

**DEATH TRAPS:  
ISRAEL'S USE OF FORCE  
AT CHECKPOINTS IN THE  
WEST BANK**

**AL-HAQ**

**West Bank Affiliate of the  
International Commission of Jurists  
In Consultative Status with ECOSOC**

**2002**

**DEATH TRAPS:  
ISRAEL'S USE OF FORCE  
AT CHECKPOINTS IN THE  
WEST BANK**

Written by Research Volunteers  
Hanna Haaland & Peter Trainor  
Edited by Al-Haq

**AL-HAQ**  
West Bank Affiliate of the  
International Commission of Jurists  
In Consultative Status with ECOSOC

2002

## Introduction

*"No one knows what is going on; the rules change every minute. Palestinians get shot because no one knows what they're supposed to be doing and everyone is scared. That's why an innocent man died last week. It's all out of control. There's no sense here..."<sup>1</sup>*

Since October 2000, the Israeli authorities have imposed sweeping movement restrictions on the Palestinian population in the Occupied Territories. In order to move from one locale to another, Palestinians must pass through the myriad of checkpoints and unmanned barriers that have been established at the entrances of towns and villages and on main transport routes throughout the West Bank.

An institutionalized form of movement restriction, known generally as Closure, was imposed in March 1993 by the then Rabin Government (1992-1995). What this meant was that Palestinians were no longer able to travel to Jerusalem or Israel without a permit. Prior to this change in policy, Palestinians who did not have a security record could travel freely throughout the Palestinian Territories and Israel, due to a general exit permit which was issued by the Israeli authorities in 1972. From March 1993 onwards, individuals had to apply for a permit from the Israeli authorities before hand, which was often refused. During periods of high tension or during Jewish religious feasts, all permits that are issued are cancelled, and no Palestinian is permitted to enter Jerusalem or Israel except those who are registered as residents of East Jerusalem. A third level of movement restriction is the so-called internal closure which was first imposed in 1996. The internal closure involves the blockading of the entrances and exits of Palestinian towns and villages by the Israeli army, and in some instances, the prohibition of any travel to and from these locales. Again this measure is used during times of increased tension. Depending on the circumstances, all of these measures are enforced at once. The impact of these measures has been disastrous for a Palestinian economy, which is dependent upon Israel, and thus upon open access between the Palestinian territories and Israel. With many Palestinians working in Israel, and external and internal trade dependent on passing through ports in Israel and Israeli checkpoints in the Palestinian territories, any restriction on movement would be bound to have a deleterious impact on the economy and on the ability of the population to conduct social intercourse.

With the onset of the intifada, all the closure measures were enforced, with the international border crossings into Jordan from the West Bank, and Egypt from the Gaza Strip, closed on an intermittent basis. Palestinians have on occasion, been able

---

<sup>1</sup>A statement by an Israeli soldier who was stationed at the Qalandia Checkpoint as quoted in the Jerusalem Post, 2 March 2002.

to circumvent the plethora of checkpoints and unmanned barriers, but with great risk. The ability to move from one locale to another in these circumstances depends largely on the topography of the area and on the number of back routes available to the local population.

The closure measures have been justified on security grounds by the Israeli authorities, but there is some dispute within Israel's defence establishment about the efficacy of these measures as an appropriate security tool. What is clear, however, is that closures have failed to halt Palestinian attacks in Jerusalem and Israel, and have caused tremendous disruption to the lives of the Palestinian population. Alongside the steady proliferation of checkpoints and unmanned barriers that have been used to maintain the closure, Al-Haq has documented a steady stream of cases of Palestinian individuals who have been shot and killed at these barriers by members of the Israeli army. All the individuals concerned were unarmed and going about their daily routine. Using sworn affidavits collected by Al-Haq's field workers, this Human Rights Focus seeks to illustrate a trend that has become increasingly apparent in the operation of the Israeli military at checkpoints during the current intifada.

### **The Case of Fatima Abu-Jeish, 22 years of age, from Beit Dajan**

The roads connecting the villages of Beit Dajan and Beit Furik to Nablus have been closed by Israeli roadblocks since the beginning of the intifada. Residents in the area have been forced to travel on a dirt road, which at one point meets a bypass road that must be crossed in order to continue towards Nablus. Mobile checkpoints are often set up at the crossing. On 7 January 2001, Fatima Abu Jeish was returning home from work with members of her family on this route when she was shot and killed by an Israeli soldier. Nassar Muhammad Mahmoud Abu Jeish, a 29 year-old employee of the Nablus branch of Al-Bank Al-Urduni was driving the car when Fatima was shot. According to Nassar, Fatima was shot while he drove across the bypass road with a number of other Palestinian cars:

*I am an employee at the Nablus branch of Al-Bank Al-Urduni. My wife, Roz Abu Jamal Abu Jeish and the deceased, Fatima Abu Jeish both work at the Arab Specialised Hospital in Nablus. Every day we go to work in Nablus together in our private car, a Fiat 127. We leave our village, Beit Dajan, at 7.15 in the morning and return at approximately 4.30 in the afternoon. Since the beginning of the al-Aqsa intifada, the occupation army has closed the main road to Nablus with concrete blocks, which has forced people to use dirt roads to reach Nablus. At*

---

*one point this route crosses the bypass road that leads to the settlement of Elon Moreh. The residents of Beit Dajan and Beit Furik often face aggression and humiliation by the Israeli soldiers and settlers from Elon Moreh here, but it is the only way to reach Nablus from Beit Dajan.*

*On 7 January 2001, I finished my work at Al-Bank Al-Urduni at 2 p.m. as usual, since the beginning of this intifada. I waited for my wife and Fatima to finish their work, and at 4 p.m. I went to the hospital to pick them up and then travel back to Beit Dajan. We bought some things for the house and left Nablus at approximately 4.30 p.m. When we reached the bypass road we found about fifteen cars from Beit Dajan and Beit Furik waiting in line because there was an Israeli military jeep on the road. We waited with the others for about 30 minutes. At 5 p.m. when the military jeep left the bypass road, the Palestinian cars proceeded to their villages. Three cars entered the road before us, but when we were on the bypass road my wife looked to the right and told me there was an Israeli military jeep waiting near the concrete blocks, approximately 150 meters away. I continued driving away from the jeep towards Beit Dajan. After a few meters I heard shots being fired and Fatima, who was seated in the back of the car, screamed. My wife and I called out her name, but Fatima did not respond and we saw blood coming from her mouth. At this moment, I reached the dirt road leading to the village of Salim where many cars from Beit Dajan were heading towards the bypass road. My wife and I got out of our car and stopped another car to bring Fatima to the Rafidiya Hospital in Nablus. When we arrived at the hospital the doctors told us that Fatima was dead. A bullet had entered from her back and had exited through her heart and the x-ray showed that her lungs had been punctured in twelve places. We didn't hear any warning shots before the soldiers shot Fatima.<sup>2</sup>*

---

Al-Haq affidavit 047/2001. On 16 January 2002 it was reported in the Israeli newspaper Ha'aretz that for the first time an IDF soldier was charged with causing the death of a Palestinian civilian in the current intifada. The case concerned the death of Fatima Abu Jeish. According to the charge sheet as reported in Ha'aretz, the soldier aimed his rifle at a Palestinian car travelling near an IDF road bloc near the village of Beit Furik. He shot and killed Ms. Abu Jeish who was sitting in the back seat of the car. According to the military prosecutor, the soldier acted without authority, contrary to open fire orders in force at the time, and without taking the necessary precautions. See "Soldier indicted for killing Palestinian woman," by Amos Larel, Ha'aretz 16 January 2002.

---

## The Case of Walid al-Sheikh, 31 years of age, from the Qalandia Refugee Camp

On 21 February 2002, Walid al-Sheikh, who was travelling in a taxi was shot in the head and killed at the Qalandia checkpoint, which is located on the main road between Ramallah and Jerusalem. Al-Haq took the following affidavit from Jamal Abdallah Yousef Abu Rajab, a 37 year-old taxi driver from the Ramallah District:

*On Thursday 21 February 2002, between 9.00-9.30 in the morning, I was carrying passengers from the village of Bir Nabale to A-Ram junction and then on to the Qalandia checkpoint. At this time my car was filled with passengers from al-Jib village. A young man, I later learned that his name was Walid al-Sheikh, sat in the front beside me. A woman and her child were sitting behind me and an old man and woman were seated in the far back of the car.*

*As I approached the Qalandia checkpoint, the time was approximately 9.30 a.m., I didn't continue straight ahead because I knew the checkpoint was closed. I intended to turn right in order to let the passengers off close to the quarry so that they could walk over the hill and continue to Ramallah from the other side. As I entered the curve turning right, I saw a soldier stationed on top of the little hill overlooking the checkpoint. I didn't see any other soldiers at the time. The soldier signalled to me to stop and I stopped the car leaning out of the window in order to hear what the soldier was saying. The soldier signalled with his hands that I should return back. I started to back up very slowly, careful not to make any quick moves. The soldier looked very tense and aggressive standing behind a concrete block with his weapon pointed straight at my car. My car is a Ford Transit with yellow number plates and with clear windows. The soldier could easily see who was inside the car. As I was reversing, the soldier suddenly shot towards the car. I heard three shots and I saw glass from the broken right window of my car on the ground. I then reversed quickly, speeding away from the checkpoint towards the A-Ram junction. I continued until I reached a safe place and then I stopped the car. I then heard the child behind me screaming and I saw that the young man beside me was covered in blood. I realised that he was seriously injured so I brought him immediately to the Salaam Medical Center in A-Ram. The young man had been hit by a bullet directly in his forehead. The medical personnel at the Salaam Centre tried to help*

---

*him, but he was transferred to the Ramallah hospital where he was declared dead.<sup>3</sup>*

Mrs. Hanan Mustafa Mohammad 'Assaf, a 62 year-old housewife from al-Jib, who was seated in the back of the taxi, told Al-Haq's field workers that the soldier had fired his weapon despite the fact that the driver had stopped on his orders.<sup>4</sup> Moreover, eyewitness testimonies clearly indicate that the soldier opened fire on the taxi as it moved away from him, and that he gave no warning either verbal or otherwise before proceeding to fire on the vehicle.

### **The Case of Mu'en Abu Lawy, 37 years of age, from Tel**

From the beginning of the intifada, the Israeli army has routinely closed the main road between Nablus and Jerusalem near the village of Tel. In such circumstances, in order to gain access to Nablus, travellers would often walk over the Burin Mountain. On 19 August 2001, Yousef Mahmoud Quareiq, a field worker with Al-Haq, was crossing the mountain when soldiers opened fire on a group of travellers including Mu'en Abu Lawy. Yousef Mahmoud Quareiq related the following to Al-Haq:

*On 19 August 2001, the Israeli army closed the Tel Road, a dirt path used by pedestrians to reach Nablus. This forced people to walk over the Burin Mountain in order to reach Nablus. The Burin Mountain is located approximately 2 km from an Israeli military camp located on a hill beside the Tel Road. At 11.30 that morning I was walking over the Burin Mountain together with a large group of men, women and children. As we were on the mountain, soldiers located approximately 1/2 km away suddenly, and without any warning, opened fire directly at a crowd of people who were walking approximately 150 meters in front of me. The fire hit many people. When the shooting stopped I, and a group of people, approached the injured to help and we found that six people were injured by the shots, one of them seriously. I later learned that his name was Mu'en Abu Lawy.*

*After 15 minutes an ambulance arrived at the scene and brought Abu Lawy to the hospital. A bullet had penetrated his skull above his right ear and upon arrival at the hospital Abu Lawy was declared dead. The other people were medium to lightly injured. I am sure the soldiers*

---

<sup>3</sup>Al-Haq affidavit 562/2002.

<sup>4</sup>Al-Haq affidavit 561/2002.

---

*were shooting to kill because at the time of the shooting we were only walking on the hill not posing any danger or threat to the soldiers posted at such a long distance.<sup>5</sup>*

### **The Case of Nassar Hassan Yahya Abu Salim, 29 years of age, from Rantis**

On 26 January 2002, Nassar was among a large group of people waiting on foot to cross the checkpoint at 'Ein 'Ariq, west of Ramallah. The soldiers were not letting anyone pass the checkpoint and as the crowd grew bigger the soldiers got increasingly tense, pushing people back and shooting tear gas grenades. Increasingly frustrated by the delay, Nassar got into a wrestle with one of the soldiers and live ammunition was fired. 'Aaid Ahmad Mahmoud Khatib, a 36 year-old worker from Rantis gave the following account of the incident to Al-Haq:

*At 3.30 p.m. on Saturday 26 January 2002, the deceased, Nassar Hassan Yahya Abu Salim, and I were returning from Ramallah to our village, Rantis. When we arrived at the Israeli military checkpoint at 'Ein 'Ariq, we saw the Israeli occupation soldiers order people to line up while not allowing anyone to cross the checkpoint. There were a lot of people, approximately 200 waiting in line to cross the checkpoint. This usually happens every day around this time and when we arrived the situation was as usual. There was no confrontation between the soldiers and the people waiting to pass.*

*Three soldiers were manning the checkpoint; three of them standing on the ground and a fourth soldier stationed in an observation tower overlooking the checkpoint. One of the soldiers on the ground told the crowd to move away from the checkpoint saying: "If you move 20 meters back, I will let you pass". This soldier seemed very nervous and he shouted: "I am crazy! You have to go back, if not I will shoot!" He cocked his rifle and shot a stun grenade into the middle of the crowd. The soldiers then started to push back the crowd, beating the people in the front row demanding that they move back. At this point some of the people started to move away from the checkpoint.*

*I saw one of the soldiers approaching Nassar who was standing approximately four meters in front of me in the line. The soldier pushed him violently and beat him upon which Nassar shouted to the soldier: "Who gives you the right to beat me and the people here?" The time*

---

Al-Haq affidavit 277/2001.

---



*was now 3.40 p.m. The soldier grabbed Nassar by his shirt and pulled him out of the line towards the soldiers' tent which was erected at the checkpoint. Nassar, who only had his human dignity with which to oppose the methods of the soldiers, punched the soldier in his face. One of the other soldiers saw Nassar punching the soldier who was pulling him away and he shot directly at Nassar hitting him in his right thigh. At this point the third soldier at the checkpoint started to shoot indiscriminately towards the crowd lined up in front of the checkpoint. The fourth soldier in the observation tower shot tear gas grenades injuring two people. Following the shooting and the gas more people started to leave the area.*

*Nassar was now lying on the ground. One of the soldiers started to pull him along the ground towards the tent. I and some other men tried to approach the tent to see Nassar. At first I didn't believe that the injury in his leg was very serious and I expected the soldiers were giving him first aid, but in any case I called a Red Crescent ambulance to come to the scene. At this point the checkpoint was completely closed from both sides. The ambulance arrived shortly after and the medical personnel proceeded directly towards the tent, but the soldiers would not allow them to enter. Five minutes later an Israeli military ambulance arrived and the medical staff entered the tent. After approximately ten minutes, soldiers came out of the tent carrying Nassar on a stretcher. They handed him over to the Palestinian ambulance, which drove directly to the Ramallah Hospital. The time was now 4.40 p.m. I followed the ambulance to the hospital. When I entered the emergency room I was shocked to find that Nassar was dead. I learned that the main artery in his thigh was severed by the shot and he had lost a lot of blood. I had only seen the rubber bandage around his thigh.<sup>6</sup>*

### **The Case of Ra'fat al-Malhi, 24 years of age, from Khourbatha al-Misbah**

*Jidal 'Adwan 'Ali, a 30 year-old worker from Beit Liquia tried to assist Ra'fat al-Malhi after he was shot at a checkpoint on 13 September 2001. He gave the following affidavit to Al-Haq:*

*At six a.m. on Wednesday 13 September 2001 I was travelling from my*

---

Al-Haq affidavit 506/2002.

---

village, Beit Liquia to Lod. My two children were with me. I came across a barrier, which was manned by Israeli soldiers, and I was allowed to pass. After I passed through I saw a yellow plated car approach the barrier. There was only the driver in the car. There was a military jeep positioned about 50 meters from the barrier. Once the car passed through the barrier the soldiers started to shoot heavily at the car. The driver was driving normally as he passed the jeep. We didn't hear the soldiers asking him to stop. They started shooting the minute he reached the barrier. The soldiers were outside the jeep and shot at the car from behind.

The car stopped after 40 to 50 meters. The military jeep drove off as if nothing had happened. I went with a group of young men towards the car. When I arrived I saw a young man behind the wheel. He was conscious. He then fell to one side and I saw the wounds to his back. He was bleeding heavily. I helped him out of the car. He was able to walk for about four meters. I then helped him to lie on the ground on his stomach. I then called the emergency services on my mobile and reported the incident. After six minutes an Israeli police car arrived and stopped 30 meters from where the man was lying. The police looked on from a far but did nothing. I went up to them, and using my mobile called the emergency services again. I asked the woman on the phone to send an ambulance. The police told me that a Palestinian shot the man. When I gave the policeman the man's ID, and when he saw that the man was from Jerusalem, he called for an ambulance. But the ambulance never arrived. All that time the young man was lying there on the ground. We then decided to take the man to hospital in a private car. On the main road we went to the Khawaja petrol station, which is approximately 2 km away from the incident. The young man died. This was 45 minutes after the incident. A police car arrived at the petrol station and asked us for the young man's body. We then had an argument with the police about who would take the body and where. Finally we agreed that the Israelis would take the body on the grounds of the necessity to perform an autopsy. The police asked me to take my children home and return in order to give a statement. I did as they asked and gave them a statement. There was an opportunity in saving this man. The soldiers didn't try to help him either.<sup>7</sup>

---

<sup>7</sup>Al-Haq affidavit 309/2001.

---

## The Case of Muhammad 'Abd Allah, 22 years of age, from Zeita

Mayson Salih Naif Hayek is one of two women whom, in the span of two days were injured by Israeli soldiers stationed at the Huwwara checkpoint southeast of Nablus while on their way to hospital to give birth. Mayson's husband, 22 year-old Muhammad 'Abd Allah, had been permitted by the soldiers at the first barrier to proceed to Nablus. Due to lack of coordination between the troops, the soldiers at a second barrier, some 600 meters away, opened fire at the approaching car. After giving birth to her daughter, Mayson Hayek, a 23 year-old widow from Zeita, gave her affidavit to Al-Haq:

*On 25 February 2002, at around midnight, I felt I was in labour so I woke up my husband, Muhammad 'Abd Allah. He told me to wait until the morning because it was impossible and dangerous to drive during the night due to the checkpoints and the soldiers on the roads. At around 2 a.m. the labour pains increased and I felt I could wait no longer so I, my husband and my father-in-law, took my husband's car, a Subaru 1984 model to go to the hospital in Nablus. When we arrived at the Huwwara checkpoint, my husband stopped the car at a far distance from the checkpoint as the soldiers signalled by lights to do so. Then the soldiers signalled for my husband to approach them and my husband drove the car slowly closer. The soldiers checked my husband and my father-in-law and they also checked the bag I had prepared with clothes and necessities for the new baby. My husband told the soldiers that we were on our way to the hospital as I was about to give birth. The soldiers ordered my husband to lift up my robe so that they could check to see that I was really pregnant. After that the soldiers allowed us to cross the checkpoint to continue on our way to the hospital. It was now 2.30 a.m.*

*After we drove approximately 600 meters I suddenly heard the sound of intense shooting. I told my husband to stop the car, but he continued for about 50 meters. As I was telling my husband to stop, the shooting intensified. It sounded like heavy rain hitting our car. I was seated in the back and crawled down on the floor covering myself with my bag. The shooting continued for about five minutes. When the shooting stopped I sat up and put my hand on Muhammad's face and told him: "Go Muhammad! Go!" He didn't respond. His mouth opened and some water ran down his chin. It was as if he was taking his last breath. His head then fell to the right, but his hands were still holding on to the*

---

*steering wheel. I could see that the windscreen was completely gone and my father-in-law shouted in pain. I had very strong labour pains. Suddenly, a group of soldiers appeared in front of the car and I shouted to them: "Baby! Baby!" The soldiers came up to the car pointing their weapons at me. They were talking to me in Hebrew, but I didn't understand what they were saying. They signalled to me to get out of the car and to lift up my robe so that they could see my pregnant stomach. I did this, but one of the soldiers shouted to me and signalled that I should take the robe off completely. He continued and ordered me to take off all my clothes, even my underwear and the sanitary pad I was wearing. He didn't stop before I was completely naked. After this humiliation they brought out a stretcher from one of the tanks and lifted me on it, completely naked, and placed me inside the tank. They gave me a glucose injection. Shortly after, my father-in-law was brought inside the tank. He was also completely naked. I thought they were carrying us to the hospital, but after approximately half an hour, I realised that we were back at the Huwwara checkpoint. The soldiers brought us out on the stretchers and put the stretchers on the ground. All the time I was in sever pain. I told the soldiers that I was very cold, but they brought me only my robe with which I used to cover my lower body. I lay on the ground like this for one hour and I could hear the soldiers communicate on their radios. When a Palestinian ambulance arrived after about one hour, the soldiers lifted me from the stretcher and put me directly on the ground and brought the stretcher back into the tank. Only after this was the Palestinian ambulance allowed to carry me to the Rafidiya hospital in Nablus. Here I gave birth to a girl and I called her Fida'.*

*After I woke up from the anaesthesia, I heard from the doctors that I was injured in my left shoulder and that there was a fracture in my right shoulder. I hadn't felt any of this because I was in labour all the time. My father-in-law, who is 64 years old and was seated in the front of the car, is still at the Rafidiya hospital. He was hit by several bullets and is in a very serious condition. I was released from the hospital after 5 days together with my daughter Fida', who's father became a martyr when he tried to bring us to the hospital.<sup>8</sup>*

## The Case of Mahmoud Zahaykah, 35 years of age, from Jabal al-Mukkaber

The following affidavit was given to Al-Haq by Amjad Issa Ali al-Husseini Zahaykah, who is 32 years of age and from Jabal al-Mukkaber in Jerusalem.

*On 18 May 2002, at about 2:30, my cousin Mahmoud Zahaykah and I left my house to go to Hebron in order to pick up my wife. We went through the tunnel road. At the Beit Ummar junction near Hebron there was an Israeli checkpoint that prevented people and cars from passing. We asked some people if there was any other road to bypass that checkpoint. They told us that there was a dirt road that led to the main street of Beit Ummar. We took this road. It was difficult. At one point Mahmoud asked me to get out and check the bottom of the car to see if there were rocks stuck there. At that moment I saw an Israeli military jeep on the main road about 60 meters away from us. The jeep was going towards Hebron. It then stopped, and three soldiers got out. They ran towards us and went into a grape field and began shooting towards the car. I even heard the cocking of the guns as the soldiers left the jeep. The shooting was very strong. I think the shots came from the three soldiers. At the beginning, the soldiers were to the right of the car and after that there was shooting from the north direction. The window of the car facing the north was smashed. Meanwhile, I was shouting at the soldiers to stop shooting, and told them that the man inside the car was my cousin, and that we had lost our way, but they did not listen to me. I spoke to them in Hebrew. During the shooting Mahmoud kept on driving and I could not see the car as the area was full of trees. The shooting lasted for five minutes. When it stopped, I went up to the soldiers and told one of them that the man inside the car was my cousin and that he was a doctor. But the soldier ignored me. This soldier was tall and had a sniper's rifle with him. I guess he was the commander of the patrol. With the help of some people in the area I tried to find the car. We eventually found it, but it had overturned. Mahmoud had been thrown out of the car. His face was covered in blood. There was a deep wound to his neck. He was dead. The soldiers came over. One officer rebuked the soldiers. He had badges but I didn't know his rank. He was telling the soldiers that the killing was unjustified. The corpse remained there for about twenty minutes until a Palestinian ambulance came up to the area and took the martyr to his house in Jabal al-Mukkaber.<sup>9</sup>*

---

<sup>9</sup> Al-Haq affidavit 743/2002.

## The Case of Musa Dharagmeh, 35 years of age, from Dheisheh

The following affidavit on the killing of Musa Dharagmeh was taken by Al-Haq from Muhammad Naseef Attallah Dharagmeh who is 26 years of age and from the Dheisheh refugee camp.

*On 22 May 2002, at about 6:30 a.m., Musa Dharagmeh and I were on our way to work in Jerusalem. In order to enter Jerusalem we had to get around an Israeli checkpoint. There were about twenty workers who wanted to bypass the checkpoint. We walked near a wall along the al-Tantour Monastery. Some workers saw an Israeli military jeep about 200 meters away from where we were. We ran towards the Aida refugee camp. Two soldiers got out of the jeep and started chasing us. When the two soldiers were 20 meters away from us we stopped. We raised our hands, but one of the soldiers kept on running. When he was about three to four meters from us he shot at Musa injuring him in the chest. He (Musa) fell to the ground after he had taken two steps. The soldier then ignored him and left him to bleed. He then gathered our ID cards for inspection. It took him one minute to inspect each ID card, that is, he took twenty minutes to check all of the ID cards. We asked the soldier to help Musa but he refused saying "we are not doctors to help him." He ordered us to squat while the other soldier pointed his gun at us as if he wanted to kill us. This soldier was huge, about 190 cm tall and black, and spoke only Hebrew, which we understand. Whenever we asked to help Musa he threatened to kill us. Musa was bleeding severely and screaming. The soldier who shot Musa used a mobile. He was blond and tall, about 175 cm. He stated that he had shot a Palestinian who was wearing a suspicious object. He also answered some questions about Musa's condition. Then this soldier mocked us and asked why we had run away. He then called an ambulance.*

*A soldier who was wearing black accompanied by two other soldiers approached and looked at Musa. The one in black inspected Musa's body. I guess he was an explosives expert. He then asked the soldiers about the suspicious object that they had reported. They did not answer. It took that expert ten minutes to check. The two other soldiers then gave permission to the medical crew to help. They provided first aid to Musa for about six minutes. One of the crew waved his arm at his colleague. I knew Musa had died. I could tell that Musa had died twenty minutes after he had been shot, as the murderer examined his*

---

*chest with his hands twenty minutes after he had shot him, and told the other soldiers that he was dead. The soldiers ordered us to move about 100 meters away. We were under guard.*

*At about 7:40 a.m. an officer came up to us and gave us our ID cards back. All of the workers went home except for me. I asked the officer to allow me to stay as Musa was my cousin. He allowed me to stay for five minutes. I asked one of the medical personnel who looked Arab about Musa's condition, but he did not answer me. I then went home but did not tell the family about what had happened to us. The corpse was given to us 36 hours after the killing.<sup>10</sup>*

### **The Case of Fatmeh Hasan, 92 years of age, from Atarah**

The following affidavit was taken by Al-Haq from Kefayah Daoud Rezeq Qerdaha, who is 40 years of age and from the village of Atarah.

*On 3 December 2002, at about 10 a.m., I caught a taxi from the Jawwal area. I was on my way home from Ramallah. I sat on the seat just behind the driver. On my left sat 92 year-old Fatmeh Hasan from Atarah and my eight year-old daughter Wafa, while my 13 year-old daughter sat to the right. In addition to the driver, Rami Jawdat, there were five people in the service. The driver was waiting for more passengers. Meanwhile, the Israeli soldiers on the bypass road that passes the settlements of Beit El and Dolev were preventing people from crossing the road. There were four military vehicles present, and people were stuck on both sides of the road. It is worth mentioning that this area has become a station for cars that ferry people back and forth from 35 villages to the north of Ramallah.*

*At about 10:15, the Israeli soldiers began assaulting people on both sides of the road. They also opened fire. No sooner had Rami driven the car a tall soldier started shouting at him to stop. Rami stopped in spite of the heavy shooting. The two children began crying and turned pale out of fear. The soldier came up and stood near the left window of the car where the old woman was sitting and broke the window with his gun. At that moment, I opened the door of the car to leave with my daughters and then I felt a pain in my left thigh. I was bleeding. I had been shot and started screaming. Minutes later some young men came*

---

Al-Haq affidavit 779/2002.

---

*up to help me. I asked them to have a look at the old woman. The young men said that she had been killed. I was then taken to a clinic in the Jalazone refugee camp. An ambulance took one hour and half to reach Jalazone. The driver tried to go through the Beit El road but it was blocked. He turned back and took the Surda road. When we reached the Israeli checkpoint near the village of Surda the soldiers stopped us. The driver told them that he was taking an injured person to the hospital. They allowed us to pass. At about 1:30 p.m. we reached the Ramallah hospital where I received first aid and I was then transferred to the al-Sheikh Zayed Hospital. The doctors told me that I have a bullet in my left leg which fractured the bone. I will have to undergo surgery to remove the bullet once the bone has healed."*

### **Israel's Open Fire Procedures**

The fatal shootings at checkpoints manned by Israeli soldiers poses serious questions about Israeli army regulations on the use of force. The Israeli army operates according to a set of Open-Fire Regulations that limit the circumstances in which soldiers can use their firearm. The Israeli army's Orders for Opening Fire in Judea and Samaria (i.e. the West Bank) state that "a soldier will use a weapon, in the event of immediate danger to life, his own or that of others, and when it is impossible to effectively defend oneself from the assailant other than by the use of a weapon."<sup>12</sup> A life-threatening situation is defined as one where "a real threat of the loss of human life or grave bodily harm exists."<sup>13</sup> The Regulations also stipulate that "the firing is intended to hit the assailant alone, in the measure necessary for preventing the danger" and that "no shooting should be done except while the danger still exists."<sup>14</sup> The Open Fire Regulations are not however, a static series of instructions to troops in the field. The Regulations are in fact dynamic, changing constantly, depending on the perceived level of threat, or on the dictates of the political and military echelon. The extent of the changes at any given moment is not publicly available, but the Israeli human rights organisation B'Tselem has been able to piece together some basic information based on statements obtained from various sources, including soldiers and media reports. In its evaluation on the

---

<sup>11</sup> Al-Haq affidavit 779/2002.

<sup>12</sup> Amnesty International, Israel and the Occupied Territories: Excessive use of Lethal Force, P 4, October 2000, AI Index MDE 15/41/00.

<sup>13</sup> B'Tselem, Trigger Happy: Unjustified Shooting and Violation of the Open-Fire Regulations during the al-Aqsa Intifada, March 2002, P 5.

<sup>14</sup> Op cit Amnesty, Excessive use of Lethal Force, P4. For details see also [www.btselem.com](http://www.btselem.com).

---



changes in the Open Fire Regulations during the course of the intifada, B'tselem concluded that "the new regulations enable firing in situations where there is no clear and present danger to life or even in situations where there is no life-threatening danger at all."<sup>15</sup> Al-Haq's own testimonies and investigations have also indicated that a great many Palestinians have been killed or injured in circumstances where lethal force was clearly not justified, which in Al-Haq's view is an indication of permissive open fire procedures.<sup>16</sup> B'tselem also found in its investigation of the army's open fire procedures, that the Regulations were not transmitted to the troops in the field by the written word, but were instead passed down by commanders orally, leaving room for far greater latitude in interpretation by individual soldiers and their direct field commanders. This effectively led to confusion amongst soldiers in the field about what in fact were the permitted procedures for opening fire at any given time. Such a state of affairs would only have increased the danger soldiers posed to the Palestinian population and may have contributed to the considerable toll of unnecessary deaths.<sup>17</sup>

### **International Law: the Right to Life & the Use of Force**

The right to life is the supreme right and is enshrined in article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR) and in article 3 of the Universal Declaration of Human Rights. In its official commentary on the International Covenant on Civil and Political Rights, the Human Rights Committee of the United Nations, which monitors signatory states' compliance with the terms of the treaty, stated, "All people have the right to "protection against arbitrary deprivation of life."<sup>18</sup> This is "the supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation."<sup>19</sup> The report deals specifically with the applicability of the ICCPR to the conduct of state security services. According to the report, "the deprivation of life by the authorities of the State is a matter of the utmost gravity."<sup>20</sup> The authorities of the

---

<sup>15</sup> Opcit B'tselem, Trigger Happy, P7.

<sup>16</sup> See for example Briefing Papers, "The Use of Force by the Israeli Security Forces: A Legal Reflection," May 2001, Al-Haq, and "Punishing a Nation: Human Rights Violations during the Palestinian Uprising, December 1987-December 1988", Al-Haq, 1989.

<sup>17</sup> Opcit B'tselem Trigger Happy, PP 8-11.

<sup>18</sup> United Nations, Report of the Human Rights Committee, Official Records of the General Assembly, 37th session, Supplement No. 40 (A/37/40) (1982), General comments under article 40, paragraph 4 of the International Covenant on Civil and Political Rights a/b/c/, General comment 6 (16) d/ (article 6).

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

---

State have a responsibility to "prevent arbitrary killing by their own security forces."<sup>21</sup> Therefore, "the law must strictly control and limit the circumstances in which a person may be deprived of his life by such authorities."<sup>22</sup> Moreover, under the Fourth Geneva Convention, Israel, as an Occupying Power, is obliged to ensure that the Palestinian civilian population is humanely treated, and that they are protected against all acts of violence or threats there of,<sup>23</sup> and is thus charged with protecting the right to life of individuals living under occupation.

With regards to the use of force and firearms by law enforcement officials or in circumstances akin to Israel's occupation where military and para-military personnel take on a law enforcing function, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide the main principles and obligations aimed at the protection of the right to life.<sup>24</sup> Generally, in the performance of their duty, law enforcement officials and military personnel performing a law enforcement function are always required to "respect and protect human dignity and maintain and uphold the human rights of all persons."<sup>25</sup> According to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, (Basic Principles) "Law enforcement officials shall not use firearms against persons except in self-defence or in defence of others against the imminent threat of death or serious injury...and only when less extreme means are insufficient to achieve these objectives."<sup>26</sup> The Basic Principles further states that the "intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."<sup>27</sup>

The international standards as expressed by the two Codes on the conduct for law enforcement officials, the International Covenant on Civil and Political Rights and the Fourth Geneva Convention all layout the parameters for when force may be used, and seek to limit the circumstances of its use against civilian populations.

---

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> See article 27 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 1949.

<sup>24</sup> Amnesty International notes that the UN Code of Conduct for Law Enforcement Officials "embodies the internationally recognized principles of necessity and proportionality in the use of force, which are intended to safeguard international legal rights, foremost among which is the right to life and the prohibition of torture or other cruel, inhuman or degrading treatment or punishment. Such rights must be protected under all circumstances."-Amnesty International, "Killings by Israeli Forces," January 1990.

<sup>25</sup> Article 2 of the Code of Conduct for Law Enforcement Officials.

<sup>26</sup> Article 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

<sup>27</sup> Ibid.

---

These instruments do not contain outright prohibitions on the use of force by authorities exercising policing functions, however, but are intended to establish guidelines for the regulation of their conduct.

It is evident in the cases illustrated above, that the Israeli military have repeatedly used force in a manner that is irreconcilable with international standards. Lethal force has been used against unarmed civilians in circumstances where there was no clear and present danger to the soldiers manning the checkpoints. What is more, since the ruling of the Judge Advocate General's Office that only cases that are deemed suspicious by the authorities will be investigated, very few Israeli soldiers have had legal proceedings brought against them and fewer still have been prosecuted.<sup>28</sup> The general failure to hold soldiers accountable for unlawful killings where there was clearly no clear and present danger is a violation of the Basic Principles on the Use of Force by Law Enforcement Officials, which states: "Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law."<sup>29</sup>

In none of the cases included in this Human Rights Focus could the use of force be justified. At no point did those who were killed or seriously injured pose any life-threatening danger to the Israeli soldiers who opened fire on them. Al-Haq has found that:

- The existing Open Fire Regulations permit a level of force in circumstances where there is no clear and present danger;
- Due to the vagueness of the Regulations, soldiers often have broad discretion concerning the circumstances where force may be exercised;
- In instances where force has been used unwarrantedly, resulting in death or serious injury, investigations and prosecutions are rarely carried out, contributing to a sense of impunity amongst Israeli military and police personnel serving in the Occupied Territories.

---

<sup>28</sup> Opcit, as cited in Trigger Happy, B'tselem, p 10.

<sup>29</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, article 7.

---

Al-Haq therefore demands the following:

- The Israeli army must respect internationally recognized limitations on the use of firearms.
  - Israeli soldiers who have shot and killed Palestinians in violation of international law must be held accountable for their actions.
  - The international community must establish a monitoring presence in the Occupied Territories and must ensure Israel's respect for international law.
- 
-