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Society for the Protection  
of Human Rights and the  
Environment

The Public  
Committee against  
Torture  
In Israel (PCATI)

The World  
Organisation  
Against Torture  
(OMCT)

## **The Policy of Closure, House Demolitions and Destruction of Agricultural Land as violations of the Convention against Torture**

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*“I live in the Palestinian village of Bir Zeit, where life has recently become hostage to the Israeli military checkpoint stationed to obstruct traffic on the main road connecting us to the rest of the West Bank. (...)*

*Like some 65,000 Palestinian citizens and dozens of other internationals living in Palestine, I travel this road on a nearly daily basis. When I am too frustrated to just pass the soldiers, I stop and talk to them. I ask what they think about making so many men, women and children deal with this daily torment. (...)*

*Again and again Israeli soldiers tell me that if Palestinians suffer enough they will give up the current uprising. If daily life becomes too unbearable, they say, then the Palestinians will become frustrated and put pressure on President Arafat to end the resistance and “stop the violence”.*

*The checkpoint is not a security measure designed to prevent terrorists from transporting bombs. It is a political tactic to make Palestinians suffer in order to break their wills.*

*As one soldier told me, Israel knows that at least 99% of all the people crossing this checkpoint want nothing more than to get to work or school. Nevertheless, the orders are to fill their path with obstacles.*

*The Israeli policy of deliberately tormenting a captive civilian population is not only morally abhorrent. It is also plain illogical. Does Israel really think that if it tortures Palestinians then Palestinians will oppose Mr. Arafat? Is it not obvious that when Israel tortures Palestinians, Palestinians rise up in opposition to Israel?”*

*Why the Checkpoint Ordeals? They Don't Open the Way to Peace, International Herald Tribune, 4 July 2001. Extract from the article by Wendy Pearlman, doctoral candidate in government at Harvard University.*

## 1. Preliminary Observations

Methods of torture and other ill-treatment are routinely used by the General Security Services (GSS) both in interrogation rooms and when detainees are placed in cells.<sup>1</sup>

In addition, the consequences of certain policies carried out by Israel, especially since the beginning of the Second Intifada, raise serious and well-founded questions under article 16 of the Convention against Torture (CAT) which provides that “Each State Party shall undertake to prevent, in any territory under its jurisdiction, other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1 (...).”

Since the military occupation of the West Bank including East Jerusalem and the Gaza Strip in 1967, there have been a number of Israeli policies and methods designed to deliberately cause unnecessary suffering to the mass Palestinian population living in the OPT. This is part of a wider plan to make life so unbearable in the OPT that Palestinians feel they have no choice other than to leave or **submit to** Israeli control. In fact, large numbers of Palestinians have continued to migrate since 1948, and since 1967<sup>2</sup>.

These various policies and methods designed to cause unnecessary suffering have amounted to cruel, inhuman and degrading treatment or punishment, including:

- Unlawful and intensive military attacks of civilian population centers using a variety of methods to terrorize or instill fear in the population with the aim to uproot population centers, e.g. the use of heavy weaponry normally used against military objectives and combatants, patrols of helicopter gunships, F-16 warplanes and battleships over or near civilian areas; the placement of permanent or semi-permanent military weaponry, e.g. tanks, and outposts directed towards civilian areas.
- Mass arbitrary arrests and detentions including of children.
- Targeted and disproportionate number of attacks on vulnerable groups including refugee communities and children.
- Suppression of political movements by banning certain opposition parties and using arrests, administrative detention, torture and other ill-treatment as well as extrajudicial executions against political leaders and activists.
- Destruction of property, land and homes and methods to expropriate more land.
- Punitive controls on the economy and resources to ensure economic dependency and de-development policies as well as deliberate impoverishment and starvation policies.
- Refusals or revocation of work permits, building permits, residency permits.
- Discriminatory access to key resources including water supplies. **Inferior education, housing and living conditions.**

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<sup>1</sup> See LAW, PCATI, OMCT, *Comments on the Third Periodic Report of the State of Israel Concerning the Implementation of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, October 2001.

<sup>2</sup> According to the Department of International Affairs of the Catholic Bishops' Conference of England and Wales, 40% of all Christians have left the country since 1967.

- Discriminatory taxes imposed in East Jerusalem and methods of control of the religious communities.
- Forced expulsions and deportations (including forced exile of political opponents).
- Repressive forms of restrictions on freedom of movement, including longer periods of curfew and total closures. Denial of access to crucial supplies including food, water, fuel, humanitarian aid and medical assistance, and to workplaces, schools, universities, hospitals and field-clinics. Palestinian communities are encircled and closed off by the increasingly militarized settlements and numbers of military posts from which the military attacks are launched.
- Separating communities into separate enclaves/ghettos/Bantustan-style areas (Areas A) in inferior areas that are fragmentary and cutting off communities from one another. Discriminatory justice systems, public services and separate characterization of racial groups through ID system.

The following are examples of policies designed to cause unnecessary suffering: the policies of closure, house demolitions and destruction of agricultural land. In describing the nature, implementation and implications of such policies, the report examines how these can constitute a form of cruel, inhuman or degrading treatment or punishment.

## **2. The Policy of Closure: Impact, Nature and Implementation**

Since the beginning of the Palestinian resistance known as the Al Aqsa Intifada, Israel has enforced on the West Bank and the Gaza Strip a tight system of closures and curfews which effectively encircles the population and keeps it captive in closed enclaves – towns, villages and refugee camps. Severe restrictions of movement are depriving an entire civilian population of its liberty.

The closures materialize in permanent and mobile military checkpoints, unmanned roadblocks, dirt walls, concrete blocks, iron gates<sup>3</sup>, earth mounds and trenches dug around villages and towns. Besides restricting the freedom of movement, Israeli military checkpoints are places where abuse in the form of harassment, humiliation and ill-treatment or torture have occurred.

Internal and external closures have particularly affected the economy, health and education, leading to a profound humanitarian crisis in the OPT<sup>4</sup>. Closures do more than disrupt the daily lives of Palestinians: sick patients are prevented from receiving

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<sup>3</sup> See LAW, Press Release of 12 July 2001. Iron gates seal entrances to Palestinian towns.

<sup>4</sup> Closures end up depriving individuals from their very means of subsistence and livelihood. In the *Selçuk and Asker* case, the ECHR found this element to be an essential factor to conclude the occurrence of ill-treatment. Moreover, while the restrictions are responsible for the deprivation, they also prevent the victims from seeking alternative means, leaving them without few, if any recourse. Again, in the *Selçuk and Asker* case, the ECHR viewed this absence of alternatives and the consequent destitution as a factor in concluding that ill-treatment had occurred. In this case it was because the defendants were aged persons, as a factor allowing to conclude that ill-treatment occurred. While the persons affected by the closure can be children, men, women, elderly, etc., they all face the same destitution and absence of recourse. European Court of Human Rights, *Case of Selçuk and Asker v. Turkey* (12/1997/796/998-999).

adequate and timely medical treatment sometimes resulting in death; workers are prevented from reaching their workplace; pupils, students and teachers from going to school; families from visiting relatives including those held in Israeli prisons; refuse is not being collected exposing the population to ever increasing health risks; whole villages are prevented from receiving necessary basic goods including water, food, fuel and medicines and cannot get their products to the markets.

The head of the ICRC delegation to Israel, Rene Kosirnik, has noted that “until now the traditional family solidarity and the Palestinian welfare services have prevented actual starvation. ‘But if the current situation persists, this could happen to the most destitute families’.”<sup>5</sup>

The Office of the United Nations Special Co-coordinator (UNSCO) estimates that total income losses to the Palestinian economy since October 2000 to February 2001 ranges between USD 1,860 to USD 2,459 million<sup>6</sup>. Loss of employment in Israel and restrictions of movement increased the average unemployment rate from 11% before September 2000 to 38% by the end of the year.<sup>7</sup> Savings are depleted. According to the World Bank, the share of the population living below the poverty line rose to approximately 35 percent by the end of December 2000, while it represented 21.1 percent before the Intifada. Among those living in poverty by the end of 2000, around 400,000 were “new” poor created by the crisis.<sup>8</sup> The Palestinian Central Bureau of Statistics (PCBS) has calculated that in the 10 months of Intifada, median monthly income dropped from NIS 3000 to NIS 1500 in the West Bank and from NIS 1900 to NIS 1000 in Gaza<sup>9</sup>.

The Israeli government justifies its closure policy with security reasons. However, as will be seen below, in reality the purpose of the closure policy is to cause a suffering to ordinary innocent Palestinians, which constitutes cruel, inhuman or degrading treatment or punishment. The nature of the restrictions, their timing and indiscriminate nature, as well as their destructive consequences indicate that they constitute a form of collective punishment, against the wider Palestinian population in the OPT.<sup>10</sup> The destructive consequences, as well as the suffering and destitution arising from the implementation of such policies, raises serious concern in the light of article 16 of the Convention Against Torture.

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<sup>5</sup> Ha'aretz, 13 March 2001, *Starvation at the Palestinian Door. Prolonged closure is having a devastating effect on the territories charges the Red Cross*, Joseph Algazy reports.

<sup>6</sup> UNSCO, *Impact on the Palestinian Economy of Confrontation, Border Closures and Mobility Restrictions*, 1 October 2000 to 30 June 2001, p. 7.

<sup>7</sup> UNSCO, *The Impact on the Palestinian Economy of Confrontations, Mobility of Restrictions and Border Closures*, 1 October 2000 to 31 January 2001, p. 1.

<sup>8</sup> UNSCO, *Impact on the Palestinian Economy of Confrontation, Border Closures and Mobility Restrictions*, 1 October 2000 to 30 June 2001.

<sup>9</sup> Cited as in Ha'aretz, 24 July 2001. 65% of Palestinians live on less than NIS 1,642 a month. By Amira Hass.

<sup>10</sup> OMCT, *Israel and the Palestinian Occupied Territories: Restrictions of Movement and Violations of Economic, Social and Cultural Rights*, April 2001, p. 20.

## 2.1 Forms of closure

The practice of closures consists in the imposition of severe restrictions on movement. Restrictions of movement have generally taken four different forms: a comprehensive closure of the occupied territories; internal closures imposed within the occupied territories cutting towns and villages of from each other; curfews; and the closure of international crossing points between the occupied territories and neighbouring countries (Jordan and Egypt).

The policy of internal and external closure does not apply to Jewish Israeli citizens residing in the Occupied Palestinian Territories (settlers), or to goods produced by the settlers in the Occupied Palestinian Territories. Such evidence highlights that the closure, which is *prima facie* a measure implemented over a given portion of land, does not draw a distinction between two territories, but rather between two different populations living on the same territory. In consequence, discrimination must be seen as an inherent part of Israel's closure policy in the Occupied Palestinian Territories, as restrictions of movement are not established *ratione loci* but *ratione personae*.

Since 1989 for the Gaza Strip and 1993 for the West Bank, Palestinians from the Occupied Palestinian Territories need to obtain permits, delivered by Israeli military authorities, to enter Israel or East Jerusalem. Permits are also required for those transiting between the West Bank and the Gaza Strip. Since the Gulf War in 1991, Israel has regularly imposed restrictions on the movement of the Palestinians living in the Occupied Palestinian Territories, seeking to justify these limitations on security grounds. The signing of the Oslo Accords in 1993 led to an intensification of the use of closures by Israel.

As of October 2000, the closure policy imposed by Israel constitutes the most severe and sustained set of restrictions on movement imposed on the Palestinian Occupied Territories since the beginning of the occupation in 1967.

### 2.1.1. *The comprehensive closure of the occupied territories*

The comprehensive or general closure of the occupied territories consists in the severe restriction of the movement of goods and persons between Israel and the Occupied Palestinian Territories (West Bank without East Jerusalem and the Gaza Strip). Although there have been exceptions, the general pattern in force since the beginning of October 2000 is one that prevents the whole of the Palestinian population living in the West Bank (except East Jerusalem) and the Gaza Strip from entering Jerusalem and Israel.

From 1 October 2000 to 30 June 2001, Erez crossing between the Gaza Strip and Israel was closed to Palestinians for 176 days, of which 122.5 were working days (61% of all working days during this period)<sup>11</sup>. However, due to the reduced number of permits issued by Israeli authorities, on the days Erez crossing was open, the

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<sup>11</sup> UNSCO, *Impact on the Palestinian Economy of Confrontation, Border Closures and Mobility Restrictions*, 1 October 2000 to 30 June 2001.

number of Palestinian workers entering Israel from Gaza was less than 20% of the figures before the Intifada.<sup>12</sup> Of the three commercial crossing points between Gaza and Israel, only Karni/Muntar was relatively open (11% of total days between 30 October 2000 and 30 June 2001). The two other commercial crossing points have been closed most of the time<sup>13</sup>.

Labour permits to enter Israel from the West Bank have also been considerably reduced, though the movement of goods has been somewhat easier than in Gaza. However, while it might be possible to move from Israel to the West Bank, tight internal closures within the West Bank render movement of persons and goods within the West Bank very difficult.

The comprehensive closure of the Palestinian Occupied Territories has also resulted in the blocking, since October 6<sup>th</sup> 2000, of the “safe passage” which used to connect the West Bank and the Gaza Strip, restricting the movement of goods and persons between the two areas.<sup>14</sup> The Oslo Accords forbid the closure of the safe passage. Under Oslo, two routes were to be designated as safe passages. Under the terms of the Oslo Accords, Israel is enabled, for security reasons, to close one of them or to alter the terms of entrance, but must assure that one passage is always open.<sup>15</sup> As only one safe passage has been constructed, and not two as foreseen by Oslo, this one should always remain open.

### *2.1.2. The internal closure*

The internal closure of the Palestinian Occupied Territories consists in the restriction of movement within the Palestinian Occupied Territories themselves.

In contrast, Israeli settlers continue to circulate freely throughout the Occupied Palestinian Territories, using by-pass roads and highways on which Palestinians are forbidden to travel. The latest UNSCO report confirmed that most secondary roads but only some of the main roads have been accessible to Palestinians, often with restrictions, with “Palestinian traffic also generally diverted by authorities away from Israeli settlements.”<sup>16</sup> This shows that with its closure policy, Israel is subjecting an entire population to measures which constitute cruel, inhuman and degrading treatment or punishment, for the sake of settlements established on lands confiscated from this very population and whose presence in the OPT is a violation of international law<sup>17</sup>.

Since October 8<sup>th</sup> 2000, main access roads and village entrances have been blocked through the erection of several military checkpoints, concrete blocks, dirt piles and trenches. According to UNSCO, from 1 October 2000 to 30 June 2001, severe internal

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<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> Oslo II Accords, Appendix 1, par. (c) (4) X.

<sup>16</sup> UNSCO, *Impact on the Palestinian Economy of Confrontation, Border Closures and Mobility Restrictions*, 1 October 2000 to 30 June 2001, p. 5.

<sup>17</sup> Jewish settlements on the OPT are a violations of article 49 of the Fourth Geneva Convention.



restrictions were in place during 147 days (about 54% of the reporting period) in the West Bank, and 18 days (about 7% of the reporting period) in Gaza<sup>18</sup>.

As a consequence the West Bank appears now fragmented in a number of isolated enclaves, confining the Palestinian population within their villages or towns, effectively placing the people under siege into geographical prisons. Main Palestinian centres, on which villagers rely on for work, education, medical assistance and specific supplies, have been sealed off and encircled, cut off from all the surrounding villages and towns<sup>19</sup>.

In the Gaza Strip, since October 8<sup>th</sup> 2000, the main road connecting the northern part with the southern part – the Salah Adin road - has been repeatedly closed. Israeli military bulldozers have moved concrete blocks onto roads linking the northern and the southern parts of the Gaza Strip and onto access roads leading to Israeli settlements. Gazan fishing zones, a major sector of the Gaza economy, are also subject to the internal closure and Israeli authorities have reduced the size of the zone by half.<sup>20</sup>

### 2.1.3. Curfews

In addition to the measures taken to implement the internal and comprehensive closure, the Israeli army has imposed curfews on villages and towns throughout the Occupied Palestinian Territories. Under curfews, people are not allowed to leave their houses. People who left their houses despite the curfew have been arrested and even in cases shot in sight.

Curfews – either 24-hours of defined periods of the day - have been enforced on about 40.000 Palestinians living in area H-2 of Hebron, under Israeli control, while the settlers, whose illegal presence has been repeatedly condemned by the international community, are allowed to move freely in and out. According to UNSCO estimates, from 1 October 2000 to 30 June 2001, curfews were in the H2 zone of Hebron for over 130 days<sup>21</sup>. Since March 10<sup>th</sup> 2001, the central market place has been blocked off and fenced off with barbed wire by the Israeli military, depriving hundreds of Palestinian families whose only source of income is the vegetable market.<sup>22</sup> It is reported that the vegetable market was closed at the request of the settlers.<sup>23</sup>

Other West Bank villages, which have been placed under curfew since the beginning of the Intifada are Silwad, Ramin, Kafin and Huwara.<sup>24</sup>

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<sup>18</sup> *Ibid.*

<sup>19</sup> Including Ramallah, Nablus, Jericho, Salfeet, Tulkareem, Qalqulia, Jenin, Hebron, Bethlehem, Gaza.

<sup>20</sup> LAW, *Closure: Occupation Authorities Continue Collective Punishment against Palestinians*, 10<sup>th</sup> October 2000; OMCT, *Israel and the Palestinian Occupied Territories: Restrictions of Movement and Violations of Economic, Social and Cultural Rights*, April 2001, p. 6.

<sup>21</sup> UNSCO, *Impact on the Palestinian Economy of Confrontation, Border Closures and Mobility Restrictions*, 1 October 2000 to 30 June 2001, p. 5.

<sup>22</sup> LAW, *LAW refutes Israeli claims of lightening the siege*, 15<sup>th</sup> March 2000.

<sup>23</sup> *Ibid.* LAW, *Weekly Roundup: 8-14 March 2001*, 16<sup>th</sup> March 2001.

<sup>24</sup> LAW, *Day 52: Twenty-Six Palestinian injured as Closure tighten around West Bank Towns*, 19 November 2000.

#### 2.1.4. The closure of international crossing points

The international crossing points between the Occupied Palestinian Territories and neighbouring countries were also subject to heavy restrictions most days between 1 October 2001 and 30 June 2001.

During this period, UNSCO reported the Allenby/Karameh bridge connecting the West Bank with Jordan was either partially or completely closed to Palestinian passengers for 78 days (29% of all days). The Rafah border that connects the Gaza Strip with Egypt, has been closed, for the same period for 152 days (56% of all days), while the Gaza International Airport has been closed for 221 days (81% of all days)<sup>25</sup>.

Regarding commercial traffic, the proportion rises to 181 days (66% of all days) for the Rafah border, and 194 days (78% of all days) for the Allenby/Karameh passenger border<sup>26</sup>. As a consequence, there has been a considerable reduction in the volume of import from Egypt and Jordan.

## 2.2 The Policy of Closure Cruel, inhuman and degrading treatment or punishment

Israel justifies its closure policy with security. However, whatever means Israel chooses to achieve security, they must be within the limits of international human rights law. The suffering caused by closures does not fulfill this condition as it amounts to cruel, inhuman and degrading treatment or punishment as prohibited by the Convention against Torture. Irrespective of the fact that the purpose can never justify illegal measures, such as Israel's closure policy, LAW, PCATI and OMCT believe that rather than a genuine and valid measure to ensure Israel's security, as claimed by the Israeli government, the closure policy is a form of collective punishment, as prohibited by article 33 of the Fourth Geneva Convention<sup>27</sup>.

In fact, the ICRC reportedly stated that Israel had used "restrictive, physical, administrative and systematic steps, and collective punishment which severely violates international humanitarian law, which requires that the occupying power ensure that the occupied population continue, to live, as far as possible, in a normal manner, as during peacetime."<sup>28</sup>

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<sup>25</sup> UNSCO, *Impact on the Palestinian Economy of Confrontation, Border Closures and Mobility Restrictions*, 1 October 2000 to 30 June 2001, p. 4.

<sup>26</sup> *Ibid.*

<sup>27</sup> The underlying principle to the prohibition established in article 33 of the Fourth Geneva Convention is that penal liability is personal in character. While the occupying power retains the right to punish protected persons who have committed hostile acts, responsibility must be established on an individual basis. Only the person who commits the offence may be punished, never persons or groups of persons who have themselves not committed the acts complained of. (See Commentary to the Fourth Geneva Convention by Pictet, ICRC, p. 224-229).

<sup>28</sup> As cited in *Ha'aretz*, 13 March 2001, *Starvation at the Palestinian Door. Prolonged closure is having a devastating effect on the territories charges the Red Cross, Joseph Algazy reports. In the same article, Rene Kosirnik, head of the ICRC delegation to Israel, expressed the view that "according to international law, as the occupying force, Israel may restrict the movement of the civilian population on condition that the restriction is required for military*

Moreover, Israel's closure policy, through the cumulative effect of its different aspects and implications, has created a system, which involves cruel, inhuman and degrading treatment or punishment for the wider Palestinian population. By way of example, this report will present humiliation and ill-treatment at checkpoints, denial of access to water and prevention of access to medical treatment as three different aspects of the closure policy which in itself and in conjunction are causing immense physical and psychological suffering to the wider Palestinian population.

### *2.2.1 Humiliation and Ill-Treatments at Checkpoints*

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Since the beginning of the Intifada numerous checkpoints have been established and removed, opened and closed in the West Bank without prior notification by the Israeli army. We acknowledge that not every single element and aspect of the system created by checkpoints and other barriers – uncertainties, onerous and exhaustive exercises, fear, arbitrariness, daily humiliations, harassment and instances of ill-treatment - if considered in isolation, will amount to ill-treatment. However, LAW, PCATI and OMCT believe that, through its cumulative effect, the suffering caused by the different elements of this network of manned and unmanned checkpoints, dirt piles and trenches constitutes cruel, inhuman or degrading treatment or punishment.

#### *Uncertainties and difficulties in planning*

Conversations in Palestinian towns now center on what the best way to get to a specific area is, which roads are blocked, how to bypass them, what the best day and time to travel might be, what the criteria of the soldiers for allowing someone to pass are and how long the trip will take.

There are always roads closed and it is always difficult to move from one place to another but there is no way of knowing which particular roads will be open or closed to Palestinian traffic on a specific day and time. Checkpoints are continuously being shifted, appear and disappear. Sometimes it is possible to leave but not to return; there is no guarantee that the road, which was open in the morning, will not be blocked a few hours later or in the afternoon. This makes it very difficult for drivers to plan their routes and estimate the time needed for a specific trip, and creates a feeling of insecurity and uncertainty.

Checkpoints have thus contributed to an “atmosphere of profound political uncertainty”<sup>29</sup> which also makes short-term and long-term planning in business very difficult and is further adversely affecting Palestinian economy. For example, UNSCO reported that merchants from Khan Younis had delayed shipment of goods to Gaza not because of a permanent closure of the road between the two cities but because of the “*risk of its closing which would entail being delayed at a checkpoint with perishable goods or being turned back and hence losing money invested in transport.*”<sup>30</sup>

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*reasons for a very limited period, that it does not adversely affect the day-to-day lives of the civilian population and does not represent collective punishment. ”*

<sup>29</sup> UNSCO, *Impact on the Palestinian Economy of Confrontation, Border Closures and Mobility Restrictions*, 1 October 2000 to 30 June 2001, p. 6.

<sup>30</sup> *Ibid.*

### ***Onerous and exhausting exercise***

When service taxis are not allowed to cross the checkpoint, passengers have to get off the taxi, walk through the checkpoint and take then a different taxi in order to continue their trip. Gideon Levy reported about pedestrians crossing Qalandiya checkpoint:

*“In a procession that can only arouse pity, are old people leaning on their sons’ shoulders, people who are ill and are making their way with their last remaining strength, the disabled, pregnant women and children who can’t understand why they have to drag themselves like this in the withering heat.”<sup>31</sup>*

As most main roads in the West Bank are open to Jews only and whole Palestinian villages are cut off from district highways, an alternative road system for Palestinians has emerged, consisting of narrow and winding dirt paths, often across the fields. Under these circumstances traveling in the West Bank is a lengthy, onerous and exhausting exercise. Using improvised dirt roads is extremely time-consuming as the roads are longer and in bad state, sometimes unpaved; more expensive as the routes are longer; involves an increased risk of car accidents and is moreover dangerous.

### ***Fear and arbitrariness***

Passengers are scared and filled with fear, which sometimes includes fear for their lives: In the winter, when rain falls, they might get stuck in the mud with no help available; settlers might shoot or throw rocks; soldiers might block their way or harass, abuse them or even open fire. As a Palestinian teacher explained to Amira Hass,

*“part and parcel of he extended trips (...) is fear. Fear of ‘the soldiers at the roadblocks, where you never know what caprice will motivate the troops. Will they signal with a casual gesture of the hand that the road is open, or will they hold up a kilometer of cars for more than an hour, or will they amuse themselves by firing into the air, or into tires? An there is fear of the Israel police, whose officers stop Palestinian cars as though their occupants are foreign invaders, who find a reason to fine the drivers, and of the Border Police (...). And nothing compares to the fear of settlers, who stand, armed, at the road junctions, sometimes shooting or hurling rocks, and all of it under army protection.”<sup>32</sup>*

Despite the risks and fears, Palestinians have no choice but to use dirt roads on a daily basis in order to go to work, to school, to get medical treatment and to transport basic goods.

While the Israeli army asserts to have issued regulations for the activities of soldiers at checkpoints, the reality on the ground is characterized by arbitrariness. At the checkpoint, soldiers make passengers feel that their fates are in their hands. Depending on their assessments and perceptions, subject to their whims and moods,

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<sup>31</sup> Ha’aretz, 19 August 2001, *A slice of roadblock reality*, by Gideon Levy.

<sup>32</sup> *Ibid.*

soldiers decree who goes out and who comes in, and how long passengers have to wait. A driver told Amira Hass:

*“We wait at a roadblock, see the soldier smoking a cigarette at his leisure, not doing anything, (...). Ten minutes pass, another 10 minutes, and no one tells us what’s happening. Then suddenly the soldier lets five cars pass, without checking any of them, and then again delays the others.”<sup>33</sup>*

In another instance, the Mayor of the Beit Dajan explained to Ha’aretz:

*“The other thing is the soldiers’ mood. Their moods are fickle. Sometimes, they sit for an hour at the roadblock without signaling to even one car to pass. There are shifts where the soldier decides not to let any car pass through. The hardship just increases. If someone is transporting food products, the soldier can decide to unload everything. (...) The queue gets longer and longer. A car with young passengers can be detained for hours for no reason.”<sup>34</sup>*

The actual moment of crossing the checkpoint is an intimidating and humiliating experience. Well-equipped soldiers with machine-guns in hand, military jeeps, army bulldozers and even tanks in the middle of the road may await the passengers. As they approach the checkpoint tension rises. When crossing a checkpoint, there is always the fear of a violent incident, of verbal abuse and humiliation, of not being allowed to pass the checkpoint, of being arrested or any other unforeseen difficulties – it all depends on the soldiers manning the roadblock. In the reality of checkpoints there is no other law than what the soldier decides – which sometimes, e.g. in urgent medical cases, can be a decision over life and death.

### ***Instances of ill-treatment***

Beyond the daily arbitrariness and the fear it involves, private Palestinian drivers and taxi drivers are subject to daily harassment, humiliation, beatings and other forms of violence perpetrated by Israeli soldiers at checkpoints or on dirt roads. These include beatings (including with objects), kicking, punching, slapping; curses, insults and threats; forcing at gunpoint men to pair off and beat each other; forcing passengers to line up against a wall; forcing passengers to wait for hours in the heat with the windows of their cars rolled up and without air-conditioning; holding up passengers for hours at roadblocks with not reason; confiscating ID cards and car keys of drivers attempting to bypass checkpoints; asking for “passage fees” such as cigarettes or drinks; shooting at vehicles and pedestrians, sometimes resulting in injury or even death; and deliberately damaging vehicles. (See the Annex)

### ***Impunity***

Israeli officers confirmed to the Israeli newspaper Ha’aretz that “the incidents which have so far been exposed are the mere ‘mere tip of the iceberg’ in what is actually a much broader phenomenon”<sup>35</sup> and that despite strict orders by more senior officers “in practice it’s not difficult for a group of soldiers to abuse Palestinians.”<sup>36</sup>

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<sup>33</sup> *Ibid.*

<sup>34</sup> Ha’aretz, 14 September 2001, *No way out*, by Gideon Levy.

<sup>35</sup> Ha’aretz, 23 July 2001, *IDF concerned about soldiers’ abuse of Palestinian civilians at roadblocks*, by Amos Harel.

<sup>36</sup> *Ibid.*

Impunity from liability for such acts has resulted in a general atmosphere of permissiveness in the ranks of the Israeli security forces and has contributed to recurrent patterns of abuse at checkpoints although in rare cases soldiers have been punished for their behaviour. On 22 August 2001 the Israeli army pressed criminal charges against soldiers. On that day, four soldiers of the Shimshon Brigade in the press they are referred to as the Shimshon Brigade accused of beating, stoning, humiliating and vandalizing cars and were indicted in the military court of the Southern Command.<sup>37</sup>

### *2.2.2 Denial of access to water*

The detrimental impact on the populations of those villages that are not connected to the water network shows the punitive dimension of Israel's closure policy and illustrates to what extent this treatment and punishment is cruel, inhuman and degrading. In an article entitled "The long, dry summer" the Israeli journalist Gideon Levy wonders: "A village without running water, and that is cut off from the outside world by means of impassable roadblocks, is doomed to dry out. It is difficult to understand what the defense establishment expects the tens of thousands of villagers who have no direct access to water and no way to bring in water to do, when even during normal times they suffer from a serious water shortage. Does this have anything to do with security? Is it right that thousands of people should be condemned to be thirsty for water? Isn't this another form of violence?"<sup>38</sup>

According to the Israeli human rights organisation B'Tselem, about 200,000 Palestinians living in 218 West Bank villages are not connected to the water network, and therefore depend on trucks to supply water in order to be able to meet their basic needs.<sup>39</sup> However, due to the restrictions of movement imposed since the beginning of the Intifada, water tankers have faced enormous difficulties and have thus not been able to provide water as needed. Moreover, many Palestinians have lost their jobs and are hardly able to pay for water deliveries. For this reason, villagers who are not hooked up to the water system are suffering a severe water crisis and facing health risks.

#### ***Case example of denial of access to water: The West Bank village of Beit Furik***

In January 2001, Gideon Levy wrote that the 8'500 residents of Beit Furik, a besieged West Bank town located between the settlements of Itamar and Elon Moreh in the Nablus area, had started to use only rainwater to drink and to wash themselves.<sup>40</sup> As a consequence, many cases of intestinal illnesses caused by the poor quality of the water have been reported<sup>41</sup>. In August 2001, Beit Furiq was said to be completely cut off for two weeks, "with no one allowed to enter or to leave apart from some tankers delivering water – and that only under constraint and after much pleading, when the

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<sup>37</sup> The incident occurred on 23 July 2001 near the village of Hirbat Karame in the Hebron area and was first reported by B'Tselem. See also Ha'aretz, 23 August 2001, *Soldiers indicted for abusing Arabs*, by Amos Harel.

<sup>38</sup> Ha'aretz, 24 June 2001, *The long, dry summer*, by Gideon Levy.

<sup>39</sup> B'Tselem, *Not even a drop. The Water Crisis in Palestinian Villages*, August 2001.

<sup>40</sup> Ha'aretz, 12 January 2001, *Women in Black*, by Gideon Levy.

<sup>41</sup> Ha'aretz, 14 September 2001, *No way out*, by Gideon Levy.

situation had become utterly untenable.”<sup>42</sup> Water was only allowed in after the villagers appealed to B’Tselem and the ICRC, and then only 40 tanks per day, while severe shortage of food and medicines continued. In a letter to Physicians for Human Rights, Dr Hamdan wrote: “The Israeli soldiers are totally preventing the passage of people and goods to Beit Furiq. Water is the only product they allow to be delivered. We urgently request assistance with basic foodstuffs such as rice, sugar, oil, baby food and medicines.”<sup>43</sup>

### ***Instances of ill-treatment against truck drivers transporting water***

On the basis of information collected by B’Tselem, Gideon Levy also reports the ill-treatment suffered by truck drivers trying to bring water on dirt roads and by night to Beit Dajan, another West Bank village near Nablus that is without running water and under closure: “The water had run out, and two families with 20 children implored Mahmoud to bring them water. An IDF jeep containing four soldiers stopped him on a dirt trail. ‘Don’t you know that movement here is prohibited?’ Mahmoud says the soldiers asked him, and confiscated the keys of his truck and his ID card. Mahmoud says the soldiers then ordered him to wait in the truck, warning him. ‘If you move we’ll shoot you.’ The time was 8 a.m. Mahmoud says the soldiers returned at 5 p.m. and gave back his keys and the ID card, warning him that the next time they would shoot him.”<sup>44</sup>

Three other drivers from the village who tried to bring water at night were also stopped, beaten and had the water emptied from the tanks: “At 8 p.m. on Friday, June 15, the driver Azaam Abu Jish, 47, father of six children, went out along with two other tankers to try and bring in water under cover of darkness. An IDF jeep stopped them on the dirt road on the Salem plateau. (...) Abu Jish told the B’Tselem fieldworker: ‘I said, I want to bring water for the residents and the goats. The soldiers told me: Let them die. You are not allowed to travel on that road. (...). Then they opened the tank and started spraying me with water. They hit me all over my body and made fun of me. They also hit the other two drivers and emptied the water from the tanks. It was not the first time. We cannot drive on the main road, not even for a short trip, and on the dirt roads the soldiers chase us and confiscate our keys and ID cards.’<sup>45</sup>

### ***2.2.3 The impact of the closure on access to medical treatment***

Since the outbreak of the Intifada, restrictions of movement have severely obstructed access to medical treatment and health facilities for Palestinian civilians, in violation of international law<sup>46</sup>. This has affected those injured in clashes and who need to be transported to hospital by ambulances, as well as cases unrelated to the current upheaval, such as persons with follow-up appointments, the chronically ill, expectant

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<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> Ha’aretz, 24 June 2001, *The long, dry summer*, by Gideon Levy.

<sup>45</sup> *Ibid.*

<sup>46</sup> The Fourth Geneva Convention contains a series of articles designed to ensure access to medical treatment to any injured person, including evacuation if need be (Article 17); protection of civilian hospitals and their staff (Articles 18 to 20); medical transportation (Articles 21 and 22) and the consignment of medical supplies and equipment (Article 23). Moreover, the International Covenant on Economic, Social and Cultural Rights, applicable to the Palestinian Occupied Territories, guarantees the enjoyment of the right to health.

mothers and urgent medical cases. Moreover, the Israeli policy of closures has resulted in severe shortage of health personnel and medical supplies at a time when Palestinian hospitals and health centres are in great need.

Medical personnel are prevented from reaching their workplace, the consequence being shortage of staff at hospitals and medical centres. On the other hand, patients scheduled for clinic and surgery are often not able to reach hospitals, which makes it impossible to get patient referrals or schedule for diagnostic or surgical procedures.

In the Palestinian areas medicine is often only available in towns, and must be delivered to small villages. However, the closure has impeded the transportation of supplies to medical clinics in remote Palestinian villages, causing many of these locales to operate without essential medical supplies.

In the case of seriously injured patients or in urgent medical cases, where time is certainly a critical factor, restricting the movement of ambulances or vehicles can cause the patient's condition to significantly deteriorate. In several cases where ambulances or vehicles were delayed, by the time the patient reached the hospital or medical centre, it was too late and his life could not be saved. (See the Annex)

Regarding the effect of the closure on the movement of ambulances, the Palestine Red Crescent Society (PRCS) explains: "PRCS's ability to carry out their duties effectively is greatly hampered by the constant blockades, closures and checkpoints. Ambulances frequently suffer long delays, as they have to walk patients over earthen blockades, transfer them between different ambulances, travel on difficult back roads, and negotiate their way past hostile Israeli Army checkpoints. The response times of ambulance has been stretched to unacceptable and inhuman levels by Israeli practices of closure or excessive interrogation at checkpoints. For example a response time of 7 minutes has been increased to 30 minutes or more. In Gaza, the situation is even worse; for example a response to a cardiac case in South Gaza can take up to 1 hour to deliver to a hospital with appropriate medical equipment."<sup>47</sup>

The PCRS further complains that "ambulance crews attempt many routes and back roads, at considerable risk to their own safety, often to be turned back by Israeli soldiers when only meters away from the sick and wounded."<sup>48</sup>

The Israeli army claims that "there are orderly procedures whose goal is to guarantee checkpoint crossings in cases of medical emergency."<sup>49</sup> However, the number of cases documented by human rights organizations, where sick or injured were not able to cross barriers, shows that the implementation of these procedures is faulty.

Soldiers at checkpoints appear not to be informed about such procedures or not to be willing to abide by them. Whatever the reasons, these procedures are not being complied with on the ground.

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<sup>47</sup> PRCS ([www.palestinercs.org](http://www.palestinercs.org)), Fact Sheet September 2001. Violations of International Humanitarian Law by Israeli Authorities.

<sup>48</sup> *Ibid.*

<sup>49</sup> Ha'aretz, 24 June 2001, *You can't show medical papers to concrete blocks an deep trenches*, by Aryeh Dayan.



Closures are implemented by three kinds of checkpoints, permanent ones, mobile checkpoints, which have a surprise effect, and an increasing number of unmanned roadblocks.

While at manned checkpoints it is still possible to negotiate a passage with soldiers, such possibility is removed when the restrictions are implemented through unmanned road blocks, dirt piles or trenches; at unmanned barriers there is no one to talk to, “there’s no depending on the kindness of strangers in army uniform: You can’t show medical papers to concrete blocks and deep trenches.”<sup>50</sup> In a letter to the Israeli Minister of Defence Ben-Eliezer dated 16 July 2001, the NGO Physicians for Human Rights (PHR-Israel) pointed out “that the regulations are not implemented and that the existence of physical, unmanned barriers on the roads of the West Bank in fact prevents their implementation, since they were intended for implementation at manned checkpoints.”<sup>51</sup> The organization concluded that “in the absence of checkpoints manned by soldiers on the roads, selective passage of medical cases is impossible.”<sup>52</sup>

Expectant mothers represent a particularly vulnerable group in need of medical care and require, therefore, special protection. Despite this fact, expectant mothers on their way to hospitals have been stopped at Israeli checkpoints. In some cases, women have miscarriages, in other cases expectant mothers have given birth at military roadblocks. According to the PRCS, “the EMS Department is reporting a significant increase in the number of births at home, ambulances, and checkpoints due to the delays being created by the checkpoints and roadblocks.”<sup>53</sup> (See the Annex)

Since 29 September 2000, many of those injured have had to be sent abroad for treatment. Under the pretext that “no previous arrangements” had been made, the Israeli security forces have blocked the way of at least five ambulances taking critically wounded people to Jordan. This has resulted in delays longer than two hours. According to an ambulance driver from Hebron, “previous arrangements” with the Israeli authorities are always made before transporting an injured person to Jordan. For this reason he could not see any justification for the delays caused by the Israeli authorities. In another instance, the press reported that Firas Rushdi Obeid (27), from the West Bank town of Qalqilya, was prevented by the Shin Bet from going to Austria for urgent medical treatment. Physicians for Human Rights subsequently appealed to the Israeli ministers of health and defence to let him getting treatment at an Israeli hospital free of charge.<sup>54</sup>

Finally, arrests of injured patients have also taken place in circumstances where Israeli military have impeded access to medical assistance, and have used other forms of ill-treatment. For example, on 26 October 2000 at 3.30 p.m., Emad Hussein Abu Sneihneh was being transported to the hospital. He was suffering from asthma and

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<sup>50</sup> Ha’aretz, 24 June 2001, *You can’t show medical papers to concrete blocks and deep trenches*, by Aryeh Dayan.

<sup>51</sup> Physicians for Human Rights-Israel. Letter to Mr. Binyamin Ben-Eliezer, Minister of Defense, 16 July 2001. Subject: Passage of chronically ill patients through IDF checkpoints and barriers during closure and internal closure/blockade.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> See Ha’aretz, 3 August 2001, *Shin Bet denies Palestinian treatment, citing ‘security’*, by Joseph Algazy.

severe tear gas inhalation. About 30 soldiers who threatened the crew at gunpoint stopped the ambulance. The team tried to explain that the man in the ambulance was in urgent need of medical care but the soldiers removed Mr. Abu Sneihneh from the ambulance, beat him in the face and shoulder and carried him to a military vehicle.<sup>55</sup>

### **3. House Demolitions and Destruction of Agricultural Land**

Since its occupation of the West Bank including East Jerusalem and the Gaza Strip, Israel has demolished thousands of Palestinian homes. The practice of house demolitions continued throughout the period known as the Oslo Process, and has increased at an alarming rate since the beginning of the current Intifada on 29 September 2001.

According to the Israeli NGO B'Tselem, from 1987 until the end of 2000, Israel has demolished at least 2300 Palestinian houses that were built in the Occupied Palestinian Territories. LAW estimates that the number of Palestinian homes demolished in 2000 is 54, of which 35 were in East Jerusalem, 10 in the West Bank and 9 in the Gaza Strip. From January 2001 to 8 October 2001, LAW has recorded 38 house demolitions in East Jerusalem, 36 in the West Bank and 213 in the Gaza Strip.

As a consequence of the demolitions, the victims are left in destitute conditions as they have lost their property and belongings. The ICRC and UN agencies have had to provide tents to shelter those left homeless. Moreover, in an important number of cases, house demolitions have been accompanied by ill-treatment, humiliations and other forms of violence.<sup>56</sup>

In the West Bank and East Jerusalem, most house demolitions are carried out because the homes are built without a permit and are therefore considered as “illegal”. Under the current Israeli policy of permits’ attribution, it remains virtually impossible for the Palestinians to obtain such as permit. The system is constructed in a way that the Palestinian will necessarily end up constructing houses without permits, facing risks of eviction and demolitions. In its 1998 Concluding Observations, the Human Rights Committee “deplores the demolition of Arab homes as a means of punishment. It also deplores the practice of demolitions, in part or in whole, of ‘illegally’ constructed Arab homes. The Committee notes with regret the difficulties imposed on Palestinian families to obtain legitimate construction permits”.<sup>57</sup>

Indeed, in the Occupied Palestinian Territories, including East Jerusalem, planning and building systems as well as legislation are much more favourable to settlers than to Palestinians. The aim of this discriminatory policy is to limit Palestinian construction to a minimum in order to preserve maximum opportunity for land confiscation and Jewish settlement. As a consequence, Palestinians are left without the possibility of building with a permit and have no choice but to build houses and other structures without Israeli permits. Their houses are then considered “illegal” and therefore liable to be demolished by the Israeli authorities when deemed convenient.

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<sup>55</sup> *Ibid.* See also PRCS, *An Urgent Press Release*, 1 November 2000.

<sup>56</sup> OMCT, *Human Rights in the Euro-Mediterranean Region and the Barcelona Process*, November 2000, p. 51. See also reports on house demolitions by the Palestinian Center for Human Rights ([www.pchrgaza.org](http://www.pchrgaza.org)) and the Alternative Information Center ([www.alternative.news.org](http://www.alternative.news.org)).

<sup>57</sup> *Concluding Observations of the Human Rights Committee: Israel*, 18/08/98, CCPR/C/79/Add. 93.

The paradox of such a policy that reverses the question of illegality to the advantage of settlers and the detriment of Palestinians, keeping in mind that under international law the settlements are illegal, reveals its arbitrariness, intrinsic injustice and expansionist purpose.

In the Gaza Strip, Israel has argued, since the beginning of the Intifada, that the house demolitions were necessary for “security” reasons, in order to prevent Palestinian gunmen from shooting from specific houses. Moreover, houses demolitions have been carried out against Palestinians accused of security offences and their families, but also as a reprisal for the attacks of individuals against Israeli citizens, e.g. in the wake of suicide bombings. The missing link between individual responsibility and retaliatory measures, affecting not the person responsible for the attack but other individuals and families, show that in such cases the demolitions of houses represent a form of collective punishment or reprisal for the attacks of individuals.

Since the beginning of the Intifada, there has been extensive destruction of agricultural land by bulldozing as well as uprooting of trees by the Israeli authorities and settlers in the Occupied Palestinian Territories. The extensive destruction and confiscation of land, and uprooting of trees in the West Bank and the Gaza Strip follows a pattern of arbitrariness, justified by Israel with the security argument. From 29 September 2000 to 10 October 2001, LAW estimates that 10,689.5 dunams of agricultural land have been destroyed and that 3,162.5 dunams of agricultural land have been set on fire. In the same period, LAW has recorded the uprooting of 34,530 trees and the burning of 4,207 trees.

In the case *Selçuk and Asker v. Turkey*, the European Court for Human Rights (ECHR) ruled that the destruction of the defendants’ homes constitutes a form of ill-treatment, in breach of article 3 of the Convention which states that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment.”<sup>58</sup>

In determining the occurrence of ill-treatment, the ECHR recalled that it must attain this a minimum level of severity, dependent upon the circumstances. In the *Selçuk and Asker* case, the ECHR judged that these circumstances allowed to qualify a home destruction, i.e. a violation of a right typically categorised as belonging to economic, social and cultural, as a form of inhuman and degrading treatment. The fact that the victims were old, left with nothing following the destruction of their house, as well as in a difficult position, given their age, to provide for themselves and find another shelter, were determinative factors in the decision of the ECHR.

On this basis, the reflection of the ECHR can be applied to other situations, which combine similar features of destitution and vulnerability resulting from the actions of the State or with its acquiescence. Under the CAT, such cases will fall within the scope of article 16.

Except for the question of duration, the houses demolitions and destruction of land present the same pattern: they leave the victims in serious destitution and deprive

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<sup>58</sup> European Court for Human Rights, *Case of Selçuk and Asker v. Turkey* (12/1997/796/998-999), paras 79-80. See also, *Bilgin v Turkey*, 16 November 2000 para. 100-102; and *Dulas v Turkey*, 30 January 2001 para. 54-55.

them from their means of subsistence and livelihood, with no available recourses. Moreover, the way demolitions and destructions are carried out, in many cases without prior notification, in the presence of military jeeps and armed Israeli soldiers and involving, sometimes, ill-treatment and humiliations constitutes in itself an additional factor of stress and suffering.

These different elements highlight the degree of suffering, both physical and psychological brought by these policies. Consequently, given that the implementation of such measures results in situations of extreme suffering allows to conclude that they constitute a form of cruel, inhuman or degrading treatment or punishment, in violation of article 16 of the CAT.

#### **4. Conclusions and Recommendations**

In the light of the precedent developments, OMCT and LAW call upon the Committee:

- to conclude that the systematic policy of closure, destruction of houses and land and uprooting of trees perpetrated by Israel or by Israeli settlers with its acquiescence of Israel constitute a breach of Article 16;
- to conclude that the systematic policies of closure and destruction of homes and agricultural lands in the OPT have involved several specific cases of ill-treatment amounting to violations of Article 16.
- to call for an immediate halt to these policies.

## **Annex to the Report on the Policy of closure, House Demolitions and Destruction of Agricultural Land**

### **1. Restrictions of Movement and Access to Health**

#### ***1.1. Deaths as a consequence of the closure***

- On 8 October 2000, Fahid Baker, from Bidia, a 23-year-old student at Al Najah University in Nablus, died of his injuries before he could be evacuated by ambulance. After being shot in the head and the neck by a settler, Fahid Baker was taken to the PRCS clinic in Bidia. The village clinic was not equipped to provide adequate medical care and an ambulance was called. PRCS officials claim that 5 ambulances were sent to Bidia in order to make sure that at least one would be able to reach Fahid - 1 ambulance was sent from Nablus, 2 from Ramallah and 2 from Qalqilia. The Nablus ambulance was denied passage due to a curfew imposed on the village of Huwara and 3 came under fire from settlers. The Nablus ambulance then took another route. By the time it arrived the injured student had bled to death. (LAW. Palestinian Ambulances and Medical Personnel Operating under Siege and Gunfire. Submission to the UN High Commissioner for Human Rights. November 2000).
- On 11 October 2000, Natheer Hamdan, from the West Bank village of Jama'een, was badly injured when he fell from a tractor. His father tried to take him to Nablus hospital but was stopped by Israeli soldiers at a checkpoint. His father, Nayif Hamdan, reported to LAW that when he was on his way to Nablus hospital with his injured son in the car, they were stopped near Huwara by Israeli soldiers at a military roadblock. At the same roadblock an ambulance coming from Nablus was prevented from passing, so he had to take an alternative road to Nablus, which was much longer. Instead of the 20 minutes usually needed to get from Jama'een to Nablus it took him 3 hours and by the time they reached Nablus hospital it was too late. (LAW. Palestinian Ambulances and Medical Personnel Operating under Siege and Gunfire. Submission to the UN High Commissioner for Human Rights. November 2000).
- On 28 January 2001, Husun Suleiman Daraghmeh (66), from Al Laban village near Nablus, died after Israeli soldiers at the checkpoint opposite the military liaison outpost in Huwara, south Nablus, prevented her and her family from crossing to the town's hospital. Daraghmeh was suffering severe chest pains, so her sons attempted to drive her to the hospital in Nablus. On the way, Israeli soldiers stopped their car for more than 10 minutes before ordering them to turn back. They were forced to take a very long and rocky route through the villages of Burin and Tal. Daraghmeh died in the car. Medical sources at Rafidia Hospital confirmed that she had died just a few minutes before arriving. (LAW. Weekly Roundup, 24-31 January 2001).
- On 30 January 2001, at 4.30 p.m., Falaah Ayyash (67), from the West Bank village of Rafat near Salfit, died of a heart attack fifteen minutes after arriving at Rafidia Hospital in Nablus. Mufleh Ayyash, Falaah's son, stated that his father had suffered the attack at 1.15 p.m., and that he attempted to take him to Rafidia hospital in a private car. They reached Azoun junction near Qalqilya at around 1.40 p.m., where they were kept waiting for 30 minutes before being turned back. The car was forced to take a long and unpaved alternative route around the checkpoint. At approximately 2.40 p.m., they reached the Deir Sharaf junction in Nablus, where they were kept waiting by Israeli soldiers at another checkpoint for 40 minutes before being forced to turn back once again. They took another long mountainous dirt track and eventually reached the hospital at around 4.15 p.m. Due to the long delay, doctors were unable to

save Falaah's life. The journey from Rafat to Nablus usually takes only 20-25 minutes. (LAW. Weekly Roundup, 24 – 31 January).

- On 5 February 2001, at 3.45 p.m., Khadra Ishtawi (65), from the West Bank village of Kufr Kadum near Qalqilya, died of a heart attack after being prevented from crossing an Israeli military checkpoint on her way to hospital. Her son Mahmoud Ishtawi (44) stated that his mother had become ill at 2 p.m. Mahmoud and his brother Nasir put her in a car and headed for Nablus. As the road to Nablus was blocked, they had to take a mountainous route, but were forced back by Israeli soldiers stationed in the area. Khadra died in the car on the way back to Qalqilya. Under normal circumstances the trip from Kufr Kadum to Nablus should take 12-15 minutes. (LAW. Weekly Roundup, 1-8 February 2001).
- On 13 March 2001, at 6 a.m., Na'eem Bani Jame' (39), a farmer and father of five from the West Bank village of Aqraba near Nablus, died from a heart attack, after Israeli soldiers prevented him from crossing the military checkpoint at Huwara intersection (south Nablus) on his way to hospital. At 4.35 a.m. on 13 March, Na'eem's brothers Hassan and Ahmad attempted to take him to hospital in a private car driven by their cousin Muhammad. They reached the Israeli checkpoint at 4.50 a.m. and asked the soldiers to let them pass but the soldiers refused and detained the men at the checkpoint. After 20 minutes, they again asked to be allowed to go, but the soldiers made them open the car doors for inspection. Another 20 minutes later, they were allowed to leave but not to cross the checkpoint, so they tried an alternative road, an unpaved and long track. When they finally reached the hospital at around 6 a.m., Bani Jame' was dead. Under normal circumstances, the road from Aqraba village to Nablus takes only 15 minutes. (LAW. Press Release of 15 March 2001. Man and woman die at Israeli checkpoints).
- On 14 March 2001, Amira Abu Seif (48), from the West Bank Village of Faqu'a near Jenin died after being held at Al Jalma checkpoint (east Jenin) for around 3 and a half hours. After suffering an upsurge in her blood sugar level (Amira Abu Seif was a diabetic), her family tried to take her to Jenin government hospital. Her son Muhammad Saleh Abu Seif (27) stated that they reached the Israeli checkpoint at 4.30 a.m. but were not allowed to pass it until 8.00 a.m., after an Israeli military doctor, who examined her, confirmed that she was in critical condition. However, the soldiers still refused to allow their car through, so that family members had to carry her for 50 meters to the Palestinian ambulance waiting at the other side of the checkpoint. At 8.15 a.m., she was pronounced dead by doctors at Jenin government hospital. (LAW. Press Release of 15/3/2001, Man and woman die at Israeli checkpoints. LAW refutes Israeli claims of lightening the siege).
- On 14 March 2001, Ahmad Banar (18), from Al Shujaiya in the Gaza Strip, died after being shot twice in the chest and abdomen by Israeli soldiers. Information gathered by LAW indicates that Banar was shot from a distance of only 10 metres during clashes near Karni crossing. Ahmad Banar was left bleeding for half an hour before Israeli forces allowed an ambulance to evacuate him. (LAW. Weekly Roundup, 8-14 March 2001).
- On 10 May 2001, Kifah Za'rab (17), from Al Mawasi in Khan Younis in the Gaza Strip, died on his way to hospital after Israeli soldiers prevented him and his relatives from crossing an army checkpoint. Two and a half hours later an ambulance arrived and took him to hospital where he was pronounced dead on arrival. (LAW. Weekly Roundup, 10-16 May 2001).

- According to a Palestinian Red Crescent Society incident report on June 6, 2001, Israeli roadblocks within the district of Hebron led to the death of Bajis Salimiyyi, 42, from Ithna. After suffering a heart attack the ambulance was prevented from crossing an Israeli checkpoint and the patient was delayed although he needed urgent medical attention. Salimiyyi passed away before reaching hospital. (Weekly Roundup, 6 –13 June 2001).
- On 10 June 2001, Sabri Mahmoud (41), from the West Bank village of Al Ras near Tulkarem, died after being unable to reach the National Hospital in Nablus in time for emergency kidney treatment. At around 4.30 a.m. that day, Sabri took a taxi to the National Hospital in Nablus, a trip, which used to take no longer than 20 or 25 minutes. However, due to Israeli closure of the main and agricultural roads linking Nablus and Tulkarem, the taxi driver had to take alternative routes and he did not reach hospital until two and a half hours later, at 7 o'clock in the morning. The delay led to complications in the patient's condition and he died on the way to hospital. Dr. Anan Al Masri, head of the National Hospital in Nablus, stated that the delay in the patient's arrival caused an increase in his blood potassium level and thus his death. (LAW. Weekly Roundup, 6 –13 June 2001).
- On 1 July 2001, Miriam Amara (61), from Al Nabi Salih, died after being refused to cross a roadblock. On 30 June, at midnight, Miriam had suffered a heart attack. Her son Basam took her to a doctor in the nearby town of Beit Reem, who determined that she should be hospitalised. On the way to hospital, Israeli troops stopped them and forced them to take a different road, adding two hours to the trip. Miriam died on arrival at the hospital. (LAW. Weekly Roundup, 28 June – 4 July 2001).
- On 8 July 2001, Salih Mohammad (50) from the West Bank town of Beit Furik near Nablus, father of seven children, died after being delayed at an Israeli roadblock. Hamada Mohammad (23), also from Beit Furik, explained that Salih had complained of chest pain and was being driven to hospital in Nablus. However, his car was delayed for 15 minutes at the checkpoint, and Salih died a few minutes after arriving at the hospital. The road from Beit Furik to Nablus usually takes 10 minutes. (LAW. Weekly Roundup, 5-11 July 2001).
- On 10 July 2001, Mohammad Khalifa (55) from the West Bank village of Faqu'a near Jenin died after Israeli soldiers refused permission to cross a checkpoint. That day, after complaining of pain in the chest, Mohammad was put in a car to be taken to hospital in Jenin. However, the car was stopped at an Israeli military checkpoint east of Jenin, about 500 meters from a bypass road connecting the Kadeem and Ganeem settlements. Instead an ambulance was called which would be allowed to drive until the other side of the checkpoint in order to take the man to hospital. However, Mohammad Khalifa died before the ambulance arrived. (LAW. Press Release of 12 July 2001. Israeli troops kill Palestinian woman; birth and death at Israeli military barricades.)

### ***1.2. The impact of the closure on expectant mothers***

- On 3 October 2000, Sahar Zbaidat (19), from Marj Na'ja near Jericho, gave birth in a car while she was on her way to Jericho hospital. Despite the emergency situation (she was bleeding and the umbilical cord had not yet been cut), Israeli soldiers would not let the frightened young woman pass through the checkpoint in order to get to hospital. (LAW. Palestinian Ambulances and Medical Personnel Operating under Siege and Gunfire. Submission to the UN High Commissioner for Human Rights, November 2000).

- On 15 October 2000, Horiya Bani Auda (37), an expectant mother from the village of Jiftlek in the Jordan Valley, was not allowed to pass an Israeli checkpoint while she was on her way to Jericho hospital. At the checkpoint she had a miscarriage. (LAW. Palestinian Ambulances and Medical Personnel Operating under Siege and Gunfire. Submission to the UN High Commissioner for Human Rights, November 2000).
- On 23 January 2001, Ayisha Nasar (28), a mother of five from Al Janyi village near Ramallah in the West Bank, died of complications after a caesarian section. Members of her family attempted to take her to hospital but they were stopped at a military checkpoint and delayed for 20 minutes. By the time the ambulance reached Ramallah hospital Ayisha was in critical condition and died afterwards. (LAW. Weekly Roundup, 18-24 January 2001).
- On 24 January 2001, Amina Moussa Balout, from the West Bank village of Rantis, gave birth in a taxi after been delayed and harassed at military checkpoints while on her way to Ramallah hospital. Usually, the trip would have taken about 40 or 50 minutes but it took the family three and a half hours to reach the hospital due to the closure. (The case was publicized by Israeli journalist Amira Hass in Ha'aretz newspaper).<sup>59</sup>
- According to the Palestinian Working Woman Society for Development, on 8 June 2001, Jamla Hassan Murshed Ehzeirat (40) gave birth at an Israeli checkpoint between the villages of Jiftlek and Al-Ouja near the Jordan Valley. Jamla begged the soldiers to let her through but they only allowed her to cross the checkpoint two hours later, after she was forced to give birth in the car. Dr. Mohammad Al-Arif, the director of Jericho Hospital reportedly confirmed that the mother and the baby reached the hospital in bad condition and that the mother was suffering from a severe hemorrhage which threatened her life. (Cited as forwarded by Bat Shalom on 12 June 2001, Another Palestinian Woman Gives Birth at an Israeli Checkpoint).
- On 30 June 2001, Karima Bardawi (33) from the West Bank village of Kayut lost her 3-day-old baby Khaled Musa after being stopped at an Israeli military checkpoint. Karima went into labour on 27 June at 1.30 a.m. and left with her husband for Nablus hospital. However, at 6 a.m. Israeli troops at Za'tara junction did not allow them to cross the roadblock. So they were forced to take a different road and it took them another 3 hours to get to Nablus. Karima gave birth a few minutes after arriving at the hospital. However, as she attempted to return home with her newborn baby boy, the family was once again held up at an Israeli military checkpoint. Karima noticed that her baby was becoming ill but was not able to take him back to hospital because of the Israeli roadblocks; the baby died. (LAW. Weekly Roundup, 28 June – 4 July 2001).
- On 4 August 2001, Loria Qasem (23) from Aqaba village in Jenin, gave birth in the road after Israeli soldiers repeatedly hindered her passage to Nablus hospital. Her husband, Mahmoud Qasem (30) stated that at around 6 a.m. that day, when his wife went into labour, they took a taxi for Nablus hospital. At around 7.10 a.m. they reached the Israeli checkpoint on the Al Bathan route, northeast of Nablus but the soldiers argued that it was forbidden to travel into the city. Loria was screaming from pain and begged the soldiers to allow her to enter but they refused. The taxi then tried to reach Nablus hospital via Jenin, along the Tubas-Al Zababdeh route. However,

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<sup>59</sup>Ha'aretz, 29 January 2001. Born at the third roadblock, stopped at the fourth. By Amira Hass. ([www.lawsociety.org/Intifada2000/articles/roadblock.htm](http://www.lawsociety.org/Intifada2000/articles/roadblock.htm)).



soldiers at the checkpoint at the entrance to Jenin did not allow them to enter either. After arguing with the soldiers for about 20 minutes, the taxi driver decided to bypass the military checkpoint on a dirt road. On the way, Loria gave birth, near Jinat Park, 4 km from the city's southwestern entrance. (LAW. Weekly Roundup, 2-8 August 2001).

- On 24 September 2001, Ummaya Hussein (27), from the West Bank village of Azoun near Qalqilia, suffered from severe bleeding after delivering her baby at home. At around 8 p.m., an ambulance arrived to take her to Rafidia hospital, a trip that usually would take 20 minutes. However, before reaching Nablus, the ambulance was delayed for about 10 minutes each time at two military checkpoints established on the Qalqilia-Nablus road, at the Kufur Laqif junction and the Jeet junction. When about to reach Nablus, cement blocks impeded the entrance to the city. The ambulance turned round and tried to enter by the Deir Sharaf junction on the Nablus-Tulkarm road. There soldiers stationed at another checkpoint further delayed the ambulance for another 10 minutes. Ummaya Hussein died at about 9 p.m., a few minutes before reaching Rafidia hospital. (LAW. Weekly Roundup, 20-28 September 2001).
- Case reported by Israeli journalist Gideon Levy<sup>60</sup> in an article on the siege of the West Bank town of Beit Furik near Nablus:

*On December 31, around midnight, Iman went into labor. It was a cold, rainy night, and she and her husband were afraid to go out, for fear of soldiers. No one these days dares to go out at night, not even a woman in labor. She managed to hold out until 4 a.m., but then could wait no longer. They ordered a local car that would try to get from the town to the hospital in Nablus. In the vehicle together with Iman were her husband, her parents and her grandmother. The wheels of the vehicle could barely find traction in the mud, and finally got stuck. They tried stones, they tried planks, but nothing helped. Iman groaned in agony in the back seat. They tried to the Red Crescent Emergency Service to get an ambulance, but there was no answer. The driver even tried to contact the ambulance of the settlement of Itamar, but to no avail. Finally they called a relative from the neighboring village of Kafr Saleem and asked him to come in his car to the main road, to rescue them.*

*The rain got stronger. About a kilometer separated Iman and the rescue vehicle on the main road. Iman trudged through the mud toward the road. She had no other choice. It took about an hour. She fell, knelt a bit, then took a few more steps, and stopped to get her breath, and then the cycle repeated itself. The rain pounded down. She got to the car totally spent, wet through and shivering from the cold. At first light, they reached Rafidya Hospital in Nablus, where Iman gave birth to Mohammed, 3.5 kilograms*

## **2. Ill-treatment and other violence at checkpoints, on dirt roads and on by-pass roads**

### **2.1. Killings<sup>61</sup>**

- On 16 November 2000, Yousef Suleiman Abu Awad (30) from the West Bank village of Beit Umar village, father of 2 children, was shot in the head at point blank range, apparently after an argument with a soldier. Dr. Achmad Tamimi from Al Ahlia Hospital in Hebron later confirmed that Abu Awad was fatally hit at a distance of

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<sup>60</sup> Ha'aretz, 12 January 2001. Women in Black. By Gideon Levy. ([www.lawsociety.org/Intifada2000/articles/black.htm](http://www.lawsociety.org/Intifada2000/articles/black.htm)).

<sup>61</sup> According to LAW's database since 29 September through 9 October 2001, 22 Palestinians have been killed at Israeli military checkpoints.

about half a metre. The Israeli army initially claimed that the soldier had acted in self-defense but later carried out an inquiry, reaching the conclusion that the soldier had violated open-fire regulations. The army said that he would face disciplinary action but apparently no criminal charges were pressed against him<sup>62</sup>. An eyewitness reported to LAW<sup>63</sup>:

*On Thursday, 16 November 2000, between 7 and 8 o'clock in the evening, I was standing in the balcony, watching how the soldiers at the checkpoint stopped each car entering or leaving Bet Umar. They made drivers turn off the lights. Then the car with Abu Awad on board arrived. Upon instructions from the soldiers, he stopped the car, turned the lights off and got off the car. Then Abu Awad and the soldier had a talk in Hebrew, which I could not understand. After standing outside for 15 minutes, Abu Awad got again into the car. While he was in the car, one of the soldiers hit the back of the car, on the right side, with a rock. Abu Awad got off the car and yelled at the soldier in Hebrew. Then the soldier walked towards Abu Awad, pointed his gun at him and shot at him from a distance of only one meter. I rushed to the street while the soldier left with other soldiers.*

- On 7 January 2001, Fatma Abu Jish, from the West Bank town of Beit Dajan near Nablus, was killed by Israeli gunfire on a dirt road near Salem village. Fatma Abu Jish was on her way back from work a hospital secretary in Nablus. According to eyewitnesses the incident happened when Israeli soldiers opened fire on vehicles traveling near Salem.
- On 2 July 2001, Israeli soldiers at an outpost shot at Radwan Ishtayeh (38), a taxi driver from the West Bank village of Salem, north of Nablus. He was hit by six bullets, one in the neck, two in the kidneys, two in a foot and one in his left leg. He was taken to Rafidia hospital in Nablus but was pronounced dead at about 10.30 p.m. That day, at around 5.10 p.m., Ishtayeh was driving from Nablus on the bypass road linking the Alon Moreh settlement with settlements set in the north, in order to avoid the Israeli military checkpoint set at the western entrance of Beit Furik. When his passengers got off the car in order to walk across a barrier, Ishtayeh noticed that one of them had left a package in the taxi and hurried to return it. However, all of the sudden, Israeli soldiers stationed at the new outpost between Salem and Beit Dajan opened fire at him from a distance of about 150 meters. According to eyewitnesses, the soldiers prevented all aid to Shtayeh for ten minutes before allowing for his evacuation. Shtayeh was taken in his own car to hospital but died the same night. (LAW. Weekly Roundup, 28 June – 4 July 2001).
- On 11 July 2001, Israeli Border Police opened fire at an Israeli-licensed Ford van driving ten Palestinian women workers from the West Bank village of Al Thahriyi (Hebron) to Bersheva in Israel and killed Rasmiya Jabareen (38), a mother of two. One of the women stated that they were on their way to work in a tinning factory in Bersheva, when the van was chased by a military jeep after circumventing the Israeli military checkpoint south of Al Thahriyi. One of the Border Policemen then opened fire on the van and hit Rasmiya in the head, killing her instantly. The Border Police left without providing assistance to the women. (LAW. Weekly Roundup, 5-11 July 2001).
- On 19 August 2001, Israeli forces killed Mu'een Abu Lawi who was returning home to Kufur Al Deek from Nablus via the route that links Nablus with the Palestinian

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<sup>62</sup> See The New York Times, 17 January 2001. Israeli Military Worries some Troops May Be Trigger-Happy. By Joel Greenberg.

<sup>63</sup> Sworn Affidavit to LAW by Khaldun Abu Ayash from Beit Umar.

village of Boreen. According to eyewitnesses, that day at 11 a.m., Israeli troops stationed on the dirt road, on which Palestinians walk from Nablus to Boreen, south of the city, opened fire on a group of Palestinians, fatally wounding Abu Lawi (32), a father of three. He was hit by a bullet below the left ear, which penetrated his neck. Abu Lawi was taken to a Nablus hospital but died minutes after arrival. Another eyewitness told LAW:

*At 11 a.m. on Sunday, 19 August 2001, I was on my way walking from Boreen to Nablus where I have a fashion store. I heard shooting from heavy machineguns and saw people running trying to avoid the bullets. I ran towards a mountain overlooking Irak Boreen. Then I heard a child yelling that a man was lying on the floor and blood covered his face. I saw a man in his thirties on the ground; he had been hit in the neck; it seemed that the bullet came from a heavy machinegun. He was still bleeding and schoolbags, pencils, and notebooks were on the floor around him. I called upon some guys to help; they immediately ran towards us and carried the wounded man and called for an ambulance. The ambulance arrived and took the man to hospital in Nablus, where he passed away. (LAW. Weekly Roundup, 16-22 August 2001).*

- On 13 September 2001, in the morning, Israeli soldiers stationed at Kharbatha junction in the district of Ramallah opened fire and killed Rafat Al Malhi (25), a resident of Shu'fat refugee camp near Jerusalem. According to a relative, Ahmad Al Malhi (65), Rafat was driving to work when Israeli soldiers stationed at a roadblock opened fire at his car. The soldiers prevented people from rescuing the victim and left the man bleeding for an hour and a half before an Israeli ambulance arrived. (LAW. Weekly Roundup, 13-19 September 2001).

## **2.2. Shooting at drivers**

- On 13 May 2001, at 9 p.m., Israeli Border Police opened fire at a private car on the road between Silwan and Al Sawahreh near Jerusalem, hitting Al Quds reporter, Iman Masarweh (36), with a bullet that penetrated her right leg. Iman reported that she was in the car with relatives and that they were on their way to Bethany in Jerusalem to visit family. They drove on a bypass road (Al Sal'a road) that links Silwan to Al Sawahreh. When they came across an Israeli checkpoint they decided to avoid it in order to save time. However, when they turned round, the Border Police opened fire without prior warning from a distance of about 100 meters and hit the car with four bullets. Iman was hit in the left shin, had her bone fractured and sustained a deep flesh wound. There were no clashes in the area at the time of the incident. (LAW. Weekly Report, 10-16 May 2001).
- In the morning of 18 May 2001, Israeli soldiers stationed at a military checkpoint near the West Bank village of Surda on the Ramallah-Birzeit road, opened fire at a Palestinian vehicle, wounding four people including a four-year-old child and a woman, namely Subhi Subhi, Mustafa Abdul Gani, Miriam Abdul Ghani and Yasser Subhi (4). (LAW. Weekly Roundup, 17-23 May 2001).
- On 21 June 2001, at 6 a.m., Israeli soldiers stationed east of the Palestinian West Bank town of Silet al Dahir near Jenin, opened fire on Palestinian vehicles wounding Abdul Abu Diak (40) in the left leg. The troops claimed that the people of Silet al Dahir had violated the curfew imposed on the town the previous day, after a Jewish settler was killed in the area. The ambulance, which arrived to evacuate Abdul Abu Diak, was prevented from entering the town for several hours. (LAW. Weekly Roundup, 21-27 June 2001).

- On 3 August 2001, in the evening, Israeli soldiers opened fire at Jameel Shahrur (48), from the West Bank village of Bal'a, who was traveling with his 5-year-old grandson on the Nablus-Tulkarm road. Both the driver and the boy were wounded. Jameel Shahrur stated that he stopped the car when he saw soldiers and a tank standing in the middle of the road but that the soldiers did nevertheless open fire:

*I stopped my car but the Israeli soldiers fired four bullets from a distance of 20 meters. One bullet hit me in the left shoulder and then my grandson Majd in the stomach; he was sitting in the backseat. Majd was hit by a second bullet, also in the stomach. I reversed the car and drove to Anabta, where the child received first aid and was then taken to hospital in Tulkarm by an ambulance that was waiting at the other end of a nearby sand barrier.*

The following day, the boy was taken in critical condition to Tal Hashomer hospital in Tel Aviv. (LAW. Weekly Roundup, 2-8 August 2001).

- On 4 August 2001, Israeli soldiers stationed at a military checkpoint opened fire at a Palestinian vehicle traveling on the settler bypass road #70, near the Baka'ot settlement in the Jorday Valley in the West Bank. The passengers were Nashat Samoor and Samer Alish, both 23 years old and both from Askar refugee camp. They were traveling from Nablus to Ramallah. When they approached the checkpoint, the soldiers opened fire, wounding Samoor in the right shoulder and the back, and Alish in the right arm. The two men were taken to Rafidia hospital in Nablus. (LAW. Weekly Roundup, 2-8 August 2001).
- On 9 August 2001, Israeli soldiers shot at Mahir Abu Dakar (40) when he was driving in his car with his two children. The incident took place at a military checkpoint in Khan Yunis in the Gaza Strip. (LAW. Weekly Roundup, 9-15 August 2001).
- On 25 September 2001, Israeli soldiers opened fire at taxis driving Palestinian workers to Israel and injured four men, namely Ahmad Da'ajna (22), Hamad Abu Malash (30), Mohammad Abu Malash (31) and Riyadh Zain (26). The incident occurred at a military checkpoint near Kharas in the Hebron district. Hamad Abu Malash stated to LAW:

*On 25 September 2001, at 4.30 a.m., I was on my way to work in Ashdod in Israel; we were altogether ten workers. When we arrived at Kharas, we found an Israeli military checkpoint. From there three Israeli soldiers opened fire at our van from a distance of about four meters. Four of us were wounded but the Israeli soldiers did not provide us with any kind of medical assistance. When Imad Abu Malash asked a soldier to call an ambulance, the soldier pointed his gun at his chest and told him to shut up. We managed however to call another driver using a cell phone. The other driver came and took us to Al Ahli hospital in Hebron. We arrived there at 5.45 a.m. (LAW. Weekly Roundup, 20-28 September 2001).*

### **2.3. Attacks on pedestrians walking across or around checkpoints**

- On 2 June 2001, at around 6.45 a.m., Israeli soldiers opened fire at a number of Palestinians trying to cross a barrier set up by Israeli forces at the southern entrance to the West Bank village of Surda near Ramallah. Eyewitnesses reported that a number of Palestinians from Al Jalazoun refugee camp, north of Ramallah, who were on their way to work, found the main street blocked with barricades when they reached the

southern suburbs of Surda. Those driving parked their cars and attempted to cross the barricade by foot. However, Israeli soldiers ordered them to return and opened fire leaving two injured, namely Ala' Al Kahatib (26) and Ibrahim Al Asmar (60), both from Al Jalazoun refugee camp. (LAW. Weekly Roundup, 31 May-6 June 2001).

- On 19 June 2001, at 6 p.m., Israeli soldiers in a military jeep fired live ammunition, rubber-coated metal bullets and teargas canisters at Palestinians who on their way home were trying to bypass a military checkpoint after they were refused permission to cross it. The incident happened at a checkpoint established at the West Bank village of Beit Furik near Nablus. A 5-year-old boy, Islam Hanani, from Beit Furik, was directly hit in the head by a tergas canister. He suffered a skull fracture and had to be taken to Ramallah hospital where he underwent a three-hour operation. (LAW. Weekly Roundup, 14-20 June 2001).
- On 19 June 2001, Israeli soldiers prevented residents from the villages around Nablus from entering Nablus. A LAW researcher witnessed Palestinians trying to reach Nablus by foot being beaten by Israeli soldiers. (LAW. Weekly Roundup, 14-20 June 2001).
- On 28 June 2001, Israeli soldiers opened fire suddenly and without prior warning at Palestinian workers waiting in line for inspection at the Erez checkpoint in the Gaza Strip. Two workers were injured, namely Fares Abdil Fattah Atiyah Lafi (22), from Al Durj quarter in Gaza, and Muhammad Saleh Huso (21), from Jabalia refugee camp. (LAW. Weekly Roundup, 28 June-4 July 2001).
- On 9 August 2001, Israeli soldiers prevented Palestinians from driving on dirt roads leading to Nablus from the villages of Al Nakura and Dir Sharaf. While soldiers opened fire on cars, bulldozers blocked the roads by building sand barriers and digging trenches. (LAW. Weekly Roundup, 9-15 August 2001).
- On 18 August 2001, in the evening, Israeli soldiers stationed at Sura crossroads on the Nablus-Qalqilia road shot at Palestinians crossing a nearby dirt road by foot and wounded 6-month-old Noor Auda from the West Bank village of Baqit al Hatab near Qalqilia. The baby's mother stated that Israeli soldiers fired at Palestinians crossing a sand barrier. She was with her baby in a taxi parked nearby but the bullets penetrated the car and hit the baby in the abdomen. The baby was immediately taken to hospital in Nablus. (LAW. Weekly Roundup, 16-22 August 2001).
- Regarding an incident in the morning of 19 August 2001, where Mu'een Abu Law (32) was killed, Reuters photojournalist Abdul Raheem Al Kosini from Nablus told LAW:

*I was on my way to the area between Tel and Boreen to take pictures in order to show how Israeli soldiers were dealing with Palestinians trying to walk across hideous mountainous tracks and sand barriers blocking the road to Nablus. There were soldiers watching from an outpost on a nearby hill who frequently opened fire at Palestinians. Four people were injured; one of them was Sami Awad from Awarta. Then the soldiers fired two or three bullets and I heard a child screaming. We saw a man on the ground with two plastic bags lying next to him. He was severely bleeding. I tried to revive him but couldn't. An ambulance then arrived and took him to hospital in Nablus where he died. The plastic bags contained schoolbags and stationary; it seemed that he had bought school materials for his children. There were no clashes at the time of the incident.*

Sami Awad (41), from Awarta, who was wounded in the incident told LAW:

*I was going to Nablus with my wife to buy school stationary for the kids. When Israeli soldiers prevented us from walking on the road, we walked on the mountain towards Irak Boreen. We heard shooting and ran for our lives. I felt I was shot but kept running till I fell on the ground and realized that I had been hit in the legs. I was mounted on a donkey and taken to the ambulance. (LAW. Weekly Roundup, 16-22 August 2001).*

- On 15 September 2001, Israeli soldiers threw a stun grenade at Amir Nayif (18), from Nablus, when walking through an Israeli military checkpoint near the West Bank village of Sura. The teen-ager suffered second-degree burns and had to be admitted to hospital. (LAW. Weekly Roundup, 13-19 September 2001).
- On 17 September 2001, Israeli soldiers threw stun bombs and teargas at Birzeit University students, as they tried to walk across the Birzeit-Ramallah roadblock. Many students fainted. A stun bomb hit Mahir Salih (33) in his hand. (LAW. Weekly Roundup, 13-19 September 2001).
- On 17 September 2001, Israeli soldiers at the Qalandiya checkpoint on the Ramallah-Jerusalem road injured passerby Ala Awisa (22). He was hit by a rubber-coated metal bullet in his hand. (LAW. Weekly Roundup, 13-19 September 2001).

#### **2.4. Torture and ill-treatment**

- On 20 December 2000, at 5.30 a.m., the Israeli Border Police checked Palestinian workers at the Erez checkpoint in an abusive and humiliating way. Some Palestinians were forced to undress completely and to wait for further instructions. When unrest erupted, Israeli soldiers fired at the Palestinian workers and injured four of them. (LAW. Two Palestinians Killed, 35 Injured in the Gaza Strip. 20 December 2001).
- On 11 February 2001, at 8.30 p.m., truck driver Rabah Alkam (26), from the West Bank village of Rafat, was traveling home with his cousin when Israeli soldiers at the checkpoint between Um Al Sharayit and Rafat stopped them and denied them passage. Rabah Alkam reported to LAW:

*I said that I was from Rafat. When they had checked this, one of them led me behind an army jeep and beat me up badly. The other soldiers joined him, kicking me until I almost passed out. The beating was painful, especially as I had had a road accident three months before, which had left me with a problem in a neck muscle and a slight fracture in my spine. When they stopped beating me my cousin took me to hospital in Ramallah, where I stayed for a little while since I was in bad condition. (LAW. Weekly Roundup, 8-15 February 2001).*

- On 8 March 2001, at 9.30 a.m., Palestinian attorney Midhat Deibeh (28), from Shu'fat near Jerusalem, was on his way to Jerusalem, when Israeli soldiers stopped him at a military checkpoint near the Pisgat Ze'ev settlement and told him to open the boot of his car. In the boot, they found a spade and some plants. Midhat Deibeh told LAW:

*The soldier asked me what the spade was for and I said for gardening. When one of the soldiers started throwing my plants on the ground, I told him to stop and that he was acting against the law. His reaction was to make me turn round and to start*

*hitting me. He and other soldiers hit me on the head with something that felt as if it was made of heavy rubber. As a result of the beating, I had a broken bone in my right hand and a blood clot in my right thigh; I have a medical report which confirms this. After abusing me that way, they arrested me, claiming that I had attempted to assault a soldier.*

*While I was in the military jeep, I saw with my own eyes how Israeli soldiers assaulted Atef Ali and Maher Haddad, both from Shu'fat, after getting them out of their cars. They were severely injured and needed 4-5 stitches in the head. Atef and I were taken to the Russian Compound Detention Center in Jerusalem and accused of assaulting a soldier; we were then released on bail of NIS 3000 (US \$ 750). (LAW. Weekly Roundup, 8-14 March 2001).*

- On 11 March 2001, Israeli soldiers stationed at a military checkpoint at the entrance to Ein Areek village near Ramallah prevented Mu'zeiz Al Deek (33), from crossing it. She was trying to make her way home from Ramallah with her 2-month-old son, and was carrying bread and milk. They told her they would only let her pass if she dropped the bread and milk, so she did. (LAW. Weekly Roundup, 8-14 March 2001).
- In March 2001, taxi drivers Mahmoud Yusif (31) and Isa Zayid (37), both from Ramallah, reported that Israeli soldiers at checkpoints in the Ramallah and Al Bireh area had been chasing Palestinian vehicles as they approached the military checkpoints in an attempt to terrorise the drivers. (LAW. Israeli authorities tighten siege on Palestinian territories. 12 March 2001).
- On 19 March 2001, Israeli soldiers at a military checkpoint at the entrance to Al Mawasi, Rafah, in the Gaza Strip, abused Samir Sabbah (18), from Rafah, when he refused to leave the area. He was helping an elderly lady from Al Mawasi to carry some food to her village through the checkpoint. As a result of the abuse, he suffered severe head injuries and bruises on various parts of his body and had to be taken to Al Jneineh hospital for treatment. (LAW. Weekly Roundup, 14-21 March 2001).
- On 27 May 2001, at around 6.30 a.m., Basam Hatab (40), from the West Bank village of Kufur Sor near Tulkarm, was stopped by Israeli soldiers when driving on the by-pass road to the Anab settlement, southeast of Tulkarm. The soldiers confiscated his ID card, ordered him to hand all his papers and checked his pockets. One of the soldiers kicked Hatab on the legs. Afterwards, Basam Hatab realized that NIS 300 (US \$ 75) were missing. (LAW. Weekly Roundup, 24-30 May 2001).
- On 27 May 2001 at around 7 a.m., three Palestinian teachers from Al Iman High School in Beit Hanina, were stopped and ill-treated for 90 minutes at a checkpoint located at the Al Ram-Bir Naballah junction on the Ramallah-Jerusalem road, namely Barakat Al Jradat (26), from Bir Naballah; Zaher Kameel (23), from Qabatia near Jenin; and Adnan Abu Asabeh (26), from Selit Al Thaher near Jenin. The soldiers checked the bags of the teachers and interrogated them; spat at them and insulted them and harassed them, e.g. by frightening them with a gas bomb or forcing Zaher Kameel and Adnan Abu Asabeh to drink water against their will. (LAW. Weekly Roundup, 24-30 May 2001).
- In the morning of 5 June 2001, dozens of Birzeit University students were not allowed to cross the Israeli military checkpoint on the Ramallah-Birzeit road and had to return home. When the students tried to explain to the soldiers that they needed to

cross the checkpoint in order to take their final exams at Birzeit University, Israeli soldiers responded with tear gas, rubber coated metal bullets and live ammunition. Raji Al Nijmeh (20) was injured in the incident and many other students passed out due to teargas inhalation. (LAW. Weekly Roundup, 31 May-6 June 2001).

- On 16 June 2001, at 10 a.m., Israeli soldiers at a checkpoint at the West Bank village of Surda near Ramallah, beat Samir Salim (28) from Jalazone refugee camp in the Ramallah district leaving him badly bruised. (LAW. Weekly Roundup, 14-20 June 2001).
- On 16 June 2001, at 1 p.m., Mohammad Imtair (20) from Qalandiya was beaten by Israeli soldiers stationed at Qalandiya checkpoint on the Jerusalem-Ramallah road, leaving him with a deep head wound. (LAW. Weekly Roundup, 14-20 June 2001).
- On 16 June 2001, Faisal Abu Sabha (29), from the West Bank village of Yata near Hebron, was beaten by Israeli soldiers at the Beit Anun checkpoint. He sustained bruises from the beatings; the windshield of his car was shattered. (LAW. Weekly Roundup, 14-20 June 2001).
- In the morning of 18 June 2001, Israeli forces patrolling Alon Moree bypass road attacked Ahmad Bani Shamsa (33) who was travelling on the mountainous dirt roads east of Nablus. Ahmad Bani Shamsa had to be taken to Rafidia hospital in Nablus. (LAW. Weekly Roundup, 14-20 June 2001).
  
- On 21 June 2001, at around 6 a.m., Haroun Abu Diak (20), from the West Bank village of Selit Al Taher, was subject to severe ill-treatment by Israeli soldiers stationed at the village entrance, because he had allegedly violated the curfew imposed on the village. As a result, he suffered a fracture in his right hand as well as bruises and injuries in various parts of the body. (LAW. Weekly Roundup, 21-27 June 2001).
  
- On 24 June 2001, Israeli soldiers stationed at the Al Taibeh military checkpoint hit, kicked and beat with rifle butts Fares Jar'aneh (22), a worker from the West Bank village of Aktaba near Tulkarm, who was on his way home from work inside Israel. As a result, he sustained bruises on various parts of his body. (LAW. Weekly Roundup, 21-27 June 2001).
  
- On 28 June 2001, at 6.30 a.m., Dr. Khaled Al Tamimi (45), from the West Bank village of Deir Nitham northwest of Ramallah, was subject to ill-treatment while he was on his way to work. That day Dr. Al Tamimi went to the entrance of Deir Nitham village, which is blocked by barricades, and waited for a car from Ramallah hospital, that usually takes him to work. At about 7 a.m., when he saw that the car had not yet arrived, he returned home. At home he received a phone call from the driver of the Ramallah hospital car, who informed him that soldiers stationed at the Kufur Ein junction, northwest of Ramallah, had not allowed him to cross the checkpoint. So the doctor decided to go back to the main road and to take a taxi instead. However, while waiting for a taxi, an Israeli military jeep stopped and two soldiers got off. When one of the soldiers asked him what he was doing in the area, the doctor identified himself. However, the other soldier approached the doctor, pushed him and kicked him to the ground. (LAW. Weekly Roundup, 28 June-4 July 2001).
  
- On 30 June 2001, at around 7 a.m., Israeli soldiers stationed at the southern entrance to Jaba', southeast of Jenin, apparently accompanied by a number of mercenaries from the South Lebanese Army (SLA), stopped a taxi driving a group of young women from Jenin to their workplace in Nablus. They insulted and humiliated them,



and forced then three Palestinian youths, who had been detained by soldiers at the checkpoint, to kiss the girls. One of the young men, who refused to do so, was severely beaten. (LAW. Weekly Roundup, 28 June-4 July 2001).

- On 1 July 2001, Israeli soldiers stationed at the checkpoint near Dir Ibzi and Ein Areek in the Ramallah area, prevented three Palestinian journalists from taking photographs and talking to people waiting at the roadblock, namely Mahmoud Khaluf (24) working for Wafa, Amar Awad (21) working for Reuters and Mohammad Sadik. Mahmoud Khaluf reported that when they started taking photographs, the soldiers threatened them with arms and forced them to leave the area. (LAW. Weekly Roundup, 28 June-4 July 2001).
- On 7 July 2001, at around 7 p.m., Dr. Nasri Abu Jeish (34), from the West Bank village of Beit Dajan near Nablus, was driving home from a family visit; his car was clearly marked with “doctor”. At the checkpoint located at the Beit Furik junction, Israeli soldiers asked him to get off the car and confiscated his ID card. Then one of the soldiers cursed him and hit him on the head. When a soldier told him that the girls from Nablus were beautiful and that he should bring the soldiers two girls, Dr. Abu Jeish became angry and cursed the soldier. The soldier then took a knife and held it against the doctor’s neck. After an hour of ill-treatment, Dr. Abu Jeish was finally allowed to go. (LAW. Weekly Roundup, 5-11 July 2001).
- On 8 July 2001, at around 10 a.m., Israeli soldiers stationed at Jaba’ junction, southeast of Jenin, stopped 26-year-old Ziyad Alawneh from Jaba’ and forced him at gunpoint to set fire to a rubber tire after having soaked it in petrol. As a consequence, Ziyad Alawneh sustained medium burns in the right hand and the face. (LAW. Weekly Roundup, 5-11 July 2001).
- On 29 July, at around 11 a.m., Israeli soldiers stationed at the military checkpoint inside Hebron’s Old City, near the Beit Romano settlement cluster, maltreated three Hebron municipality guards without any reason, namely Nidal Al F’weiwi, Mu’taz Al Qawsmi and Shahda Al Jreiwi. After inspecting their ID cards, the Israeli soldiers forced them to stand against a wall and maltreated them for a couple of hours. (LAW. Weekly Roundup, 26 July 2001-1 August 2001).
- On 29 July 2001, at 4 p.m., Israeli soldiers stationed at Qalandiya checkpoint on the Ramallah- Jerusalem road arrested 18-year-old Usam Al Shawamreh from the West Bank village of Dura near Hebron. He was severely beaten and sustained bruising in various parts of his body. (LAW. Weekly Roundup, 26 July 2001-1 August 2001).

### **3. Deaths from closures: Four Case Studies**

- *Ala Hamdan ‘Abd al-‘Aziz Ahmed, 10 years old. Died 14 October 2000<sup>64</sup>.*

There are three access routes from the town of el Sawyieh, in the Nablus district, to Nablus. Two of those access routes were closed off by Israeli forces from 6 October 2000, with checkpoints installed at Zatara and Huwara. On 12 October 2000, the third access route was closed off with a checkpoint installed at Yitma; so the whole town of el Sawyieh was placed under siege by the Israeli forces. The Israeli forces were preventing and prohibiting all

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<sup>64</sup> This report is based on affidavits provided to LAW and to B’Tselem on this same case. See also Gideon Levy, A siege at your gates, Ha’aretz, 7 January 2001.

movement by residents between el Sawyieh and other cities and towns. The only villages still accessible from el Sawyieh were Qabalan and Yitma itself. However, once the access road between Yitma and Nablus was closed, no routes were open between el Sawyieh and Nablus.

Ala Hamdan lived in the village of el Sawyieh. She had had health problems from birth: in particular with difficulties with obstruction of her colon and duodenum. She had had three operations at Hadassah Hospital, in Jerusalem. She had also had to have her left foot amputated, apparently in connection with complications arising from her stomach problems. On 13 October 2000, Ala Hamdan began to experience severe stomach pains. At about 9 p.m. that night the pains worsened considerably, so the family decided to seek immediate medical attention for her at the Rafidiyeh hospital in Nablus, which was the closest hospital to el Sawyieh.

At first, her father, Hamdan Ahmed, tried to call a taxi because he did not have a car of his own but no driver was prepared to take them because of their fear of the Israeli soldiers and settlers at the blockades/closure points. Her father sought help from a neighbour, attorney Jamal Yusuf Khader, who owns a car and together they tried to break through the siege to get Ala to a hospital in Nablus. Ordinarily the journey from el Sawyieh to the hospital in Nablus would take only about 25 minutes.

Mr. Ahmed's evidence continues as follows:

*"After leaving our home just after about 9 p.m., we drove to the main road (the Ramallah-Nablus Road) where we were stopped by an Israeli military vehicle. One of the soldiers asked us where we were going. I told them that my child needed hospital treatment. The soldier told us to go back to our house because it was forbidden to travel at all on the roads. I tried to convince him to let us through, but without success. The soldier saw the sick child in the car, and it was obvious that Ala was in great pain. However, we were still forced to return home.*

*Ala's situation had deteriorated significantly by this stage, and she was vomiting. I was very unhappy at seeing my daughter suffering, so upon our return I called for medical assistance, dialling the emergency number 101, and spoke to the Israeli Magen David Adom ambulance service. However, they said that they could not help and that I had to find a Palestinian ambulance, because of the closures. I tried to contact a Palestinian ambulance/emergency service, but was unable to get hold of one.*

*As the ambulances were unable to get through to my daughter, I decided to try to break through the siege again in my neighbour's car. When we left the house the Israeli army vehicle had gone. However, on the way to the hospital, near Yitma, we were stopped by several Israeli army vehicles and there was a large crowd of Israeli settlers of the Rahel settlement. I told the Israeli soldiers and the settlers who stopped us, that my daughter was sick and needed to be hospitalised so we needed access to the hospital in Nablus. They saw how sick the child was, and that she was in pain. However, they showed no concern as to my daughter's welfare and did not allow us through. The soldiers told me that it was forbidden to enter Nablus or to travel at all.*

*At that stage, as there was no open access route to the hospital in Nablus, I felt that I had no choice but to return home again and to call for a doctor from the nearby village of Qabalan. His name was Dr. Riad al Hilo. He arrived at 10 p.m. at the house and after assessing Ala Hamdan's condition, confirmed that she needed immediate hospitalisation, for he could not provide her with the medical assistance she needed."*

In his report dated 14 October 2000, Dr. al Hilo confirms that he checked Ala Hamdan's condition on 13 October 2000, and stated she was suffering from a lung infection and severe stomach pains. Ala's father had also explained to the doctor that her stools had not been normal for a number of days. The doctor concluded her stomach pains must arise from the

obstruction of her colon and duodenum, as it had in the past. He asked Ala's father to take her to hospital immediately because she was in a critical condition.

Mr. Ahmed continues in his affidavit: *“Immediately after the doctor's visit, I tried again on a number of occasions until the early hours of 14 October 2000 to break through the siege, and explained to the soldiers and settlers near Rahel settlement of the Doctor's advice, but in spite of seeing the child's condition the soldiers and settlers turned us back and told us to return home. My daughter Ala, spent the whole night and early morning suffering from severe pain.”*

Mr. Ahmed took Ala to Dr. Riad al Hilo's clinic in Qabalan by 8.30 a.m., but he examined her and confirmed that she had died before reaching the clinic at about 8.05 a.m. The doctor confirmed in his written report that because the father could not take the child to hospital, she died at home. He confirmed that the death was caused by her stomach complaints and lung infection.

On 15 October 2000, Mr. Hamdan Ahmad went to the Ministry of Health in Nablus and reported what happened, where Dr. Riad el Hilo also filled out a report. The report was sent to the Ministry on 17 October 2000. Mr. Hamdan Ahmad also informed the district authorities. No action has been taken by the Israeli authorities to investigate this incident or to bring those responsible to account for preventing Ala Hamdan from receiving crucial medical treatment that led to her death. Her death caused her father and her family considerable pain and sorrow.

• *Na'im Atallah, 27 years old. Died on 16 October 2000<sup>65</sup>.*

Na'im Atallah, lived in Zawiyeh Village, in the Salfit District. The village was closed off by an Israeli imposed blockade about two to three days after the Intifada began on 29 September 2000. The Israeli forces placed checkpoints at the only two access roads to the village: at the northern entrance linking Zawiyeh to Mashah village, and at the eastern entrance, between the villages of Rafat and Dir Balut.

Mr. Atallah suffered a total kidney failure since February 2000, and required dialysis treatment three times a week, at the main hospital in Nablus. However, from the time that the checkpoints were established he was unable to reach Nablus because he was turned away by Israeli soldiers at the checkpoint each time he tried. He also tried to summon aid from an ambulance from the Red Crescent station in Badi, a nearby village, but the ambulance never succeeded in getting to Zawiyeh because the road leading to the village was blocked by Israeli soldiers who would not allow them access through.

On 16 October 2000, he tried again to gain access to the hospital by going through a checkpoint. He was accompanied by his neighbour, Musbah al-'Afu Musbah, who gave this testimony to B'Tselem on 24 December 2000<sup>66</sup>:

*“We travelled by taxi from our village eastwards toward Rafat to the Israeli checkpoint located before Dir Balut. He was in a very poor condition, and when we arrived at the checkpoint, we got out of the taxi and explained to the Israeli soldiers that we have a very sick man with us who needed dialysis and for nine days had been unable to exit because of the closure and the army checkpoints.*

*The Israeli soldiers did not let us pass, and told us that it was prohibited for us to cross and that we had to go back. We left there and went to the northern checkpoint between Zawiyeh*

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<sup>65</sup> Based on the affidavits provided to B'Tselem, set out in B'Tselem's report: "Civilians under siege: Restrictions on freedom of movement as collective punishment", January 2001.

<sup>66</sup> Ibid.

and Mashah, and realised that it was absolutely impossible to cross. The road had a number of piles of dirt on the Badi side, even before reaching the Israeli army checkpoint, and it was impossible to get to the checkpoint. We returned home in the car. He seemed to be losing consciousness, and his face began to swell. After we took him out of the car and to his house, we called Dr. 'Abd A-rahim Rabi, of Zawiyeh, to check him. When he arrived, he had nothing to do but pronounce his death.”

- ***Death of newborn baby on 7 January 2001<sup>67</sup>: Child of Insaf Sadeq Suliman al-Abeisi (31), and Mahmud Asad Daud al-Abeisi (39, teacher)***

Mahmud Asad Daud al-Abeisi and Insaf Sadeq Suliman al –Abeisi, are married, residents of Beit Dajan, Nablus district, and have four children. The eldest is 8 and the youngest is 3. The newborn child who died was a girl. All of their children were born in hospital, in the Obstetrics Department of Rafidiyeh Hospital, in Nablus.

On 7 January 2001, Mahmud Asad Daud al-Abeisi drove his wife, Insaf, who was in her final month of pregnancy, to the Mother and Child Clinic in Nablus. All the tests conducted were normal and showed a healthy fetus. Everything had been fine throughout the pregnancy, and all the test results had been good.

In the evening of 7 January 2001, at about 8 pm, Insaf went into labour. At that time, the whole village was apparently preoccupied with the death of Fatma Abu Jish, who died earlier in the day after being shot near the checkpoint. The testimony of the child’s father continues, as follows:

*“...there was an increased presence of soldiers at the checkpoint at the entrance to the village and at the bypass road leading to Elon Moreh. Because of the situation, my wife tried to wait and suffer the pain, but the pain increased all the time. I went to look for someone to take my wife to the hospital in Nablus. Everyone was afraid because of the army in the area and because it was very dangerous to travel along the dirt roads, since a girl from the village had been killed a few hours earlier.*

*I went back home and saw that my wife was in worse pain. I called the hotline of the Red Crescent in Nablus and pressured them to come and treat my wife. They told me that they could not travel along the dirt road because of the situation in the area, and that soldiers at the entrance to Beit Furiq and Beit Dajan did not allow Red Crescent ambulances to enter. After pressuring them, they said that they would come to the checkpoint and try to convince the soldiers there to let the ambulance enter the village. They suggested that, if the soldiers did not consent, we would meet at the checkpoint and they would take my wife to the hospital. We agreed that we would be in touch. I took my wife, stopped a taxi, and requested the driver to take us to the checkpoint. My wife began to bleed and the pain was increasing. The residents warned me not to approach the checkpoint because it was dangerous there. They said there was a reinforced complement of soldiers and that the soldiers would shoot anything that moves. When my wife heard that, her emotional state deteriorated: her screams and cries could be heard from far away.*

*I stood firm and got into the taxi despite the warnings. We started to drive and all along the way people warned me to go back because the soldiers were liable to shoot at us. My wife was crying and shouting in pain and from fear that the soldiers would shoot at us. After we drove about two-thirds of the way to the checkpoint, the ambulance driver called and said that the soldiers at the checkpoint did not let him enter Beit Dajan, and he told me to stay away from the checkpoint. I decided to go back home and look for a midwife or a nurse to care for my wife. All this time, my wife was crying out and the bleeding increased.*

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<sup>67</sup> Based on B'Tselem report and affidavit of Mahmud Asad Daud al-Abeisi (Father) provided to B'Tselem on 8 January 2001.

*Around 9.30 pm, we got home. When we arrived, my wife gave birth (a girl) and bled profusely. I saw the newborn was stillborn, and drove immediately (at 10 o'clock) to Beit Furiq to look for a midwife or nurse so that at least my wife could be saved. It was 11 o'clock before I got to Beit Furiq because I drove along dirt roads to bypass the checkpoint. I took a nurse from there, her name is Umm Ramiyeh, and she works in a hospital in Nablus. We arrived at my house at midnight, and the nurse took care of my wife and the bleeding stopped.*

*My four children saw the birth and the death of the newborn. They were crying all the time because they feared that something bad had happened to their mother. The great amount of bleeding frightened them a lot and they are in great emotional distress now. My wife's physical health is ok now, but she is in terrible condition emotionally. I hope that she quickly gets over what she went through, and that the children will overcome what happened, because they saw something very disturbing and suffered through a very difficult night."*

- ***Jamal Ibrahim Iluan, 32 years old, father of four daughters, died 14 November 2000***<sup>68</sup>.

Jamal Ibrahim Iluan lived in the town of Sinjel, near Ramallah. There had been a number of methods of collective punishment used against the residents of Sinjel.

As at 18 November 2000, Ayoub Ahmad Sweid, 45, a merchant from Sinjel, gave evidence that Sinjel was being subjected daily to gas and noise bombs at night in the residential areas, whilst the residents were sleeping.

In his affidavit, he continued as follows: "*As a result, people get anxious and terrified, especially the children, women and older people. Israeli soldiers have also broken into the village and destroyed cars; such as those of Sa'ed Tawafneh, Muhammad Salhiyeh and Mani Deeb. The six entrances to the village have been blocked since the middle of November 2000. This has led to a paralysis in daily life, for employees working in institutions as well as in education have been unable to reach work.*

*Furthermore, fuel and food supply lorries have been prevented from entering the village. The nearby settlers from Shilo and Baten have been threatening to cut off our water and electricity supplies; and have been preventing cars, even ambulances, from reaching us. They have also been threatening to burn and throw stones at our cars and to kill local residents. They used to say to us, that as Arabs we had to leave the land. On Friday, 17 November 2000, the Israeli soldiers removed a plaque, which had written on it: 'The settlers are prevented from entering this area as this is Area A'. The plaque was within the village.*

*Before the closure, Israeli settlers had bulldozed and uprooted approximately 100 olive trees, which were being used by Abdil Kareem Ata, Husein el Sahem and Muhammad Kayed. Furthermore, they had destroyed the village's water pipes; demolished the walls of two houses close to the street (homes of Abu Jrad and Muhammad Kayed, the latter who has been a detainee since 15 November 2000)."*

In addition to these forms of collective punishment against the residents of Sinjel, Israeli soldiers had blocked off the six unpaved and main routes from Sinjel to other cities. The villagers were placed under siege.

Jamal Ibrahim Iluan suffered from heart disease. He had undergone surgery in Jordan 4 months before his death, in which a battery was placed in his heart. He would go to see doctors in Ramallah regularly for check ups. At 9 a.m. on Tuesday, 14 November 2000, he had an appointment in Ramallah. He took a taxi to see the doctor in Ramallah. The soldiers

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<sup>68</sup> Based on affidavit evidence given to LAW, on 18 November 2000.

stationed in Sinjel prevented the taxi from passing. As all other routes were closed off, he returned home.

After about half an hour his condition worsened, so a Red Crescent ambulance was called. An emergency medical technician working for the Red Crescent, Na'eem Masalmeh, lives in Sinjel, and he was asked to take Jamal. The Red Crescent ambulance took Jamal, but once it reached the checkpoint, the Israeli soldiers stopped them and prevented them from crossing it, in spite of the fact that they explained that Jamal needed treatment at the hospital and how serious his condition was.

The ambulance driver returned to the village's clinic where they were forced to ask a doctor from the village to examine him. However, the doctor, Dr. Mahdi Rashed, confirms that he was unable to provide any medical treatment because of the shortage of medical supplies, and that the medical supplies Jamal needed were not available at the village clinic. At about 10.30 that morning, Jamal died in the presence of Dr. Mahdi Rashed.