



21.8.06: Beatings and abuse in the shadow of war

According to B'Tselem's research, since the beginning of Operation Summer Rains in the Gaza Strip, on 28 June 2006, there has been a substantial increase in cases in which Israeli soldiers and Border Police in the West Bank beat, abuse, and humiliate Palestinians. The increase in incidents has been particularly evident since the outbreak of the war in Lebanon, on 12 July.

Most of the violence and abuse documented by B'Tselem during this eight-week period did not cause severe bodily harm: a few slaps or kicks, curses and threats, and prolonged delays as punishment, for example. However, B'Tselem investigation also includes six particularly serious cases, presented below, in which the Palestinians were severely beaten and humiliated and required medical treatment.

Most of the violent incidents took place at checkpoints that are staffed permanently or intermittently, or at one of the flying checkpoints that the army sets up daily on West Bank roads. Some of the incidents occurred after security forces caught a Palestinian bypassing a checkpoint or using a road that the army has declared off-limits to Palestinian traffic. Others took place at the checkpoint itself, either when the Palestinian was waiting to cross or was detained for a lengthy period for "document checks." Based on B'Tselem's research, the checkpoints most given to violent and abusive behavior by security forces are in the Nablus and Tulkarm districts. However, reports of violence also involved checkpoints elsewhere in the West Bank.

The research indicates that Israel's increased restrictions on Palestinian movement in the West Bank are the immediate cause for the increase in violence. Particularly in the northern West Bank, the additional restrictions Israel has imposed have heightened the friction between soldiers and the civilian population. However, there are indications that the events in Lebanon and Gaza also played a role, and this for two reasons. First, information obtained by B'Tselem indicates that reports on the extensive casualties that Hezbollah caused among Israeli civilians and soldiers aggravated the rage and frustration of security forces, which they expressed in increased aggression towards Palestinians, including various remarks and insults directed at them. Second, with the public's attention almost completely focused on events in Lebanon, and to a lesser extent in Gaza, the security forces in the West Bank may have thought they would not be held accountable for violent and abusive treatment of Palestinians.

Both Israeli law and International Law prohibit security forces from using excessive force in carrying out their missions. In all the cases reported to B'Tselem during this period, soldiers and Border Police used force that clearly exceeded that necessary to enforce the restrictions on movement. Also, the acts described in the six cases presented here involve cruel, inhuman, and degrading treatment, which is prohibited by international law at all times and regardless of the circumstances. Israel has the duty to investigate the complaints and, if the facts alleged in the complaint are verified, prosecute and punish the persons responsible.

B'Tselem has written to the Judge Advocate General and to the Department for the Investigation of Police, in the Ministry of Justice, demanding that they immediately open investigations into these cases. B'Tselem also called on the chief-of-staff and the minister of defense to issue a firm and unambiguous message to soldiers and officers that violence and humiliation of Palestinians will not be tolerated.

Six cases

1. Soldiers beat and abuse Mater Khamaiseh, a vegetable dealer from Jenin, near the 'Anabta checkpoint, 1 August 2006

Mater Khamaiseh was on his way back to Jenin from the vegetable market in Beita, a village south of Nablus. He knew that the army did not allow Jenin residents to cross the 'Anabta checkpoint, which is situated east of Tulkarm, so he bypassed the checkpoint. As he was driving, an army jeep with four soldiers inside stopped him. The soldiers removed him from the truck and led him to a nearby olive grove, where one of the soldiers fired a long volley of bullets over his head for no reason at all. Then the soldiers beat him all over his body, punching him and hitting him with their rifle butts, and kicking him. In his testimony, Khamaiseh said: "The blows really hurt... More than once I thought they were about to kill me." One of the soldiers shot him in the hand and, a single shot to his stomach. Apparently, the bullets were blanks. His hand began to bleed and felt as if it were "on fire." The shot to the stomach caused him a terrible burning sensation and he went into shock. Later, the soldiers dragged him back to his truck, beating him on the way. They sat him in the truck's cabin. He managed to drive to Jenin and went to the hospital for treatment.

2. Soldiers fracture the hand of Na'im Ashtiyeh, 34, from Nablus District, who was on his way to work, near the 'Asira-Shamaliya checkpoint, 10 July 2006.

Na'im Ashtiyeh was caught by an IDF patrol when he was on his way to Tubas, where he works in a Palestinian Authority ministry. He was trying to bypass the 'Asira a-Shamaliya checkpoint, which is located north of Nablus. The army does not let residents of Nablus District cross this checkpoint to go north, and the other two checkpoints leading north are closed to males from 17-35 years old. An army jeep with four soldiers suddenly pulled up to Ashtiyeh from behind while he was walking on a dirt road. Before he had a chance to say anything, one of the soldiers rushed out of the jeep and hit him on the right hand with a club, causing him great pain and swelling. The soldiers took his identity card and ordered him to go to the checkpoint to get it back. When he reached the checkpoint and went over to the soldiers to get his ID card, one of the soldiers at the checkpoint ordered him to stand on the side and wrapped him in barbed wire. He stayed like that for an hour and a half. The soldier then removed the barbed wire and told him to sit by the checkpoint. Forty minutes later, the soldier gave Ashtiyeh his ID card along with a slap and then let him leave. The X-ray taken at the hospital confirmed that his arm had been broken.

3. Soldiers beat Mu'awiyah Musa, 36, a taxi driver from Tulkarm, near the 'Anabta checkpoint, 23 July 2006

Mu'awiyah Musa was taking passengers from Tulkarm to Ramallah and tried to bypass the 'Anabta checkpoint because the checkpoint is closed to males from 17-35 years old. Soldiers in a jeep stopped the taxi and one of the soldiers pulled him out of the taxi and took him to the other side of the jeep. The soldier took his rifle and hit him hard in the stomach for no apparent reason. Two other soldiers kicked him. Then one of the soldiers put his rifle to Musa's temple, cocked the trigger, and threatened to kill him. Another soldier stopped the first soldier. The soldiers ordered the passengers to pick up Musa and put him in the taxi, and had one of the passengers drive the taxi back to Tulkarm.

4. Border Police officers beat Jawdat Gheith, 52, unconscious in front of his wife and children, Beit 'Awa checkpoint, 26 June 2006

Jawdat Gheith was riding with his wife and six children (aged nine months to fourteen years) in his car to visit relatives in Beit 'Awa. He was not familiar with the road and mistakenly entered a road forbidden to Palestinian traffic, a road that was for settlers only. When he got to the checkpoint at the entrance to Beit 'Awa, the border policemen at the checkpoint stopped him. They pulled him out of the car and punched him and hit him with the butts of their rifle and kicked him, all in front of his wife and children, who remained in the car. After beating him for about ten minutes, he lost consciousness. He woke up in a hospital in Hebron a few hours later, where he learned that, after he had lost consciousness, his wife fainted and was treated at the site. Gheith continues to suffer pain and has difficulty breathing. His children still suffer emotionally from the sight of their father being beaten.

5. Soldier beats Ibrahim 'Atallah, 32, taxi driver from Bethlehem District, Etzion junction, 21 July 2006

Ibrahim 'Atallah was on his way to pick up passengers when he saw his two brothers and his nephew being delayed at the Etzion junction, which has a checkpoint that is occasionally staffed. He stopped his taxi and went to see what happened. The soldier who was in the watchtower and who had stopped the three Palestinians, came down from the watchtower. He swore at 'Atallah and struck him in the mouth and chin with the barrel of his rifle. Two Israeli policemen who were passing by distanced the soldier and prevented him from beating 'Atallah any further. An officer from the Civil Administration came and sent 'Atallah to

the medical clinic in the nearby Efrat settlement, where the cut on his chin was stitched up.

6. Soldiers assault 'Abdallah Khamis, 31, who was waiting in line with his wife and children, Huwarra checkpoint, 12 August 2006

'Abdallah Khamis was returning with his wife and two infant children after paying a condolence call. When they got to the Huwarra checkpoint, they entered the line for males over forty years old, women, and children. In the past, soldiers had allowed them to use that line. Some 700 people were waiting to cross the checkpoint. After waiting for about three hours, their turn came to cross, but the soldier checking the identity cards ordered Khamis to go to the end of the line. Khamis refused. When the soldier pushed his wife, Khamis grabbed his hand. Soldiers tried to cuff Khamis's hands, and ordered him to go where people being delayed in crossing were staying. When he refused, the soldiers began to beat him. One of the soldiers smashed his head against a wall, and another soldier hit him in the back of his neck with his rifle barrel. Other soldiers joined in the beating, which lasted for five minutes. Soldiers then took him to a room, beating him on the way. Khamis was later taken to the Ariel Police Station, where he was questioned and released on bond.

The siege policy and violence

The phenomenon of illegitimate violence by security forces against Palestinians since the outbreak of the second intifada is closely tied to Israel's policy restricting Palestinian freedom of movement. B'Tselem research in recent years shows that increased restrictions on movement bring with it greater friction between security forces and Palestinians and more attempts by Palestinians to avoid the restrictions so they can live a normal life. The violent behavior of the kind described here occurs, as a matter of course, more frequently in times of severe restrictions on movement than during periods of relative "relaxation" of restrictions.

Since the beginning of Operation Summer Rains, the number of permanent or occasionally staffed checkpoints has not increased: for some time now, Israel has maintained in the West Bank about forty permanently staffed checkpoints and some fifteen checkpoints that are staffed intermittently. This figure does not include the checkpoints on the Green Line or those that are the last checkpoint between the West Bank and sovereign Israeli territory. The number of physical obstructions (dirt mounds, concrete blocks, iron gates, and trenches) blocking access to the main roads have not changed significantly in recent weeks: the number has remained at about 450.

However, the restrictions on Palestinians wanting to cross certain checkpoints have significantly worsened in recent weeks. Since the outbreak of the war in Lebanon, for example, males aged sixteen to thirty-five who live in Nablus, Tulkarm, and Jenin districts are not allowed to cross checkpoints that close off these districts, unless they have a special permit from the Civil Administration. (There were age restrictions on males wanting to cross checkpoints around Nablus previously, but they became more severe over the past two months.) Also, information received by B'Tselem indicates that crossing these checkpoints (for those who are not forbidden to cross) as well as crossing some other checkpoints entails long, tense waits that can last many hours.

In addition, since the beginning of Operation Summer Rains, the IDF has set up many more surprise checkpoints on West Bank roads. Some are on side roads that Palestinians use to bypass staffed checkpoints. The UN's Office for the Coordination of Humanitarian Affairs (OCHA) reported that, during the week of 7-13 June (which was before the IDF's operation began), the IDF set up 106 surprise checkpoints. During the week of 2-8 August, the number jumped to 216, an increase of more than one hundred percent.

Finally, in recent years, Israel has completely prohibited Palestinian vehicles from traveling on sections of certain roads in the West Bank. On some of these roadways, Palestinian vehicles are not even allowed to cross the road. The IDF has designated these roads for the sole use of Israeli citizens, primarily settlers. Currently, there are sixteen such roadways, covering more than one hundred kilometers. During the period discussed here, this restriction on Palestinian movement has not changed. However, the prohibition has turned these roads into a permanent source of friction between security forces and local Palestinians.

Prosecution of security forces for violent and abusive behavior

Unlike many violations of Palestinian human rights that Israel justifies as necessary for "security needs," the authorities condemn acts of beatings, abuse, and humiliation. However, this condemnation is not backed up by proper enforcement. Many cases of violence and abuse are not investigated, and the cases that are investigated do not result in the filing of indictments. This situation creates a climate of impunity for members of the security forces who act violently toward Palestinians. It may be that the public's concentration on events in Lebanon and Gaza has heightened this sense of impunity.

The law enforcement system is not aware of many cases of violence and abuse, certainly when the act does not result in serious injury. The main reason for this lack of awareness is that the victims often do not file complaints. The primary reason for the underreporting of violence is that the victims do not trust the Israel law enforcement system, which tends not to believe them and not to prosecute the offenders. Another reason for the lack of complaints is the great amount of time entailed in filing the complaint and seeing it through to the end, and the degrading treatment Palestinians often receive at the police station and Israeli District Coordination Office. The efforts of human rights organizations, B'Tselem among them, in locating cases and bringing them to the attention of the authorities, as great as the efforts may be, cannot overcome the systemic failures that result in many victims not filing complaints.

These failures result in the relatively small number of Military Police investigations into violent and abusive treatment of Palestinians. According to figures provided to B'Tselem by the IDF Spokesperson's Office, from the beginning of the second intifada, in September 2000, until June 2005, 261 investigations of violent and abusive treatment were opened (a request for updated figures has not yet been answered). Complaints filed against the Border Police are handled by the Justice Ministry's Department for the Investigation of Police. B'Tselem does not have information on the Department's figures regarding Palestinian complaints against police officers.

However, the fundamental problem, which affects Palestinians' faith in the system, lies in the ability and desire of the law enforcement authorities to prosecute violent and abusive soldiers. The 261 investigations into the acts of soldiers that the Military Police conducted between 2000-2005 led to the filing of only twenty-eight indictments. Given that some of the investigations involved more than one soldier, the prosecution rate was less than ten percent. Files were closed for a variety of reasons, such as "lack of proof," "suspects not found," "the victim refused to file a complaint," and "the use of force was warranted."

Although B'Tselem does not have comparable data on the total rate of investigations into acts by Border Police, B'Tselem's own documentation indicates that the prosecution rate is low. Since the beginning of the second intifada, B'Tselem has complained about sixty-two cases of Border Police violence and abusive treatment. In forty-two of these cases (68 percent), the authorities closed the file for various reasons.

Presumably, the objective difficulties in obtaining evidence mean that some investigations will not lead to the filing of an indictment, regardless of the manner in which the investigation is conducted. However, B'Tselem's experience in past years indicates that a large percentage of the complaints are closed because of defects in the handling of the file. In most cases, for example, the Office of the Judge Advocate General's Office takes many months, at times more than a year, before deciding to order a Military Police investigation. As a result of the lengthy delay in opening the investigation, Military Police investigators have difficulty locating suspects and eyewitnesses. Also, witnesses who are willing to cooperate have difficulty remembering significant details that would form the basis for the filing of an indictment.

Finally, regardless of the time it takes to open an investigation, many defects result from the manner in which the Military Police conduct investigations. For example, although testimonies of the Palestinian victims and eyewitnesses are crucial, the Military Police have almost no Arabic-speaking investigators to take testimonies, so the investigators have to rely on volunteer translators. B'Tselem frequently hears of cases in which the file has been shifted from one investigator to another and then another, requiring the new investigator to learn the case from scratch. One reason for this is the decision to assign the investigation to reserve-duty soldiers, who serve for short periods of time and are unable to complete the investigation.

The above shows that the law enforcement system does not assign the proper degree of importance to investigating violent and abusive treatment of Palestinians, and prosecuting those responsible. This failure transmits a message to soldiers that such behavior is not serious.