

Human Rights Watch report into Jenin accuses Israel of war crimes

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10 May 2002

A report issued by Human Rights Watch (HRW) charges the Israeli Defence Forces (IDF) with committing war crimes during its military operation against the Jenin refugee camp, and calls for a full international investigation into events during its occupation.

The 48-page report, "Israel, the Occupied West Bank and Gaza Strip, and the Palestinian Authority Territories: Jenin: IDF Military Operations," is the outcome of a weeklong investigation in the camp by a team of three experienced investigators. Between April 19 and April 28, they interviewed some 100 victims and eyewitnesses, and took statements from international aid workers, medical workers, and local officials, as well as collecting information from public sources, including those of the Israeli government, about the operation. The IDF would not agree to Human Rights Watch's repeated requests for information regarding its military incursions into the West Bank and Gaza.

HRW were able to establish that at least 52 Palestinians were killed during the IDF operation. Of these, some 22 were civilians, many of whom "were killed wilfully or unlawfully". These include children, physically disabled and elderly people. It also found numerous instances in which the IDF breached international humanitarian law and the Geneva Convention, including indiscriminate attacks on civilians and their property, denying medical aid and emergency supplies, and summary executions.

The report contains a series of moderate recommendations aimed at all the major players in the Middle East—Israel, the US, the European Union and the United Nations, as well as the Palestinians. It describes the Israeli state and the Palestinian Authority as if they were equally matched, and equally culpable, parties to the conflict. HRW takes as good coin IDF claims that the incursion into Jenin was launched as a defensive response to hunt down those responsible for the suicide attacks that have killed or injured 70 Israelis over the last months. It says nothing about the broader context of the Jenin raid, which took place just days after the imprisonment of PA leader Yasser Arafat in his Ramallah headquarters on March 29, and whose objective was to destroy the Palestinian Authority and the Oslo Peace Accords.

HRW's attempt at even-handedness in what is clearly an

uneven, if not one-sided conflict, leads it to cite the presence of armed Palestinian militants in the camp, and their laying of booby traps just prior to IDF entry, as if these were acts of aggression, rather than necessary precautions to try and protect the camp and its inhabitants against a brutal invasion.

Of the most serious charges against Israel—that the IDF carried out a massacre in Jenin and removed bodies from the refugee camp for burial in mass graves—the HRW says only that it could find "no evidence".

Indeed HRW was quick to dismiss allegations of a massacre having been carried out by Israeli forces in a way that preempted the planned United Nations investigation into events at the Jenin refugee camp, which the government of Ariel Sharon subsequently blocked. The HRW declaration that there was no evidence of a massacre was immediately seized on as part of Israel's propaganda efforts. Nevertheless the organisation's report is a damning indictment of Israeli actions.

HRW states that, based on the evidence and research undertaken, "during their incursion into the Jenin refugee camp, Israeli forces committed serious violations of international humanitarian law, some amounting prima facie to war crimes".

The human rights group rejects Israeli assertions that the apparent presence of some 80 armed Palestinians (in a camp of 14,000 people) gave it the right to abrogate international humanitarian law. "The rule of military necessity does not allow for military measures to be taken that violate the laws of war or that do not have a military purpose... The degree of autonomy granted to military planners by the concept of military necessity is subservient to the rule of proportionality and other 'laws and customs of war', " HRW explain. It cites numerous instances in which IDF forces committed grave breaches of the Geneva Convention and international standards of warfare during its "Operation Defensive Shield."

The most fundamental principle of the laws of war, HRW states, "requires that combatants be distinguished from non-combatants, and that military objectives be distinguished from protected property and protected places". This was breached on several occasions. Israeli forces fired indiscriminately upon civilian homes and property, without warning. Several civilians were killed in their homes, whilst asleep, by helicopter fire and

missile strikes, despite the absence of any combat in the vicinity.

HRW also document incidents of reprisals against civilians. Fourteen-year-old Muhammad Hawashin was shot twice in the face and killed on April 3, as he walked with a group of women and children towards the local hospital.

Wheelchair bound Kamal Zghair, 57-years-old, was shot and run over by IDF tanks on April 10 as he wheeled himself down the road to his home, equipped with a white flag.

Afaf Disuqi, an unarmed civilian, responded to a knock on her door on April 5 and was killed by a bomb thrown by IDF soldiers. Eyewitnesses reported that the soldiers were laughing as Disuqi was horribly mutilated by the blast.

Israeli forces also breached international law limiting the destruction of civilian property during military action. Those Palestinians living in the occupied territories of the West Bank and Gaza Strip are deemed “protected persons”, under the Fourth Geneva Convention. The use of armoured bulldozers to destroy civilian homes violated this protection, the investigators found. Although the IDF justified their use on the grounds of clearing passageways, “particularly in the Hawashin district, the destruction extended well beyond any conceivable purpose of gaining access to fighters, and was vastly disproportionate to the military objectives pursued.” HRW report that the damage caused to the Jenin camp by missile and tank fire and bulldozers “shocked many observers”. At least 140 buildings—most of them multi-family dwellings—were destroyed and another 200 rendered unsafe. Some 4,000 people have been displaced. “Serious damage was also done to the water, sewage and electrical infrastructure of the camp,” it reports, before concluding that the level of “destruction was deliberately comprehensive”.

HRW also found evidence of summary executions, a clear war crime. Jamal al-Sabbagh was shot to death by the IDF on April 6, whilst obeying orders to strip off his clothes. Munthir al-Haj, a 22-year-old Palestinian militant, was brutally killed on April 3, as he lay severely wounded. Al-Haj had been participating in the resistance when he was injured and taken by other fighters to the steps of the mosque on the top floor of the al-Razi hospital. Unarmed and bleeding from multiple wounds, al-Haj called out for help from hospital staff who, despite repeated attempts, were unable to retrieve him. For almost two hours, al-Haj attempted to drag himself into the hospital, before an Israeli soldier opened fire from a tank, killing him instantly.

Numerous other instances were recorded of the injured being denied urgent medical care, and of health workers coming under attack. Nurse Farwa Jammal, 27-years-old, was shot dead on April 3 as she tried to rescue a neighbour. Dressed in her white uniform, marked with a red crescent symbol (the Muslim equivalent of the red cross), Jammal left her house with her sister, Rufaida, to try and help the wounded man. Rufaida and Farwa were shot several times and injured by IDF soldiers, despite the clear visibility of their uniforms. Although Farwa

lay dying, the soldiers continued to fire, throwing bombs at those attempting to rescue the sisters. Finally Rufaida was rescued by her husband, but Farwa was dead.

The IDF consistently blocked the “passage of emergency medical vehicles and personnel to Jenin refugee camp for eleven days, from April 4 to April 15,” HRW report. In this time, those injured, as well as the sick, had no access to medical treatment, whilst the functioning of hospitals and emergency vehicles were severely impaired, the latter being repeatedly fired upon by IDF soldiers. At other times, medical personnel were stopped and forced to strip to their underwear, preventing patients receiving urgent treatment.

The IDF also prevented humanitarian organisations, including the International Committee of the Red Cross, gaining access to the camp and other Palestinian areas. This blockade continued in Jenin even after the majority of armed Palestinians had surrendered.

The Fourth Geneva Convention specifically outlaws the practice of using human shields, but HRW reports that such coerced use of civilians was “a widespread practice” in Jenin. “In virtually every case in which IDF soldiers entered civilian homes, residents told Human Rights Watch that IDF soldiers were accompanied by Palestinian civilians who were participating under duress”. Such cases include that of Kamal Tawalbi, the father of 14 children, who described how soldiers kept him and his 14-year-old son for three hours in the line of fire, using his and his son’s shoulders to rest their rifles as they fired.

The report also provides proof of the complicity of the Western powers, particularly the United States, in giving the Zionist state a green light to crush Palestinian resistance. This is not only due to the US-supplied weaponry used by the IDF to terrorise and kill civilians, but also to the time-line of events. The HRW investigation shows how Israel massively intensified its military incursion into Jenin, stepping up its deliberate targeting of the civilian population and infrastructure, during the period that US Secretary of State Colin Powell undertook his round-about tour of the Middle East—confirming that the tour was designed primarily to buy time for the Israeli state to step up its offensive.

Full text of the report can be obtained at Human Rights Watch Web Site: <http://www.hrw.org>



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