



AL-HAQ



**SPECIAL FOCUS ON HEBRON**

# **A MICROCOSM OF THE ISRAELI OCCUPATION**

**19 NOVEMBER 2015**

Throughout the occupation, Israel has used security concerns as a pretext to fragment and further its control over Palestinian Territory. Since the beginning of October 2015, Israel has escalated its assault on the rights of Palestinians, through excessive use of force and unlawful killings, arbitrary arrest and detention, a variety of collective punishment measures, including punitive house demolitions, and both direct and indirect support of settler attacks.

Since the beginning of October 2015, [81](#) Palestinians<sup>1</sup> from the West Bank and the Gaza Strip have been killed by Israeli Occupying Forces (IOF), while over 8,000<sup>2</sup> have been injured. Flashpoints of violence include Jerusalem and Hebron, where the impact of settlements and settlers are most tangible. Over the years, Israel has divided Hebron for the benefit of Israeli settlers while aiming to eradicate Palestinian presence from the city. Actions taken by Israel to do so include violations of the Palestinian right to life, via the IOF's use of excessive and lethal force, the imposition of limitations on movement and access within the city via Israeli checkpoints and curfews, and settler attacks which are often met with impunity.

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1 The figure does not include:

**Fadi Al-Darbi**, 30, a prisoner who died in Israeli prisons on 14 October 2015. It is believed that Fadi died as a result of a stroke while in Israeli custody and did not receive proper medical help from Israeli prison authorities. **Riyad Dar Youssef**, 46, died of a heart attack on 15 October 2015. According to the Palestinian Ministry of Health, Riyad died following an assault on 14 October by the IOF as he was returning from his olive harvest. He suffered a heart attack thereafter, and it is believed to have been the result of the attack. **Huda Muhammad Darwish**, 65, suffered a severe asthma attack on 19 October 2015 and died on her way to hospital as the vehicle carrying her was held up at an Israeli checkpoint at the entrance of Huda's neighbourhood, Al-'Essawiya, Jerusalem. **Muhannad Al-Aqabi**, 21, killed on 18 October 2015 in Beer Al-Sabe'. **Hashem Younes Al-'Azza**, 52, died after inhaling poisonous tear gas, which triggered his already-existing heart problems, on 21 October 2015 in Hebron. An ambulance was prevented from reaching Hashem's home, due to the closure of Al-Shuhada Street. Neighbours assisted in carrying Hashem but were delayed by the IOF at the checkpoint on the northern entrance of the street. Hashem was transferred to the hospital and died there shortly afterwards. **Khairiyya Mansour**, 69, died of a heart attack on 24 October 2015. That day, Khairiyya suffered a heart attack while harvesting olives with her family in Tulkarem. In order to reach their land, which is surrounded by the Annexation Wall, the family needs to enter through an Israeli-set up gate that operates at certain hours of the day. Khairiyya's transfer to hospital was delayed due to the closure of that gate. Once the gate opened, she was transferred to hospital where she died shortly after. **Nadim Shqeirat**, 52, died of a heart attack on 29 October 2015 in Occupied East Jerusalem. Nadim suffered the heart attack while in his home in Jabal Al-Mukaber. Nadim's family immediately called for medical assistance. Due to the newly placed Israeli checkpoint and the road blocks surrounding the neighbourhood, and the resulting traffic jams, the local first aid assistance took approximately eleven minutes to arrive. A specialised Israeli ICU ambulance quickly made its way to the neighbourhood, but then refused to enter beyond the checkpoint without police escort, citing "security reasons". Instead, the local Palestinian medics attempted to reach the checkpoint to hand over the ailing Nadim to the Israeli ambulance, and were once more delayed because of the rerouting of traffic. Eventually, Nadim was transferred to the Israeli ambulance waiting at the checkpoint, where he was pronounced dead.

2 Palestine Red Crescent Society.

## FRAGMENTATION AND SEPARATION OF HEBRON

Hebron is divided and isolated due to Israel's deliberate fragmentation and segregation of the city. By 1984, four Israeli settlements, Al-Dabbayah (Beit Hadassah), Hay Al-Yahud (Avraham Avinu), Madraset Osama (Beit Romano), and Tel Rumeida, were established in the heart of downtown Hebron. A fifth settlement was added in 2014 in the Al-Rajabi House. There are approximately 850 settlers<sup>3</sup> who illegally reside in these settlements. The settlers are often well-armed, and are accompanied and protected by the presence of at least 2,000 Israeli soldiers. Settlements are established, persist, and grow with the full support and protection of the Israeli authorities. As a result, Palestinian lives and livelihoods are constantly threatened by settlers and the IOF.

The Ibrahimi Mosque massacre of 1994, where an American-born Israeli settler killed 29 Palestinians while in prayer, is considered a turning point in the history of Hebron. In the aftermath of the massacre, Israel placed Palestinians under a strict curfew and closed off Al-Shuhada Street, once a central and thriving market place, to all Palestinians. In 2007, the Israeli Supreme Court ruled that Palestinians are permitted to use Al-Shuhada Street, however, the IOF refused to implement the decision.<sup>4</sup> As such, the street remains closed to Palestinians today, while settlers are permitted free and open access to the area. This has severely affected Palestinian business in the area and caused the displacement of Palestinian families living on the street. Most recently, the IOF again declared Al-Shuhada street as a closed military zone. As of 19 November, it has remained a closed military zone for three weeks.

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3 OHCHR, Protection Cluster - Occupied Palestinian Territory, Protection concerns and humanitarian impacts of settlement activity in Hebron city (H2), April 2014, available at: [http://www.globalprotectioncluster.org/\\_assets/files/field\\_protection\\_clusters/Occupied\\_Palestinian/files/oPt\\_PC\\_factsheet\\_Hebron\\_City\\_H2\\_2014\\_EN.pdf](http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Occupied_Palestinian/files/oPt_PC_factsheet_Hebron_City_H2_2014_EN.pdf)

4 Hebron, Israeli Occupation Policies, Palestinian Resistance Strategies, Alternative Information Centre, 29 November 2010, available at: <http://alternativenews.org/archive/index.php/regions/hebron/3046-hebron-israeli-occupation-policies-palestinian-resistance-strategies-3046>

Palestinians were also prohibited from entering the Ibrahimi Mosque for a period following the massacre; it was later divided so that a synagogue was also established on the premise. Throughout the years, Israel has repeatedly closed the Ibrahimi Mosque off to Muslim worshippers in order to accommodate Jewish worship. During these closures, the mosque is also prohibited from making the call to prayer. Following the recent escalations in October 2015, checkpoints leading to the Ibrahimi Mosque were closed by the IOF several times, barring Palestinians from reaching the Mosque.

Following the Hebron Protocol agreement, which was implemented in 1997, the city was divided into H1 and H2 areas. The H2 area is under full Israeli control and covers 20 per cent of the city, including the entire Old City and the settlements. The H1 area covers the rest of the city. According to the terms of the Protocol, control over the H1 area was set to be transferred to the Palestinian Authority. However, after the outbreak of the second intifada,<sup>5</sup> the H1 area fell completely under Israeli control. This has further isolated the city centre where Palestinian rights and freedoms are continuously obstructed for the benefit of Israeli settlers. As such, Palestinians therein became subject to increasing arbitrary Israeli military orders, movement restrictions, and violent attacks by settlers. In November 2013, 18 permanent Israeli checkpoints accompanied by over 120 physical obstacles installed by the Israeli military [separating](#) areas within the city were recorded.

It is reported that Israel has imposed road closures along Highway 60, which leads to several villages in the Hebron governorate. Additionally, the northern entrance of the city was closed off with cement blocks and dirt, reminiscent of Israeli-imposed closures during the second intifada. The eastern entrance of the village of Dura, west of Hebron, was sealed by a gate, forcing residents to travel through a narrow back road. Throughout the governorate of Hebron, flying checkpoints were also erected. For example, in Yatta, a south Hebron city, the IOF has been checking passing individuals and vehicles exiting the city. The village of Bani Nu'eim and the

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<sup>5</sup> During the Second Intifada, Israel imposed a 720-day curfew on the city.

Beit 'Nun area, east of Hebron, are now blocked by gates. All men under the age of 25 have been prevented from exiting the village of Sa'ir and passing through Beit 'Nun since November 1. These closures constitute illegal collective punishment and infringe on numerous Palestinian human rights, including freedom of movement, right to education, right to health, as well as many others.

The aforementioned measures are all part of Israel's greater policy of tightening its control over the city with the aim of driving out its Palestinian population. Indeed, the number of Palestinians residing in the Old City has noticeably dropped. The Palestinian population fell from 10,000 in 1952 to 400 in 1996. According to the Hebron Rehabilitation Committee, the population gradually rebounded to 5,000 by 2014.<sup>6</sup> Over the years, the Committee has worked alongside the Palestinian Authority to encourage Palestinians to return to the Old City of Hebron by providing economic incentives. However, Palestinian residents there still live in extremely unstable and precarious conditions.

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<sup>6</sup> Hebron Rehabilitation Committee, August 2014, available at: <http://archive.thisweekinpalestine.com/details.php?id=2426&ed=152&edid=152>

## EXCESSIVE USE OF FORCE AND UNLAWFUL KILLINGS

As the situation escalates in the OPT, the IOF continues to react with excessive and lethal force against Palestinians. Since 1 October 2015, at least 30 Palestinians have been shot dead by the IOF and one by an Israeli settler in Hebron. In many incidents, Palestinians were killed by the IOF, who claimed that the individuals were involved in stabbing attacks. Many videos and witness testimonies, however, highlight that many of those killed posed no imminent threat and could have been controlled through other means. These alarming cases may amount to extrajudicial killings.<sup>7</sup> The killing of [Mahdi Muhamad Al-Muhtaseb](#), 23, who was shot dead on 29 October 2015 in Hebron after he was already wounded and on the ground, illustrates Israel's excessive use of force which may amount to extrajudicial killing.

Further, at least 13 bodies of those killed from Hebron [remain](#) in the custody of Israeli authorities. By retaining the bodies of those killed, Israel is directly violating its obligations under international law. An obligation to return the remains of the deceased and any personal effects of the dead is set forth in the Geneva Conventions and is reiterated by Additional Protocol I.<sup>8</sup>

According to figures provided by the Palestine Red Crescent Society, as of 15 November 2015, 1,520 Palestinians sustained injuries across Hebron from live ammunition, rubber bullets, tear gas, and other attacks by the IOF and settlers. Of these, at least 182 were injured by IOF live fire.

The following are some of the incidents documented by Al-Haq in Hebron which portray Israel's use of excessive, disproportionate and

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7 Amnesty International, ISRAELI FORCES IN OCCUPIED PALESTINIAN TERRITORIES MUST END PATTERN OF UNLAWFUL KILLINGS, 27 October 2015, available at: <https://www.amnesty.org/en/press-releases/2015/10/israeli-forces-must-end-pattern-of-unlawful-killings-in-west-bank/>

8 Article 34, Additional Protocol 1 to the Geneva Conventions, (1977)

indiscriminate lethal force against Palestinians:

- On 20 October at approximately 9:30 pm, settlers from the settlement of Kiryat Arba' in Hebron held a demonstration on the streets in the Old City. At the same time, two young Palestinian cousins, **Bashar Nidal Al-Ja'bari**, 15, and **Hussam Ismail Al-Ja'bari**, 17, were walking nearby, and once they saw the settlers they appeared hesitant to continue on their path. A witness told Al-Haq that when his family saw Bashar and Hussam, his brothers called after them to hide in their house until the settlers passed. At the same time, an Israeli soldier was monitoring the street from the north-eastern side of the street. Bashar and Hussam went back towards the checkpoint that they passed through earlier. Individuals that pass the checkpoint are almost always searched; accordingly, it is likely that the boys had been checked there. The witness saw the soldier at the checkpoint speak to the two boys for about half a minute. The soldier walked along with the two boys as they spoke heading west. The witness then heard around 20 bullets being shot from several weapons. After the shooting, the settlers returned to the northern entrance of the Kiryat Arba' settlement. Later on, it was discovered that Bashar and Hussam were shot dead by the IOF who claimed that the boys attempted to stab a soldier. Bashar and Hussam's bodies remained in Israeli custody for 10 days before they were released to their families.
- On 25 October at approximately 1:25 pm, Israeli forces shot and killed 17-year-old **Dania Jihad Irsheid** near Al-Ibrahimi Mosque in Hebron. Dania had just passed an Israeli checkpoint between the old market and the Mosque. The checkpoint is equipped with a metal detector and is guarded by three Israeli soldiers. Ten metres after crossing the checkpoint, the soldiers located at the entrance of the Mosque told Dania to approach so they could conduct a search. Dania put her school bag on the table separating her from the soldiers who started shouting at her to take out the knife. She denied having a knife. A soldier then shot near Dania who, as a result, fearfully retreated backwards about one metre with her hands in the air, repeatedly saying, "I don't have a knife". The soldier shot Dania with seven bullets causing her to fall to

the ground and bleed heavily. (Al-Haq affidavit no. 11106/2015)

- On 6 November, a 72-year-old woman, Sarwat Al-Sha'rawi, was shot dead by the IOF in Ras Al-Joura in Hebron. Initial investigations by Al-Haq reveal that Sarwat was driving her vehicle in Ras Al-Jora in the northern part of Hebron where clashes were ongoing. The IOF was firing tear gas at protesters in the same area. As she drove, she approached a group of IOF. Suddenly, the IOF began firing live ammunition at the car; tens of bullets were shot at Sarwat's car. The IOF alleged that she refused to stop the vehicle and that she posed a threat to their lives. Eyewitnesses stated that she was in a state of fear and confusion as a result of the tear gas and the heavy IOF presence, causing her not to heed the IOF's request to stop. Eyewitnesses confirmed that Sarwat in no way posed a threat to the lives of the heavily armed IOF.
- On 27 October at approximately 10:30 pm, Homan Adnan Sa'ed, 23, was killed by the IOF near a witness's house near the Gilbert checkpoint in Tel Rumeida. One witness told Al-Haq:

*"That night at 10:20 pm, I went outside for a cigarette on our door step. As usual, Israelis soldiers were present and chatting with two settlers, sharing drinks and smiling. In the opposite direction, there were three Israeli soldiers with their helmets on, walking towards the Jewish cemetery. They seemed to be looking for something on the street. I went back inside and told my friends that something was going on.*

*By 10:30 pm, we heard six or seven shots. Seconds later, I looked outside the window and found a Palestinian man lying on the floor. I did not see a knife or gun near him or in his hands or anything to prove that he might have been a threat to the soldiers. We didn't hear any sound before the shooting. The man who was shot did not scream or say anything. The soldiers did not speak to him before shooting otherwise we would have heard it. The man was killed without notice, they just executed him.*

*When the soldiers saw me and my colleagues watching the scene, they pointed their guns at us so we stepped away from the windows. At 10:31 pm, I went to my bedroom looking for my camera. While in the hallway I looked through the window and saw two soldiers near the body. At their feet there was a knife. I said out loud "they put a knife" but I didn't see them putting it on the floor, I just saw that a minute before there was no knife and now there was. I checked if the angle from the living room was the same from the one in the hallway. It was. I would have seen it before if there was actually a knife. They put it there.*

*There are two Israelis cameras filming the location twenty-four-seven.*

*At around 10:35pm, an Israeli ambulance arrived. At least two medics were there but did not help or even touch the body. They just looked at him and took pictures. They seemed happy about what had happened. Some of them were hugging each other, proud to be there.*

*At around 10:40 pm, two Israelis with gloves stripped him of his clothes and left him in his underwear. They put his clothes next to his body. The dead man was still in the same position. They later took the body in the ambulance and left."*

- On 12 November, approximately 21 undercover agents disguised as Arabs entered Al-Ahli Hospital in Hebron. The undercover unit killed Abdallah Azzam Shalaldah, and kidnapped his injured cousin Azzam Shalaldah. Azzam was admitted to Al-Ahli Hospital for injuries sustained after he was shot with several bullets by a settler in Hebron on 25 October 2015. His cousin Abdallah and his brother Bilal were both accompanying him at the hospital. There were two other patients in the room, Khaled Ismail Suwaiti and 'Ahed Sabarna. That night at around 2:40 am, Abdallah was in the bathroom inside the hospital room. When he came out of the bathroom, there was 3 to 5 undercover agents entering the room. At that moment, Abdallah moved

towards Azzam's bed - away from where the undercover agents were located. There were approximately three metres between Abdallah and the undercover agents who were armed with handguns and rifles. Abdallah was unarmed. While Abdallah was moving towards Azzam's bed, the undercover agents fired at Abdallah with a handgun equipped with a silencer. The undercover agents did not say anything to Abdallah before firing at him. The undercover agents shot Abdallah with four bullets from a three metre distance. Abdallah was hit with three of the bullets. One bullet lodged in Abdallah's lower chest, one in the left side of his head, and one in his left elbow. Abdallah fell to the ground. He bled heavily for over seven minutes after he was shot. The undercover agents then approached Azzam, put a bag over his head and handcuffed him. They then handcuffed his brother Bilal to the bed with plastic cuffs. The undercover agents then moved Azzam to a wheelchair and they left the room taking him with them. After the undercover agents left, the hospital staff tried to treat Abdallah but he had succumbed to his injuries.

Israel's [use of excessive, indiscriminate and disproportionate force](#) against Palestinians in the West Bank and the Gaza Strip is in violation of Palestinians' right to life. A duty which Israel, as an Occupying Power, is obliged to uphold. The IOF must be guided by the principles of necessity and proportionality when using force and firearms. According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, non-violent means must be first applied before resorting to force. Furthermore, according to the aforementioned Basic Principles, medical assistance must be provided to injured individuals "at the earliest possible moment." In most similar cases, there has been an intentional delay in providing medical assistance to Palestinians shot and injured by the IOF.

In the case of Bashar and Hussam, it is highly disputed whether the boys posed an imminent threat to the soldiers at the time of the shootings. Given the fact that they had already passed a checkpoint where they were likely searched, if they were armed, they would not have been able to cross the checkpoint and reach the other side of the street. In the case of

Dania, Al-Haq's witness statement confirms that she also did not pose an imminent threat to the lives of the soldiers at the time that she was shot. On the contrary, Dania had her arms in the air clearly indicating that she did not possess a knife. Witness statements also suggest that Sarwat and Homan did not pose a threat to the soldiers.

The Israeli raid on Al-Ahli Hospital - and other health facilities - constitutes a blatant violation of international humanitarian law. Article 18 of the Fourth Geneva Convention states that civilian hospitals may not be the object of attack and must be protected and respected under all circumstances. Additionally, as per Article 5(2) of the Hague Convention IX, property and personnel distinctively marked as a medical or health facility must not be targeted. Israeli undercover agents intentionally raided Al-Ahli Hospital in Hebron on 12 November and killed a civilian who posed no threat whatsoever to their lives.

In light of these cases and other unlawful killings carried out by the IOF in the OPT and within the Green Line, Israel must ensure prompt, impartial, independent, effective, and transparent investigations into the killing of Palestinians and hold all perpetrators accountable. Al-Haq urges Israeli authorities to release videotapes from the surveillance cameras located around the city, which may clarify the circumstances surrounding the killings.

## SETTLER VIOLENCE AND HARASSMENT

On the evening of Sunday 18 October, a group of settlers attacked and threw stones at Palestinian homes in Wadi Al-Nasara, east of Hebron city. Israeli forces were present at the time providing protection for the settlers. On 6 November, a group of settlers, with the protection of the IOF, attacked the homes of Palestinian civilians living close to the settlement of Kiryat 'Arba. Such settler attacks against Palestinian civilians in Hebron are routinely carried out and met with [impunity](#) and support by Israeli authorities. As settlements continue to grow in the OPT so does the threat to the lives of Palestinians. Israel, as the Occupying Power, has systematically failed to combat this threat; the result of this policy is particularly evident in Hebron.

## ARRESTS AND ADMINISTRATIVE DETENTION

According to [Addameer Prisoner Support and Human Rights Organisation](#), since the beginning of October 2015, the IOF has arrested more than 1,612 Palestinians in the West Bank, including at least 256 children. This includes an alarming rise in administrative detentions, which amount to about 128 cases throughout the West Bank. As of 11 November, 384 of those arrested were from Hebron; at least 22 of whom have been placed under administrative detention ranging between three to six months. Israel's illegal practice of administrative detention constitutes a breach of customary international law and international human rights norms of due process and fair trial rights.

## CONCLUSIONS

Israel has constantly used security as a pretext to impose harsher restrictions on Palestinians across the OPT, these restrictions are seen most starkly in Hebron. The recent escalation in violence has shown that Israel is not enforcing security, but rather Israeli settlement and domination. Israel has created a situation in Hebron that allows a small group of Israeli settlers to control the city, all the while crushing Palestinian life that has long existed there. Hebron represents the microcosm of Israel's military occupation throughout the rest of the OPT, and it has shown that prolonged occupation will not bring security, but rather continued cycles of violence. In light of this, the solution is clear: an end to the occupation.

In a [recent statement](#), the Special Rapporteurs on the situation of human rights in the Palestinian territories occupied since 1967 and on extrajudicial, summary or arbitrary executions, conveyed their grave concern specifically on the situation in Hebron which is a “predictable flashpoint” given the settler population living in the city. In their statement, they urged Israel to abide by international law on the use of force and halt the impunity granted to settlers by the Israeli authorities.

Al-Haq stresses that the presence of settlements and settlers in the OPT, will only lead to increased violence, as we have seen in Hebron. Given the extreme ideology and beliefs of settlers, and the fact that they are encouraged to carry guns by Israeli leaders, Al-Haq fears that, over time, the consequences will be even more serious and deadly.

Al-Haq calls on the international community to condemn Israel's continued occupation and its practices that violate the basic human rights of Palestinians, including fragmentation of the OPT, excessive use of force, arbitrary arrest and detention, and the transfer of Israeli settlers. Al-Haq also reiterates its call to the international community for effective measures in order to ensure Palestinians' right to life, safety, and protection as well



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as the fundamental right to self-determination. In this respect, Al-Haq urges the international community to take effective measures including by imposing economic sanctions, banning all settlement products from entering their domestic markets, and terminating arms trade with Israel.