

Israel Attacks Jenin Refugee Camp, Killing 12 Palestinians, Injuring 120, and Destroying Civilian Roads, Properties and Infrastructure, with Intent

Date: 6 July 2023

For the attention of:

- The United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian territory occupied since 1967, Ms. Francesca Albanese;
- The United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Ms. Fionnuala Ní Aoláin;
- The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms. Ashwini K.P.
- The UN Working Group on Arbitrary Detention, Ms. Priya Gopalan;
- The United Nations Special Rapporteur on the Situation of Human Rights Defenders, Ms. Mary Lawlor;
- The United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Mr. Clément Nyaletsossi Voule;
- The United Nations Special Rapporteur on Adequate Housing as Component of the Right to an Adequate Standard of Living, and the Right to Non-Discrimination in this Context, Mr. Balakrishnan Rajagopal;
- UN Special Rapporteur on the Rights of Internally Displaced Persons, Ms. Paula Gaviria;
- Working Group on Business and Human Rights, Mr. Damilola Olawuyi
- Working Group on Enforced or Involuntary Disappearances, Ms. Ana Lorena Delgadillo Perez.

1. Introduction

On 3 July 2023, Israel launched a unilateral military attack by air and with ground forces in the densely populated Jenin Refugee Camp, in the occupied Palestinian territory (i.e., the West Bank, including eastern Jerusalem and the Gaza Strip). By 8:00 pm on 4 July 2023, the Palestinian Ministry of Health reported the death toll at 12 killed, including at least two children. At 1:00 pm on 4 July 2023, the Palestinian Ministry of Health reported 120 injuries in Jenin City and Refugee Camp, with 20 in a critical condition. Al-Haq notes and appreciates the initial statement from UN experts in response to the attack on Jenin.¹ In furtherance of this statement and in consideration of additional details emerging from Al-Haq's first documented field research, Al-Haq submits this urgent appeal with related and additional recommendations.

¹ UN OHCHR, "Israeli air strikes and ground operations in Jenin may constitute war crime: UN experts" (5 July 2023), available at: <<https://www.ohchr.org/en/press-releases/2023/07/israeli-air-strikes-and-ground-operations-jenin-may-constitute-war-crime-un>>

2. Context

In the occupied Palestinian territory (OPT), there has been a marked escalation in Israel's full-scale military attacks – a territory which Israel holds under its settler-colonial apartheid regime and effective military control. Since early 2022, Israel has intensified its military raids and attacks, and campaign of mass arrests, and has increased its utilisation of its shoot-to-kill policy, and collective punishment practices against Palestinians in the occupied West Bank, including the eastern part of annexed Jerusalem. The aim has been to suppress all forms of Palestinian resistance, particularly in the Governorates of Jenin and Nablus. Last year, 2022, was the deadliest year on record in the West Bank, including eastern Jerusalem since the Second Intifada, with a total of 192 killings recorded, including 44, children. Of these, 53 Palestinians were killed in the Jenin Governorate. So far this year, and as of 4 July 2023, Israeli Occupying Forces have killed 145 Palestinians in the OPT, of which 63 of which are from Jenin Governorate.

Since 2023, there has been a concerted pattern of military attacks by the Israeli occupying forces (IOF) on Jenin Refugee Camp and in Nablus. In January, Al-Haq issued an action alert for the international community to intervene, following the IOF's siege and military shelling of Jouret al-Dahab neighbourhood in Jenin Refugee Camp, killing 10 Palestinians, including two children, and damaging civilian properties and infrastructure.² On 22 February 2023, the IOF carried out a four-hour-long military attack on the old city of Nablus, killing ten Palestinians, injuring around a hundred others, and destroying civilian infrastructure.³ On 16 March, undercover Israeli occupying soldiers, driving a civilian vehicle, raided the crowded centre of Jenin city in broad daylight, killing four Palestinians, including a 14-year-old child. In a video that was circulated online, an Israeli occupying soldier was seen firing a bullet directly at Nidal Khazim's head, while lying injured on the ground.⁴ In June 2023, there was a marked shift with Israel employing new methods, most notably the unprecedented use of aerial drone attacks in Jenin, which killed three Palestinians.

On 3 July 2023, in an unprovoked military onslaught on Jenin, Israel intensified its military campaign against the densely populated Jenin Refugee Camp, employing strategic aerial bombardments, oversized military D9 armoured caged bulldozers, military trucks and jeeps and a ground snipers force. The camp is home to approximately 15,000 refugees, displaced during and since the 1948 *Nakba*. The displacement of the Palestinian population, subsequent denial of their right of return, and mass appropriation of refugee movable and immovable properties, in a large-scale ethnic cleansing known as the *Nakba* (the catastrophe) continues to this day with current waves of settlement expansion and displacements.

² Al-Haq, "Action Alert: International Community Must Intervene to Prevent the Normalisation of Israel's Daily Killing of Palestinians" (27 January 2023), available at: <<https://www.alhaq.org/advocacy/21158.html>>

³ Al-Haq and Al-Haq's Forensic Architecture Unit have reconstructed the both attacks on Nablus and Jenin in an investigative interactive report, Al-Haq, "Israel's Destructive Attacks in the West Bank Infiltrating the Palestinian Urban Fabric to Suppress Resistance", available at: <<https://raids.alhaq.org/>>

⁴ Al-Haq, "Al-Haq Calls for Action to End Israeli Excessive Use of Force and Impunity during the Human Rights Council 52nd Session" (3 April 2023), available at: <<https://www.alhaq.org/advocacy/21385.html>>

2. Israel Attacks Jenin Refugee Camp (3 and 4 July 2023)

2.1 Killings and Injuries

At around 1:15 am on Monday 3 July 2023, Israel launched an unprecedented and full-scale military attack on Jenin Refugee Camp under its so-called operation “House and Garden”. Israeli reconnaissance aircraft targeted and bombed a property located near the Jenin camp square. Israel claimed that the property was considered the centre of operations for the Palestinian resistance in Jenin camp. At least one young Palestinian was killed and several others were injured as a result of the attack. At the same time, Israel launched a widescale ground attack on Jenin, where dozens of Israeli military vehicles of various shapes and sizes, began to enter the city through a number of entry points. The vehicles spread throughout the city and encircled the Jenin camp from different directions, where confrontations took place between the IOF and Palestinian youths.

At 2:20 am, a number of residents of Jenin camp received mobile phone messages from the Israeli intelligence service, warning them to stay at home, allegedly out of concern for their lives. Throughout the night, the IOF aircraft repeatedly bombed and targeted several parts of Jenin camp. At approximately 3:30 am, the IOF entered the camp with D9 bulldozers and a number of Israeli snipers took up location in high rise buildings, residential houses and commercial buildings throughout the camp, resulting in more Palestinian killings and injuries.

During the hostilities, a tear gas grenade exploded in the yard of Jenin Governmental Hospital, which resulted in the injury of a number of those present in the yard of the hospital, who suffocated and were immediately treated. At about 5:15 pm that evening, several bullets penetrated one of the windows of Al-Amal Hospital, during armed clashes near Jenin Governmental Hospital and Al-Amal Hospital, causing material damage. There were no reported injuries.

A vehicle was shot at in the Al-Basateen neighbourhood, in Jenin, which resulted in the injury of a young man whose wounds were described as very critical. He is currently undergoing surgeries. By 5:00 pm on 3 July, the Palestinian Ministry of Health reported that eight Palestinians, including two children had been killed. The Jenin Governmental Hospital and Ibn Sina Hospital received approximately 65-70 injuries, of which 10-12 were in a critical condition. As attacks continued in Jenin camp and city on 4 July, this number has risen to 12 Palestinians killed and 120 others injured. The residents of the neighbourhood and areas of Jenin were confined to their homes due to the danger and intensity of the military attacks, and the threat imposed by intense low flying reconnaissance aircraft in the skies above Jenin and the Jenin camp.

2.2 Destroying Critical Civilian Infrastructure

At about 3:30 am on 3 July, several oversized D9 bulldozers entered the city and Jenin camp. The D9 bulldozers, which travel on massive chained wheels, began to systematically destroy the streets located to the western and northern sides of Jenin camp. Upon entering the Jenin camp square, the D9s bulldozed the main street there, and thereafter destroyed and bulldozed several other streets in the vicinity of the camp. In addition to levelling the streets, the D9s further destroyed a number of vehicles and the external walls of houses.

In addition to destroying the road infrastructure, the significant damage was caused to the water networks. Due to the ongoing military presence and damage to road infrastructure, ambulances were delayed in accessing and attending to the injured and retrieving the killed.

2.3. Attacks on Journalists

As the attacks on Jenin Refugee Camp continued, many journalists began to arrive in the vicinity of the camp and a number of them entered the Jenin camp square. As they did, IOF fired bullets at a camera belonging to one of the journalists, which led to its destruction.

2.4. Raids and Arrests

A large number of houses on the outskirts of the camp and in some neighbourhoods inside the camp were raided and searched, particularly in the Al-Damaj neighbourhood. In addition, and according to Al-Haq's preliminary documentation, a mass number of around 150-160 young Palestinians from across Jenin city and camp were arrested and detained. Their whereabouts have not been communicated to their families, and families do not know their fate.

2.5 Thousands of Civilians Evacuate Jenin Refugee Camp

At approximately 8:00 pm on 3 July 2023, fearing bombardments on residential properties, thousands of Palestinian men, women and children began to flee Jenin camp, leaving their belongings, even ID cards behind. They sought refuge in the Jenin Governorate hospital. In the morning of 4 July, Al-Haq documented the instalment of snipers situated around the hospital, the tear-gassing of the governmental hospital by the IOF, where displaced Palestinians were sheltering. Also, on 4 July at 6:15 pm, MSF International reported on social media:

Our teams are facing tear gas in Jenin: Israeli forces fired tear gas several times inside the Khalil Suleiman hospital. This is unacceptable. The Emergency Room is unusable right now, it's completely filled with smoke, as is the rest of the hospital...⁵

3. Legal Analysis

Israel, as the Occupying Power, is bound by the laws governing belligerent occupation, i.e., international humanitarian law including the Hague Regulations (1907) and the Fourth Geneva Convention (1949), international human rights law and general international law. Israel's pre-emptive and unprovoked military attack on a densely populated civilian residential area on a calm summer night, and two days after celebrating Al-Adha Muslim holiday, in the absence of any combatants or civilians taking up arms and directly participating in hostilities, highlights the unnecessary and disproportionate nature of the attack. Further, the attack cannot be justified under so-called "counter-terrorism" operations.

⁵ MSF International, at <<https://twitter.com/MSF/status/1676248475191717890>>

3.1 The overall attack on Jenin Refugee Camp is Disproportionate and Prohibited

In territory administered under its effective control, Israel has obligations to “ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country”.⁶ The applicable law enforcement paradigm that operates during a belligerent occupation, means that Israel is effectively policing the country under law enforcement rules and primarily, under the prism of human rights law. Given that Israel is carrying out law enforcement operations in the West Bank, its launching of a full-scale military attack, replete with aerial drone bombardments, in a densely populated civilian refugee camp, was easily “expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”. As such, as a military attack, it is prohibited.⁷

Even where civilians take up arms to directly participate in hostilities, they can only be attacked under the rules of combat temporarily and “for such time” as they are “directly participating in hostilities”.⁸ There is no evidence thus far, for example, that the man whose vehicle was shot at in the Al-Basateen neighbourhood and now in a critically injured condition, was directly participating in hostilities. It is clear that prior to the arrival of the Israeli forces, there had been no fighting or any military operations in the camp.

3.2 Prohibited Destruction of Infrastructure

The destruction of vital civilian road networks and infrastructure, including water when not absolutely necessary for military operations, is prohibited. Article 53 of the Fourth Geneva Convention (1949) prohibits “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations”. As such, the “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly”, amounts to a grave breach of Article 147 of the Fourth Geneva Convention (1949) and may be prosecuted as a war crime.⁹ The widescale and extensive destruction of civilian road networks and vital infrastructure throughout the Jenin Refugee Camp, home to around 15,000 people, amounts to an attack primarily on civilian objects.

Further, the prevented access of ambulances to attend to the wounded breaches the UN Committee on Economic, Social and Cultural Rights obligations on States “to respect the right to health by, inter alia, refraining from denying or limiting equal access [to healthcare] for all persons”.¹⁰ It is similarly absolutely prohibited to target civilian objects and infrastructures, including acts of shooting tear gas into the Khalil Sulieman hospital.

⁶ Article 43, The Hague Regulations (1907).

⁷ Rule 14, Customary IHL Study (ICRC).

⁸ Article 51(3), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3, available at: <https://www.refworld.org/docid/3ae6b36b4.html>

⁹ Article 8(2)(a)(iv), the Rome Statute of the International Criminal Court.

¹⁰ CESCR, General Comment No. 14 (2000): The Right to the Highest Attainable Standard of Health (Art. 12) (11 August 2000) UN Doc E/C.12/2000/4, para. 34.

3.3 Prohibited Attacks on Journalists

The targeting of a journalist to destroy his camera amounts to a prohibited attack on a civilian and civilian object. It is a cardinal rule of both international humanitarian law and customary international law, journalists are entitled to protection as civilians. Specifically, Article 79(1) of the First Additional Protocol to the Geneva Conventions, provides that “journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians”.¹¹ Likewise, Rule 34 of the authoritative International Committee of the Red Cross (ICRC) Customary International Humanitarian Law, requires that, “civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities”.¹² Deliberate attacks on civilians constitute a war crime.¹³

3.4 Large Scale Arbitrary Arrests and Detentions

The mass arrests which took place in Jenin Refugee Camp on 3 July 2023, may be in breach of Article 9 of the International Covenant on Civil and Political Rights, which finds that “No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law”.¹⁴ Anyone arrested or detained on a criminal charge is entitled in a timely manner to be brought promptly before a judge or person exercising judicial power.

Conclusion

The attacks on the densely populated and residential Jenin Refugee Camp may amount to acts of collective punishment in breach of Article 33 of the Fourth Geneva Convention, prohibited acts of persecution against the civilian population. Further, given the broad consensus that Israel is applying an apartheid system of institutionalised discriminatory laws and practices, to maintain its domination over the Palestinian people, attacks against the civilian population to maintain such domination, may amount to inhumane acts of apartheid.

Recommendations

In light of the abovementioned, Al-Haq recommends that the UN Special Procedures:

1. Call for the UN agencies to ensure the provision of aid and protection of Palestinian refugees who fled from the Jenin Refugee Camp, and for UNRWA to make available its schools and buildings as shelters in Jenin;
2. Call on Israel to reveal the location and status of the persons detained during the Jenin Refugee Camp raid, and to ensure their health, wellbeing and dignity. Further, to release all prisoners arbitrarily detained and subjected to administrative detention without due process;

¹¹ Article 79(1) of Additional Protocol I.

¹² ICRC, Customary IHL Database, Rule 34, available at: https://ihl-databases.icrc.org/customaryihl/eng/docs/v1_rul_rule34.

¹³ Article 8(2)(b)(i), the Rome Statute of the International Criminal Court, 1998.

¹⁴ Article 9 of the International Covenant on Civil and Political Rights, 1966.

3. For Israel, the Occupying Power, to immediately and without delay, provide full restitution for the destruction of Palestinian roads and other private municipal properties;¹⁵
4. Call on Israel, the Occupying Power, to provide full water, electricity and other essential services to the occupied Jenin Refugee Camp under its effective military control;
5. Call on Israel to protect hospitals, health care facilities, medical workers;
6. Call on the ICRC and UN Special Rapporteur on Counterterrorism to issue a clarifying note warning against the application of broad counterterrorism measures to populations held under military occupation, where the legal framework includes armed groups who are combatants, or civilians who spontaneously take up arms and are directly participating in hostilities;
7. Issue a general call and letters to companies such as Caterpillar, to conduct enhanced due diligence and not to supply military D9 bulldozing, or other equipment to Israel, where such equipment is used to persecute and collectively punish the civilian population, held under a settler colonial apartheid regime;¹⁶
8. For the UN Special Rapporteur on Racism to issue a report on contemporary apartheid after South Africa, with recommendation to the international community on how to bring situations of apartheid to an end;
9. For the UN and the international community to uphold its responsibility towards effectuating the inalienable rights of the Palestinian people to self-determination and to return.

Photographs from Israel's Attack on Jenin Refugee Camp



¹⁵ Article 54, Hague Regulations (1907).

¹⁶ Caterpillar SA, available at: <<https://trialinternational.org/latest-post/caterpillar-sa/>>



