minister of Justice.

<sup>81</sup> See B'Tselem, *Law Enforcement*.

<sup>82</sup> Shamgar Report, pp. 192-193, 250-251.

<sup>83</sup> Shamgar Report, p. 243.

<sup>84</sup> "At Meeting with YESHA Council, Rubinstein Refuses to Cancel Procedures for Enforcing Law in the Occupied Territories," *Ha'aretz*, 5 May 1998.



According to the procedure, operational responsibility for law enforcement is as follows:

- The police bear responsibility for law enforcement and ensuring public order within Israeli towns and villages. The IDF is responsible for the area surrounding the above areas (whether or not prior information regarding an incident exists).
- In every other event as to which there is prior information of an offense, where there is time to arrange the actions taken, the police will be responsible for law enforcement and public order, and the IDF will assist it in the periphery.
- In any event in which there is no prior information, if the IDF reaches the scene first, it will handle law enforcement and public order until the police arrive, at which time the police will take over.<sup>85</sup>

In practice, this procedure is virtually never implemented. In many cases, the IDF refuses to handle incidents in which settlers injure Palestinians where the police are not present. There are occasions when soldiers are present but refuse to assist Palestinians. The police almost never handles incidents that they have prior information about and has on occasion refrained from enforcing the law after arriving on the scene.

For example, the IDF and the police almost never take action against individuals who block roads, although these illegal and violent actions are committed openly and during daylight hours. In response to information that a road blockade had been set up by armed settlers south of Nablus, the IDF Spokesperson stated that, "The IDF has no orders for settlers to set up roadblocks."<sup>86</sup> Despite this, no real effort was made to combat this phenomenon. An article in *Ha'aretz* described a roadblock in Gush Etzion by settlers from Neve Daniel. Armed settlers prevented Palestinian vehicles from travelling toward Jerusalem, and threw stones at cars whose drivers did not obey. IDF officers and police stood aside and did not intervene.<sup>87</sup> One of the offenders did not hesitate being interviewed for the newspaper article, with his name being mentioned, indicating his lack of fear that action would be initiated against him. B'Tselem's letter to the police regarding the event remains unanswered.<sup>88</sup>

The blocking of roads is organized, and, on more than once occasion, was announced in the media. They take place throughout the West Bank for months at a time. Therefore, it is particularly grave that the Israeli authorities ignore these acts. B'Tselem's letter concerning this matter, sent to the Spokesperson of the police force's Shai District, Rafi Yafe, has not yet received a reply.<sup>89</sup>

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<sup>85</sup> "The New Procedure: Only the Police will Enforce Law on Settlers," *Ha'aretz*, 3 September 1998.

<sup>86</sup> "Settlers Rioted in Village near Ariel," *Ha'aretz*, 4 October 2000.

<sup>87</sup> "The New Masters of the Road," *Ha'aretz*, 16 February 2001.

<sup>88</sup> Letter of 20 February 2001 to Uri Weiskop, head of Investigations Division, SHAI Police District.

<sup>89</sup> B'Tselem sent its letter on 21 January 2001.

The handling of the case in which Fahed Bachar 'Odeh was killed by a settler on 7 October 2000 clearly illustrates how Israel fails to meet its duty to protect law and order and protect the well-being of the population. In a letter sent to B'Tselem on 30 January 2001, the police contended that ,”The police have no record of this incident,” even though the press reported the event.<sup>90</sup> Furthermore, the IDF itself reported the incident: an announcement by the IDF Spokesperson, given a day after the incident, stated that, during “Palestinian and Israeli disturbances” in the West Bank, “a Palestinian was shot and killed by a resident from the area of Bidia Village.”<sup>91</sup>

The failure to open an investigation in this case resulted from a chain of omissions. The IDF had the clear duty, once it learned of the incident, to verify that the matter was investigated. Independently, the police should have immediately investigated. A situation in which an Israeli kills a Palestinian, the act is publicly knowledge, and no official body takes the trouble to investigate gives paramount expression to the lack of seriousness with which the Israeli authorities relate to the loss of Palestinian life.

Regarding some law enforcement authorities, such as the police and the State Attorney’s Office, it is still too early to thoroughly examine their handling of settlers’ offenses against Palestinians during the recent events. Therefore, this report will primarily discuss the involvement of the IDF in these offenses and the refusal of the police to investigate cases in which Palestinians did not file complaints.

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<sup>90</sup> “Events of Recent Days,” *Ha’aretz*, 10 October 2000.

<sup>91</sup> The IDF Spokesman made the announcement on 8 October 2000. IDF Spokesperson announcements are published on the IDF’s Website: [www.idf.il](http://www.idf.il).

## Law Enforcement by the IDF

Since 1967, when Israel occupied the territories, the IDF has had control over the area and has been responsible for public order and security of the population there. International law requires the IDF to protect the lives and property of Palestinian residents in the Occupied Territories.<sup>92</sup> The High Court of Justice emphasized the duty of the IDF, holding that, “The Regional Commander is responsible for security and public order in the region, over which he has command... Establishing and maintaining order and security in practice are, under public international law, among the primary functions of the military administration.”<sup>93</sup> The High Court also stated that, “The paramount matter in area seized in a belligerent action – the paramount norm – is ensuring order and public security.”<sup>94</sup> As noted, this duty remained even after the Palestinian Authority entered the West Bank and the Gaza Strip, and certainly exists in Areas B and C.

The Shamgar Report emphasized the IDF’s duty to safeguard public order and security equally for Jews and Palestinians.<sup>95</sup> However, the Hebron Brigade commander, Noam Tivon in an interview with a journalist several months before the outbreak of the recent events stated: “Let there be no mistake about it. I am not from the UN. I am from the Israel Defense Force. I did not come here to seek people to drink tea with, but to ensure first of all the security of the Jewish settlers.”<sup>96</sup> Similarly, Romel Shahrur, a resident of Hawara, stated to B’Tselem that, when he complained to soldiers that settlers had attacked his home for the eighth time since the outbreak of the *intifada*, and that soldiers constantly in the area do not attempt to stop the firing at his house, the soldiers replied: “We are here to protect the settlers and not the residents of Hawara or others.”<sup>97</sup>

In a meeting with B’Tselem, Lt. Col. Daniel Reisner, head of the IDF’s International Law Department, stated that, “Soldiers will intervene if they see settlers injuring Palestinians.”<sup>98</sup> This statement, which indeed conforms to international law and the IDF’s duty, is not an accurate description of reality. Many testimonies given to B’Tselem, both during the current events and in the past few years, indicate that IDF soldiers are often present when Israeli civilians attack Palestinians but almost never do anything to prevent it.<sup>99</sup>

In some cases during the recent months, Palestinians were stopped by soldiers at checkpoints, only to be attacked by settlers while the soldiers stood aside and watched.

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<sup>92</sup> Hague Regulations, article 43; Fourth Geneva Convention, article 27.

<sup>93</sup> HCJ 358/88, *The Association for Civil Rights in Israel v. OC Central Command*, *Piskei Din* 43(2) 529, 539.

<sup>94</sup> HCJ 6195/98, *Israel Goldstein v. OC Central Command*.

<sup>95</sup> Shamgar Report, p. 167.

<sup>96</sup> “Noam’s Way [Tr. - also “A Tender Way” in Hebrew], *Ha’aretz*, 5 May 2000.

<sup>97</sup> The testimony was given to Hashem Abu Hassan on 23 November 2000.

<sup>98</sup> The meeting was held on 26 October 2000.

<sup>99</sup> See B’Tselem, *Law Enforcement*.

- Hamdan Ahmad, a resident of a-Sawiyyeh, Nablus District, travelled with his wife and two of his small children to Askar Refugee Camp. According to Ahmad, “On the way back to a-Sawiyyeh, driving north, we came across an Israeli army vehicle with a spotlight. The soldiers shined the light on us and saw that the license plate was that of an Arab vehicle. The soldiers stopped us. After a while, several cars of settlers pulled up behind us. About ten settlers got out and began throwing stones at us.” The soldiers refused Ahmad’s request that they intervene and protect them.<sup>100</sup>
- Muhammad Musa, 36, married and father of six, travelled to his home in Silat a-Dahar. In his testimony to B’Tselem, he stated that, “There was a checkpoint set up near the Dotan intersection, with soldiers standing next to it. They signaled me to stop, so I approached the checkpoint slowly so that I could stop near the checkpoint. A few meters before I got to the checkpoint, I was surprised by ten settlers who had exited from the Mevo Dotan settlement. They were around 20 years old and were armed with weapons and stones. They began to throw stones at my car. I tried to veer sharply left and drove fast. I went around the army checkpoint, on the shoulder, and the car almost turned over. I fled from the area. Lots of stones hit the right side of my car. The stones broke the two windows on the right side and damaged the body of the vehicle on that side. Three soldiers stood there and saw what was happening and did nothing.”<sup>101</sup>

Similarly, many of the cases occurred in areas in which the IDF imposed curfews, such as in Hebron and Hawara, where there is a particularly large army presence to enforce the curfew. Despite this, soldiers there do not prevent settlers from causing bodily harm and property injury to Palestinians.

Not only do soldiers not intervene when they are present when settlers attack Palestinians, they also hinder Palestinians from filing complaints against the attackers, and in some instances even prevent the filing of complaints.

- Roni Hanuneh, a resident of Beit Sahur, was attacked when settlers threw stones at his car while he was driving home. He continued to drive and stopped a few meters down the road to check his car. A jeep with five soldiers pulled up. When he told them that settlers had thrown stones at him, one of the soldiers shouted at him, “Get out of here.” Another soldier said that they had aspirin if he wanted it.<sup>102</sup>
- Attorney Muhammad Shahin, 39, married with four children, was stoned by settlers. He was travelling to the DCO, located near the Beit Hagai settlement. He stated that, “I reached the DCO around 3:15 P.M. The guard at the gate asked me what I wanted, and I told him that I came

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<sup>100</sup> The testimony was given to Hashem Abu Hassan on 12 November 2000.

<sup>101</sup> The testimony was given to Raslan Mahagna on 18 February 2001.

<sup>102</sup> The testimony was given to 'Abd al-Ahmar on 24 November 2000.

to complain about the attack on my car and my person. He told me, “The DCO died” and added that I should go home. I told him what happened to me and pointed out the two settlers who threw stones at me. They were standing next to him. The guard said, “So what? Your people killed three people today and throw stones at us day after day, so what if a stone struck you? Get out of here right now. If you don’t, I’ll shoot you.” He spoke in Hebrew, and I understand Hebrew very well. The two settlers stood where they were and heard the conversation. They are young, around 20, I think. I left, and on the way from the DCO, I saw an army jeep. I stopped the jeep and complained to the driver and the one sitting next to him about what happened. The soldier driving replied, “So what?”<sup>103</sup>

- Hamdan Ahmad, who wanted to complain about the stone-throwing, described above, went to the Israeli DCO in Hawara. When he arrived, the soldier at the gate aimed his weapon and told him and the others with him, “Get out of here. If you don’t, I’ll shoot you.”<sup>104</sup>

Mazen Da’ana, a press photographer, described the conduct of soldiers when settlers attacked him in the Beit Hadassah neighborhood, in Hebron:

Many settlers attacked me. I was struck by two stones, one in the head and the other in the jaw, and from beatings and punches to my face and the rest of my body. When I tried to defend myself, soldiers came and grabbed me, held me with force and prevented me from defending myself against the settlers who had attacked me. None of the settlers who attacked me were arrested by the police and the soldiers. The soldiers only suggested to us that we flee toward Tel-Rumeida.<sup>105</sup>

These testimonies, along with many others that were not included here, indicate that the phenomenon is widespread and not unusual. The failure of soldiers to take the trouble to report the incident or take details identifying the offenders makes it difficult for the police to conduct an effective investigation.

The IDF’s lenient attitude toward the violent acts of settlers is also apparent in the attitude of senior IDF officials. Attorney Netta Amar, of the Association for Civil Rights in Israel, sent a letter to Prime Minister and Defense Minister Ehud Barak in which she listed attacks by settlers on Palestinians. In her letter, Amar demanded that the IDF prevent the recurrence of such incidents and that it defend Palestinians from future attacks of these kinds.<sup>106</sup> The reply, written by Brigadier Giora Eiland, head of the General Staff’s Operations Division, stated that, “We do not know of even one case in which Palestinians were killed by settler rioting. We know of one case near Itamar in which settlers killed two Palestinians, where they claimed that they acted in

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<sup>103</sup> The testimony was given to Raslan Mahagna on 31 October 2000.

<sup>104</sup> The testimony was given to Hashem Abu Hassan on 12 November 2000.

<sup>105</sup> The testimony was given to Najib Abu Rokaya on 1 March 2001.

<sup>106</sup> The letter is dated 23 October 2000.

self-defense. This matter is being handled by both the army and the police, which detained the shooters for questioning.”<sup>107</sup>

This reply is far from satisfactory and indicates the dismissive treatment of military authorities to this issue. Not only does Brigadier Eiland ignore the many incidents mentioned in Amar’s letter, but when he drafted his reply, B’Tselem knew of at least two additional cases in which settlers had killed Palestinians - Fahed ‘Odeh, who was killed by gunfire on 8 October, and Mustafa ‘Aliyan, who was killed by a stone thrown on 14 November 2000. The deaths of the two Palestinians were also reported in the Israeli press. Furthermore, Eiland’s attempt to present the phenomenon of settler violence against Palestinians as a marginal matter is problematic, to say the least, in light of the many testimonies indicating otherwise.

In many public statements, senior IDF officials praised the settlers’ restraint. Chief of Staff Shaul Mofaz expressed his esteem for “Israeli residents in Judea and Samaria who show extremely great responsibility and exceptional cooperation with the IDF.”<sup>108</sup> The IDF Spokesperson, which issues daily releases on events in the Occupied Territories, urged the Jewish settlers in several of its releases “to continue to maintain restraint,” while ignoring virtually all of the many incidents in which settlers had rioted against and injured Palestinians.<sup>109</sup> Indeed, over recent months, several security officials have expressed concern, off the record, about an outbreak of settler violence.<sup>110</sup> However, the IDF issued no official statement calling for restraint of any kind in settler actions. The admiration of security officials for the “restraint” shown by settlers in the Occupied Territories and the failure to censure any acts of violence transmit a clear message to the settlers that the IDF will not hinder them when they attack Palestinians.

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<sup>107</sup> The letter is dated 22 November 2000.

<sup>108</sup> IDF Spokesperson’s Releases, 15 October 2000.

<sup>109</sup> IDF Spokesperson’s Releases, 18 October 2000.

<sup>110</sup> “Concern in IDF that a Jew will take an Action,” *Ha’aretz*, 21 December 2000.

## Law Enforcement by the Police

Following the recommendations of the Shamgar Commission, a new police district - the SHAI District - was established in 1994 with responsibility over the West Bank. This district is in charge of handling offenses by Israelis against Palestinians. Police responsibility includes accepting complaints about offenses, locating suspects, making arrests, and gathering evidence to enable a decision to be made whether an indictment should be filed.

It is still too early to evaluate police activity concerning complaints submitted by Palestinians during the recent events. However, examination of past police handling of complaints by Palestinians injured by settlers does not bode well. Regarding law enforcement by the police in the Occupied Territories, the Shamgar Commission found that, "Not all the complaints were properly handled, not every criminal incident was investigated, or thoroughly investigated, and not all the guilty parties were prosecuted."<sup>111</sup>

A similar conclusion results from the data gathered by B'Tselem concerning subsequent years. B'Tselem monitored the handling of files by the authorities in 63 violent incidents in which settlers attacked Palestinians between 1994 and 2000 (not including homicides). The incidents included physical injury, property damage, uprooting trees, rioting, and burning cars. In all the cases, B'Tselem conducted an investigation and collected testimonies from the victims and eyewitnesses. Approximately two-thirds (40) of the cases investigated by B'Tselem were closed, most on grounds of "insufficient evidence" or "offender unknown." In only eight cases were indictments filed.<sup>112</sup> Similar data, indicating that the police closed more than 60 percent of the investigation files, appear from the answers to parliamentary queries submitted to Minister of Justice Tzachi HaNegbi and Minister of Public Security Avigdor Kahalani.<sup>113</sup>

With regard to the current events, it is already possible to conclude that the police continue to not investigate incidents in which complaints were not filed. For example, in the case of the death of Mustafa Aliyan, on 14 November 2000, the police announced that it did not open an investigation because no complaint was filed.<sup>114</sup> However, the police's duty to investigate is not dependent on its receiving a complaint, and the failure of the victim to file a complaint is not grounds for not opening an investigation.<sup>115</sup> The police are required to open an independent investigation of any incident that raises suspicion that an offense has been committed and about which it is informed from various sources, including media reports. In this context, IDF soldiers have the duty to report any such incident to the police.

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<sup>111</sup> Shamgar Report, p. 192.

<sup>112</sup> Eighteen of the cases have not been resolved.

<sup>113</sup> Reply by Minister of Public Security Kahalani to queries 3405 and 3419 (submitted by MK Walid Tzadak and Dedi Zucker) of 21 October 1998; reply by Minister of Justice HaNegbi to query 3477 (submitted by MK Roman Bronfman) of 27 January 1999.

<sup>114</sup> Letter of 30 January 2000 to B'Tselem from the Investigations Department Officer, SHAI District.

<sup>115</sup> The police are required to initiate an investigation when it is informed from any source about commission of an offense set forth in the Criminal Procedure Law (5742-1982), section 59.

Police disregard for this duty is not new, and various bodies have criticized this behavior. The Karp Committee Report criticized the police for failure to initiate investigations.<sup>116</sup> In addition, the High Court of Justice held that, “It is certainly true that the primary function of the sovereign in occupied territory is to maintain law and order. It must also do this in the absence of a complaint by local residents.”<sup>117</sup> The Shamgar Commission emphasized the need to act in the Occupied Territories also according to the rule stating that the police must investigate if it receives any information that an offense has been committed, even where the injured party does not complain.<sup>118</sup> B’Tselem’s reports mentioned numerous cases of violence in which the police did not investigate, contending that it had not received a complaint in the matter.<sup>119</sup>

The failure of the police to investigate cases where no complaint has been filed is particularly grave because many Palestinians refrain, for several reasons, from filing complaints on settler attacks against them. Some Palestinians do not trust the Israeli law-enforcement system, in part because of past experience. Others fear that settlers will abuse them if they file a complaint, or fear that, if they complain about a violent incident between them and settlers, the police will switch them from victims to suspects. Also, the police often treat Palestinians with contempt when they file complaints. In light of these difficulties and the poor handling of their complaints, many Palestinians lost trust in the Israeli law-enforcement system and refrained from filing complaints.

For example, ‘Azmi Muhammad, a resident of Beit Dajan, suffered in recent months, as did many others from his village, from prolonged abuse by settlers. He told B’Tselem:<sup>120</sup>

Several times, the residents and village council tried to complain, via the Palestinian DCO, but to no avail. Now we do not even go there and complain, because we are convinced that it doesn’t help. When the army arrives, it only protects the settlers.”

Muhammad Musa, a resident of Silat a-Daher, related what happened after he was attacked by stone-throwing settlers:<sup>121</sup>

I hurried home to the village and did not complain at the Palestinian or Israeli DCO because the roads were closed and blocked at that time; I did not take the trouble to go there also for the reason that I am sure that nothing would have come out of the complaint.

In Israel’s report to the Mitchell Committee, which is investigating the events of recent months, the state undertakes to investigate every incident in which claim is

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<sup>116</sup> Karp Report, p. 25.

<sup>117</sup> HCJ 175/81.

<sup>118</sup> Shamgar Commission, p. 244.

<sup>119</sup> B’Tselem, *Law Enforcement*; B’Tselem, *Impossible Coexistence*.

<sup>120</sup> The testimony was given to Raslan Mahagna on 14 February 2001.

<sup>121</sup> The testimony was given to Raslan Mahagna on 18 February 2001.



made that settlers injured Palestinians.<sup>122</sup> It is already possible to state that Israel is not meeting this commitment.

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<sup>122</sup> Sharm el-Sheikh Fact Finding Committee, *First Statement of the Government of Israel*, Article 309. The report may be found on the Foreign Ministry's Website: [www.mfa.gov.il](http://www.mfa.gov.il).

## Handling of Death Cases

*“There are those who the taking of their lives warrants punishment of six, seven, nine, or a dozen years in prison; there are those who the taking of their lives warrants punishment of six months’ imprisonment, most of it out of jail in public service, is appropriate.”*<sup>123</sup>

Since the outbreak of the first *intifada*, B’Tselem has monitored the authorities’ handling of all cases in which settlers and other Israeli civilians killed Palestinians. Between 9 December 1987 and 18 March 2001, Israeli civilians killed 119 Palestinians in the Occupied Territories. Twenty-nine of them were killed in the Tomb of the Patriarchs by Baruch Goldstein, who was himself killed during the incident. Examination of the authorities’ treatment of these offenses indicates the failures and malfunctioning throughout the various stages of the law-enforcement system, from the opening of the investigation to reduction of sentences by Israel’s president.

The principal findings of B’Tselem’s monitoring are the following:<sup>124</sup>

- **In six homicides, the police did not even open an investigation.** Two of these cases occurred during the current events.
- **In 39 cases, the investigation file was closed.** Fifteen files were closed by the police and 22 by the State Attorney’s Office. Two other files were closed by the military. The vast majority were closed on grounds of “offender unknown” or “lack of evidence.” Five files were closed because of lack of culpability.
- **Of the 22 cases in which the defendants were convicted, six were convicted of murder.** The others were convicted of lighter offenses: seven for manslaughter, seven for causing death by negligence (five of whom had initially been charged with manslaughter). Two were convicted of firing in a residential area, for possession of a weapon without a permit, and for endangering persons on a roadway.
- **Four of the five persons convicted of murder had their sentence reduced,** by pardon or shortening of the sentence by the President, or when the Parole Board reduced the sentence by one-third.<sup>125</sup>
- **The sentences of five of those convicted of manslaughter ranged from 18 months’ to four years’ imprisonment.** In another case, the defendant was sentenced to seven-and-a-half years’ imprisonment, and another to six month’s public service.<sup>126</sup>

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<sup>123</sup> Haim Ganz, “What is the Price of Manslaughter,” 13 *Iyoney Mishpat* (1) 1988. Ganz’s comments were made after the District Court sentenced Nissan Ishgwieb to six months’ public service for manslaughter in the death of a Palestinian in the Occupied Territories.

<sup>124</sup> For detailed data, see the Appendix.

<sup>125</sup> In addition, Israelis convicted of murder of Palestinians within Israel or prior to the *intifada* received a lightening of their sentences. See “Killers of Arabs Released Early from Jail,” *Ha’aretz*, 7 March 2000

<sup>126</sup> The maximum sentence for manslaughter is 20 years’ imprisonment (section 298 of the Penal Law).

- **Five of the seven persons convicted of causing death by negligence were sentenced to public service.** The two others were sentenced to five months' imprisonment and to 18 months' imprisonment, respectively.<sup>127</sup>

In the other cases: nine are still unresolved and in five cases the defendants were acquitted.

The picture portrayed by these findings is far from one of resolute action by the law-enforcement authorities in these, the most serious cases of violence against Palestinians. In some cases, the police did not investigate at all. In a large portion of the cases – almost one-half - the file was closed after the police failed to locate a suspect or obtain sufficient evidence.

In most of the cases where the defendants were convicted, they were found guilty of manslaughter and causing death by negligence, and were given light sentences. In the vast majority of the murder-convictions, the prison terms were shortened considerably.

The failure of the law-enforcement system and the contempt for human life are particularly conspicuous when a comparison is made with the handling of cases in which Palestinians killed Israeli civilians. This comparison reveals flagrant discrimination.

From the beginning of the first *intifada* (9 December 1987) until 18 March 2001, Palestinians killed 114 Israeli civilians in the Occupied Territories. A summary of the investigations and trials in these cases reveals the following:<sup>128</sup>

- **In all the cases, investigation files were opened.**
- **In ten cases (less than ten percent), the file was closed.**
- **Thirty-two of the defendants were convicted, 30 for murder.** In one other case, the defendant was convicted of being an accomplice to murder.
- **Seventeen suspects were killed by Israeli security forces.** Fifteen of them were “wanted,” and the other two were killed during the incident.
- **In six cases, Israel demolished 12 homes of suspects.** In two other cases, Israel sealed two houses , and in five other cases, partially sealed eight houses.
- **B’Tselem knows of no cases of pardon, clemency, or reduction of a sentence for Palestinians convicted in cases where Israelis were killed.**

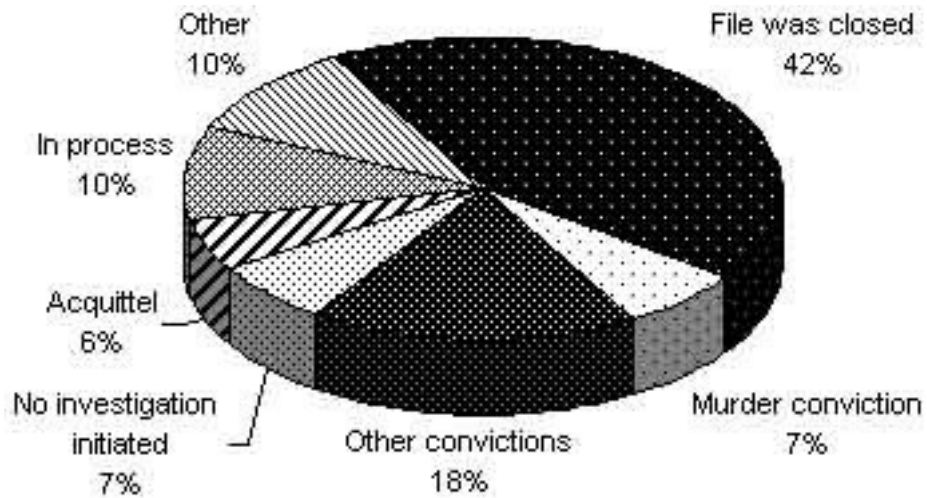
In 23 cases, the police are continuing their investigations. In 11 of these 24 cases, suspects have been arrested. In 12 cases, murder indictments have been filed.

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<sup>127</sup> The maximum sentence for causing death by negligence is three years' imprisonment (section 304 of the Penal Law).

<sup>128</sup> For details, see Appendix.

**Handling of Cases in which Israelis Cause the Death of Palestinians<sup>129</sup>**



**Handling of Cases in which Palestinians Cause the Death of Israelis**



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<sup>129</sup> Does not include Palestinians killed by Baruch Goldstein in the Tomb of the Patriarchs on 25 February 1994.

## Conclusions and Recommendations

*“A person is sentenced to life imprisonment for murder, and now request is made to free him after eight years in jail. And we find it difficult to understand: is life so cheap in our locale?”<sup>130</sup>*

Justice Michel Heshin, in a minority opinion, opposed the decision to release Yoram Skolnick, who had been convicted of murder and sentenced to life imprisonment, stating that the decision reflects a disrespect for human life. However, his piercing comments reveal only part of the truth. This decision, like the administration of most of the law-enforcement system in Israel, gives expression only to the cheapness of Palestinian life. The treatment of all arms of the law-enforcement system – army, police, State Attorney’s Office, and judiciary - of violent offenses against Palestinians is characterized by contempt toward Palestinian complaints and leniency toward the offenders. Whereas a Palestinian who kills an Israeli is punished to the full extent of the law, and sometimes his family as well, it is extremely likely that an Israeli who kills a Palestinian will not be punished or will receive only a light sentence.

In 1994, B’Tselem published a report on law enforcement against settlers. The report concluded that the law-enforcement system does not do everything it can to prevent violent acts against Palestinians. At all stages of the process – from the opening of an investigation, the decision to indict, the determination of which charges to file, the judgment of the court, the sentence imposed, to the decision granting early release – the fails and does not do everything possible to combat these offenses. The combination of impotence and leniency characterizes all the law-enforcement authorities, thus transmitting a message of legitimacy and tolerance toward such acts.<sup>131</sup>

Unfortunately, these conclusions remain appropriate in recent years. Despite repeated warnings, among them from official bodies, the treatment remains the same, indicating that the authorities’ actions are not coincidental, but are part of ongoing policy. Even if the Israeli authorities do not directly encourage violent acts against Palestinian civilians, their neglect leads to the same result. This policy violates the fundamental principle of equality before the law and challenges the foundation of the rule of law in Israel.

B’Tselem urges the Israeli authorities to prevent attacks by settlers and other Israeli civilians against the lives and property of Palestinian residents of the Occupied Territories:

- Israel, as the occupying state responsible for the well-being and security of the Palestinians, must protect them as it protects Israelis. The government of Israel must direct all the law-enforcement authorities to act firmly to prevent settlers’

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<sup>130</sup> Justice Michel Heshin in H CJ 89/01, *Public Committee Against Torture in Israel v. Parole Board and Yoram Skolnick*.

<sup>131</sup> B’Tselem, *Law Enforcement*.

acts of violence against Palestinians, and to allocate appropriate resources to achieve this aim.

- The government must clearly state to IDF soldiers that they have the duty to intervene in any incident in which settlers act violently against Palestinians, and take measures against soldiers who fail to do so.
- The Israel Police Force must investigate every incident brought to its attention, and not use the failure of the victim to file a complaint as a reason to ignore the incident. The police must endeavor to reduce the number of investigation files that are closed on grounds of “lack of evidence” or “offender unknown.”

## Appendix

### *Summary of Investigations and Trials in Cases where Palestinians were Killed by Israeli Civilians in the Occupied Territories<sup>132</sup>*

From the beginning of the *intifada* (9 December 1987) to 18 March 2001, 119 Palestinians, among them 23 children under the age of 17, were killed by Israeli civilians in the Occupied Territories.

The results of investigations and trials in these cases are as follows:

Number of Cases	Status of Investigation/Trial
6	<p>Defendant convicted of murder. The sentences imposed, respectively:</p> <ul style="list-style-type: none"> <li>e. Life imprisonment;</li> <li>o. Life imprisonment, reduced to 13 years' imprisonment;</li> <li>ree. Life imprisonment, reduced to 15 years' imprisonment, later reduced to 11.25 years' imprisonment. The Prisons Service decided to release him after 7.5 years, and the High Court of Justice approved the early release.</li> <li>ur. Fifteen years' imprisonment, reduced to 12 years' imprisonment, and then to 10 years' imprisonment.</li> <li>ee. Sixteen years' imprisonment, reduced to 13 years' imprisonment.</li> <li>t. Sentence has not yet been imposed.</li> </ul>
7	<p>Defendant convicted of manslaughter. The sentences imposed, respectively:</p> <ul style="list-style-type: none"> <li>e. Three years' imprisonment, two years' probation, and an order to pay compensation to the victim's family.</li> <li>o. Four years' imprisonment, two years' probation, and an order to pay compensation.</li> <li>ree. Four years' imprisonment, two years' probation, and an order to pay compensation. On appeal, the sentence was reduced to two years' imprisonment and no compensation award.</li> <li>ur. Eighteen months' imprisonment and an order to pay compensation to the victim's family.</li> <li>ee. Seven-and-one-half years' imprisonment and an order to pay compensation to the victim's family.</li> <li>t. Two years' imprisonment, one year of' probation, and an order to pay compensation. On appeal, the sentence was increased to four years' imprisonment and two years' probation.</li> <li>ven. Six months' community service, 15 months' probation, and an order to pay compensation to the victim's family.</li> </ul>

<sup>132</sup> Eighty-one killed by settlers; three killed by Israeli civilians who are not settlers; in 35 cases, B'Tselem does not have information of the place of residence of the attacker.

Number of Cases	Status of Investigation/Trial
7	<p>Defendant convicted of causing death by negligence. The sentences imposed, respectively:</p> <ul style="list-style-type: none"> <li>e. Four months' community service, one year of probation, and a fine.</li> <li>o. Five months' imprisonment and seven months' probation.</li> <li>ree. Eighteen months' imprisonment and eighteen months' probation.</li> <li>ur. Three months' community service and twenty-one months' probation.</li> <li>re. Six months' community service and twelve months' probation.</li> <li>t. Five months' community service and twelve months' probation and later an order to pay compensation to the victim's family.</li> <li>ven. Four months' community service.</li> </ul>
2	<p>Defendant indicted for manslaughter and convicted on charges unrelated to causing death . The convictions were for, respectively:</p> <ul style="list-style-type: none"> <li>e. Shooting firearms in a residential area, causing injury in grave circumstances, causing a disturbance, and other charges. Sentenced to eight months' imprisonment and eighteen months' probation (on three of the counts); eighteen months' probation (on the fourth count).</li> <li>o. Assaulting a police officer, carrying a weapon without a permit, and endangering persons on a thoroughfare. Sentenced to twenty-one months' imprisonment, twenty-one months' probation, and a fine. Following appeal, the third conviction was nullified, and the sentence reduced to 16 months' imprisonment.</li> </ul>
5	The court acquitted the defendants.
1	Indictment filed (for manslaughter). The State Attorney's Office decided to delay the proceedings.
1	The prosecution withdrew the indictment.
3	Being handled by the State Attorney's Office .
22	File was closed by the State Attorney's Office without legal action being taken.
5	Under investigation by the police. In two cases, suspects were detained.
15	File was closed by the police.
1	Under investigation by the Department for Investigation of Police.



<b>Number of Cases</b>	<b>Status of Investigation/Trial</b>
2	File was closed by the IDF.
2	The court ordered psychiatric hospitalization of the suspect.
6	Police did not open an investigation.
4	The authorities stated to B'Tselem that they were unable to locate the file.
29	Offender was killed during the incident (Baruch Goldstein).
1	Status of investigation unknown to B'Tselem.

## Summary of Results of Investigations and Trials of Cases in which Palestinians killed Israelis

From the beginning of the *intifada* (9 December 1987) through 18 March 2001, Palestinian civilians killed 114 Israelis in the Occupied Territories.

The results of the investigations and trials related to these cases are as follows:

Number of Cases	Status of the Investigation/Trial	Demolition/Sealing of Houses of Suspects/Perpetrators or of their Families
30	Convicted of murder, sentenced to life imprisonment.	<ul style="list-style-type: none"> <li>❑ In five cases, 11 houses were totally demolished..</li> <li>❑ In two cases, 2 houses were totally sealed.</li> <li>❑ In two cases, 3 houses were partially sealed.</li> </ul>
1	Convicted of being an accomplice to murder, sentenced to life imprisonment.	
1	Convicted of unknown charge.	
12	Murder indictment filed.	In one case, 2 houses were partially sealed.
23	Investigation file opened. In 11 cases suspects have been arrested, indictment not yet filed.	In one case, 2 houses of suspects were partially sealed..
15	Suspects, listed as “wanted,” killed by security forces several months after the incidents.	
2	Suspects killed by security forces during the incident.	In one case, 1 house was totally demolished.
1	Suspect killed by Palestinians.	
11	File closed (including the killing of Baruch Goldstein).	

9	Unknown to B'Tselem.	
6	<p>Convictions by the Palestinian Authority (in 5 of the cases, Israel demands detention by the PA in the Wye Agreement).</p> <p>Two defendants, sentenced to 12 years' imprisonment, were released after 4 years in prison.</p>	
2	Investigation opened by the Palestinian Authority.	In one case, suspects were arrested by Palestinian Authority. In this case, one house was partially sealed by Israel.
1	Israel demands detention by the PA in the Wye Agreement.	

## Response of the Police Spokesperson

**National Headquarters  
Police Spokesperson's Office  
Tel: 02-5308190  
Fax: 02-5309666  
Jerusalem 21 March 2001  
RA (M)00003/1807-01**

**B'Tselem**

Re: **The Police Department's Response to B'Tselem's Report**

1. Below is our response to the aforementioned report:

The Israel Police Force enforces the law according to the tasks and powers given it by law, without regard to religion, race, or sex. The police maintains law and order and security of person and property in an objective, professional, and impartial manner, as stated in police directives.

Every person who is injured or feels injured in any way as a result of any police action is entitled to file a complaint with the police or with the Department for the Investigation of Police, of the Ministry of Justice. Every such complaint will be examined substantively and with the utmost seriousness and responsibility.

2. For your information.


Sincerely,

s/

Ofer Sivan, Chief Superintendent

Assistant to the Police  
Spokesperson

## Response of the IDF Spokesperson

<b>Israeli The Public Itamar Tel Tel\Fax: March</b>	<b>Defense I.D.F Relations Ben Aviv</b>	<b>Forces Spokesperson Branch Avi St. code:63476 972-3-6080339/40 20, 2001</b>	
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**Mr. Ron Dudai**

Re: **IDF's Spokesperson response to the "B'Tselem" report**


Herewith is the IDF Spokesperson's response to the "B'Tselem" report on the enforcement of law and order on Israeli civilians in the territories.

In accordance with the division of responsibilities between the various security organizations, the responsibility for enforcement of law and order on Israelis, where-ever they may be, rests upon the Israel Police.

However, in cases when the Israel Police is not present, or if the police is unable to realize its aforementioned responsibility, IDF soldiers are instructed to act to prevent crimes. The soldiers are to inform the police of the incident as soon as possible in order to allow the police to continue treatment of the incident.

The report presented by the "B'Tselem" organization is extensive, detailed, and comprises many incidents. Because the organization gave the IDF only two days to prepare an answer we were unable to respond to each of the incidents detailed in the report. It is the intention of IDF authorities to study the report thoroughly, in coordination with the law enforcement authorities. After we receive the results of the investigation of the mentioned incidents, we will submit our detailed response to the report.

Sincerely  
Major  
Public

  
Eilat

yours,  
Segev  
Relations