

Gaza/West Bank (22)

63

Israeli military prisons and detention centers overflowed as a result of mass arrests conducted in March-April. Local organizations estimated at least 4,500 Palestinian civilians, including children, were arrested for questioning during Operation Defensive Shield, and a steady stream of arrests continued throughout the year. Reports of ill-treatment were widespread, including kicking, beating, squalid conditions, and deprivation of food and drink. On September 4, the Public Committee Against Torture in Israel reported that there appeared to be a "gradual reversion to the use of torture" despite the September 1999 High Court decision outlawing its use. While the extent of their use was unclear, methods outlawed by the High Court but reportedly used during interrogation included exposure to extremes of temperature, sleep deprivation, the requirement to remain in an enforced position for extended periods, and intense psychological pressure. According to media reports some 1,600 Palestinians were detained on security-related grounds at the end of the year. Nine hundred of them were held in administrative detention, without charge or trial.

On June 5, 2002, the Knesset passed legislation cutting by 24 percent national child allowances for children whose parents had not served in the army. The cuts disproportionately affected Palestinian Arab citizens, the majority of whom were exempt from military service and whose children are the poorest in Israel. The new cuts exacerbated inequalities in educational spending that Human Rights Watch documented in its December 2001 report, *Second Class: Discrimination against Palestinian Arab Children in Israel's Schools*. The High Court issued a temporary injunction against the cuts on October 14, prior to a full hearing on the issues scheduled for mid-November.

The Israeli Labor Party withdrew from the governing coalition on October 30. Sharon's resulting minority government set an early election date for January 28, 2003.

Palestinian Authority Territories

As Israeli military operations increased, armed Palestinian groups mounted the deadliest series of attacks against Israeli civilians in decades. On December 1, 2001, a series of attacks on a Jerusalem pedestrian mall were followed the next day by a Hamas attack on a Haifa city bus. These incidents collectively represented the worst twenty-four hours of civilian attacks in Israel since 1996, but were followed by some six weeks without attacks after President Arafat successfully pressured armed groups to observe a ceasefire.

On January 27, the al-Aqsa Martyrs' Brigades, a network of Fatah-affiliated armed groups, carried out their first suicide attack against Israeli civilians, a tactic already frequently used by Hamas, Islamic Jihad, and, from October 2001, the Popular Front for the Liberation of Palestinian (PFLP). Violence against Israeli civilians peaked in March, when eighty civilians were killed and some four hundred were injured in twelve separate attacks, the most deadly of them was the March 27 bombing of Netanya's Park Hotel, in which twenty-nine civilians were killed and one hundred were injured.

Despite repeatedly condemning suicide bombings and other deliberate attacks on civilians, President Arafat and other PA officials consistently failed to move decisively against those who ordered or organized such attacks. A culture of impunity resulted. While senior Hamas, Islamic Jihad, and PFLP members continued to openly admit their responsibility in ordering such attacks, senior Fatah officials distanced themselves from

those carried out by the al-Aqsa Martyrs' Brigades—but failed to cut clearly Fatah's ties with the Brigades. Debate within the Palestinian community over the legitimacy of suicide attacks against civilians increased from May, when a group of some 150 intellectuals published a petition in the East-Jerusalem based newspaper, *al-Quds*, opposing their use. Attacks declined in frequency after May, but did not stop completely.

In addition to attacks on military targets, armed Palestinians continued to shoot at settlements and to use firearms and roadside bombings against Israeli settlers in the Occupied Territories. On January 15, architect Avi Boaz, seventy-one, was abducted from his car at a police checkpoint near Bethlehem and shot some thirteen times by gunmen of the al-Aqsa Martyrs' Brigades. Although some militants justified such attacks by saying that residents of illegal settlements were legitimate military targets, such attacks directly violated international humanitarian law, which makes clear that civilians are to be protected unless they directly participate in armed hostilities.

The Palestinian Legislative Council criticized the participation of children in armed activities in reaction to growing community concern after several incidents in Gaza in which Palestinian boys aged under sixteen were killed as they attempted to attack settlements on April 24. Hamas and Islamic Jihad published statements publicly requesting children not to take part in such activities, but the groups failed to specify the age at which they considered participating in military activities to be legitimate. In contrast, the al-Aqsa Martyrs' Brigades recruited at least three children to carry out suicide attacks against Israeli civilians. In September, the Palestinian Journalists' Association sought to ban media coverage of children participating in political demonstrations.

Armed Palestinians killed at least twenty-two alleged collaborators with Israel. PA officials declared a one-month official amnesty for collaborators on July 10, promising leniency and fair trials for those that gave themselves up. A convicted collaborator, Hossam Hissi, was shot by Gazan prison authorities the same day while "trying to escape." According to media reports, individuals suspected of collaboration were sometimes required to prove their loyalty by carrying out attacks against Israeli military targets or civilians; according to uncorroborated documents released by the Israeli security forces, officials of the Palestinian General Intelligence Service may have also ordered or carried out the vigilante killing of collaborators. The PA failed to bring to justice those responsible for such killings.

PA control over the territory delegated to it under the Oslo Accords became weaker throughout the year as Israel's destruction of PA infrastructure undercut the PA's ability to deliver civilian and security services. Internal and external pressure on President Arafat to reform PA structures continued to build steadily throughout the year. On May 28, Arafat finally signed several laws long-sought by human rights advocates, including the Basic Law and the Judicial Authority Law. In June, Arafat announced parliamentary elections would be held in January 2003. Palestinian groups worked hard to define practical reform steps and indicators of success, while the E.U. and U.S. joined with Japan and international financial institutions to ensure international support for the process via an International Palestinian Reform Task Force. At the time of writing, tentative preparations for elections, scheduled for January 20, had begun.

The PA system of justice deteriorated further under the pressure of a fracturing political climate, ongoing military operations, and the destruction of court records and infrastructure. Proceedings in civilian courts virtually

ground to a standstill. Even state security and military courts, which failed to meet minimum international fair trial standards and usurped many of the functions of the civilian courts, operated at best erratically throughout the year. At least thirteen persons were sentenced to death after summary trials. On April 4, five men and one boy were sentenced to death by the State Security Court on charges of collaboration with the Israeli General Security Service, while another man was sentenced to fifteen years hard labor. The boy's sentence was commuted to life imprisonment. On June 5, one month after Arafat signed the Judicial Authority Law, the Gaza State Security Court sentenced Faisal Abu Teilakh, twenty-six, and Sa'id al-Najjar, twenty-nine, to death for the rape and murder of Islam Mahmoud al-Khatib, a seven-year-old. The men were convicted and sentenced after a three-hour hearing. Both men were executed the following day. Haidar Ghanem, a Gaza-based fieldworker for B'Tselem, was sentenced to death on charges of collaboration on October 28. State Security Court verdicts were not open to appeal.

The cumulative damage suffered by PA prisons and other detention facilities aggravated still further the chaotic and arbitrary conditions under which PA detainees were being held. Individuals continued to be held in makeshift detention facilities, often without charge or trial. The PA continued to hold Ahmed Sa'adat, leader of the PFLP and other members of Palestinian armed groups without charge or trial. In May, during the period Arafat was confined for thirty-four days in his compound by the IDF, the PA convicted four of five men alleged to have organized or carried out the killing of Israeli tourism minister, Rehavam Ze'evi, in a show trial. The five men, plus Arafat adviser Fu'ad Shubaki, were transferred under U.S. and U.K. international supervision to Jericho prison on May 1. The Palestinian High Court ordered Sa'adat's release on June 3 on the basis of a lack of evidence against him. PA officials did not comply with the court order.

Strains within and between the PA and members of armed Palestinian groups saw an increase in incidents of internal politically-motivated violence, as well as a rise in the use of lethal force by Palestinian police. On May 14, PA Minister for NGOs Hassan Asfour was hospitalized after being severely beaten by masked men, reportedly as a result of internal political rivalries. On September 22, the home of Nabil Amr, Palestinian Legislative Council member and reform proponent, was shot at by unknown men in a drive-by shooting. One week later, Arab newspapers reported that Fatah General Secretary Mahmud Abbas had received death threats as a result of rumours that he was a potential candidate for prime minister, a position some members of the Palestinian Legislative Council had advocated as a potential mechanism for executive reform. The proposal was officially dropped following a ten-day Israeli siege of the Ramallah government compound in October. On October 8, Hamas members reportedly captured and killed riot police chief Colonel Rajah Abu Lehiya in revenge for the killing of two Palestinian demonstrators exactly one year before.

DEFENDING HUMAN RIGHTS

Israeli restrictions on freedom of movement and entry hampered the ability of human rights defenders to collect and disseminate information. Human rights defenders from a variety of nongovernmental organizations were denied entry or re-entry into Israel, including Human Rights Watch, the Palestinian Center for Human Rights, and the International Rehabilitation Council for Torture Victims. Palestinian lawyers continued to be prevented

from gaining access to clients held in detention facilities inside Israel.

Israeli security forces detained several Palestinian and Israeli human rights activists. On January 2, prominent activist Dr. Mustapha Barghouti was arrested twice by Israeli security officials and severely beaten. He was released without charge and sought treatment for a fractured right patella the same day. Abed Rahman al-Ahmar, an employee of the Palestinian Human Rights Monitoring Group, was released on May 23 after more than one year in administrative detention. Yasser Ali Mohammad Dissi, an employee of al-Haq, was detained by the IDF on March 30 during a search of al-Haq's offices, and placed under a three-month detention order on April 13. He was released from the Ansar-3 detention center after the order's expiry on July 2, one week after he was injured in a prison protest for more humane conditions of detention.

Israeli nongovernment organizations faced increased use of intimidatory tactics by the Israeli authorities. On August 5, the Israeli newspaper *Ha'aretz* reported that the prime minister had requested the attorney general to examine possible legal steps against Israeli peace group Gush Shalom, after the group had warned fifteen soldiers that it was compiling evidence of violations of the laws of war for potential use in a national or international tribunal. In mid-August, the attorney general's office notified Gush Shalom that such letters "could be in violation of extortion laws" but that the office would not initiate legal proceedings "for the moment." On August 11, the Legal Center for Arab Minority Rights learned from media reports that it was to be investigated by the Israeli Registrar of Associations for alleged breaches of the Associations Law. The registrar did not engage in any initial process of clarification with Adalah, nor did he inform it of his decision until August 18.

The PA continued to allow human rights organizations to operate in the territory under its authority, but continued to deny human rights workers access to prisons and unofficial detention facilities. Three members of the Grassroots International Protection for the Palestinian People were kidnapped on September 18 and held hostage by former members of the PA security services. The three were released without harm the following day. A representative of the International Committee of the Red Cross was kidnapped on November 7, allegedly by the same group, and later released without harm.

THE ROLE OF THE INTERNATIONAL COMMUNITY

On December 5, 2001, the High Contracting Parties to the Fourth Geneva Convention met and issued a detailed declaration in which they reaffirmed the convention's applicability to the Occupied Territories, including East Jerusalem. The U.S. did not attend. On June 26, a Belgian appeals court ruled that the case against Prime Minister Sharon, and others, brought by survivors of the 1982 Sabra and Shatila massacres in Lebanon, could not proceed because the defendant could not be tried in absentia. The plaintiffs appealed the decision on July 3. A complaint in Belgium filed against President Arafat on November 26, 2001 had yet to be heard.

United Nations

The secretary-general and high commissioner for human rights consistently criticized violations of human rights and international humanitarian law. The

secretary-general regularly emphasized that there would be no lasting security without a political settlement, a position he emphasized both individually and in his capacity as a member of the "Quartet," a diplomatic group comprised of the E.U., Russia, the U.N., and the U.S. The special rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967, John Dugard, submitted reports in March and August.

On December 14, 2001, the Security Council debated a resolution condemning violence on the ground and supporting the establishment of an international monitoring mechanism. The resolution failed to pass as a result of a U.S. veto. Similar language was incorporated into a resolution of the fifteenth resumed meeting of the Tenth Emergency Special Session of the General Assembly on December 20, 2001.

The U.N. Security Council passed five resolutions on the situation in Israel and the Occupied Territories from January to November 2002. As Israeli incursions into PA-controlled areas accelerated, the Security Council passed Resolution 1397 on March 12, which for the first time affirmed "a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders." After Operation Defensive Shield was launched on March 29, Resolution 1397 was followed by 1402 on March 30, which called for a ceasefire and the withdrawal of Israeli troops from Palestinian cities. On April 4, the council passed Resolution 1403, which demanded the implementation of 1402.

On April 5, the Commission on Human Rights requested the high commissioner for human rights to organize an urgent mission to report on the deteriorating human rights situation in the Occupied Territories. The mission was called off on April 19 because it "would not be facilitated by the Israeli authorities." The same day, the Security Council passed Resolution 1405, which emphasized the "dire humanitarian situation" of the Palestinian population in the Occupied Territories and welcomed the secretary-general's initiative to develop a fact-finding team regarding events in the Jenin refugee camp. While the Israeli government originally consented to the fact-finding team under U.S. pressure, it expressed progressively broader objections to the team's mandate and composition. The secretary-general disbanded the team—which had already begun preliminary information-gathering—on May 3, 2002.

On May 19, a resumed meeting of the Emergency Special Session requested the secretary-general to present a report on events in Jenin and other cities. The report, collated from existing sources of information without the cooperation of the Israeli authorities, was released on August 2. Although recognizing the limitations inherent in the secretary-general's mandate, human rights groups criticized the report for making limited reference to the obligations of the parties under international law, reaching few clear conclusions about violations of that law, and failing to raise the issue of accountability for serious violations that may have been committed

As the year continued, the U.N., like other international organizations, became increasingly responsible for providing humanitarian assistance to the civilian population. The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) experienced a nine-fold increase in its hardship caseload, despite facing increasingly severe problems with the movement of staff and goods. Catherine Bertini, the secretary-general's personal humanitarian envoy, reported in mid-August that a "serious humanitarian crisis" existed in the West Bank and Gaza, linked closely to restrictions on freedom of movement. Bertini said Israeli authorities had

Middle East."

The United States' pursuit of reform, via the Quartet, was coupled with an emphasis on the humanitarian situation in the West Bank and Gaza Strip. U.S. efforts continued to be hampered by strong public perception of bias in favor of Israel, aggravated by the administration's refusal to meet with senior Palestinian leaders despite frequent meetings with Prime Minister Sharon. On August 5, Israel and the United States signed a bilateral treaty preventing the citizens of either country from facing charges in the International Criminal Court. On August 28, Israel informed the U.N. secretary-general that it did not intend to become a party to the ICC statute, and therefore had no legal obligations arising from its December 31, 2000 signature.

U.S. reactions to reported Israeli violations of international humanitarian law continued to emphasize Israel's right of self-defense without clear reference to international humanitarian law standards. The U.S. continued its stated opposition to Israel's policy of "liquidations," reiterated on November 5, after the U.S. targeted killing of an alleged al-Qaeda associate in Yemen. U.S. language on Palestinian civilian casualties strengthened somewhat toward the end of the year. On October 7, a Department of State spokesperson described the U.S. as "deeply troubled" by the civilian casualties caused by an IDF attack in Gaza, and called on the Israeli authorities to act with "the utmost care to avoid harm to civilians," particularly when conducting operations in heavily populated areas. U.S. language was not, however, accompanied by public steps to pressure Israel to meet its obligations under international humanitarian law.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians,
11/02

Jenin: IDF Military Operations, 05/02

In a Dark Hour: The Use of Civilians During IDF Arrest Operations, 04/02

[Back to Top](#)

[Table of Contents](#) > [Middle East & Northern Africa](#)



[Home](#) | [Current Events](#) | [News](#) | [Publications](#) | [About HRW](#) | [Documents by Country](#) | [Global Issues](#) | [Campaigns](#) | [Contribute](#)
| [What You Can Do](#) | [Community](#) | [Book Store](#) | [Film Festival](#) | [Search](#) | [Site Map](#) | [Contact Us](#) | [Press Contacts](#) | [Privacy Policy](#)

© Copyright 2003, Human Rights Watch 350 Fifth Avenue, 34th Floor New York, NY 10118-3299 USA