

Repression *allowed*

Resistance *denied*

Palestinian
Grassroots
Anti-Apartheid
Wall
Campaign
www.stophthewall.org

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**Israel's suppression of the popular movement
against the Apartheid Annexation Wall**

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Executive Summary

It has been five years since the International Court of Justice (ICJ) issued its advisory opinion on the Wall in the occupied Palestinian territory – where they held in a unanimous opinion that it was illegal and should be dismantled. No significant advance in the situation on the ground has been achieved, and the Wall construction continues relentlessly. Instead, since the Court started its hearings in February 2004, the Israeli Occupation Forces (IOF) have intensified repression of the affected villages struggling against the Wall, killing the first activists. The gaze of the international community must now turn not only to the illegality and injustice of the Wall, but also to the plight of those still attempting to resist its construction. In villages across the West Bank, local residents have formed committees and taken on a campaign of mass popular resistance to the Wall, engaging in weekly, and even daily, demonstrations. These communities have faced a staggering level of repression, arrests and violence from the Israeli authorities. It is the aim of this report to investigate that repression and to determine its true extent and nature.

That a blanket of fear and repression should be imposed on protesting communities largely defenceless against it is a logical extension of Israel's security narrative. The fear felt in the communities discussed in this report are not an isolated phenomenon, but rather the mirror image of the ideologies at work in the Israeli discourse. The narrative of security and self-defence can be seen both in the Wall's construction, and in the Israeli military's statements on fatalities and injuries at Wall protests. Deliberate killings are narrated as accidents and misdemeanours under fire from rocks and chanting, grievous injuries as unfortunate by-products of effective crowd control. Too often this version of events is accepted and projected by the international media.

In the course of this report we will provide evidence to show that injuries and deaths inflicted by the Israeli military at protests and activity surrounding them are intentional, not accidental. The reintroduction and heavy use of live ammunition and fragmenting bullets is a clear indicator that Israeli policy is designed to harm and kill, as is the regular firing of metal tear gas canisters directly at demonstrators.

Furthermore, it is now increasingly clear that a significant proportion – if not a majority – of fatalities recorded in this report were the result of a qualitatively more extreme form of intent. The recorded shooting of fleeing demonstrators, the use of snipers and silencers, undercover soldiers opening fire with live ammunition, and the chasing down and assassination of children within a demonstration display an intent that is not only generally lethal, but precise and calculated. Such calculations are often racially selective. Violence at demonstrations is deliberately softened when internationals are present, and the brunt of the lethal measures are reserved for Palestinians.

In their pursuit to subdue any dissent, IOF also regularly arrest, or threaten to arrest, Israeli, international and Palestinian protestors. Arrests are used as a means of deterring protestors from resisting the Wall's construction and preventing them from defending Palestinian's land and right to self-determination. In practice, the IOF will indiscriminately

arrest protestors, threaten their family members, or forbid other supporters from attending protests by preventing access at checkpoints. All protestors face the risk of arrest, and many have been arrested since the protests began, but its consequences for Palestinians are much graver than for Israelis or internationals. While the latter are frequently released the same day, Palestinians – including children – face long periods of interrogation, torture and other ill-treatment, as well as unjust trials and sentencing in the military courts. Many of them will serve time in a military jail, as well as pay high fines, or high bail charges to secure their release while proceedings are ongoing. Indeed, despite the lack of evidence or witness accounts, and the vague basis of the charges, the vast majority of them will be found guilty of a crime and sentenced. Such forms of indiscriminate and arbitrary punishment continue long after they have been released. They and their families' requests for permits are consistently denied, they face targeted persecution and intimidation, detention and questioning at checkpoints, and, in some cases, re-arrest.

Through these tactics, Israel is engaged in low intensity warfare against Palestinian communities resisting the Wall. By targeting the entire community as well as individuals within it, the Israeli military aims to break and undermine the popular resistance. Collective punishment, which manifests itself in curfews, sieges, and destruction of property, aims at sowing divisions within communities, breaking villages' support for resistance to the Wall. This layer of repression is accompanied by a campaign of threats, and the intentional injury and killing necessary in order to follow them through.

The effects of this campaign have been at once both devastating and counterproductive. It has wrecked the lives of innocent people, paralyzed communities, shut down livelihoods and taken the lives of villagers barely into their teens. Nonetheless, the popular protest movement has shown a remarkable ability not only to survive, but to grow and spread, cultivating a new generation of activists and leaders, and taking root in new areas. How this phase of the popular protest movement will end depends in no small way upon the resolve of the villagers and willingness of global forces to take action as laid out in the recommendations at the end of this report. The international community has a duty to bear witness to the crimes being perpetrated with the construction of the Wall, and to act to protect and aid those who resist it.

Key findings of this report can be summarized as follows:

- The killing, maiming and punitive attacks are systematic and premeditated, not sporadic and accidental. They are tactically intended to create a highly visible spectacle, rendering victims as examples.
- Entire villages are targeted with the aim of inflicting damage on the community as a whole. Collective punishment complements spectacular violence by sowing divisions between villagers.
- The IOF explicitly inform villagers of the rationale behind their violence in order to maximize the effectiveness of these measures.
- The IOF consistently target protestors, predominately youth, with the stated intent of causing serious, at times permanent, injury. This involves the use of beatings, lethal ammunition, “non-lethal” ammunition and, more recently, 40mm high velocity tear gas canisters, in addition to threats, denial of permits, curfews and tear-gassing.

- Between 2005 and 2009, at least 1,566 Palestinians were injured in weekly demonstrations in four villages, namely Bil'in, Ni'lin, Al Ma'sara and Jayyus. Evidence suggests, however, that more injuries have occurred in other villages that were not included in this report. A further 16 people, half of them children, have been killed in villages protesting against the Wall since 2004.
- We have documented the cases of 176 Palestinians who have been arrested by the IOF in relation to Wall-related protests and activities in five villages since 2002: Budrus, Bil'in, Ni'lin, Jayyus and Ma'sara. Interviews with activists suggest that many more activists are likely to have been arrested in other villages. Further research is needed to expose the extent of Israel's arrest and detention policies.
- Children and youths are particularly targeted by the IOF during raids and arrest campaigns, usually under the false pretext of being stone throwers and 'trouble-makers', although they are by no means the only ones arrested. Members and heads of the Popular Committee, former Land Defence Committee, and Youth Committee in respective villages were also initially targeted by IOF during the first years of the Wall's construction, in order to break up protests and create disunity, especially since these committees have been the most vocal in their protest and have been instrumental in coordinating and mobilizing weekly protests.
- As of March 2009, there have been 129 indictments of Israeli activists protesting against the occupation. Out of these, at least 41 were Israeli members of Anarchists Against the Wall who were directly involved in protests against the Wall, either in Israel or the West Bank.

Lastly, this report offers practical recommendations to: the United Nations; the international community, with a special focus on the High Contracting Parties to the Geneva Convention; Palestinian and international human rights NGOs; and, international and local media. The aim of these recommendations is to establish protection mechanisms for inhabitants of Wall-affected communities, and, most importantly, Palestinian 'human rights' activists¹ leading the resistance against the Wall.

Out of a list of recommendations, both Stop the Wall and Addameer wish to emphasize that it is crucial for the international community to finally:

- Take real action to ensure that Israel complies with the Advisory Opinion of the International Court of Justice, as a step to fulfilling its wider obligations under international law. This would mean: (1) stopping the construction of the Wall in the occupied Palestinian territory; (2) dismantling the sections built to date; and (3) providing compensation for all damage, including for land confiscation caused by the construction of the Wall.
- Until then, establish mechanisms aiming at protecting the popular resistance against the Wall in their rightful protests against the Wall's construction and land confiscation by (1) ensuring a permanent and institutionalized presence of

¹ Human rights activists are individuals who, on their own or with others, act to promote and / or protect human rights. By endeavouring, by different means, to protect their land, and their community's rights, amongst them the right to self-determination, we also consider that protesters against the Wall are human rights activists, and will use this definition interchangeably.

international monitors in Wall-affected villages to prevent the use of indiscriminate force – including arbitrary arrests – during weekly demonstration as well as acts of collective punishment at night – including raids, curfews, cases of threats and intimidation against protestors, and (2) interfering with the Israeli authorities in cases of arbitrary detention of Palestinian protestors.

Methodology

This report is a joint initiative between Stop the Wall, the Grassroots Palestinian Anti-Apartheid Wall Campaign and Addameer, the Palestinian Prisoners Support and Human Rights Association. In the face of ongoing violence and arbitrary arrests, both organisations felt there was a need to document the tools of repression used by the IOF against Palestinians and their supporters who are protesting against the Wall.

Stop the Wall has been recording and reporting the demonstrations and other acts of popular resistance since its website was launched at the end of 2003. In addition to gathering information and writing on the demonstrations, they also collected a large volume of interviews with Palestinians affected by the Wall or engaged in various actions. As such, their website serves as reliable archive from which they have drawn heavily, especially to cover the period from 2002 – 2006.

Extensive interviews were also undertaken from June 2009 to July 2009, either to fill information gaps or to gather new information. Members of the youth committee in Ni'lin carried out extensive interviews with those that had been permanently injured by IOF fire. Stop the Wall researchers carried out other onsite and telephone interviews with residents and activists from Ni'lin, Bil'in and Jayyus. A recent interview with Sa'id Yaqin, former coordinator of the northwest Jerusalem enclave, was key to filling in details that had not already been recorded on Stop the Wall's website. The report draws on information received from the popular committees, as well as from the Stop the Wall Campaign, human rights groups, journalists, lawyers, and individuals who have been arrested because of the protests.

Addameer carried out both documentary and primary research on the use of arrests by the IOF against protesters. The research was carried out in June 2009, and considered the use of arrests by the IOF since the demonstrations' beginning in 2003. It developed a questionnaire on individuals' experience of violence and detention, either directly, or as a witness. It focused its research on a sample number of villages that were holding or used to hold weekly demonstrations against the Wall. It met with and interviewed 20 popular committee members, Palestinian ex-detainees or Palestinian activists from Aboud, Artass, Azzun, Al Ma'sara, Bil'in, Budrus, Jayyus, Ni'lin, and Wadi Rahal. It also gathered what information it could on the numbers and background of those arrested, though it is still waiting for complete figures and will be pursuing this in other affected villages. Addameer also contacted and interviewed 7 Israeli and international activists, and 2 journalists who have covered the protests in local and international news. It also contacted lawyers both within and outside its organisation to gain insights into the sentencing process, and will continue this documentation. An Addameer researcher also attended one of the demonstrations in Bil'in, to gain a better insight of the issues of concern and of the protests, meet activists on the ground, and discuss the repressive methods used in a more informal way. Finally, in terms of literature, it reviewed electronic media and reports on the topic of arrests and protests against the Wall, researched and verified trends collected

through the interviews, as well as consulted internal and external reports on the legal status of the actions undertaken by the IOF and the courts against the Palestinian people.

Although the intent was to expose Israel's policy of arrests in all Wall-affected villages from 2002 until 2009, Addameer soon realized that such research would require more resources and time, as this data was simply not available. While some villages, such as Jayyus, Ni'lin, Bil'in, Budrus and Al Ma'sara, have been documenting arrests and human rights violations against protestors – typically members of popular, youth and former land defence committees – on a regular basis by compiling statistics and lists of detainees, others have not. Additionally, as no centralized legal aid referral mechanism exists in the occupied Palestinian territory (OPT), there are likely to be many additional cases of detention due to Wall-related activities that have not been covered in this report. Lastly, local Palestinian human rights organizations do not always note the difference between a "Wall-related" arrest that infringes on the right of assembly and freedom of speech and the charge of "throwing a stone". It is therefore likely that the actual number of arrests is higher, but has simply not been adequately documented. Given these constraints, Addameer decided to focus on the five villages mentioned above and conduct more comprehensive research on the process of arrests, detention and sentencing in Wall-affected villages at a later stage. As such, this report presents preliminary findings only.

Introduction

*The construction of the Wall being built by Israel, the occupying Power, in the occupied Palestinian territory, including in and around East Jerusalem, and its associated régime, are contrary to international law. Israel is under an obligation to terminate its breaches of international law [and] cease forthwith the works of construction of the Wall being built in the occupied Palestinian territory, including in and around East Jerusalem, [and] dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto.*²

- *The International Court of Justice, Legal Consequences of the Construction of a Wall in the occupied Palestinian territory, Advisory Opinion of 9 July 2004*³

On the 9 July 2004, the International Court of Justice, in a unanimous vote, found that “the construction of the Wall being built by Israel, and its associated regime, are contrary to international law” and must be dismantled.⁴ The UN General Assembly subsequently endorsed the verdict; Israel immediately rejected it. Despite the findings of a Court with much higher authority, the Israeli High Court upheld that Israel has the authority in principle to erect the “barrier” for security reasons.⁵ Five years later, the Wall has continued its path, unhindered by international findings of illegality and calls for dismantlement. Parts of the Wall have been rerouted, but these changes are largely cosmetic and are more concerned with protecting the settlements than with reducing the annexation of Palestinian land. The IOF have at times also sidestepped the judgments of their own national courts, which generally condone their actions.⁶ The consequences of the Wall and its regime for the Palestinian communities affected have been dire. Palestinians have found themselves physically divided, isolated, ghettoised, and cut off from farmland and valuable water sources, which are often annexed for Israeli settlers. Moreover, Israel has set up a complex system of land controls and permits, enforced by the army and border police, to restrain and monitor Palestinians’ freedom of movement and restrict access to their land and other communities. The regime thereby created has had far-reaching and detrimental effects on all the Palestinians living in the West Bank.

² International Court of Justice ruling: <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a>

³ The Court first enumerated and quoted a number of international law provisions applicable in the occupied Palestinian territory, including articles of the 1907 Hague Regulations, the Fourth Geneva Convention, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the United Nations Convention on the Rights of the Child. In this connection it also refers to obligations relating to guarantees of access to the Christian, Jewish and Islamic Holy Places.

⁴ Ibid.

⁵ Summary of High Court Findings, Feb. 28th 2005, <http://www.jewishvirtuallibrary.org/jsourc/Peace/fencereply.html>

⁶ Israel has not dismantled any section of the “Separation Barrier” that was nullified by the High Court, 9th July 2008. http://www.btselem.org/English/Press_Releases/20080709.asp

“In sum, the Court is of the opinion that the construction of the Wall and its associated régime impede the liberty of movement of the inhabitants of the occupied Palestinian territory (with the exception of Israeli citizens and those assimilated thereto) as guaranteed under Article 12, paragraph 1, of the International Covenant on Civil and Political Rights. They also impede the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living as proclaimed in the International Covenant on Economic, Social and Cultural Rights and in the United Nations Convention on the Rights of the Child. Lastly, the construction of the Wall and its associated régime, by contributing to the demographic changes mentioned, contravene Article 49, paragraph 6, of the Fourth Geneva Convention⁷ and the pertinent Security Council resolutions cited earlier.”⁸

The International Committee of the Red Cross has recognised that the current route of the Wall⁹ is contrary to international humanitarian law and has repeatedly called on Israel “not to plan, construct, or maintain this barrier in occupied territory.”¹⁰ The Wall and the checkpoints are key in maintaining apartheid in the West Bank, according to Article 2(c) of the Apartheid Convention.¹¹ The South African Human Sciences Council in its recent report noted the importance of the Wall and checkpoints in doing so, stating:

“Restrictions on the Palestinian right to freedom of movement are endemic in the West Bank, stemming from Israel’s control of checkpoints and crossings, impediments created by the Wall and its crossing points, a matrix of separate roads, and obstructive and all encompassing permit and ID systems that apply solely to Palestinians. Palestinians living in the West Bank and Gaza Strip are not allowed to visit the other territory and are not allowed to enter East Jerusalem with[out] a pass.”¹²

The Wall and Israeli settlements also conform to Article 2(d) of the Apartheid Convention,¹³ insofar as “the Wall and its infrastructure of gates and permanent

⁷ The court rejected Israel’s argument that the Fourth Geneva Convention does not apply in the Occupied Territory because the West Bank and the Gaza Strip were never part of a sovereign state. On this point, the court held that, insofar as the Territory fell into Israel’s hands as a result of war with two states that are party to the Convention, the state must exercise control over the said territory in accordance with the provisions of the Convention http://www.btselem.org/english/Separation_Barrier/International_Court_Decision.asp .

⁸ Legal Consequences of the Construction of a Wall in the occupied Palestinian territory (Request for advisory opinion) Summary of the Advisory Opinion of 9 July 2004 <http://www.icj-cij.org/docket/files/131/1677.pdf>

⁹ The ICRC refers to the Wall as a barrier.

¹⁰ The ICRC’s position is that the West Bank barrier, in as far as its route deviates from the Green Line into occupied territory, is contrary in International Humanitarian Law. The problems effecting the Palestinian population in their daily lives clearly demonstrate that it runs counter to Israel’s obligation under IHL to ensure the humane treatment and wellbeing of the civilian population living under its occupation. The measures taken by the Israeli authorities linked to the construction of the barrier in occupied territory go far beyond what is permissible for an occupying power under IHL. These findings are based on the ICRC’s monitoring of the living conditions of the Palestinian population and on its analysis of the applicable IHL provisions. The Israeli authorities have been regularly informed about the ICRC’s humanitarian and legal concerns. The ICRC therefore calls upon Israel not to plan, construct or maintain this barrier within occupied territory.

¹¹ Article 2(c) states, that measures calculated to prevent a racial group from participation in the political, social, economic and cultural life of the country and to prevent the full development of a group through the denial of basic human rights and freedoms. See: *Occupation, Colonialism, Apartheid?*, p. 18

¹² *Ibid.* p. 19

¹³ Article 2(d) “relates to division of the population along racial lines, has three elements, two of which are satisfied [in the oPt]” See: *Occupation, Colonialism, Apartheid?*, p. 19

checkpoints suggest a policy permanently to divide the West Bank into racial cantons.”¹⁴ Further, “by thus partitioning contiguous blocs of Palestinian areas into cantons, Israel has violated the territorial integrity of the oPt in violation of the Declaration on Colonialism.”¹⁵

The Wall has also caused significant displacement of Palestinians in the West Bank. In a report in November 2007 by the Office for the Coordination of Humanitarian Affairs (OCHA), some 29 communities reported that households have left because of the Wall.¹⁶ These represent about 1,200 households, or three percent of the population surveyed. As reported by respondents in 36 communities, heads of households have also left to seek employment elsewhere in the West Bank, representing about 1,100 additional individuals.¹⁷ These figures will have increased over the past few years as the Wall has continued to annex land, and encircle and divide Palestinian communities. The dispossession and forced displacement of Palestinian communities, the destruction of their economies and the fragmentation of the West Bank caused by the Wall are fatal conditions blocking any long-term solution to the Israeli-Palestinian conflict and constitute a major violation of the Palestinian right to self-determination.

Popular resistance against the Wall has emerged in the affected villages in an effort to protect their rights and their land, and avert the dismantlement of their livelihoods and communities. Given the levels of repression levied against affected communities, this is one of the few forms of civil resistance to the occupation that is left in the oPt. Resistance against the Wall generally embraces non-violent tactics and direct actions, as well as lobbying through the courts and through national and international media campaigns. The most visible and unifying expressions of this resistance are the weekly demonstrations against the Wall, which bring together Palestinians from within and outside the affected communities, as well as Israeli and international human rights activists. These demonstrations are organised and led by local “popular committees”, comprising activists from the affected communities. Their actions are supported, coordinated, and sometimes initiated through their umbrella organisation, the Palestinian Grassroots Anti-Apartheid Wall Campaign (Stop the Wall). A number of Israeli and international activists and organisations support and join their actions.

¹⁴ Ibid. p. 19

¹⁵ Ibid. p. 16

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¹⁷ "The Barrier Gate and Permit Regime Four Years on: Humanitarian Impact in the Northern West Bank" http://www.ochaopt.org/documents/OCHA_SpecialFocus_BarrierGates_2007_11.pdf

Typically, protests against the Wall involve different activities, such as marches, blocking Wall-construction machinery, destroying gates and fencing, and/or throwing stones at IOF soldiers.¹⁸ However, the resulting responses of the Israeli forces to the protests, whether stones are thrown or not, show a systematic pattern of unnecessarily violent and repressive action, amounting to a grossly disproportionate use of force and military means in breach of international law.¹⁹ International human rights²⁰ and humanitarian law²¹ afford relevant protections regarding freedoms of self-determination, expression and assembly, and against arbitrary killings and detention. Although organizing and attending these protests are criminalized offences under the Israeli military orders that govern the occupied Palestinian territory,²² these provisions run counter to international law, which provides that the protesters ought not to be arrested simply for being involved in or even organising peaceful resistance activities. Furthermore, arbitrary arrests in relation to protests against the Wall, of both children and adults, number in the hundreds and are used in breach of international law as punitive and collective measures. Collective punishment is prohibited under international law in all circumstances, as enshrined in the Fourth Geneva Convention and in Additional Protocol I.²³ Moreover, using weapons, including live ammunition, against essentially unarmed civilian gatherings constitutes a disproportionate and condemnable use of force in violation of international humanitarian law.

Other more spontaneous acts of protest – such as a child throwing a stone at the Wall on their way home from school or even just touching it²⁴ – have also incurred severe and disproportionate penalties. The IOF have applied a policy of arrests, detention, and excessive force and threats in an effort to control the populaces of the villages, as well as their supporters, and repress their right to self-determination, as well as their civil and political rights. Thousands of Palestinians living and mobilizing in affected villages have been arrested when opposing land confiscation and annexation, a number of them have been killed, and many more have been injured, sometimes severely. Curfews have been

¹⁸ Actions vary from village to village. The choice depends on the popular committee; some opt for weekly marches, while others may include other forms of direct action; while still others may include tactics not mentioned above.

¹⁹ Neither the parties to the conflict nor members of their armed forces have an unlimited right to choose methods and means of warfare. It is forbidden to use weapons or methods of warfare that are likely to cause unnecessary losses or excessive suffering. See, International Committee of the Red Cross, International humanitarian law: the essential rules (available at:

<http://www.icrc.org/Web/Eng/siteeng0.nsf/html/5ZMEEM>)

²⁰ See, for example, The International Covenant of Civil and Political Rights (ICCPR), arts. 1, 7, 9, 19, 21, 22; Universal Declaration of Human Rights, arts. 3, 9; Convention on the Rights of the Child, arts. 37 and 38.

²¹ Common article 3 to the Geneva Conventions of 1949; Additional Protocol II, art. 4; GCIV, arts. 42, 78

²² Military Order 378, Chapter C, Art. 53(a)(4), 53(a)(6)

²³ Geneva Conventions IV (1949), Article 33: “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.” Geneva Conventions (Protocol I) (1977), Article 75(2d) Fundamental guarantees: 2. The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents: [...] (d) collective punishments; and (e) threats to commit any of the foregoing acts.

²⁴ B’Tselem case of minor:

http://www.btselem.org/english/testimonies/20080106_police_threaten_girl_from_numan_with_prison.asp

imposed on entire villages and people have been both collectively and individually threatened and intimidated.

While Israeli and international activists participating in the protests have been arrested and, on occasion, even grievously injured, their treatment throughout the process reveals lower levels of overall violence than that meted out against Palestinians. The fact that there is generally a reduced level of violence against the protestors when Israeli and international activists are present further demonstrates how Israel sustains discriminatory policies against Palestinians. It also displays clear intent and planning behind the violence levied on Palestinians.

Chapter 1 of this report gives a historical background of the popular committees and Stop the Wall's forms of protest. It discusses the history and developments within the seven year struggle against the Wall and considers the three levels of protests that the villages often use to prevent annexation of their lands: public protests in the village; legal avenues; and national and international media and advocacy campaigns. Given the limited scope of this report, we will largely be considering the direct impact of the public protests, while bearing in mind that all three levels are often interconnected.

Chapter 2 documents and illustrates the violence exerted by the IOF during the protests, illustrated by a number of case studies. It will also consider other forms of collective punishment used against the communities where the protests take place, such as threats and intimidation, permit denial²⁵, curfews, holding a siege on a village, and other means of control and punishment, to try and thwart the protests. This section will argue that there is clear planning and intent shown in the actions of the Israeli army by highlighting the intentional, systematic and purposeful nature of the violence meted out against protestors. This is in clear contradiction to the impression given by Israeli authorities and mainstream media that the repression is made up of mere 'incidents'.

Chapter 3 of this report documents the use of another debilitating and invasive tactic used by the IOF to subvert the protesters: arrest and detention. It considers how this policy has played out in five particular villages. It further examines the legal implications under national and international law, with particular reference to an occupied people's right to self-determination and to resist occupation, as well as to individuals and groups' freedom of movement, speech, and assembly. As is the case with violent repression, this chapter considers that the arrests also follow clear intent to discriminate. This section evaluates the different treatment received by Palestinian, Israeli and international activists, both during demonstrations and the subsequent arrests. It notes that, despite the fact that Palestinians are involved in the same acts of protest, Israeli soldiers show a complete disregard for Palestinian life and freedom. Palestinians are similarly systematically discriminated against in legal proceedings and face much more severe fines and charges. Finally, the chapter will

²⁵ This affects both farmers trying to access their land as well as West Bank Palestinians working in Israel. With regards to the former, in 2007, OCHA reported that only 18% of the approximately 30,000 people who used to work land in the closed area before completion of the Wall receive 'visitor' permits today, according to village representatives. Approximately 3,000 people have stopped applying for permits, discouraged because of repeated refusal. Permits are not always issued to the most appropriate family member and the survey revealed that approximately 1,800 families do not have an able-bodied member with a permit. http://www.ochaopt.org/documents/OCHA_SpecialFocus_BarrierGates_2007_11.pdf

illustrate other contingent punitive measures used against ex-detainees and their families, and how these can be considered as acts of harassment.²⁶

Finally, in the report's concluding remarks, we are reminded that a crucial part of the ICJ decision deals with the international obligation to ensure that Israel complies with the requirements of international law and UN resolutions, including the decision of the International Court of Justice, and to not render aid or assistance to the Wall and its regime. It therefore calls on human rights defenders and the international community to hold Israel accountable for its breaches of international law, including those committed as part of the repression of Palestinian communities resisting the Wall. It also makes preliminary recommendations as to how international governmental and non-governmental partners and Israeli supporters of the Palestinian communities – represented here by the popular committees and Stop the Wall – can better protect protesters from the repressive responses of the IOF.

Purpose of the report

The purpose of this report is not to offer a legal analysis of all the violations that Israel has committed under international law through its construction of the Wall, as this has been well documented and analysed elsewhere. Rather, its purpose is to research and record the responses and tactics used by the IOF against the Palestinians who are exercising their rights to self-determination, expression and assembly. Since the ICJ ruling in July 2004, and despite international recognition that construction of the Wall and its associated regime is in violation of international law, no one has brought Israel to account for its actions. Many Palestinian villages have sought by means of popular resistance to prevent the building of the Wall and the annexation of their lands. Their weekly protests and demonstrations have been met with highly repressive tactics, themselves disproportionate and in violation of Palestinian human and humanitarian rights. This report, written jointly by Stop the Wall and Addameer, seeks to demonstrate the process of violent repression and the use of indiscriminate arrests, as well as other collective punishment means, to prevent protesters from continuing their demonstrations. This report is a preliminary summary of the findings, based on the experiences of a few protagonist villages in the struggle against the Wall. Addameer, for its part, will be publishing a further report documenting the policy of arrests and detentions in a wider number of villages affected by the Wall.

²⁶ In parallel, it is worth noting how the geography, architecture and physical landscape of the villages have been altered and intentionally transformed into forms of control in themselves. Given the scope of this paper, we will only focus on the tools of coercion used against the protesters, but would refer the reader to Bimkom's research, available on <http://eng.bimkom.org>, or to Eyal Weizman's *Hollow Land: Israel's Architecture of Occupation*, Verso, June 2007

Chapter 1: The popular resistance movement against the Apartheid Wall



A woman attempts to block Wall construction in 2004 in the Jerusalem district. Photo: Stop the Wall

Struggle and reaffirmation of the rootedness in the land have formed Palestinian identity and history for almost a century – first against the British Mandate and then against Zionist and later Israeli colonization, ethnic cleansing and racial discrimination.

Israel's first Prime Minister David Ben Gurion expected the old generation of Palestinians to die and the young to forget.²⁷ However, this foundational dream of modern Zionism has never been realised, and with every new push of colonization and displacement, new movements of Palestinian struggle are born. Over the decades, the Palestinian resistance has constantly evolved to face new Israeli tactics, as well as in response to changing domestic and global political contexts.

²⁷ "We must do everything to ensure they [the Palestinian refugees] never do return... The old will die and the young will forget."-David Ben-Gurion, in his diary, July 18, 1948, quoted in Michael Bar Zohar's "Ben-Gurion: the Armed Prophet," Prentice-Hall, 1967, p. 157.

When in June 2002 Israeli bulldozers started large scale destruction in Jenin and Qalqiliya for what was at the time an unknown new project of land confiscation, Palestinian communities once again gathered to defend their land and communities. Only later did it become clear that in those weeks the first steps for the construction of the Apartheid Wall had been completed.

What follows is a brief history of grassroots anti-Wall movement, or what we term in this report “popular resistance”. The intention of this section is to give the reader a clear idea of the actors and locations involved in popular resistance, as well as outlining how such resistance has evolved since 2002.

The organizational structures in the struggle against the Wall

In every place threatened with demolitions, local people spontaneously confronted the bulldozers. In July, 2002 the communities held their first local and district meetings and issued their first public statement denouncing the Wall as “the Occupation in its ugliest face. [...] It is a stealing of land and water, and a changing of the historical and demographic status of these areas. It is the uprooting of trees and the destruction of nature. It is in opposition to all that is human and civilized.”²⁸

On October 2, 2002 emanating from the office of the Palestinian Environmental NGO Network, the Grassroots Palestinian Anti-Apartheid Wall Campaign (Stop the Wall) was founded in response to the need for a coordinated, popular and civil society effort to confront the Wall. Popular committees against the Wall were formed, sometimes based on pre-existing committees and structures, sometimes ad hoc.. The Campaign’s task is to constitute a platform of national coordination, advocacy and research and offer support to the activities of the committees.

The committees are independent from political parties and include a wide range of community activists and leaders. In community meetings they take decisions on activities, and formulate responses to the needs and challenges caused by the Wall. Meetings among representatives of popular committees are facilitated by Stop the Wall, which also coordinates national action days, campaigns and strategies.

Rami Masad, the Media Coordinator for the Aboud popular committee between November 2006 and April 2007, explains the work of the committees,

“We focused on three levels in our strategy of protests against the Wall: firstly, on the local level, through the demonstrations; then through a legal approach and court case on the illegality of the Wall; and finally, through contacting international movements.”²⁹

Since the beginning young people have been at the forefront of the demonstrations against the Wall. Over the years, young activists from the villages, mobilizing on the ground and in their universities against the Wall, have organized themselves into a developed and

²⁸ Timeline of the Apartheid Wall, stoptheWall.org/enginefileuploads/timeline.pdf

²⁹ Addameer interview with Aboud popular committee member Rami Masad, June 21, 2009

informed leadership. This youth leadership is both part of the village decision-making processes as well as responsible for independent action. Today, it is the villages in which the youth are best organized that are most actively engaged in regular demonstrations. At the universities, students are undertaking research, initiatives and campaigns. The formation of a new youth leadership in the struggle against the Wall finds support and political backing in the Stop the Wall Campaign.

June 2002 to October 2003: The rising of the popular resistance against the Wall

The first protests against the Wall started in the districts of Qalqiliya and Jenin where the bulldozers began work in June 2002. The demonstrations were aimed at stopping the destruction of village land. An urgent need to understand what was going on led to the compilation of the first report by Stop the Wall, which was released in November 2002. In June 2003 the popular committees, via Stop the Wall, organised their first national co-ordination meeting, bringing representatives from Jenin, Tulkarm, Qalqiliya and Salfit. They called for the first National and International Week against the Apartheid Wall to be held on November 9-16 2003 as part of the first joint plan. In September 2003 the International Coordination Network on Palestine (ICNP) adopted the week during the annual civil society conference of the UN Committee for the implementation of Palestinian inalienable rights, held in New York. From this point on, the struggle against the Wall became a national and international priority. In Palestine the week began with a general strike throughout the West Bank and was followed by protests across the affected districts. On November 9 alone, approximately 4,000 people demonstrated, with double this number joining during the week of action. Some 70 protests in 25 countries worldwide were held in solidarity. Soon after the week of action, popular resistance spread to the Ramallah district, which joined in with protests for the first time. The week set the stage for growing protests in 2004/5 all over the West Bank.

Soon, those struggling against the Wall had to face the permit system introduced by the IOF to bar people from accessing their lands. Many anti-Wall activists lost their livelihoods when they were refused permits to cultivate their land.

The popular protest movement against the Wall was from the beginning an important critic and pressure group on the Palestinian National Authority (PNA). In July 2003, the first mass demonstration outside the presidential compound in Ramallah was organized, and brought hundreds of farmers from the north to call upon the then prime minister Abu Mazen to raise the issue at an international level during his forthcoming trip to the US. Over the years, the popular committees coordinated by Stop the Wall would continue to keep up pressure on the PNA to fight the Wall effectively and support the affected communities in their struggle.

Jayyus was the first village to engage in day-to-day protests. These protests saw the first participation from international and Israeli activists, and the people of Jayyus worked tirelessly to publicise the Wall to the world, targeting activists, media and international institutions. In Salfit district, Palestinians from Mas'ha and the surrounding villages

organized together with Israeli and international activists a permanent protest tent on the land to be affected by the Wall. The initiative lasted for several months and engaged hundreds of Palestinian, international and Israeli activists.

Beyond the protests, Stop the Wall, together with the affected communities, promoted a campaign not to recognize the permit system, which would force farmers to get permission from the Israeli authorities in order to access their lands behind the Wall. It was Jayyus and Jubara, a small village isolated behind the Wall in the south of Tulkarm, whose determined struggle against the permit system set the agenda. After the military order establishing the permit system at the gates to the Wall was issued, 40 farmers decided to camp on their land on the other side of the Wall so as not to have to pass through the gates at all. It took two weeks before the IOF forcibly evicted all farmers from their land. Still, the village decided in a community meeting to refuse to apply for the permits because “applying for permits would be a step in considering that land to be Israel—this is our land”³⁰. Jubara held out for three months after refusing to take permits. It received a wealth of solidarity, and Israeli and international activists joined them in the village in order to look after their needs during the strike. However, with the time passing, crops rotting in the fields and livelihoods being destroyed, the villagers eventually had no other choice but to deal with the system.

Yet, many nights, activists would break down the gates of the Wall in Jayyus as well as the fencing. The IOF would impose heavy collective punishment by keeping the gates closed for over a week or by invading the village, shooting at the water tanks on the roofs and interfering with the electricity supply.

The popular committees at this time officially became part of the Stop the Wall structure, to reflect their leading role in the Campaign. Since then the popular committees from eight West Bank districts have been represented in the Campaign’s General Assembly and five of the eleven members of the coordinating committee of the Campaign are representatives from the local groups.

November 2003 to November 2005: The resistance against the Wall intensifies

The year 2004 was marked by a large-scale growth of popular resistance. It was the year that the first martyrs were killed in protests against the Wall. This period also saw the hearings and ruling of the International Court of Justice (ICJ) on the illegality of the Wall.

The increasing destruction of land and livelihoods, as well as growing international attention, spurred mass protests, with over 10,000 people demonstrating in the days of the proceedings of the International Court of Justice in The Hague. From Jenin to Hebron, the communities were out in the fields to fight the Wall. In addition, the protest tent, set up by Azmi Bishare and Stop the Wall ten days before the ICJ’s decision on 9th of July

³⁰ <http://stoptheWall.org/latestnews/67.shtml>

2004, was an important awareness raising tool and gained a great deal of attention and solidarity from across the West Bank, '48 lands and the occupied Golan Heights.

The verdict of the International Court of Justice and its endorsement by the UN General Assembly have not altered anything for the people on the ground – the construction of the Wall continued, as did the repression of the protests. In fact, the repression intensified. The first wave of escalation in military violence, including an assassination, along with mass arrests and killings, was taking place.

Abd al-Nasser Marrar, one of the coordinators of the popular resistance committee against the Wall in Budrus, described the movement in the village,

“We formed our own popular committee, which included representation from all political parties and organizations. This, I believe, made our efforts successful. [...] We started our efforts in November 2003. Our first action occurred when the surveyors came; the second one was a women's march. Then they marked up the olive trees for uprooting, which prompted another action. From the very beginning, we established that our purpose was to stop the bulldozers and not to clash with the soldiers. And in many of our actions, we managed to stop the bulldozers.”

“In Budrus our local committee set the parameters and assumed responsibility for resistance activities. In every march in Budrus, about 99 percent of the residents participated. Moreover, we did not have a specific day of the week for our actions. It was a daily thing. Any day the bulldozers appeared, we had some type of action to oppose them. This meant that people's lives came to a standstill; employees lost work time, housework didn't get done. This was an unusual characteristic, the daily activities. Now we see [in other places] that activities take place on Fridays only. Yet Fridays and Saturdays, Israelis are off, so no actual work on the Wall takes places on those days. So even if you make it to the Wall on those days, you don't accomplish anything.”

“Female participation was several times more than men's. People describe rural and peasant women as being conservative and unwilling to leave their homes, but what I saw was exactly the opposite. All they need is someone to encourage their participation. In the first march that was called for, I went to the mosque loudspeaker and announced a march of women and asked that women join, and I didn't notice a single woman who was absent. No one objected to my call; on the contrary, the women who participated were convinced that they were doing the right thing. We have photos of the first demos here, and it was the women who were stopping the bulldozers. And this happened more than once in Budrus, and they succeeded in getting to the bulldozers before the men did. They were lying down in front of the bulldozers.”³¹

The villages of Ramallah and the northwest Jerusalem district formed the core of the popular resistance at this stage. The bulldozers were gradually reaching the villages and popular mobilization was keeping pace. Protests were often held daily and as a direct reaction to the appearance of bulldozers. Typically, people would start protests as soon as the first bulldozers arrived. Entire villages were involved, including a large number of women. They repeatedly managed to force the IOF attempting to start work on the Wall to retreat. During the Week against the Apartheid Wall in November 2005, the people from Al 'Eizariya were able to stop the bulldozers from working for 10 consecutive days.

³¹ <http://electronicintifada.net/v2/article7005.shtml>

Villagers typically headed onto their land before heavy machinery arrived, where they stayed, preventing it from advancing and temporarily halting the demolitions.

On particular occasions or when support was needed surrounding villages would join the protests. In July 2004 Ar Ram hosted a mass demonstration with people joining from the Tulkarm, Qalqiliya and Jenin districts in protest at the Wall and to demand the right of the Palestinian people to access their capital, Jerusalem. After mourning five martyrs, Biddu was the scene of a big solidarity gathering of the popular committees from the northern districts of Jenin and Qalqilya.

These protests were complemented by direct action against the Wall, including the dismantling of key parts and the tearing down and breaching of fences. In autumn 2005, youth in Zububa (Jenin) repeatedly tore down several meters of the fencing and razor wire that separates the village from its lands, slowing construction work and forcing the IOF to constantly rebuild.

Distinct media strategies were also developed. Bil'in in particular worked intensively to develop international contacts and to achieve media coverage, and its protests have become known around the world. There is an attempt to make each protest, which often includes a large international and Israeli presence, unique.

Finally, the committees have held several rallies and demonstrations aimed at the Palestinian National Authority throughout this period. These rallies and sit-ins were organized in order to pressure the PNA to support the affected communities, to raise the issue of the Wall at international level and to ensure the implementation of the ICJ decision. When in March 2005 UN General Secretary Kofi Annan came to Palestine but refused to visit the Wall, 5,000 Palestinians demonstrated outside the Palestinian Authority's Muqata compound in protest.

List of villages that joined the popular resistance against the Wall during this period:

Ramallah District: Saffa, Midya, Budrus, Ni'lin, Bil'in, Deir Qaddis

Northwest Jerusalem district: Biddu, Beit Duqqu, Beit Liqya, Beit Surik

North and northeast Jerusalem district: Eizariya, Ar Ram

Salfit district: Deir Ballut, Zawiya, Marda

Tulkarm district: Tulkarm, Baqa Sharqiyya and Gharbiyya

Qalqiliya district: Kufr Qaddum, Azzoun, Kufr Thulth, Izbet at Tabib.

Jenin district: Zububa

Hebron district: Yatta, Arab Ramadin

November 2005 to May 2008: The resistance against the Wall has to reorganise itself

In the following years, the popular resistance against the Wall has been forced to undergo a process of reorganizing, induced by numerous factors. Though the heavy repression and

killings of protestors had a large impact on the people, it was not the repression that led to a decrease in protests, but a change in strategy.

In many places the Wall has been completed and the daily mobilization aimed at stopping bulldozers had come to an end. The fact that none of the necessary international forces were (and are) willing to ensure the implementation of the ICJ decision has underlined the awareness of the people that the Wall is yet another fact on the ground, only to be overcome with a long term struggle. The popular resistance against the Wall had to develop forms of protest that were sustainable and appropriate for such a long-term effort. The daily protests, which were disrupting all everyday life in the village, were slowly replaced with Friday demonstrations that allowed resistance to take place alongside some semblance of a 'normal life'.

The protest movement that started in mid 2006 south of Bethlehem quickly adopted the form of Friday protests. The villages often held central demonstrations, in which people would gather and march towards the lands that were being destroyed by the bulldozers. The first village to rise up was Al Khadr, and it was followed by Um Salamoneh. As the bulldozers came to Irtas, just kilometres away from Um Salamoneh, villagers from Irtas also rose up.

In some places, however, weekly protests were simply not an option. In Anata, a Jerusalem suburb, there was no other option than daily resistance. In the suburb, the Wall ran straight through the courtyard of the schools, and the continuous presence of the IOF led to daily clashes in 2005, resulting in many injuries and arrests among the pupils. The headmaster Abu Baha explained,

“The situation escalated with the beginning of this school year, on the 1st of September 2005. The Occupation Forces started digging in the schoolyard to build the Wall through it. Every day clashes took place between the students, the Soldiers and the workers that built the Wall. The Occupation Soldiers repeatedly attacked the school, beat or arrested teachers and students. They have even threatened to close the school, or to force us to move to another place.”³²

In addition to the need to develop sustainable forms of resistance, a process of frustration with their own leadership set in among the people. At the end of 2005, the electoral campaigning for the Palestinian Legislative Council began. Political forces were engaged in campaigning at the expense of the capacity of the popular committees to mobilize large forces under a common agenda. The climate after the elections, with the split in the Palestinian political sphere between Fatah and Hamas, had an even more dramatic impact. Frustration with the leadership spread, as it became clear that no amount of demonstrating and sacrifice would have political meaning if there was no leadership able to capitalize on it.

The national actions, such as Land Day, the Week against the Apartheid Wall and other memorial days have, however, provided an outlet for the popular resistance and have gained prominence within the movement's activities. Around March 30th 2007, the Land Day activities in over 20 places organized by the popular committees and students

³² <http://stoptheWall.org/communityvoices/1127.shtml>

provided space for an impressive show of unity after over a year of political tension and splits among the parties. Since then, the mobilizing capacity of Stop the Wall and the popular committees has been a key player in many national action days.

The villages that started their struggle in 2004/5 joined regularly in the national action days, keeping up public mobilization. Even where demonstrations ceased, in most cases direct actions damaging the Wall and its gates continued.

The popular resistance against the Wall not only solidified and re-organized itself but expanded to the south, where the Wall's destruction was just slowly setting in. Bethlehem district started mobilization in this period, as did villages in Ramallah and Jerusalem districts. Demonstrators in Yatta (south Hebron) repeatedly blocked the settler road in the area along which the Wall was being built.

As well as the mobilization against the construction works, the popular committees start targeting key points in the Wall. Protests against the gates in the Wall became stronger and the fate of some of the villages, such as 'Azzun 'Atma, which is threatened with expulsion, was highlighted. In the Jordan Valley, people staged protests against their isolation from the rest of the West Bank, taking on the eastern part of the Wall project that includes the ethnic cleansing and colonization of the Valley. After months of campaigning, media and civil society organizations finally recognized the dramatic situation in the Jordan Valley and political and material support began to arrive.

List of additional villages that joined the popular resistance against the Wall during this period:

Ramallah District: Aboud, Beit Sira

North and northeast Jerusalem district: Anata

South and west Bethlehem: Al Khadr, Um Salamone, Beit Fajjar, Irtas, Al Walaja

Salfit district: Rafat

Qalqiliya district: 'Azzun 'Atma

Jenin district: Barta' Sharqiyya

May 2008 to July 2009: Popular resistance against the Wall: a dangerous phenomenon

In the last two years, weekly protests have gained strength in a number of villages. In addition to Bil'in, Al Ma'sara has mobilised. Muhammad Zawahre from Al Ma'sara explains:

"We started in June 2006 to build a non-violent resistance movement against the settlement and the Wall: we held meetings with farmers, with associations in the nearby villages and with the local councils. At that time, Israel started to confiscate land in the village of Umm Salomona. When we witnessed what was

*happening to our neighbours, we formed a committee of 13 persons coming from nine different villages (9.000 people) South of Bethlehem, which was later able to gather 100 persons”.*³³

Following the example of Al Ma’sara, the people in Irtas and Nahalin have recently begun mobilising. District coordination among the committees for the struggle against the Wall is expected to galvanize further action.

In May 2008 Ni’lin made an important contribution to the popular resistance, again staging almost daily mass protests against the construction in the area.

Hindi Mesleh, one of the youth of the village explains:

*“We had already started protests in 2004, when the bulldozers came the first time. But then they stopped working and we went for a four-year court case but the Israeli courts evidently decided in favour of the Wall. When the first bulldozers arrived again in May 2008, the village was again immediately mobilized. The protests weren’t very violent. We went and stopped the bulldozers. This was our aim, together with the effort to attract the attention of the media. Then the occupation forces stepped up their violence until they killed five people. The collective punishment of the army and the killings definitely affect the village a lot, but with the sadness about the losses there is the anger. The Israeli violence doesn’t stop the people – on the contrary. The village has decided and they will not stop the struggle because it’s our right. This is particularly true for the youth at are the ones to lead the demonstrations and organize the protests.”*³⁴

With renewed construction for a second path of the Wall through Jayyus, weekly protests re-started in November 2008. Though the new path was to give back some of the village’s confiscated lands, it was to destroy further land and did not respond to the fundamental demand of the villages: the total dismantling of the Wall. Youth-led protests were organized, and these saw up to hundreds of people facing down soldiers at the gates of the Wall. Public Friday protests were complemented with direct action, which is ongoing.

In addition to the protests against the Wall, popular committees have started focusing on the settlements, and renaming themselves ‘Committees Against The Wall and The Settlements’ in recognition of the fact that the two colonial construction efforts are two sides of the same coin, which leaves Palestinians dispossessed and living in walled-in ghettos and enclaves. In November 2008, Stop the Wall formed a committee in Nablus against the settlements and the ongoing settler attacks in the area. The villages of Burqa, Bizzariya, Silat ad-Dhahr, Sabastiya, and Beit Imrin joined to organize protests against the re-settlement of Homesh, a settlement evacuated during the ‘disengagement’. These villages are all located in the area of Homesh and were affected by the imminent resettlement and closures, confiscations, and expansions that would have inevitably ensued. The committee of the villages organized regular Friday demonstrations to face the settlers that were moving in again, as well as soldiers. After only a month of action, the settlers left Homesh with all their belongings.

³³ <http://www.alternativenews.org/english/1934-interview-with-mahmud-zwahre-head-of-the-al-masara-popular-committee.html>

³⁴ Stop the Wall interview with activist and resident of Ni’lin with Hindi Mesleh July 7, 2009

This mobilization was one of the outcomes of the organizing, mobilizing and resistance during the olive harvest season, which has become a key aim of the Stop the Wall Campaign and the popular committees. The media attention on settler attacks against the Palestinian farmers has been effective in reducing settler violence.

The commitment to the boycott of Israeli products and anti-normalization campaigns of the popular committees has added yet another aspect to the struggle. Furthermore, villages such as Jayyus and Bil'in have actively engaged in boycott campaigns and legal challenges to the companies that support the Wall and the settlements in its shadow. The heightened repression against Bil'in has been described by some as a reprisal for the court case that the village has filed in Canada against Canadian companies involved in the settlement construction on their land. If successful, the case would set an important precedent for many other instances of international involvement in the Wall and the settlements.

The mobilizing capacity of the popular committees and Stop the Wall has become a key actor at national action days, such as Land Day and the 60 years Nakba Commemoration. The popular committees rose up during the massacre in Gaza, costing Ni'lin two more martyrs.

The movement against the Wall has transformed from the spontaneous protests to a politically mature network of activism and resistance. It has gained over the years the support of a new generation of activists that leads demonstrations and increasingly makes its voice heard. Its strengthened political influence and the sustained Friday protests in a growing number of villages have sadly also provoked another escalation of repression and killings at the hands of the IOF.

Chapter 2: Violent repression of Palestinian anti-Wall protests



Soldiers attack a demonstration in Ni'lin. Photo: Hindi Mesleh

In this section, we will focus specifically on the violent repression faced by communities engaged in protest against the Wall. We utilize information from past phases, particular the period 2004-2005, in order to highlight continuity or change. However, the bulk of the text will focus on the villages currently involved in weekly protests so as to stress that repression is happening right now and that immediate action is required to counter it.

Popular committees against the Wall and the settlements mobilize on different issues and national action days in dozens of villages. Currently, there are four villages engaged in weekly protest against the Wall: Bil'in, Ni'lin, Al Ma'sara and Jayyus.³⁵ In these four villages alone, the IOF have wounded more than 1,566 people³⁶ at protests or incursions linked to

³⁵ While weekly demonstrations have for the time being ceased in Jayyus, active resistance to the Wall continues in the village.

³⁶ Injuries exclude injuries caused by tear gas inhalation, secondary injury (for example health problems caused by tear gas or stress) and include only physical injuries caused by lethal and non-lethal projectiles.

protests.³⁷ In these four villages, six people have been killed for protesting, five in Ni'lin and one in Bil'in, to date.³⁸

It must be understood in any discussion around the repression of protests against the Wall that it is not only the actions of the IOF but their mere presence which is problematic. Soldiers are stationed to defend colonial practices and maintain the occupation. In doing so, they prevent Palestinians from accessing their land and exercising their fundamental rights to freedom of assembly, association and expression. The IOF is therefore but an arm of the Israeli government, whose Wall and associated regime it both constitutes and defends.

However, these concerns are compounded by the tactics the IOF employ against Palestinian demonstrations, targeting both individuals and communities. It is our aim to identify, define and substantiate their use. At the same time we will demonstrate that these attacks cannot be explained in terms of “crowd control”, “security” or “self-defence.”³⁹

Examination of testimonies and evidence from affected villages indicate that:

- The use of threats, communicated at various levels, inform villagers of the IOF's intention to inflict individual and collective harm.
- When targeting individuals at or around demonstrations, soldiers engage in shooting with intent to cause serious harm and disability and occasionally to kill. Punitive attacks directed against individuals outside of demonstrations form a third key component. The circumstances surrounding this violence indicate that it is aggressive.
- When targeting communities, soldiers engage in night terror raids; curfew, closure and siege; intentional tear-gassing of homes and; destruction of property.

After looking at the patterns of injuries and killings, it will become clear that what is occurring is an intentional policy of violent repression and low intensity warfare. Specifically:

- The killing, maiming and punitive attacks are systematic and premeditated, not sporadic and accidental. They are tactically intended to create a highly visible spectacle, rendering victims as examples.
- Entire villages are targeted with the aim of inflicting damage on the community as a whole. Collective punishment complements spectacular violence by sowing divisions between villagers.

³⁷ Based on statistics provided the respective popular committees in each village, which are as follows: Bil'in: 1,300 over a period of four and a half years; Ni'lin: 450 over a period of 13 months; Jayyus: 43 over a period of 5 months; Ma'sara 23 over a period of three years.

³⁸ 16 have been killed in protesting villages since 2004.

³⁹ The use of these terms in the following analysis arises purely out of the need to set up point of reference to illustrate that injuries and death suffered by Palestinians are a result of violent, aggressive repression.

- The IOF explicitly inform villagers of the rationale behind their violence in order to maximize the effectiveness of these measures.
- This policy follows the same discriminatory patterns as arrests, insofar as the IOF and spokesmen are clear that violence should be toned down when non-Palestinians are present.

2.1 THREATS AS THE BASIS OF POLICY

Israeli military policy has long focused on deterring and breaking popular resistance through serious physical harm. To function, this policy requires that resisting communities are acutely aware that violence is not only a possibility, but is guaranteed as long as they continue to struggle. In order to build such an awareness, the military relies on a system of threats that are issued to villages and protestors (particularly youth), both on the individual and collective levels. Threats are delivered by various sources, from individual soldiers, over loudspeakers during patrols, by the distribution of flyers and pamphlets, and with warnings delivered directly to village officials.

Such a policy was most infamously articulated by Yitzhak Rabin, in his capacity as Minister of Defence, through his “Iron Fist” policy toward the popular resistance of the first Intifada. This involved “force, might and beatings” in an attempt to literally and figuratively break the mass protest. Throughout the uprising, these threats were actualized on countless occasions. A policy of repression based on threats has remained central in the IOF’s response to the popular resistance against the Wall.

We have separated the threats that promise violence against individuals and groups from those that target non-living targets, such as the demolition of homes, and dealt with each in different sections.⁴⁰

2.1.1 *Threats of physical violence against individuals or groups*

Threats of physical violence include explicit threats of death or serious injury as well as those which are deliberately more vague.

Death threats have been issued on a number of occasions. Student resistance was especially intense in Anata in 2005 and 2006, and in response, soldiers issued death threats to 13 high school students. News of this spread quickly around the community, terrifying parents and students alike.⁴¹ Soldiers also routinely issued threats to the headmaster of the school. In an April 2006 interview, he explained,

⁴⁰ The threat of revoking permits will be discussed by Addameer in chapter 3.

⁴¹ <http://stoptheWall.org/latestnews/1133.shtml>

“The Occupation has arrested me three times and taken me for interrogation with the ‘special intelligence’ where they told me that I am responsible for the situation, and that I have to control the students or they will close the school.”⁴²

Similar threats have also been part of Israeli strategy in Bil’in. In 2005 and 2006, several residents active in organizing demonstrations received a number of phone calls threatening them with death and advising them to say goodbye to their families.⁴³ In that time in the northwest Jerusalem enclave, soldiers threatened to fire ammunition in addition to issuing verbal death threats.⁴⁴

Explicit threats to physically maim individuals or groups are also common. Before weekly demonstrations restarted in Juyus November 2008, groups of youth were organizing resistance against the Wall and soldiers responded by promising serious violence.⁴⁵

A week after demonstrations restarted in the village, the IOF redoubled their efforts. On November 16, several children were threatened by soldiers who stated they would return at night, when all outside observers had left, to “teach [the children] a lesson.” During this time, threats were also made against school children not involved in the demonstration, who were prevented from moving from their school, located in the north of the village, to their homes in south.⁴⁶ On November 28, during an incursion, soldiers used jeep loudspeakers to threaten youth and protestors with violence. Reports of this were common in Juyus, and occurred both on Friday incursions as well as nightly invasions on other days of the week. At the end of January 2008, soldiers threatened to cause grievous bodily harm to the young men of the village. This threat was given to the mayor and also repeated on a number of separate occasions to other villagers.⁴⁷

In Al Ma’sara, threats of serious violence have also occurred. Mohammed Brijiah, a member of the local popular committee, recalled,

“once, soldiers broke into my home and told my mother that if her son did not stop, they would break his legs and he would never walk again.”⁴⁸

In Ni’lin, threats were given to the ‘Amria family following the release of Salam Kanaan ‘Amira’s video.⁴⁹

“When my brothers would try to cross the checkpoint [in Ni’lin, located very near to the house] they would bother them; when they saw any names from the ‘Amria or Kanaan house they would verbally provoke

⁴² <http://stoptheWall.org/communityvoices/1127.shtml>

⁴³ Stop the Wall interview with Bil’in popular committee member Abdullah Abu Rahmeh, July 2, 2009. These threats were recorded and sent to a lawyer, after which they stopped.

⁴⁴ Stop the Wall interview with former northwest Jerusalem popular committee coordinator Sa’id Yaqin, July 5, 2009

⁴⁵ There were not idle threats. Two youth had been shot a week prior, and incursions were threatened. See: <http://stoptheWall.org/latestnews/1592.shtml>

⁴⁶ Ibid.

⁴⁷ <http://stoptheWall.org/latestnews/1592.shtml>

⁴⁸ Stop the Wall interview with Al Ma’sara popular committee member Mohammed Brijiah, July 2, 2009

⁴⁹ This is discussed in more detail later in the section “Punitive attacks outside of demonstrations.”

*them [and say] that 'your house is targeted, tell your sister she will not be able to take any more video of us [...]'*⁵⁰

Salam's father, who was also threatened as a result of the video, stated:

*"The soldier told me, "we are going to take revenge on you and on your children. We know your children, all of them."*⁵¹

Finally, threats are distributed, usually by leaflet, promising "punishment" and "final warnings" to communities. In July 2008, several weeks before the first martyr in Ni'lin, soldiers began distributing leaflets in the village that threatened the farmers with redoubled punishment if they did not stop with their protests.⁵²

In Budrus, after demonstrations ceased but destruction of the Wall continued at night, the entire village faced veiled threats of violence. In 2006, The IOF issued a "final warning", in the form of leaflets hung on the homes and shops of the village, that promised severe punishment if villagers continued their actions.⁵³ More leaflets with the same message were handed out in February 2007.⁵⁴

2.1.2 Threats of violence against property

Threats of violence also target properties in protesting villages. Specifically, homes are often named as targets.

In Jayyus, threats were handed out to people who live in areas where demonstrations were focused. Farm owners were told that if they did not prevent youth from stoning military patrols, both the chicken and cow farms would be demolished as punishment.⁵⁵ Bahjat Mousa, a villager living close to the Wall, also received daily threats and harassment from soldiers during the period of demonstrations in Jayyus.⁵⁶ According to Bahjat,

*"Soldiers would always occupy the house on Fridays. They would also come at other days of the week. They told me I was responsible for stopping the youth. They said that if I didn't take down and supply them with all the names of the people on my property [during the demonstration], then they would evacuate [expel] me and my family from the house."*⁵⁷

The same happens in Bil'in, and residents in homes near the Wall are constantly threatened if they do not take the "responsibility" of stopping demonstrations happening near or on

⁵⁰ Stop the Wall interview with Ni'lin resident Salam Kanaan 'Amira, July 1, 2009

⁵¹ Stop the Wall interview with Ni'lin resident Jamal Kanaan 'Amira, July 1, 2009

⁵² <http://stoptheWall.org/latestnews/1703.shtml>

⁵³ <http://stoptheWall.org/latestnews/1104.shtml>

⁵⁴ <http://stoptheWall.org/latestnews/1410.shtml>

⁵⁵ <http://stoptheWall.org/latestnews/1875.shtml>

⁵⁶ <http://stoptheWall.org/latestnews/1592.shtml>

⁵⁷ Stop the Wall interview with Jayyus resident Bahjat Mousa, July 5, 2009

their property.⁵⁸ Also in the same village, activists have been told that their homes will be demolished or sealed if they continue in their role as organizers.⁵⁹

2.2 TARGETING INDIVIDUALS

2.2.1 *Violent repression*

The IOF consistently target protestors, predominately youth, with the stated intent of causing serious, at times permanent, injury. The use of force, which may involve beatings, lethal ammunition⁶⁰, “non-lethal” ammunition⁶¹ and more recently 40 mm high velocity tear gas canisters⁶², is a natural and necessary extension of the systematic use of threats which has been discussed in the previous section. While the number of injuries varies from community to community, what remains constant is that threats of violence must be followed up by actual violence in order for Israeli military policy to be effective.

The injury brought against Palestinian demonstrators is often explained away as a product of crowd or riot control or under the pretext that soldiers fire in self-defence. However, there is very little to substantiate either of these claims. The first is the sheer number of injuries. When one looks at the numbers of injuries in comparison to the number of participants it is clear that the use of lethal and non-lethal force, either over time or at certain demonstrations, is so grossly excessive as to preclude crowd dispersal as a viable explanation.

Secondly, and this is especially clear when dealing with serious, permanent injury, the way in which the shootings are carried out illustrates how little crowd control has to do with military violence. Many of those interviewed testified that they were shot by concealed snipers, shot multiple times at close range, on the edges of demonstrations or after they had finished, or from behind while moving away from soldiers.

Similar facts also eliminate self-defence. The very claim that armed and armoured soldiers, often situated behind fences and inside armour-plated military jeeps face life-threatening danger from young men with slings and stones is highly questionable. Ambushes and shootings from concealed locations and rooftops further show that aggression, not defence, motivates these attacks.

⁵⁸ Stop the Wall interview with Bil'in popular committee member Abdullah Abu Rahmeh, July 2, 2009

⁵⁹ Ibid.

⁶⁰ Considered lethal are normal 5.56 mm bullets, smaller .22 calibre bullets, and fragmenting bullets.

⁶¹ So-called non-lethal ammunition includes both rubber bullets as well as rubber-coated steel bullets. We use quotation marks to indicate that adjective non-lethal hides the fact that, especially when employed at close range, these bullets cause severe injury and death. It should be understood that our use of “non-lethal” is for analytical purposes of this paper and does not imply that we endorse use of this type of ammunition as a safe or legitimate alternative to live ammunition.

⁶² These form a separate category, as they are neither lethal or non-lethal; in fact, they are not intended to be used to target individual protestors. However, the IOF have recently been using them to target individuals, leading to serious injury and a death.

2.2.2 Overwhelming aggression

By overwhelming aggression, we aim to categorize a key approach of the IOF toward popular resistance which involves causing abnormally high levels of injuries at a given time or place. This can be seen on the level of individual demonstrations as well as at demonstrations that continue over a period of time.

Often heavy force is employed to cause the maximum possible damage to a demonstration. In an early 2004 demonstration in Biddu, Soldiers unleashed a massive attack on the demonstration. Two were killed by live fire while an elderly man died of a teargas-induced heart attack. In addition to these deaths there were reports of more than 70 other injuries, some severe. Many were struck by rubber bullets, some in the face, including another 70-year-old man, Mohammad Hmeidan, who sustained a serious injury to his eye.⁶³

In April of the same year, another protest was violently crushed. More than four Palestinians were shot with live rounds, including 15-year-old Mohammad Omar Badwan, who was shot in the leg and rushed to Ramallah hospital in serious condition. In total some 40 people were injured.⁶⁴

Similar scenes occurred in Bil'in, when protestors climbed over the fence and blocked the military road. Soldiers injured 26 people in an attempt to force protestors off the road.⁶⁵ The use of overwhelming aggression can also be seen in the number of injuries a village has sustained over a period of time. With small populations, it becomes especially clear that the quantity of force used belie claims of crowd control. In the northwest Jerusalem enclave, at least 500 injuries were recorded over the period of demonstrations.⁶⁶

Of the villages that are currently involved in weekly action, Ni'lin is a key case. The village, with a population of 4,573, has experienced fierce repression since they launched their movement in the beginning of May 2008. In the beginning especially, Ni'lin was characterized by near daily mass demonstrations that were quite successful in slowing and blocking Wall construction. Massive retaliatory violence was exacted, and over 450 injuries have been recorded to date.

Yet even the more regular and organized demonstrations in Bil'in, with a population of 1,701, have been extremely hard hit. Since weekly demonstrations began 4 and a half years ago, a staggering 1,300 injuries have been recorded.⁶⁷ This number includes prominent activists from the village, many of whom have sustained dozens of injuries over the years.

2.2.3 Targeting individuals for serious, lasting injury

⁶³ <http://stoptheWall.org/latestnews/397.shtml>

⁶⁴ <http://stoptheWall.org/latestnews/464.shtml>

⁶⁵ <http://palsolidarity.org/2006/05/1132>

⁶⁶ Stop the Wall interview with former northwest Jerusalem popular committee coordinator Sa'id Yaqin, July 5, 2009

⁶⁷ A database is kept by the popular committee and updated after demonstrations.

Serious injury and subsequent disability has also been common since protest began. This is accomplished several ways, either with live ammunition aimed, in a majority of cases, at the legs or non-lethal ammunition aimed at the head. As we will see, the circumstances surrounding these cases or the means used further erode the arguments of crowd-control and self-defence.

Sa'id Yaqin explained some of the IOF practices in the northwest Jerusalem enclave,

*“[In the beginning] we were exposed to beatings [by truncheon] [...] it really, really looked like they were aiming to break the bones of the people. You went like you would die because of the beatings [...] people were injured in every part of their body.”*⁶⁸

Speaking about serious injuries, he said:

“There was on young man name Radwan Abu Kafiyeh that was injured in his thigh and it is still not healed. They did different operations and have shortened his bone.”

The IOF at times used mounted units to attack protests. He remembers how a protestor was trampled by a horse, noting that horses, as well as dogs, were used extensively to severely injure protestors. He said,

*“Our colleague, Khalil Hilal, was one of the activist who was crushed by a horse nearly to death. The horse hit him in way that was unnatural... I went to see him in his home and at the hospital, I felt that he would die for sure [...] horses had a large role in the repression of the people.”*⁶⁹

The heavy use of live ammunition against unarmed demonstrators has been constant. This has resulted in countless injuries, many of them serious. Reports of live-ammunition use have been issued from Bil'in since the beginning. 25-year-old Ibrahim Bornat, for example, was shot three times with hollow point rounds during a demonstration on 13 June 2008. His doctors have said that it would be a near miracle for him to walk again.⁷⁰

In Ni'lin, 27 people have been shot and injured severely with live ammunition. At least 8 have permanent damage, among them 32-year-old Ahmed Abdullah Yousif 'Amira, who was shot on July 7, 2008 during the siege of Ni'lin. He explained:

“They started to fire on the centre with tear gas bombs, hitting everything and (shooting) in the direction of homes. Youth threw stones at them from a distance. One of the soldiers shot me in the leg with a live bullet that remained in my leg, at the bottom of my knee. They brought me, by ambulance, to the Ramallah hospital and doctors told me that the bullet remained in my leg between the bones and it was not possible to remove it.”

⁶⁸ Interview with former northwest Jerusalem popular committee coordinator Sa'id Yaqin, July 5, 2009.

⁶⁹ Ibid. He also spoke about the role of attack dogs in repressing demonstrations at that time.

⁷⁰ <http://electronicintifada.net/v2/article9687.shtml>

“[Now I have] difficulties in walking long distances and doing work. Also, jumping is not possible anymore, as well as heavy lifting.”⁷¹

Ahmed ‘Amira’s injury is common, and of the 27 injuries caused by live ammunition in Ni’lin, 18 were shot in the legs, knees, thighs, feet or calves. Several testified to suffering from the same ongoing problems.

Snipers are often used, stationed on rooftops or concealed among bushes or trees, to shoot protestors. Recently, they have begun using .22 rounds and silencers to target Palestinians in protesting villages. During a Bil’in protest against the Israeli war on Gaza on January 9, Muhammad Nabil Abu Rahmeh was shot, the round passing through his leg and causing great damage to the muscles.⁷²



*A soldier aims at protestors from a roof in Jayyus.
Photo: Stop the Wall*

20-year-old Mohammed Abdulhafid Abdullah Mesleh was shot on 3 April 2009 while tying his shoe:

“[During the march] I was raising a Palestinian flag when I saw snipers hiding beyond the trees. Then soldiers fired tear gas in our direction as cover for the snipers who fired bullets. There was not any stone throwing. After it finished [the march] I was hit in the fingers of my right hand when my head was lowered. This means that my head, my feet and my hands were all at the same level when the bullet entered by forefinger and exited then entered by middle finger.”⁷³

Mohammed Mesleh is a university student, and the injury has made writing with his right hand impossible and as such severely affected his studies. It is still painful to use the hand. The fact that he was shot after a demonstration had finished is important, and others have been injured in similar circumstances. Another of those permanently injured in Ni’lin, Jamil Abdalhaq, was shot in the stomach while he stood outside his house watching the demonstration.⁷⁴ In Jayyus, 28-year-old Rashid Mohammed Salim was shot after a demonstration in front of his home on February 13, 2009. He explained,

“It was the day of the demonstration. I was visiting a friend and we all [family and friends] sitting in front of the house. At about three in the afternoon the soldiers were pulling out of the village, and we were all sitting in front of the house in the garden. As the soldiers passed, they shot at us, and I was hit in the leg. The bullet went through my leg.”

“I spent 8 days in the hospital and two months at home. I am married with two kids and I cannot do hard work and lifting because of this injury.”⁷⁵

⁷¹ Interview with Ni’lin resident Ahmed ‘Amira, June 30, 2009

⁷² <http://palsolidarity.org/2009/01/3883>

⁷³ Stop the Wall interview with Ni’lin resident Mohammed Abdulhafid Abdullah Mesleh, June 30, 2009

⁷⁴ Stop the Wall interview with Ni’lin resident Jamil Ahmed Mahmoud Abdalhaq, June 30, 2009

⁷⁵ Stop the Wall interview with Jayyus resident Rashid Mohammed Salim, July 5, 2009

In January 2009, reports began to come in from Jaiyus and Ni'lin about snipers using a type of bullet that breaks into pieces upon contact with a target and leaves behind slivers of shrapnel.⁷⁶ In a number of instances, silencers were used and those injured were not aware that they were under fire. Leg injuries were most common, and it was predominately youth who were targeted.

Hamada 'Abdurazeq Mustafa al-Khawajeh, a 29-year-old from Ni'lin was injured and explained the circumstances surrounding his shooting,

"It was around four in the afternoon on Friday, 6 February 2009, and after the confrontations, which happened in the village from the march against the Wall, finished. I went out with my friends and looked at what happened in the village. There were Occupation soldiers concentrated on the side where the Wall is up on the hill. The soldiers fired gas bombs in our direction. I turned around to leave the area and one of the soldiers hit me with a live bullet that stuck in my leg, and after that I couldn't move it. They moved me to the hospital, and there they told me that the bullet had broken in the bone, and left 10 pieces of shrapnel of various sizes."⁷⁷

20-year-old Mohammed 'Ayallah Hussein 'Amira, is one young man who has been permanently injured by one of these rounds on April 10, 2009. He described what happened,

"[...] they then raided the village and took some of the rooftops of homes. On one, there was a hidden sniper. There were a number of people there. I left and I yelled at the soldier and it was only moments until he opened fire on me. (I was hit) in my leg, directly under my knee, with a live bullet. [...] The doctors checked my condition to find the entrance and exit of the bullet which had injured me. It was found that it broke in my bone and pieces of it remained.

After a month of treatment, Mohammed 'Amira has permanent difficulties walking, pains when doing work and lifting, and doubled pains during cold weather.⁷⁸

Ambushes are also reported. The most recent occurred on June 5, 2009 when, following a demonstration, a Border Police officer remained in Ni'lin, hiding behind a pile of stones. According to al-Haq,

"a sixteen-year-old child, Mohammad Misleh Mousa, unwittingly approached the remaining officer, who shot Mohammed in the abdomen from a distance of 40 metres [...] Mohammad was hospitalised and underwent several operations and may be permanently paralysed as a result of a bullet's penetration of his spine."⁷⁹

⁷⁶ These testimonies were compiled in Arabic, translated into English, and published on 13 February 2009. For more, see: <http://stoptheWall.org/communityvoices/1848.shtml>

⁷⁷ <http://stoptheWall.org/communityvoices/1848.shtml>

⁷⁸ Stop the Wall interview with Ni'lin resident Mohammed 'Ayallah Hussein 'Amira, June 30, 2009

⁷⁹ <http://www.alhaq.org/etemplate.php?id=463>. Aqel Srour was killed in the same incident, a case that we will go into detail in the next section

Non-lethal ammunition is also an important tool in causing serious injury. Rubber or rubber-coated bullets, often fired at close range, have resulted in numerous cases in Bil'in, as well as others in Ni'lin and Jayyus. In June 2009, a 13-year-old boy in Bil'in was shot in the head with a rubber bullet and treated in Ramallah for a cranial fracture.⁸⁰ Ibrahim Bornat of Bil'in has also been shot in the head with the same sort of ammunition, resulting in permanent memory problems.⁸¹

Others have been shot in the head with tear gas canisters. On May 19, 2006, Hitham al-Khateeb was shot in the head in Bil'in with a tear gas canister and rushed to the intensive care unit of a Ramallah hospital with a fractured skull.⁸² Recently, soldiers have begun to use high velocity tear gas rounds to target protestors. These rounds, which have a much longer range and are shaped like shells, are deadly when fired directly at individuals. Serious injuries from these tear gas rounds to the head have been reported in Bil'in, among them a cousin of martyr Basem Abu Rahmeh, who was hit with a high velocity round and nearly disabled. He spent several months in a care centre.⁸³ In Ni'lin, three people were seriously injured after being shot with high velocity tear gas rounds. On May 22, 2009, Mustafa 'Amira was shot at close range by a tear gas canister in the back of his head and rushed to the hospital for treatment.⁸⁴ The most serious injury from tear gas canisters in Ni'lin has been American activist Tristan Anderson, who was hit in the head on March 13, 2009 and has remained in a semi-conscious state since.⁸⁵

2.2.4 Killings

There have been 16 people killed, half of them under 18, in villages protesting against the Wall since 2004. There have been two clearly identifiable waves of killings. One in 2004/5 and a second wave since 2008 until now. As is the case with serious injury, the circumstances surrounding the killings fly in the face of claims of crowd control or self-defence.

In 2004, five people were killed in Biddu.⁸⁶ On February 26, 2004, three Palestinians were killed in a surprise attack at a demonstration in Biddu. The IOF used tear gas to disperse protesters, and shortly after soldiers disguised as Palestinians infiltrated the demonstration as it approached an area where the bulldozers were working. These undercover soldiers then opened fire, instantly killing 30-year-old Zakariya Salem Abu 'Eid of Beit Ijza and 27-year-old Mohammed Saleh Rayan from Beit Duqu. 21-year-old Mohammed Badwan of Biddu was shot in the head and critically injured, dying shortly after. A fourth man, elderly Abed Arahman Abed, 70 years old, died a short time later in hospital from a heart-attack induced by exposure to tear gas.

⁸⁰ <http://www.ynetnews.com/articles/0,7340,L-3726423,00.html>

⁸¹ <http://electronicintifada.net/v2/article9687.shtml>

⁸² <http://palsolidarity.org/2006/05/1132>

⁸³ <http://stoptheWall.org/communityvoices/1939.shtml>

⁸⁴ <http://stoptheWall.org/latestnews/1954.shtml>

⁸⁵ <http://palsolidarity.org/2009/03/5324>

⁸⁶ Three were residents of the villages, two were residents of surrounding villages that had come to the Biddu to join in the protest there.

Later, on April 18, 2004 Diya' Abd el Kareem Eid was killed by the IOF in Biddu village. 24-year-old Diya' was a key activist in the village and was killed during a protest when soldiers unleashed a hail of bullets at the march.⁸⁷

In 2005, three children were shot dead in Beit Liqya. The two that were killed while protesting were killed in a blatant display of aggression. On May 4, 2005, Jamal Jaber, 15 years old, and Uday Mofeed, 14, were shot during a demonstration, when soldiers chased the two down and shot them with live ammunition. They were evacuated by ambulance but the journey to Ramallah hospital was held up at the Qalandiya checkpoint. By the time the ambulance was allowed through to the hospital, both boys had bled to death.⁸⁸

Similar waves of killings are occurring now. In Ni'lin, five people have been killed to date. The first was 10-year-old Ahmed Mousa, who was killed on July 29, 2008. Eyewitnesses said that Ahmed was with them at the demonstration against the Apartheid Wall. He also joined the protestors to the main road of Ni'lin. After the confrontations had ceased, Ahmed was standing with a paramedic and three other youths under the shade of an olive tree when an IOF jeep drove up and stopped. The driver of the jeep, along with another soldier who jumped from the back door, fired their M-16s simultaneously, with the driver shooting a live bullet and the other a rubber coated bullet. Ahmed was shot and killed by the live round, which, entered through his head at the left temple and exited out of the right side of the back of his head.⁸⁹

The second killing happened soon after. On July 30, 2008 Yousef 'Amira, 17 years old, was attending the funeral of Ahmed Mousa. The funeral turned to protest, with villagers blockading the main road to the village that is being transformed into a settler-only road. Yousef 'Amira was among the protestors participating in the direct action to block the road. Several hours later, while the demonstration was continuing on the road, 'Amira was in the village near his uncle's home. Soldiers entered the village by jeep, and one shot 'Amira in the head with two rubber-coated bullets from a distance of less than ten meters.⁹⁰

'Arafat Khawjeh and Mohammed Khawjeh were both killed at the same clash during a protest at the Wall in solidarity with Gaza during the war. Both were shot with live ammunition during clashes between youths and soldiers. According to those present, Mohammed was shot in the head near the eye, dying soon after in the hospital. 'Arafat was shot in the back and died instantly.⁹¹

On June 5, 2009 35-year-old Yousif "Aqel" Sadeq Dar Srour was killed by a .22 bullet. As reported earlier, a Border Police officer had remained behind after the demonstration dispersed and was hiding behind a stone formation. 16-year-old Mohammed Mousa unknowingly approached the area, and the officer responded by shooting him in the

⁸⁷ Stop the Wall interview with former northwest Jerusalem popular committee coordinator Sa'id Yaqin, July 5, 2009.

⁸⁸ <http://stoptheWall.org/latestnews/913.shtml>

⁸⁹ <http://stoptheWall.org/latestnews/1705.shtml>

⁹⁰ Stop the Wall interview with Ni'lin resident, July 5, 2009. Also see: <http://stoptheWall.org/latestnews/1703.shtml>

⁹¹ Stop the Wall interview with Ni'lin resident, June 15, 2009

abdomen from a distance of 40 meters. Aqel ran to assist him and was shot as well in the chest. Mohammad and Aqel were rushed to Ramallah Hospital, where the latter was pronounced dead upon arrival.⁹²

In Bil'in, Basem Abu Rahmeh was killed by a high velocity tear gas round. Basem was standing on a hill overlooking the gate. A soldier, standing some 30 meters away, fired the round directly at Abu Rahmeh, which smashed through his chest, some 10 cm above his lung. He was rushed to the hospital, but bled to death on the way.⁹³

2.2.5 Punitive attacks outside of demonstrations

These sorts of attacks form a special category of military violence, in so far that they are far removed from protest and thus the crowd control/defence pretext. As such, they are excused by Israeli spokesmen as errors in judgment, although more often they are not dealt with at all and instead pushed even from the margins of discourse. However, in our view these acts constitute an integral part of the repression of popular resistance.

Often, these attacks are undertaken explicitly as revenge against individuals or groups known to be involved in resistance. A horrendous early example this practice was documented in 2006 in Anata, where the building of the Wall had transformed the local high school into a war zone. Starting in 2005, Wall construction was undertaken adjacent to the Anata high school, resulting in constant attacks on the school and stiff resistance from the students and staff.⁹⁴ On January 2, 2006, classes ended as usual and students filtered out of the school. A group of soldiers were waiting outside, and they fired tear gas and sound bombs at students and staff. Many children were overcome by the volume of tear gas and collapsed with breathing difficulties. During this incident, soldiers beat and broke the leg of 15-year-old Mohamed Abed Al Wahab Al Khateeb.⁹⁵

Some four months later, on April 16, another student was seriously injured when soldiers were pursuing a group of fleeing students into the village after firing on the boys' football game at the local school. The attack culminated with serious injuries to 'Abd As Salam Salameh. 'Abd, 13 years old, had both of his feet broken as a jeep ran him down. According to testimony given the next day, he recounted what happened,

"We tried to escape from the tear gas and the noise of the sound bombs. Then we saw jeeps coming in front of the school. We were all running away. I saw the jeeps behind us and changed direction. The jeep was following me very fast. I ran into a dead corner. The jeep came closer, closer and closer and hit me. Finally, the jeep's wheels ran over my feet.

"I fell to the ground. The soldiers came out of the jeep. I didn't feel anything, I just tried to escape but I realized I couldn't walk and fell down again."⁹⁶

⁹² <http://www.alhaq.org/etemplate.php?id=463>

⁹³ <http://stoptheWall.org/communityvoices/1939.shtml>

⁹⁴ <http://stoptheWall.org/latestnews/1015.shtml> and <http://stoptheWall.org/latestnews/1184.shtml>

⁹⁵ <http://stoptheWall.org/latestnews/1076.shtml>

⁹⁶ <http://stoptheWall.org/latestnews/1133.shtml>

When ‘Abd’s father heard about the attack he ran to the site. The officer of the jeep that injured his son told him,

“I ran over your son and followed him to the hospital. I am now satisfied because he will never walk again. I will celebrate today.”⁹⁷

In Jayyus, soldiers shot Mohammed Fathi Salim from very close range on February 6, 2009. While this attack took place during a Friday demonstration, it was completely isolated from any action. Mohammed explained,

“There was a curfew, and stones were raining on the soldiers as they tried to get through the village. Me, my brother and two others were on the roof of our house. Soldiers forced their way in; they forced my father outside and pushed my mother off the stairs as they were coming up. They went to the roof and arrested my brother. We followed the soldiers, and my parents asked them to release their son. One hit my father with the butt of his rifle and he fell. I started cursing at the soldiers for this, and they shot me in the leg with a rubber-coated bullet. Then they wrapped my wound and left.”⁹⁸

This practice has recently received the most attention in Ni’lin. Most notably, video footage was captured on July 7, 2008 showing a soldier shooting Ashraf Abu Rahmeh, a 27-year-old activist from Bil’in, in the foot while he was blindfolded. According to a Palestine Monitor report, “Ashraf was taken to an Israeli jeep where he was beaten, his head on the ground, the soldiers cursing at him in Hebrew. When they reached the entrance of Ni’lin town, they started blindfolding him and attaching his hands behind his back. When out of the car, he was left under the sun for three hours, blindfolded and without water.

“They started speaking in Hebrew, which I do not understand’ said Ashraf, ‘the only word that sounded familiar was ‘gummi’ - meaning rubber. I did not think they intended to shoot me because they were too close, about 1 meter and a half away from me. Way too close.”⁹⁹

This incident could not be suppressed, however, as it was filmed by 16-year-old Salam Kanaan and was picked up by major news outlets.¹⁰⁰ In retaliation, punitive measures were directed towards the Kanaan household.¹⁰¹

“If they saw anyone at the window, they would throw sound or gas bombs [...] One time I was studying here and there was a soldier at the entrance. I wanted to open the window, and he threw a sound bomb as soon as he saw me.”¹⁰²

Salam’s father, Jamal Kanaan ‘Amira, gave a similar testimony. He also explained how other family members were assaulted.

⁹⁷ <http://stoptheWall.org/latestnews/1133.shtml>

⁹⁸ Stop the Wall interview with Jayyus resident Mohammed Fathi Salim, July 5, 2009

⁹⁹ <http://www.palestinemonitor.org/spip/spip.php?article546> see also: http://www.btselem.org/English/Firearms/20080721_Nilin_Shooting.asp

¹⁰⁰ <http://electronicintifada.net/v2/article9799.shtml>

¹⁰¹ The arrest of Salam’s father was part of this retaliation and is covered more in chapter 3

¹⁰² Stop the Wall interview with Ni’lin resident Salam Kanaan ‘Amira, July 1, 2009

“At night, they had stopped at the entrance of the house. My son got out of the car and was talking on his phone. A soldier came over to him and hit him in the face with his hand, drawing blood.”¹⁰³

Other times, these attacks seem more indiscriminate in their target. In Beit Liqya, on July 8 2005, 15-year-old Mahyoub Assi was killed as he was walking to pick grapes on his land, which was near to the path of the Wall. Soldiers stationed in the area shot him twice, one bullet in the chest and the other in his shoulder. They then took Mahyoub to their camp, where he bled for two hours before an ambulance was allowed into the area. He was already dead before he reached Ramallah hospital.¹⁰⁴

In Ni’lin, during the night of September 1, 2008 soldiers shot and permanently injured Awwad Srour, a mentally handicapped man.¹⁰⁵ According to Awwad,

“I was living in the bottom floor and he was in the top. The soldiers violently knocked on the door and when I opened it for them I told them to wait. One of the soldiers hit me on the head with the butt of his rifle and I fell unconscious for ten minutes. I was awoken by the scream of my brother’s wife, his children and my wife. They were saying, “leave him!” and had gone out of the house. I went out to see them from the veranda and a soldier fired rubber bullets at my head and wounded me in the eye and in the chest. They took my brother and I remained there bleeding. My son and daughter brought me to the centre of the village and they yelled for an ambulance. It brought me to the Ramallah hospital and they undertook the first operation [...]

“I lost my left eye and I can’t see anything out of it. They also did two additional operations, because of one of the bullets was very close to my heart. I remained in the hospital for a month.”¹⁰⁶

2.3 COLLECTIVE PUNISHMENT OF VILLAGES

Repression and violence are also aimed at the community as a whole. The IOF make a point of letting villages know that these tactics are in response to demonstrations and popular resistance. Systematic collective punishment is key to the repression and occurs during and outside of demonstrations.

2.3.1 Night terror raids

Night raids are specially designed to terrify entire villages. According to a resident of Jayyus,

“A typical raid begins in the late hours of the night or early in the morning, when the entire village is sleeping. This usually happens after a demonstration. Soldiers enter the village and start to shoot sound and

¹⁰³ Stop the Wall interview with Ni’lin resident Jamal Kanaan ‘Amira, July 1, 2009

¹⁰⁴ <http://stoptheWall.org/latestnews/961.shtml>. Mahyoub's brother was also killed two years previously in a similar incident.

¹⁰⁵ The IOF were arresting his brother Aqel, who would be killed months later.

¹⁰⁶ Stop the Wall interview with Ni’lin resident Awwad Abdulrahman Sadeq Srour, June 30, 2009

*light bombs and shout on the loudspeaker that the village is under the curfew. This is especially terrifying to young kids. But for everyone, waking up to explosions is shocking. You don't know if the village will be under curfew the next day, if someone's house is going to be destroyed, if someone you know is being arrested. In Jayyus, the army uses this to try to turn the people against the youth organizers of the demonstrations."*¹⁰⁷

Similar reports came from Budrus in 2006 and 2007. For three subsequent days in April, the IOF conducted raids in the middle of the night. People were forced at gunpoint from their beds, and all men made to have their fingerprints recorded on papers.¹⁰⁸ In February 2007, soldiers enter the village by jeep in the night, throwing sound bombs and flares amongst the houses.¹⁰⁹ The same type of raid occurs at intervals in Ni'lin and Bil'in, and occurs frequently in Jayyus while demonstrations are ongoing.

2.3.2 Curfew, closure and siege

Curfews are one of the main forms of collective punishment imposed on villages that are demonstrating against the Wall. The IOF will impose curfews on the entire village, prohibiting villagers from leaving their homes. Those who are caught in the street are liable to be arrested. During the curfews, Soldiers will search homes in the village and remove people for interrogation, which often includes beatings and humiliation. Curfews are often imposed during demonstrations, but also take place after demonstrations and at other, arbitrary times. This is clearly meant to harass villagers and disrupt their daily lives. The arbitrary imposition of curfew causes the people of these villages to live in constant uncertainty, wondering when the next curfew is likely to happen.

At times, the curfew becomes so extreme that it involves the closure and siege of a village. In July 2008, the village of Ni'lin was held under siege for four days. The IOF sealed the two entrances to the village and did not allow non-residents inside. When supporters, including people from nearby villages and internationals, attempted to break the siege and deliver food and medical supplies, soldiers fired tear gas and other ammunition in order to stop supporters from getting into Ni'lin. Throughout the siege, soldiers tear gassed houses, shot holes in water tanks, and raided homes, destroying property and arresting and detaining people from the village. Journalists were barred, although several were able to sneak in.

A number of people were shot or injured during that period, several permanently. Both described how the IOF obstructed medical treatment. Matea' Falah Hussein Ibrahim described the situation,

"a bullet penetrated my leg above the knee and remained inside. After the injury I walked on one foot until I lost feeling in it and a group of youths went and carried me on their shoulders. They carried me on a wooden ladder until I arrived at the house. The Occupation army was prohibiting ambulances. I was

¹⁰⁷ Stop the Wall interview with Jayyus resident, June 20, 2009

¹⁰⁸ <http://stoptheWall.org/latestnews/1122.shtml>

¹⁰⁹ <http://stoptheWall.org/latestnews/1410.shtml>

injured at five in the evening and then they transported me outside the village to the Sheikh Zeid hospital at 8:00 in the evening.”¹¹⁰

Jamil Ahmed Mahmoud Abdalhaq told a similar story,

“After [I was shot] Occupation soldiers began to follow me into the house and fired sound bombs and tried to take me, except that the medics and the women who were there stopped them from doing so. Then one of the youth went and put me in a private car to transport me to the hospital. That was because the ambulances were not allowed to enter the village because Occupation forces had prohibited them from doing so. Occupation soldiers began to fire rubber bullets at the car when it was heading in the direction of the northern entrance and when we arrived at that entrance they prohibited us from leaving. There was an altercation between the youth in the car and soldiers. After that they brought me to the eastern entrance of the village. This is the main entrance and there soldiers allowed an ambulance to take me and bring me to the hospital.”¹¹¹

The siege came at a time when the resistance was growing and becoming more effective in Ni’lin. It began after the people of Ni’lin had been demonstrating against the Wall almost daily for over 50 days and had caused damage to bulldozers, jeeps and trucks that were involved in the construction process.

2.3.3 Intentional tear-gassing of homes

In addition to firing tear gas at demonstrators, the IOF also intentionally fire tear gas directly into homes, as well as shops, markets and even medical centres during demonstrations. The gas not only affects the health of the people who may be inside, but it also causes damage to property, often causing fires inside targeted structures. During the 4-day siege of Ni’lin, tear gas was fired into many homes, shops and markets. In one particular case, soldiers shot tear gas inside two buildings that are located near to the Wall. One belongs to the village teacher Sami ‘Amira and another is the home of Azmi Khawajeh. Tear gas even permeated inside the medical clinic, further affecting those who had been brought in for treatment after exposure to tear gas.¹¹² As we have noted, the home of Salam ‘Amira was also often a target of tear gas bombs.

Bahjat Mousa of Jayyus, whose home was often the target of tear gassing, explained the effects,

“I cannot count how many times they fired tear gas inside my house. There were even three times when soldiers inside the home [Bahjat’s home was occupied almost every Friday by soldiers, who would take up positions inside and on the roof] threw tear gas from one room to another. I remember once when a soldier was playing with the bomb before throwing it into another room.

“After Friday, the smell of gas would not leave the house for two or three days. From the gassing and invasions and always seeing the soldiers, my children were under a lot of stress. For a period of time the

¹¹⁰ Stop the Wall interview with Ni’lin resident Matea’ Falah Hussein Ibrahim, June 30, 2009

¹¹¹ Stop the Wall interview with Ni’lin resident Jamil Ahmed Mahmoud Abdalhaq, June 30, 2009

¹¹² <http://stoptheWall.org/latestnews/1679.shtml>

youngest was peeing on the floor. As a result of everything, I had a heart attack, and have had two operations. My daughter has also been in the hospital.”¹¹³

Firing tear gas into homes and other buildings is meant to terrorize people and cause damage to property. It is a form of collective punishment; every home and business in the village is a potential target for attack.

2.3.4 Destruction of property

Intentional destruction of property by soldiers is quite common in villages actively protesting. The most widely known targets are house windows and water tanks, and every village has reported the destruction of the latter. Water for Palestinian households is stored in large tanks, either made of black plastic or thin metal, which sit on the roofs of each house. These are often shot full of holes by soldiers, cutting off water to a home until the holes are patched or the tank replaced. Describing one attack, Mohammed Brijiah of Al Ma’sara stated,

“once soldiers attacked my house, breaking the glass of the windows and shooting the water tanks.”¹¹⁴

This testimony is repeated, with little variation, in Jayyus, Bil’in and Ni’lin.

In one case, severing of water has been used by settlers as collective punishment against the popular committees. In the northwest Jerusalem enclave¹¹⁵, villages such as Beit Surik, Biddu, and several others, are linked to the same water infrastructure as the Har Adar settlement. During the period of demonstrations, the settlement cut off water to the villages. Flyers from the settlement then appeared in the village, telling the villagers that if they “exhibited good behaviour”, then the water would be turned back on again.¹¹⁶

During house raids connected to demonstrations, reports are common of destruction of personal property and, on occasion, looting. During the 2008 siege in Ni’lin, on July 6, five homes were raided and furniture and electronic equipment smashed.¹¹⁷ During the mass arrest of youths in Jayyus on February 18, 2009, soldiers raided dozens of homes and destroyed the families’ belongings, including cabinets, pillows and mattresses, and computers on the pretext of searching for arms.¹¹⁸ Other materials were also stolen, according to Mohammed Othman of Jayyus,

“The village was under curfew [...] and they started to search houses. They stole some money according to the people, and they confiscated computers of people. In my house, they took all the information about the

¹¹³ Stop the Wall interview with Jayyus resident Bahjat Mousa, June 5, 2009

¹¹⁴ Stop the Wall interview with Al Ma’sara popular committee member Mohammed Brijiah, July 2, 2009

¹¹⁵ This enclave includes the villages of Qatanna, Khirbet Umm al-Lahim, Biddu and Beit Surik.

¹¹⁶ Stop the Wall interview with former northwest Jerusalem popular committee coordinator Sa’id Yaqin, July 5, 2009. This is the only incident we have come across directly involving the settlers in issuing threats. It is unclear if this was done in coordination with the army, although it is likely.

¹¹⁷ <http://stoptheWall.org/latestnews/1686.shtml>

¹¹⁸ <http://stoptheWall.org/latestnews/1857.shtml>

Wall, information that had been collected from 2002-2009, CDs, boxes, pictures. They also stole every single book [from a bookcase covering an entire wall of the house]”¹¹⁹

Tear gas bombs, which often cause fires in fields, are used to set homes on fire and destroy property as well. Several cases have been reported in Ni’lin, for example on April 7, 2009 when a tear gas bomb exploded inside the home of Hasan Abdullah ‘Amira, starting a fire which burned household items and furniture.¹²⁰ In Bil’in, one home was burned when soldiers opened the window and threw a tear gas bomb inside. The carpets of the village mosque were also set on fire in a similar manner.¹²¹

Land, in addition to that which is being destroyed by the Wall, can also be a target. Bulldozers, which are present for the construction, can easily be diverted from construction and used to uproot trees and destroyed land in retaliation for demonstrations. Such was the case during the demonstrations in the northwest Jerusalem enclave, where the IOF “bulldozed agricultural land outside of the path of the Wall and cut trees.”¹²² The same reports came out of Jayyus this year.

2.4 INTENT AND AIMS OF REPRESSION

From the cases described above, it should be clear that the death, maiming and injury resulting from military violence are not accidental incidents resulting from measures of crowd control or self defence. Instead, they form a consistent pattern of repressive violence. The tactical aims of violence are the repression of popular resistance in every village that offers it. Individual and collective punishment are two, complementary parts of this strategy.

Pressure from above, or the targeting of individuals by the army, is aimed at repressing the demonstrations while at the same time punishing those involved. Collective punishment targets villages as a whole in an attempt to break ties of solidarity and create divisions within communities, creating pressure on the demonstrations from below.

The killing, maiming and injury form the pressure from above. This tactic is not intended to stop a given demonstration or control a crowd, but rather to kill the movement from the roots. In order to do so, the IOF build up a known system of warnings and threats, framing the repression for communities. However, these threats must be based on experiences of violence, making the killing and maiming not only natural, but necessary products of policy.

¹¹⁹ Stop the Wall interview with Stop the Wall youth coordinator Mohammed Othman, June 15, 2009

¹²⁰ <http://stoptheWall.org/latestnews/1913.shtml>

¹²¹ Stop the Wall interview with Bil’in popular committee member Abdullah Abu Rahmeh, July 2, 2009

¹²² Stop the Wall interview with former northwest Jerusalem popular committee coordinator Sa’id Yaqin, July 5, 2009

2.4.1 Proving intent

The most obvious indicator of intent is the large number of warnings and threats issued to the village by The IOF. As we have seen, threats of death, serious injury, and other forms of punishment always go hand in hand with the repression itself.

The means of repression are also indicative of intent. With punitive violence occurring outside demonstrations, this is painfully obvious. However, it is equally true about violence occurring during or after demonstrations. For example, the use of snipers, which are responsible for a number of cases of shooting, are hidden and/or use silenced weapons. Their concealment and distance from the action allows them to easily choose a target. At one particular Jayyus demonstration, five were shot near the Wall with no soldiers visible. One of the wounded was 31 year-old journalist Khalil Muhammad ‘Aiyad Reyash, who explained,

“On Friday, 9 January 2009, I was covering the weekly demonstration in Jayyus, [...] strangely, there were no Occupation soldiers there [at the south gate], and the demonstrators arrived at the gate and took to shouting slogans against the Wall.

“Then, I heard a slight sound, closest to [the sound of] a light wind. I thought in the beginning that the soldiers had arrived in the area and fired gas bombs that were dispersing amongst the demonstrators. I glanced in the direction that the demonstrators were rushing, and snapped three pictures. I was still expecting that a gas bomb would explode among the demonstrators, and I was going to take a fourth picture when I felt something hit my right leg and I fell on the ground.

“[...] They made it clear in the hospital that I had been wounded with a live bullet in my right leg, and that the bullet exited from the other side, leaving shrapnel of varying sizes.”¹²³

The intent to seriously injure is also illustrated by the recent reintroduction of several types of ammunition. Instead of using rubber bullets, which would be a logical choice if the goal was merely to disperse unarmed protestors, soldiers have chosen to use hollow point bullets¹²⁴, exploding or fragmenting bullets, .22 calibre bullets, and 40 mm high velocity tear gas rounds.

Fragmenting bullets are live rounds that break up upon hitting a target, leaving metal fragments within the body that are difficult, at times impossible, to remove. These types of rounds have been used in Jayyus, where several have been injured, and Ni’lin, where at least 10 cases have been reported.¹²⁵

In addition, The IOF have reintroduced the use of .22 rounds that are fired from Ruger rifles. The .22 rounds, which are fired from a Ruger 10/22 Suppressed Sniper Rifle, were first introduced when the first Intifada broke out. The weapon was explicitly designed to be *less lethal* than the 5.56 mm M16/Gilil assault rifle round but *more deadly* than rubber

¹²³ <http://stoptheWall.org/communityvoices/1848.shtml>

¹²⁴ Hollow pointed rounds, or dum dum bullets, are designed to expand on impact, causing larger wounds.

¹²⁵ <http://stoptheWall.org/communityvoices/1848.shtml>

coated rounds. The IOF chose the .22, which they used to shoot out the legs of key protest leaders.¹²⁶

In the second Intifada, after several children were killed by .22 rounds, the weapon was reclassified as lethal and its use for “riot control” prohibited.¹²⁷ Like the fragmenting rounds, the effects of the .22 are well known, and use of both by snipers, coupled with the serious injuries caused, illustrate that the intention is to cause serious injury and death.



Tear gas bombs: 40 mm high velocity round center. Photo: Stop the Wall

To this, we can add the 40 mm high velocity tear gas rounds. These rounds are not visible when they are fired or when they are in the air. At 300 – 400 meters, the canister explodes internally in order to give it increased velocity. These high velocity tear gas canisters have a plastic or fibreglass head and resemble shells, rather than circular shape of conventional tear gas bombs.

Israeli army officials claim these weapons are intended to be used in the same manner as conventional tear gas bombs as a means of dispersing crowds. However, when fired directly - as opposed to being fired in the air in an arched trajectory - the canisters act like missiles. Soldiers have been firing these canisters directly at demonstrators, sometimes from only a few dozen meters away. There have been numerous severe injuries and one death as a result of direct hits from these rounds.

Killings follow a similar logic, and both waves of killings can be considered at once both intentional and indiscriminate. In a majority of cases, the target is not chosen on account of his role as a political activist and organizer or his capacity to inflict harm on soldiers, but is instead killed solely for his presence at a given demonstration. In this sense, the killing is indiscriminate. At the same time, however, the killings are direct and intended result of a policy which relies on spectacular violence, the victims of which are presented as examples, or warnings, to terrify communities and deter protest.¹²⁸

2.4.2 Explaining purpose

Intent is important, but it is also key to understanding the aim of repression as a whole. Not only does this further prove intent, but it also shows that violence is both common, and an integral part of Israeli military policy toward popular resistance. Repression produces injuries that serve as the reminders of this web of threats. Measures are taken

¹²⁶ http://www.ruger1022.com/docs/israeli_sniper

¹²⁷ http://www.btselem.org/English/Firearms/20090618_Firing_live_ammunition_on_demonstrators.asp

¹²⁸ It is important to note that this policy does not preclude assassination. There has been at least one clear case, and two possible cases, of assassination of political activists for their political role as organizers.

that every member of the community is aware that such threats are not empty, nor merely possible, but guaranteed. What we have categorized as “punitive violence outside of demonstrations” is important here, as it expands the real possibilities of injury outside the limited sphere of anti-Wall action.

The threats experienced by the village are the groundwork of this policy. The threats to handicap youth, harm children, attack farmers participating in demonstrations, and the like experienced by the villages is integral for the army. It would do little good if villagers understood violence as accidental or a breach of a relatively safe policy; instead, the threats work to make it abundantly clear that any engagement in popular resistance will be met with heavy-handed repression. Villagers must know that every time they march to their land, cut fences, or throw stones the possibility exists that they or their children will be killed or permanently injured.

In order for a threat to hold any power it is necessary to actualize the threats, and the targeting of individuals at demonstrations does just this. Injuries, especially those that are permanent, serve to remind the community that such a fate is guaranteed over time. In this context, permanent injury is a desirable to the IOF, as it produces the most lasting image of the consequences of popular resistance. The terror this creates is not limited to the village within which it occurs. Al Ma’sara, for example, has for the most part not been met with excessive force. However, the threats given to popular committee members may be just as effective, as they capitalize on violence carried out in other locales.

Killings have often functioned in this logic, and are used more to terrify communities than as ways to destroy the organizational or political capacity of a given demonstration. However, killings have in certain cases also been explicitly aimed at particular individuals for their roles as lead activists and/or organizers of popular resistance. Diya’ Abd el Kareem Eid in Biddu, for example, was very active in the struggle against the Wall in the district. Recently, Aqel is one case where assassination cannot be ruled out. Very active in the weekly demonstration and in organizing popular resistance, Aqel’s face and name were known to soldiers in Ni’lin, and it is very likely the officer who killed him was perfectly aware of his target. Like Aqel, Basem Abu Rahmeh in Bil’in was also known to soldiers, who often called him by name, and was an important organizer and activist.

When seen this way, the tactics are part of a strategy that is by definition systematic, premeditated and violent, not sporadic and accidental. Here however, the army plays a double game, creating an image of their actions that puts the violence into the latter category and removes it from the context of a premeditated strategy.

2.4.3 The double game

Despite clear evidence that the killing of protesters is deliberate, the Israeli military consistently maintains that any such killings are accidental. Their argument is based on first asserting that demonstrations are dangerous riots and that soldiers are forced to employ ‘crowd control’ measures to break up demonstrations. They then argue that fatalities and serious injuries are accidental because the primary objective of firing on crowds is to disperse them, not to injure or kill. These arguments are uncritically taken up by Israeli and

international mainstream media, which become more often than not a tool for the propaganda of the Israeli military.

Even a brief survey of Israeli media coverage of fatalities at protests exposes the ‘spin’ used by the Israeli military to cover up their policy of intentionally injuring and killing protesters.

On June 5, 2009, 35 year-old Aqel Yousef Sadiq Srour was killed at a demonstration in Ni’lin after being shot in the chest with live ammunition. In their coverage of the shooting, the Israeli media stressed two key points. First, they repeatedly reported that Srour was a known security threat and that he might have been a member of Hamas.¹²⁹ This was clearly meant to imply that Srour was not an innocent victim, but rather a terrorist who was killed for security reasons. Then, in what appears to be a contradictory move, the army and media argue that his death was in fact accidental. Several reports quote Israeli army officials who insist that soldiers fire live ammunition at the feet of protesters in an attempt to disperse the crowd. That Srour was shot in the chest, is presented as an accident resulting not from intent to kill, but improper use of the weapons. The army officials explain at length the training given to soldiers to try to prevent these types of ‘errors’. Again, the army stressed the danger of participating in protests, with one source telling YNET, “these are violent riots in which hundreds of people take part. Whoever participates in them needs to take into account that he might get hurt, just as security forces do.”¹³⁰

In July 2008, 10-year-old Ahmed Mousa was killed in a demonstration in Ni’lin. The next day, at his funeral, 17-year-old Yousef ‘Amira was also killed. The Israeli coverage of ‘Amira’s killing presents his death as an accident which occurred in the course of Israeli soldiers attempted to disperse a crowd during a riot. The Jerusalem Post neglected the fact that ‘Amira was not killed during the protest and quoted an Israeli Army official who insisted that “the evening riot was particularly violent and three border policemen were wounded by the rocks.” The source went on to argue that “the security personnel were forced to use riot dispersal [techniques] against the villagers.” He ends by reminding readers “that demonstrators should be aware that anyone who enters into the middle of a disturbance zone can be injured.” The rhetoric is nearly identical to that used in reports of Srour’s killing.¹³¹

The same language was used to explain the killing of Basem Abu Rahmeh in Bil’in, with Ha’aretz running a headline, “IDF: Protester's death likely due to unauthorized fire.”¹³² The army’s narrative seemed to have been given support when a B’tselem report stated, “According to media reports, the State Attorney's Office has ordered the Police to review its guidelines for dispersing demonstrators. The order comes in the wake of the death of Bassem Abu Rahma, a Palestinian who was demonstrating in Bil’in, and of injuries suffered

¹²⁹ For example, the YNET headline read, “IDF [sic]: Man killed in Naalin [sic] was Hamas operative” followed by the IOF’s narrative that “the victim had been a Hamas operative who had attacked soldiers as part of a large group.” See: <http://www.ynetnews.com/articles/0,7340,L-3726873,00.html>

¹³⁰ <http://www.ynetnews.com/articles/0,7340,L-3726873,00.html>

¹³¹ <http://www.jpost.com/servlet/Satellite?cid=1215331149364&pagename=JPost/JPArticle/ShowFull>

¹³² <http://www.haaretz.com/hasen/spages/1079196.html>

by a number of other demonstrators recently. [...] B'Tselem calls on the State Attorney's Office to investigate incidents of tear gas canisters fired at people and to prosecute the police officers and soldiers who were responsible for the prolonged and flagrant breach of regulations, and the commanders who allowed the forbidden practice to continue."¹³³

This strategy is not only applied to killing, but to any violent act that moves into the view of the non-Palestinian public. Perhaps the most widely reported incident from a demonstration was the shooting of Ashraf Abu Rahmeh when he was blindfolded and handcuffed. The army declared that this shooting contravened the army's code of conduct and was presented as an exceptional incident, rather than standard practice. Furthermore, several reports frame the incident as an accidental result of a misunderstanding. Such reports claim that the commanding officer was trying to scare Abu Rahmeh by threatening to have him shot and that the soldier who shot him did so because he thought he was obeying an order. The commanding officer claims that this was a misunderstanding because the order was never given. Both accounts of the story attempt to present the shooting of Abu Rahmeh as a rare occurrence which was either an accidental or deliberate mistake made by otherwise competent soldiers.

Whatever the written army guidelines may say, the persistency of injuries and killings displayed above is clearly part of a systematic and widely used policy of military aggression.

2.4.4 Criteria of racist discrimination in the use of violence

Violent repression follows the same discriminatory patterns as arrests; IOF and spokesmen are clear that violence should be toned down when non-Palestinians are present. In March 2008, it was reported that an Israeli representative announced a decision that gives border police the right to use live ammunition against Palestinian demonstrations and protests that take place close to the Wall. The order also forbade the use of live ammunition at actions where internationals or Israelis are present.¹³⁴

Even before this order, it was widely understood among protestors and communities that violence was often toned down when non-Palestinians were visible at demonstrations. In an interview done in 2004, a 25-year-old schoolteacher from Budrus explained this unsurprisingly racist approach,

"The presence of internationals is important as it provides a sort of protection, as the Occupation soldiers would not shoot live ammunition, only rubber coated bullets, so they won't kill the internationals. Also, people outside believe the internationals more than they would believe us when they speak of what Israel is doing."¹³⁵

¹³³

http://www.btselem.org/English/Firearms/20090504_State_Attorney_to_Police_direct_firing_of_tear_gas_canisters_foribdden.asp

¹³⁴ <http://stoptheWall.org/latestnews/1624.shtml>

¹³⁵ <http://stoptheWall.org/communityvoices/261.shtml>

This is not to say that international and Israeli activists are not ever injured. Tristan Anderson is perhaps the worst case of injury during anti-Wall demonstrations, but dozens of international and Israeli activists have been injured in various protests, several of them seriously. At least five Israeli activists have been wounded and one international activist critically wounded in anti-Wall demonstrations since 2003.¹³⁶

These cases, however, are the exceptions that prove the rule. Palestinians, primarily youths, are the ones targeted by Israeli soldiers, who believe Palestinian life to be cheap. This is corroborated by journalist and ex-soldier Seth Freedman,

“The gloves are off with Palestinians. There is less of a comeback than if internationals or Israelis are killed. While there is no official stance on this in the army, this is quite clearly communicated internally, and it is more than understood [by the soldiers.] Therefore the army is less trigger happy with internationals or Israelis.”¹³⁷

2.5 COLLECTIVE PUNISHMENT: BLACKMAILING OF THE COMMUNITY

Collective punishment aims to divide the community toward popular resistance. The goal of creating division between the popular committees is best illustrated by a flyer that was (secretly) planted by the IOF in Bil’in in 2005. According to Abdullah Abu Rahmeh, the flyer argued that the popular committee was not working in the interest of the community and betraying tradition and values. It cited specifically that the presence of Israeli and foreign activists would result in improper relationships (presumably sexual) and the spread of AIDS. The flyer was meant to appear as if it originated from within the community, although the content and unknown signatories indicated that it was a forgery.¹³⁸

As when targeting individuals, the army frames collective punishment with threats, making it understood that it will continue as long as demonstrations are occurring. This is either made explicit, as when farmers are threatened with demolition when stones are thrown from their property. More often, however, it is implicit, and soldiers use the pretext of a demonstration to enter a village and tear-gas homes and destroy property.

The collective punishment of villages raises the stakes of popular resistance considerably for communities. As a whole, these tactics target the most vulnerable sections of a village. The tear-gassing of homes, for example, may be bearable for adults but is a nightmare for children. Jayyus resident Bahjat Mousa’s testimony is not unique in this regard, as children in targeted villages and homes tell similar stories. Night raids also work under this logic and, like any tactic aimed at spreading terror, have awful effects on children.¹³⁹ What these tactics aim at, politically, is to divide families trying to protect their children or other vulnerable members from those engaged in popular resistance.

¹³⁶ For information on internationals, <http://palsolidarity.org/>; Israelis, <http://www.aWalls.org/>

¹³⁷ Addameer interview with Seth Freedman, June 29, 2009

¹³⁸ Stop the Wall interview with Bil’in popular committee member Abdullah Abu Rahmeh, July 2, 2009

¹³⁹ One can also view the killing and maiming of children in villages as also collective punishment of parents.

This same logic can be applied on the economic level. Extended curfews may limit work opportunities for already impoverished communities. In Ni'lin, the intent of the siege was not only to punish the entire village for its resistance, but also an to attempt to diminish support for these demonstrations. This can be compounded by the destruction of property, especially of those not involved in protest, which may further pressure people who see their fragile economic well-being eroded. The loss of permits for those that have been arrested, discussed more in detail in the coming chapter, is another serious blow to the livelihood of a household.¹⁴⁰ This is especially dangerous in villages where youths form the leadership organizing weekly actions. In Jayyus, the targeting and destruction of property was tried to set older residents against the youth.

2.6 THE RATIONALE OF REPRESSION

The protests and demonstrations are only part of the overall struggle against the Apartheid Wall. Many other forms of resistance, mobilization, awareness raising and investigation form part of the effort. However, with the repression of the protests and the popular committees, the IOF targets the backbone of the struggle against the Wall. The tactics – arrests, killings, injuries, psychological warfare and collective punishment – have become well-known to the Palestinian people over decades. Such tactics are at least as counter-productive as they are effective. Looking at the history of the struggle against the Wall, the repression has simply not succeeded in quelling the resistance.

While resistance and repression have been ongoing since 2002, two major waves of repression have been orchestrated against the villages – one in 2004/5 and another one starting from 2008 and continuing until today. The systematic and intentional nature of the assaults on the popular resistance movement is clear; however, one can only attempt to understand the logic that has triggered these waves of repression in perspective.

In 2004/5, when the verdict of the International Court of Justice was fresh, media coverage was high and the ongoing protests made headlines. The movement against the Wall was lively and becoming increasingly popular and successful. Thousands of people gathered for demonstrations against the Wall, and entire communities blocked construction on a daily basis. According to a former organizer,

“people were coming out from everywhere and the actions, in terms of numbers were daily and large and were including 2,000 – 3,000 people.”¹⁴¹

The IOF might have been under the illusion that by drowning the protests in violence, they would be able to stop them - just like they did with the mass protests that started the second Intifada. The communities’ silent endurance of the hardship and dispossession caused by the Wall would have eased the diplomatic and public relations problem the Wall

¹⁴⁰ While permits to work in Israel seem most often to be denied upon arrest, they are also denied for political activism. Both Sa’id Yaqin and Abdulallah Abu Rahmeh testified that activists and their families were denied permits.

¹⁴¹ Stop the Wall interview with former northwest Jerusalem popular committee coordinator Sa’id Yaqin, July 5, 2009

constituted for the Israeli authorities. In fact, one of the tactics that have complemented military repression was the stop-and-go procedures in the construction of the Wall. Once the protests in the villages broke out, the military did respond with violence, but also with a simple halting of the construction. A month or two later, work would restart in the hope that the popular resistance would have lost momentum.

Over the last year, as stalemate set in on many levels of the Palestinian political scene, the struggle against the Wall has once again taken on a central role. The negotiations to bring about national unity and to create a functioning and legitimate national authority have lost credibility; and the various Palestinian political parties are unable to propose alternatives. Since Annapolis, the Wall has disappeared from the Salam Fayyad/Abu Mazen government's diplomatic agenda. This should be the perfect moment for Israel to integrate the Wall, and its contingent land grab, into mainstream discourse and material reality.

The only stumbling block for such a move is the existence of the popular committees and their continuing resistance. With even occasional media exposure these committees can be a serious obstacle to the normalization of the Wall. This form of struggle has shown an ability not only to survive in the face of aggressive Israeli force, but to cultivate a new generation of activists and spread to a number of new villages. It has cemented its role as the only platform capable of organizing continuous popular protests. It is unsurprising that the activists lately arrested in Al Ma'sara have been accused by the IOF of nothing other than being part of this 'dangerous phenomenon', which is spreading throughout the West Bank.¹⁴²

¹⁴² <http://stoptheWall.org/communityvoices/1949.shtml>

Chapter 3: Violating civil and political rights – arrests and detention of communities and supporters involved in protests



Soldiers arrest Palestinians in Ni'lin who blocked the construction of the Wall. Photo: Oren Ziv

"I go [to the protests] every week, but I wish I could go every day."¹⁴³ AK, youth arrested from Ni'lin

Protests against the Wall are met with a range of repressive policies. As seen in the previous chapter, Palestinians and other activists regularly experience violence, physical pressure, curfews, blockades, and shooting. They also face other forms of repression, such as detention and arrests. Former detainees and their families are a special case, and are often subjected to particular forms of collective punishment, such as permit confiscation and, in some cases, harassment long after they have completed their sentences. Based on observation and statements obtained from Palestinian and Israeli activists, Addameer has documented several cases where the IOF have used arrests, the threat of detention and collective punishment as means to intimidate and coerce Palestinian anti-Wall protestors and activists to abandon their resistance.

¹⁴³ Addameer interview with "AK" (interpreted by Hindi Mesleh) June 16, 2009. AK is a Palestinian youth who was arrested by the army at his house and detained for 8 days after he was involved in the protest.

'The vast majority of arrests are retaliatory arrests after the protests, and occur at night or during the daytime'.¹⁴⁴

Arrests are often indiscriminate and based on weak charges such as “being in a closed military zone”,¹⁴⁵ “stone-throwing”, “interfering in soldiers’ activities”, “resisting arrest”¹⁴⁶, or “being a threat to the State of Israel”, and insubstantial evidence will be used to make the arrest. On some occasions¹⁴⁷, the army will conduct mass arrest campaigns in villages late at night, arresting numbers of youths suspected of being involved in the anti-Wall protests. According to statements¹⁴⁸ obtained by Addameer, interrogators have on occasion detained Palestinians for merely ‘participating in protests’ and subsequently threatened them with further detention if they attended protests again. These charges are made in spite of the fact that the right to assemble and the right to peaceful protest are rights under the *International Covenant on Civil and Political Rights*.

Once arrested, protestors and activists are transferred to interrogation centres and the interrogation and detention process can last hours, or days.¹⁴⁹ The number of Palestinians arrested during a given protest or during the following night can range from a few individuals to dozens. Addameer has recorded 176¹⁵⁰ confirmed cases of Palestinians being arrested and detained, for periods ranging from a week to as long as 6 months in prison, as a result of participating in protests since 2004. This number is likely to be far lower than

¹⁴⁴ Addameer interview with AATW activist Jonathan Pollack, June 14, 2009

¹⁴⁵ An activist and a journalist interviewed mentioned how arbitrary the declaration of military zones was, and how they seemed to be designed as a means of preventing access to protest sites, or as a tool to disperse the protesters suddenly. The IOF would threaten to arrest anyone who remained in the area. In a written interview, Rada Daniell, an IWPS activist, stated “the soldiers would declare a ‘closed military zone’ and ask people to disperse; and then they would start with arrests. [...] This would be declared a couple of minutes before [...] The IOF use this as they choose.” Gerard Malsim from Maan corroborated this trend, stating that he had been threatened with arrest a couple of times when near a protest, on the grounds that he was in a closed military zone. Even when he was trying to get somewhere else, he was told he would be arrested if he did not leave the area. In practice, the IOF use Article 90 of Military Order 378 to declare closed military areas. This Article gives the commander the power to (A) [...] *issue an order declaring any area or place to be a closed area. Anyone who is found entering or leaving the area without a written permit issued by or on behalf of a Military Commander, or with a permit which was issued under false pretences, shall be guilty of an offence under this order. (B) Any person who enters a area or place closed in accordance with sub-clause (A) without a written permit issued by or on behalf of a Military Commander or with a permit which was issued under false pretences, or who remains in the area or place subsequent to the expiry of the validity of such a permit or in contravention of the conditions set by the permit, may be removed from the area or place by any soldier.*

¹⁴⁶ Addameer interview with international activist (name anonymous), June 17, 2009

¹⁴⁷ On February 2, 2009 the IOF conducted a mass arrest campaign of people in the Qalqiliya district village of Jayyus. Soldiers went from house to house, interrogating and brutalizing residents under the pretext of searching for arms. During the night raid, 65 civilians, including 2 juveniles and 2 officers belonging to the civil police and the Palestinian National Police were reportedly detained and interrogated inside the town’s school. Muhammad Taher Al Qaddumi, a civilian in Jayyus, was also severely beaten, sustaining injuries to his head. 10 were subsequently arrested.

¹⁴⁸ Addameer interview with Budrus popular committee member Nasser Abdul Nasser Ahmed Hussein Murar, June 17, 2009

¹⁴⁹ Ismael from Jayyus – interrogated for 62 days.

¹⁵⁰ Addameer archives ‘List of Palestinian anti-Wall activists arrested’

the actual number of protesters arrested.¹⁵¹ It also does not reflect the number of Palestinians being detained several hours for questioning and subsequently released.

Every village that has been active in mobilizing protests against the Wall's construction through their respective popular and (now former) land defence committees has experienced various forms of intimidation and coercion through raids and targeted arrests by the IOF. These villages include Ni'lin, Bil'in, Jayyus, Budrus, Al Ma'sara, and Azzun. While there are differences in the degree to which arrests are used, based on the decisions of the Israeli military, arrests appear to be carried out against protesters regardless of their methods of protest.

This chapter draws on information received from the popular committees, as well as from the Stop the Wall Campaign, human rights groups, journalists, lawyers, and individuals who have been arrested because of the protests. It presents an overview of (1) the use of detention and arrests in the occupied Palestinian territory, and in the West Bank in particular, including the Military Court System; (2) how arrests have occurred in five villages which have actively protested against the Wall; and (3) the treatment and sentencing of Palestinian as well as Israeli and foreign protesters, which demonstrates the racist discrimination inherent in these processes; (4) the forms of intimidation and deterrence used against Palestinians in detention; and finally, (5) forms of collective punishment adopted against ex-detainees and their families when they are released.

3.1 USE OF DETENTION IN THE PALESTINIAN TERRITORY AND THE MILITARY COURT SYSTEM

3.1.1 The systematic use of detention and arrests in the OPT

The use of detention and arrest is systematic in the Occupied West Bank, something demonstrated by the high percentage of Palestinians – men in their vast majority, but also women and children – detained and arrested in both Gaza and the West Bank over the last four decades. Indeed, since the occupation of the West Bank by Israel in 1967, more than 750,000 Palestinians have been detained by the Israeli military in the occupied Palestinian territory.¹⁵² This constitutes approximately 20 percent of the total Palestinian population in the OPT, and as much as 40 percent of the total male Palestinian population. In May 2009, there were at least 8,100 Palestinians in Israeli prisons, of which 60 were women and 390 were children.¹⁵³

¹⁵¹ Due to the timeframe of this report, Addameer was only able to collect data on this number of confirmed cases, obtained through the members of the popular committees. It intends to carry out a more detailed survey in each of the villages affected, to determine with greater precision the number of Palestinians arrested because of their protests against the Wall.

¹⁵² The West Bank, East Jerusalem and the Gaza Strip comprise the occupied Palestinian territory/occupied Palestinian territory (OPT), which Israel has held in belligerent occupation since 1967; the occupation takes places within the context of an ongoing international armed conflict; among the applicable legal regimes are the Third and Fourth Geneva Conventions of 1949, customary international humanitarian law and the international human rights treaties to which Israel is a State Party.

¹⁵³ Figures as of May 31, 2009, www.addameer.info

Arrests appear as a means of stifling any form of resistance, or indeed, in some cases, are used against any form of collective and protective actions for and by the Palestinian people. It also appears to be a means of dismantling the Palestinian social fabric by targeting social activists, unionists, and community representatives. “Over the years, thousands of Palestinians have been detained and charged with maintaining ties to an organization, institute, office, movement, branch, centre, committee, faction, group, or whatever the law defines as “a body of persons” branded “hostile” or “terrorist” and included in an ever-expanding list of unlawful associations.”¹⁵⁴

Under current military orders in the occupied Palestinian territory, putting up political posters, writing political slogans, participating in demonstrations, and belonging to any political party, amongst many other activities, are all defined as threats to the security of Israel.¹⁵⁵ Civil associations, “even those that help maintain the daily life of the community in the harsh reality of the occupation”¹⁵⁶ are treated as threats to Israeli security. “A wide range of social, cultural, humanitarian and political activities [...] are all suspected of being linked to terror.”¹⁵⁷

3.1.2 The Military Court System

Unlike Israelis or internationals, who, if they face trial, will be tried in the Israeli civil courts, Palestinians from the West Bank are processed for trial, sentencing and imprisonment in one of the two Israeli military courts currently operational in the occupied Palestinian territory: Salem, near Jenin, and Ofer¹⁵⁸, near Ramallah.¹⁵⁹ Both military courts are located inside Israeli military bases. From the outset, the system through which Palestinian protesters are arrested and tried does not uphold the standards of fair trial. Of the 5,497¹⁶⁰ Palestinian cases (not including traffic violations) concluded in 2007, less than 1% acquitted. Only 93 resulted in full evidentiary trials. This is indicative of the institutionalised racism inherent in the Israeli legal system. We will consider this discrimination when contrasting the trials and sentencing of Palestinians and other activists arrested.

“Due to the expansion of jurisdiction, matters which should be under the jurisdiction of a civil court (Palestinian or Israeli) are in many cases dealt with under the Israeli military system – a system that enjoys less independence and impartiality and does not effectively safeguard the individual rights of accused persons and suspects.”¹⁶¹

¹⁵⁴ MachsomWatch “Guilty” – Military Courts 2008 <http://www.machsomwatch.org/files/Guilty.pdf> p. 6

¹⁵⁵ Addameer: Defending Palestinian Prisoners: A report on the status of defence lawyers in Israeli courts – April 2009

¹⁵⁶ MachsomWatch “Guilty” – Military Courts 2008 <http://www.machsomwatch.org/files/Guilty.pdf> p. 9

¹⁵⁷ Ibid.

¹⁵⁸ The Israeli government refer to these courts as the Military Courts of Samaria and Judea, respectively

¹⁵⁹ Palestinian detainees from Gaza are tried in Israeli domestic courts. They used to be tried at the Erez military court, but now are tried in these Israeli domestic civil courts under a ‘special’ law

¹⁶⁰ Addameer statistics provided by Kathleen Gibson

¹⁶¹ Sharon Weil “The judicial arm of the occupation: the Israeli military courts in the occupied territories,” *International Review of the Red Cross*, Vol. 89, No. 866, June 2007, p. 419. For further analysis of the Military Court System and the Judges, see Addameer’s submission to the UN Special Rapporteur on the Independence of Judges and Lawyers, June 2009, available at <http://addameer.info/wp->

The protesters who are arrested are civilians, and should be tried as civilians in appropriate courts. While international human rights law does not preclude the trial of civilians by military courts, it states that this must be exceptional and that it must not derogate from the rights of the accused to a fair trial, and with respect to their human rights. The UN Human Rights Committee has stated the following:

(i) A state of emergency may never be invoked as a justification for deviating from fundamental principles of fair trial,¹⁶²

(ii) Resort to military tribunals should be exceptional and limited to cases where regular civilian courts are unable to undertake trials with regard to the specific class of individuals and offences,¹⁶³ and

(iii) Military tribunals should afford the full guarantees stipulated in Article 14¹⁶⁴ of the ICCPR.¹⁶⁵

In practice, these preconditions are not met by the military tribunals, and represent a further and serious violation of Palestinians' rights.

3.1.3 Palestinian juveniles: tried and sentenced as adults

Moreover, the Israeli military court system does not abide by the internationally accepted legal definition of a child, which considers minors as anyone under the age of eighteen.¹⁶⁶ The Israeli civil courts, on the other hand, define defendants under the age of eighteen as minors, and try them in special juvenile facilities, appointing specially trained juvenile judges and authorized officers and police men to work with them. There is also a special procedure set out for their arrest. None of this exists in the military courts. The latter considers defendants adults at the age of sixteen. Children who are younger – while they may later be detained in a separate facility – will be interrogated and tried in the same holding places and courts as adults, and with no specially trained personnel and no consideration of their specific or protection needs. In addition, a sixteen-year-old who is tried and sentenced in a military court, as opposed to a civil court, will have to serve their term with adults. Someone of the same age who is sentenced in an Israeli civil court will be sent to a separate juvenile facility, organised by the Israeli Prison Service, as recommended for persons of that age. Of all the Palestinian juveniles we met with who were tried in front of a military court, and all were sentenced, not one of them had access to these separate facilities.

content/images/addameer-submission-to-the-un-special-rapporteur-on-the-independence-of-judges-and-lawyers.pdf, p. 9

¹⁶² UN Human Rights Committee, Gen Comm 29, p. 5 para 11

¹⁶³ Ibid, p. 6, para 22

¹⁶⁴ For full article provisions, visit: http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

¹⁶⁵ Ibid.

¹⁶⁶ Article 1, Convention on the Rights of the Child, <http://www.unhchr.ch/html/menu3/b/k2crc.htm>

Given that the ICJ ruling found the Wall and its associated regime to be illegal under international law, and given that Palestinians have a legitimate right to self-determination and the right to exercise their civil, political and cultural rights, the arrest and trial process appear to make a mockery of fair standards of trial and due process. The military court system is upholding and tacitly corroborating with the policy of indiscriminate arrests against protesters. In reaction to this, the popular committees, supported by activists and human rights groups, are finding innovative ways of proving their innocence in court, to the extent that some judges have ruled that their cases should never be brought to trial at all.¹⁶⁷

3.2 ARRESTS IN FIVE VILLAGES: AL MA'SARA, BIL'IN, BUDRUS, JAYYUS and NPLIN



Soldiers arrest a Palestinian youth. Photo: Anne Paq

Given the methodology and time frame of this report, we have chosen to focus on five villages that have or have had important and highly active demonstrations against the Wall: Al Ma'sara, Bil'in, Budrus, Jayyus, and Ni'lin. These five villages provide a good example of the IOF's past and present arrest strategies: targeting youths and popular leaders, making threats, and imposing penalties on detainees' families. Each village has experienced specific, and concerted, repression and arrests from the IOF, which are outlined briefly below.

While Budrus was an early example of resistance, and carried out protests very regularly between 2003 and 2005, it has not been organising these as systematically since the Israeli High Court decided to move the route of the Wall closer to the 1967 border.¹⁶⁸ Its case illustrates well how the trend of arrest was applied even in the early years of the protests, and how the village was affected. Jayyus, which is not currently organising demonstrations against the Wall, remains active in other ways, and has recently been the target of a mass arrest campaign. There, the IOF have concertedly targeted the young and imposed stringent penalties on those arrested and their families. Bil'in is now a well-known village and represents a beacon of hope for Palestinians, because of the determination and creativity of its protest campaigns, but has recently faced a renewed spate of arrests after a few years of respite. Ni'lin is one of the larger villages affected by the Wall, and has suffered, in a very short time frame, from a concerted campaign of repression by Israeli forces. This could be related to the fact that it is strategically located close to an important settlers' road. Indeed, the repression campaign, which includes arrests, has been extremely severe, despite the fact that it has been protesting for only one year. Finally, Al Ma'sara is a

¹⁶⁷ In the case of Ayed Morar, the judge ruled that he should not have been brought to court and that he had a right to protest.

¹⁶⁸ Though there are still 200 dunums that have not been returned

village that has a consolidated leadership and has been using peaceful, visible and novel ways of protests, which have helped it to garner international support and attention. The IOF has almost exclusively targeted members of its popular committee.

While it is difficult to determine with certainty the exact numbers of persons arrested because of their protest activities against the Wall¹⁶⁹ the table in Appendix 2 lists the confirmed cases of Palestinians arrested in the villages examined here. The majority of those arrested are members of the popular committee or are youths, and all are male.

3.2.1 Renewed arrests in Bil'in: targeting the youth rather than the popular committee members

Over a period of 3 weeks, from June 23rd 2009 to June 7th 2009, the IOF have carried out a series of arrests in Bil'in, arresting 10 youths¹⁷⁰ including 6 children. Before then, only one or two persons had been arrested in the village for Wall-related activities since 2007. The majority of arrests had in fact occurred in 2005, in the same year that the protests started, and targeted members of the popular committees, especially the organisers. Of the recent arrests, all were carried out during dawn raids.

Night raids are commonly used to arrest Palestinians, and are more discrete as they occur in the early hours, when there are fewer or no internationals, Israelis, or media present. These raids are deeply traumatic for families and the individuals arrested. Typically, during dawn arrests, Israeli army units surround the house between midnight and 4am and force family members onto the street in their nightclothes, regardless of weather conditions.¹⁷¹ Basma Abu Rahmeh described one such raid,

*"It was during Ramadan, the day before the holy day. It was very difficult that my son was arrested, especially during this time. They came at night and knocked at the door, they took my son... I went with him, I tried to get them to release him. They pushed me, and told me I would be shot. I did not hear what had happened to him for two weeks, I did not know anything. And then I found out he was in Ofer, in jail, and that he had been injured. I was so worried."*¹⁷²

Since the Wall has been completed around Bil'in, there has been less contact between the protesters and the army, therefore reducing the chances of protesters being arrested during the demonstration. The latest spate of arrest appears to represent a renewed tactic by the IOF to deter Palestinians from protesting against the Wall. It also seems that the IOF are

¹⁶⁹ For the purpose of this paper, we focused exclusively on activists' involvement in visible and organised protests against the Wall, i.e. the demonstrations, rather than on acts of protest against the Wall more generally and its associated regime. If one were to consider other modes of protest against the Wall and its regime, which includes the settlements, the checkpoints, the systems of control, the number of arrests we would consider would be much higher.

¹⁷⁰ The latest arrest before publication occurred at 3.30am on Tuesday the 7th July http://www.bilin-fji.org/index.php?option=com_content&task=view&id=162&Itemid=1

¹⁷¹ Torture & Ill-Treatment in Israel and the occupied Palestinian territoryoccupied Palestinian territory, UAT United Against Torture Annual Report 2008 p.10

¹⁷² Addameer interview with moth of ex-detainee Basma Abdullah Abu Rahma Yassin (interpreted by Iyad Burnat), June 26, 2009

also looking to carry out mass arrests. A report that was released on the 7th of July 2009 stated that the IOF entered the village of Bil'in with 10 arrest warrants. They arrested one youth and issued nine summonses to the families of the youths who were not present.¹⁷³

While different factors are undoubtedly at play, it would seem a large coincidence that this strategy is unrelated to the major court case currently underway in Canada. The village is suing two Canadian companies, Green Park Inc. and Green Mount Inc., in a landmark case. The latter are building and selling condominium units in Modi'in Illit, a settlement currently spreading on lands that were confiscated from Bil'in under pretexts of "security".¹⁷⁴ Further research is needed to determine whether or not there is a correlation between these events.

3.2.2 Ni'lin: intense low-level warfare

67 documented arrests

Ni'lin has only been protesting for about one year, and has faced extremely high levels of violence and repression from the Israeli forces, as will be illustrated in the following sections. The IOF regularly carry out night raids into the village, and also come inside the village during the demonstrations. They put the village under a very strict curfew for 4 days, barring access to foodstuffs and contact with the outside. Due to the geography of the area surrounding the Wall in Ni'lin, protestors and soldiers are in close proximity to one another, which facilitates arrests of protestors during demonstrations. However, the IOF never seems very far away from the village's activities. The scale of violent repression and number of arrests combine in Ni'lin, and demonstrate how indiscriminately these can be used. At least 57 Palestinian protestors were arrested in Ni'lin since the start of the weekly demonstrations and their sentences have ranged from a week to 6 months in administrative detention, i.e. a form of detention without charge or trial.¹⁷⁵ Again, in Ni'lin, those arrested tend to be young men in their twenties, as well as children and juveniles:

"10-20 years-old are more likely to be targeted. But members of the popular committee are less likely to be targeted now than before."¹⁷⁶

The fact that in Ni'lin, as opposed to trends found in other villages, the members of the popular committee are no longer likely to be targeted is something that would need further research, and we will consider this evolution in the repression in our next report.

¹⁷³ "Explosions Pierce the Quiet of Bil'in", Iyad Burnat http://www.bilin-ffj.org/index.php?option=com_content&task=view&id=162&Itemid=1

¹⁷⁴ For further information on the legal proceedings, please refer to Bil'in's website: <http://www.bilin-village.org/english/>

¹⁷⁵ Though the use of administrative detention appears to be quite rare in the case of anti-Wall protesters, we will be researching this tactic further in other villages.

¹⁷⁶ Addameer interview with Ni'lin resident and activist Hindi Mesleh, June 16, 2009

3.2.3 Dawn raid in Jayyus

37 documented arrests

In Jayyus, a mass arrest of youths and other villagers occurred on the night of the February 18, 2009.¹⁷⁷ Around 65 people were brought to the local school to be interrogated for several hours, and 26 of them were subsequently arrested. Many of those detained and then arrested were members of the ‘Youth Committee of the Stop the Wall Campaign’, which does much of the mobilizing work for the weekly demonstrations against the Wall in Jayyus.

When we consider some of the accusations brought against the Palestinians who were arrested, this mass detention and arrest campaign seemed, by all accounts, to be associated with Wall-related activities. Jayyus has, for the time being, suspended its weekly protests against the Wall, but the scale of its activism clearly singled it out as a village for the IOF as a community whose resolve to carry out the protests needed to be weakened. This was combined with a range of other repressive tactics, which we will consider briefly in the next section. Again, far from this campaign of arrests proving successful, it appeared, at least in the case of the youths, to unify and motivate them to protest and resist.

“This last factor – unification as opposed to fragmentation – appears to be a common feature of the impact of the arrest campaigns, at least from the testimonies we obtained. Some international activists interviewed mentioned that being arrested is almost like “a rite of passage”, something every youth has to go through before they can become a man.¹⁷⁸ This is not to deny that it has contingent and serious effects on the detainee’s family and the community at large, and that experiences will vary from village to village and from family to family. However, many of the Palestinian activists interviewed stated that, while the experience was difficult and the arrest in itself was unjust, detention would not deter them from pursuing their protests, even if they could no longer be as active as before. They stated that though being arrested was a difficult sacrifice, it was one they were willing to make to protect their rights and their land. Therefore, despite their ramifications, arrests also appear to provide a kind of stimulus to the protests, and protesters are aware that the IOF are using them as a form of deterrence. Far from achieving this objective however, arrests seem to be able to fortify the “raison d’être” of the resistance movement.

3.2.4 Budrus: early reprisals against popular committee organisers

28 documented arrests

In Budrus, the arrests have played out slightly differently than in the other villages. Nasser Morar, member of the popular committee, stated that around 70% of the protesters tended to be women and children. When the IOF responded with violent means, the popular committee would advise people to turn back, to avoid violent confrontation. They

¹⁷⁷ <http://addameer.info/?p=1191>

¹⁷⁸ Of course, arrests can in some circumstances act as a form of deterrence, as they apply “pressure from above” (punishment as a form of deterrence from the IOF) as well as, in some cases, “pressure from below” (from the families trying to prevent their sons and family from protesting, to protect them against the arrests.) Further research is needed to measure and determine the impact of these dual forms of pressure.

were aware a number of women, elderly persons, and young children were present, says Nasser, as they had encouraged them to attend the peaceful demonstration. In terms of arrests, 28 people have been arrested since the start of the activities against the Wall, though it is not certain that all of them were specifically related to the Wall. Four members of the popular committee, including Nasser and his brother Ayed, were arrested during night raids in 2004, and told this was because of their involvement in the protest. During the trial, Nasser recalled that,

“I stood up in court and admitted that I was in the protests and that it was my ‘right to resist’. This seemed to make the judge angry.”¹⁷⁹

While Ayed was released after 10 days, Nasser was jailed for 5 months for allegedly being involved in dangerous protests, and being a threat to the Israeli state.

Nasser Morar feels that they were trying to be careful to avoid violence and stone throwing against the IOF soldiers. He seemed anxious to mobilise members from all the different sections of society, to demonstrate its peaceful intent.

3.2.5 ‘A tried and tested and not yet dusted’ strategy: targeting the popular committee members

According to Addameer’s interviews, members and heads of the popular (formerly land defence) and youth committees in respective villages were all initially targeted by IOF during the first years of the Wall’s construction, in order to break up protests and create disunity, especially since these committees have been the most vocal in their non-violent protests and have been instrumental in coordinating and mobilizing weekly protests.

Over the first year of protests in Bil’in, from February 2005, the IOF arrested a number of the popular committee organisers. This is consistent with one of the IOF’s tactics of arresting community heads to try and stifle the protests. But, according to Neta Golan, this has only proved successful in one of the 12 villages ISM has been working in, and which she prefers not to name:

“When the protests and the situation escalate, the IOF’s first tactic is to arrest the heads of the popular committee (PC.) There is a military thinking that if the head is cut off, the body dies. But how top-heavy are the committees, and how much do they represent the communities? If it is truly a popular movement, then new leaders will pop up. Plus, these arrests bring attention to the struggle, and so the protests continue anyhow. In Bil’in for instance, the PC is very open, there are many leaders, many people can join and become active members – there is always room for new people.”¹⁸⁰

A leader in Bil’in’s popular committee, Iyad Burnat, was arrested twice: in 2005, whilst bulldozers were about to start their work, he stood in front of one. He was beaten severely during the arrest and had to be taken to Ramallah hospital. He was simply left there, and then free to go when he was discharged. In 2008, Iyad was arrested again during a

¹⁷⁹ Addameer interview with Budrus popular committee member Nasser Morar, Budrus, June 15, 2009

¹⁸⁰ Addameer interview with ISM activist and adviser Neta Golan, June 28, 2009

demonstration and spent 8 days in Ofer. In court, the prosecution said he was throwing stones. In his case, the judge asked for photographic evidence, which could not be produced by the prosecution. Gaby Lasky, who represents Israelis, internationals and Palestinians in many such cases, represented him in court. Iyad was released, convicted of a minor crime and told to pay a 4,000 NIS fine, which he has not paid.¹⁸¹ Iyad feels that levels of activism matter more to the IOF than the fact that one is a leader, though these factors are likely to be interconnected.

In all the other villages, where the tactic of arresting popular committee heads has been employed – including most recently in Al Masara – it has not managed to suppress the protests. On the contrary, new protagonists have emerged, often under the guidance of popular committee members who can no longer – due to their bail conditions – be as actively involved as before. In Al Masara, Mahmoud Zawahre's mother has jointly taken over the leadership of the popular committee. This is an example of how adaptable and flexible the popular resistance can be, and how it has managed to resist the IOF's attempts to suppress its activities.¹⁸²

While the IOF have, in Al Ma'sara's case, arrested heads of the popular committees very recently, it no longer seems to be a commonly used tactic. Given that overall, the tactic seems to have failed in its attempts to suppress the protests, heads of popular committees may be seen as too big and visible figures, because of their activism, connections, and strategic vision and determination.

3.2.7 Targeting the youth

"In the first 2 months, they targeted the leaders, they would attack their homes and arrest them. Then they realized that the leaders were not afraid, that they knew their rights. So they went after children and others, who did not know their rights in the same way. They would ask them to become informants. The youths they arrest are mostly between the ages of 16 to 22, and are all male."¹⁸³ Abdullah Abu Rahmeh, Bil'in popular committee

The youth are also less aware of their rights, and less aware of how to defend themselves against the abuse they will invariably face in detention. The impact of these arrests on the communities is very high.

During interrogations for instance, heads of popular committees were not systematically asked if they would become an informer, while with the youth, it is a standard question – often repeated several times accompanied by threats of physical and legal harm. The IOF may now be choosing the more vulnerable and generally less well connected members of the community: the youth. The IOF would often use the pretence of arresting youth

¹⁸¹ Addameer interview with Bil'in popular committee member Iyad Burnat, June 26, 2009

¹⁸² This paper will however consider the highly discriminatory treatment inflicted on those public committee members.

¹⁸³ Addameer interview with Bil'in popular committee member Abdullah Abu Rahmeh, June 10, 2009

because they were stone throwers and ‘trouble-makers’¹⁸⁴, without evidence of their individual guilt.

Following the gathering of information on protestors¹⁸⁵ and suspected stone-throwers, IOF then raid the villages, arresting scores of youths and interrogating them for hours in interrogation centres close to the villages or in the villages themselves. In some instances, the IOF would raid villages during the day after the end of school and provoke children,

Mohammed Amar Hussan Nofal, 16, was arrested in Jayyus along with around 65 other people on 18/2/2009 and interrogated in the village school. The following is a description of his experience:

‘At the school, I was questioned with my brother Ahmed for 2.5 hours or so, by 7 officers. They asked me why I participated in the demonstrations, but I tried to deny it. Then they asked me why I threw a Molotov cocktail against them. I said I never had, which was true. My parents were there and witnessed this. They can confirm I never had. I later confessed that I had been to demonstrations, but had not thrown a Molotov cocktail.

I was sent to another officer – Captain Hadi. The latter gave me a paper and wanted to photograph me holding it up. It had numbers on it, and Hebrew words. I refused. The captain invited the soldiers, and they started hitting me again. They invited me upstairs and chained me to the rail. I was standing and then sitting down. I said it was painful and asked them to loosen it. They released me and put handcuffs on instead.

They beat me on my back and brought me to the captain. The latter asked me again whether I would hold up the picture. One soldier twisted my arms (which were behind my back), while the other held up the picture in front of me. Then I was given a paper and sent to Kedumim.

When I was sent to Kedumim, I was under investigation until 2am. They carried out a health examination on me in the Sufim centre. But instead of checking my health, they were hitting me with the butt of a rifle and telling me off for throwing stones.

I was sent to Huwwara (provisional detention centre), and saw some guys from Jayyus. I was sent to court after 9 days.’ Addameer interview with Mohammad Amar Hussan Nofal, June 25, 2009

threatening them with arrest if they threw stones. According to Budrus popular committee member Ayed Morar,

“Arrest is a good opportunity for Israeli forces to beat Palestinians, especially kids.”¹⁸⁶

While the youth are amongst the staunchest and most proactive demonstrators, they maybe perceived as more corruptible or easier to intimidate. Because arrests can also occur indiscriminately, it may also frighten the youth’s families, who will try and deter their children from supporting the demonstrations, and reduce their own involvement in them. Again, the impact on the protests of such a policy appears weak when looking at the showcased villages. In a smaller village, we interviewed a youth, “H” who had just been

¹⁸⁴ Addameer interview with Ni’lin resident and activist Hindi Mesleh, June 16, 2009

¹⁸⁵ Through the arbitrary arrest and ill-treatment of other villagers.

¹⁸⁶ Addameer interview with Budrus popular committee member Ayed Morar, June 16, 2009

released after serving a 3 months sentence in jail. H had been arrested for passing by a protest on his way to university, and was accused of organizing and leading the protest. His family, including a number of younger siblings and cousins, was present at the time, and it was a very traumatic experience for them. From the information we gathered, it seemed highly improbable that H had been involved in the protest in any way. H was tried and convicted to serve a 3 months sentence for his role in the protest, missing his university examinations. His family was so afraid that he might be rearrested just for telling his story that we could not pursue the interview further.¹⁸⁷

According to Defence for Children International / Palestine Section 2009 Annual Report on Palestinian Child Prisoners, when clashes occur near the Wall between stone-throwing Palestinian children and Israeli soldiers, the soldiers tend to respond by arresting *any* child in the vicinity, regardless of whether that child was actually involved in any unrest or not.¹⁸⁸ The report then documented a number of cases¹⁸⁹ where children were arrested merely for being in the vicinity of youths throwing stones and were subjected to psychological and physical abuse during the interrogation procedure. According to Seth Freedman, an ex-IOF soldier:

“We were doing a patrol in the cemetery next to Rachel’s Tomb; some kids starting throwing stones [...] It is almost academic who we detained, and we did detain one of them indiscriminately. [...] For the army, anything that brings about an immediate end to the violence is allowed. [...] The methods used have a lot to do with the Commander, things are up to his discretion. The army is not one entity.”¹⁹⁰

After the arrest, various methods are used to coerce children into extracting confessions including physical assault, threat of assault, or ordering the children to sign confessions in Hebrew, which the majority of Palestinian children do not understand.

3.3 THE TREATMENT AND SENTENCING OF PALESTINIAN, ISRAELI AND FOREIGN PROTESTORS

3.3.1 Indiscriminate violence during arrests

Violence during peaceful protests has been regularly used to deter activists from participating. While the majority of injuries and all the deaths have been sustained by Palestinians, it has been previous noted that a number of international and Israeli anti-Wall activists have also suffered injuries as well. This shows that, while it may show a measure of restraint when non-Palestinians are present, the IOF can and will also employ aggressive and violent behaviour against international and Israeli activists. The arrest process appears to follow similar lines, and is invariably violent for all Palestinian, Israeli and international activists.

Indiscriminate violence may also affect those around the arrestee. Samed Mohammad Hassan Salim was arrested on February 18, 2009 in the village of Jayyus in the Qalqiliya

¹⁸⁷ Addameer interview with a youth in a village affected by the Wall, June 24, 2009

¹⁸⁸ DCI (2009) Report, p. 25 [emphasis Addameer].

¹⁸⁹ Ibid, p. 34. Refer to Mohammed A.’s affidavit, case study 8

¹⁹⁰ Addameer interview with Seth Freedman, June 29, 2009

district, along with 60 other Palestinians, who participated in the weekly protests. During the arrest, IOF soldiers pushed his pregnant wife violently, causing her to fall down badly. She later suffered from a miscarriage. A medical report confirmed that the combination of the fall, the sound grenades, and the surprise of the raid were factors that led to her miscarriage.

From all the accounts we obtained, Israeli and foreign protesters are less likely to be arrested in a protest than a Palestinian. While they and internationals are also generally less numerous than the Palestinian demonstrators, they frequently expose themselves to arrest when trying to prevent the arrests of Palestinians.¹⁹¹ Indeed, especially in places where there is still direct contact between the IOF soldiers and the protesters – like in Al Ma’sara or Ni’lin, and Bil’in before the Wall was finished – they would often try to position themselves in between the soldiers and Palestinians, or intervene when the latter were facing arrest.¹⁹² They have a strong awareness that the consequences of arrest for Palestinians are much graver than for themselves, and will have a larger socio-economic impact on the community. Indeed, Palestinians also face much more severe sentences, higher fines and bail charges, as well as much harsher and more degrading treatment in detention.

In general, the arrests of foreign and Israeli protesters occur at the protest, and tend to be used as a technique to break up the protests on the day, rather than as a tool to prevent their future (and long term) participation in the protest. This, as we will see, has much to do with the high levels of resources required to pursue charges against Israelis in particular, and the different levels of evidence and standards of justice required in the civil courts where both Israelis and foreigners would be tried. We will consider this when comparing the treatment of Palestinians with that of Israeli and foreign activists in the trial process.

International protesters are sometimes also arrested at a checkpoint or when they are leaving the area (see case below.) Arrests of internationals appear to be more common in less “visible” demonstrations or more remote locations.¹⁹³ Some have also been arrested for filming or photographing the scene. Others who were simply present at the protest have also been arrested:

“An hour or two [after the protest, I was in a car driving back to Ramallah, along with two other internationals and several Palestinians. We were stopped at the centre of the village, and the internationals in the car were told to remain behind, as we were under arrest. The soldier accused us of throwing stones, which was a total fabrication. We were taken outside the village and made to wait there for a few hours. The army commander told us that he was letting us go, but that the police were coming to figure out what to do with us. We were loaded into a military jeep, and taken to a nearby checkpoint, where we had to wait for another few hours for the police to arrive. When the police arrived, they told us we were being taken to

¹⁹¹ Tactics that Israelis and foreigners say they employ are things like forming a ‘human knot’, standing in between soldiers and Palestinians, or trying to protect the youth when they are arrested from their homes during Israeli dawn raids.

¹⁹² Very few Israelis or internationals have been present during the nighttime raids of villages and arrests carried out then, which may indicate why the IOF have recently increased their resort to this tactic in villages such as Bil’in. This may be worth trying to develop, given that the presence of Israelis and internationals does appear, in some cases, to have an impact on the IOF’s use of force and arrests against Palestinians.

¹⁹³ Addameer interview with ISM activist Sasha Solanas, June 16, 2009

Case Study: Arrest of 7 activists in Ma'sara April 2009

On 1 May 2009, the IOF arrested seven people including five Palestinians, three of whom were members of the Al Ma'sara Committee against the Wall and Settlements, one British activist, Tom Stocker, and one Israeli solidarity activist, Hagai Mattar, in the West Bank village of Al Ma'sara during a demonstration against the Wall. The IOF alleged that the arrested demonstrators had been involved in 'rioting, interfering with police work, assault of soldiers and policemen, and the destruction of military property'¹ although Addameer strongly suspected that the members of the Al Ma'sara Committee had been deliberately targeted as a result of their role in mobilizing demonstrations in the village. Both Stocker and Mattar were arrested after trying to prevent IOF arresting members of the Committee. They were released after a couple of hours after paying a 1500 NIS bail each and with conditions of not entering the West Bank for two weeks. Three of the five Palestinians, Azmi Ash-Shyukhi; Mustafa Fuara; and Mahmoud Zawahre, were released on bail (50,000 NIS all together) after being held in military prison for almost two weeks on 13 May 2009. Mohammad Brijiah was released later and was ordered to pay 25,000 NIS with his court case still pending. His brother, Hassan Brijiah, is still being held as of July 2009. All four of the Palestinians released on bail are awaiting trial and have been ordered not to participate in any demonstration until their cases were resolved.

The Al Ma'sara arrests represented a clear case of discrimination in how Israeli and international activists are treated during their detention compared to Palestinians. Palestinian activists risk paying higher fines, have to undergo long trial procedures in a military court system that is short of international standards for a fair trial, in particular regarding the defendant's access to incriminating evidence and the opportunity to cross-examine witnesses, and face sentences that are disproportionate to the severity of their offences. International and Israeli activists on the other hand, are likely to be released within a few hours and their sentences suspended or significantly reduced.

"There is a big difference. When we were arrested, we were 5 Palestinians, one British and one Israeli. The Israeli and the British persons were released after 1 hour. The rules on them are not very hard. They were not allowed to attend the demonstration for 1 week." - Mohammed Brijiah

the police station at Ariel settlement, and that the army commander had pressed charges against us. Upon arriving at the police station, we were asked to sign a prepared statement in Hebrew. We refused, since none of us read Hebrew or knew what was in the statement. We then had to wait in the lobby for another few hours, and were taken in one by one to be questioned. We were told that we were being charged with refusing to leave a closed military area, after we had been explicitly told to stay [and wait there], and after being shown a map stating that it was a closed area.

This was again a false accusation, as we were neither told that it was closed, nor were we shown a map. In fact, we were in the process of leaving when we were stopped. We each gave our own statements refuting the charges, and were released on a surety bond, saying that we were free to go, but if we were ever called in for questioning again, we would have to appear, or else pay a 2,500 shekel fine."¹⁹⁴

Palestinians, as we have seen, can be arrested at any point: at the protest, during dawn raids or incursions into the village during the day, or at checkpoints. These arrests may be indiscriminate, and can be based on information on the protests extracted through coercion of ex-detainees, collective punishment of the village, or be individually punitive (i.e. in the case when they want to punish someone because they are in the same family as someone who has exposed their use of violence, as we will see further on.)

¹⁹⁴ Addameer questionnaire responses from international activist "B", June 2009. "B" was arrested in early 2009.

3.3.2 Conditions of detention for internationals and Israelis

While the arrest itself can often be violent, especially when it occurs during a demonstration, international and Israeli activists' treatment in detention appears to be more reasonable.¹⁹⁵ Except in the case of a very active international activist whose arm was broken while she was being held, they generally do not experience much violence during this stage. They also reported that, when held for a few hours, they would receive something to eat and drink. They will be questioned with regards to their activities, and asked to provide names of Palestinians organising or leading the demonstrations. It is quite rare, as we will consider, for charges to be pressed or for them to be kept in detention. Once released, which could be at any time of day or night, those we interviewed said they were not offered any means of transport and had to rely on fellow activists to collect them. The police holding them did not facilitate them making phone calls to a lawyer, but nor did they seem to prevent this either. In at least one case, where an international activist was released in a settlement, they received help from Palestinians who were attending the police station to renew their permits. Jonathan Pollack described the conditions,

“[The detention] is not perfect – one is held in a holding area or a jail, and is questioned. The questioning style can be more or less aggressive. But it is very rare that actual violence is used against Israelis. The arrest itself is often very violent, but it is very rare to experience violence afterwards. This is not the case with Palestinian activists who are arrested.”¹⁹⁶

For Palestinians, being taken to detention is a starkly different story.

3.3.3 Breaking the individual: torture and ill-treatment of Palestinians during arrest and detention

Palestinian human rights activists habitually face physical and psychological abuse from the moment of the arrest through to the interrogation, detention, and sentencing process. Once in detention, they face violent and long periods of interrogations, torture, as well as humiliation, denial of adequate medical care, poor sanitary and hygiene conditions, insufficient and inadequate food and drink, and exposure to the elements. A number of interviewees stated that the IOF also threatened repercussions on their families, such as violence, denial of permits and arrests, if they did not agree to sign a confession or provide information on other protesters and organisers. While not everyone interviewed was asked to become a collaborator, the majority were asked at least once, if not many times.

The conditions during the arrest and detention of Palestinians vary from excessive shackling, humiliation and insults to severe forms of physical and psychological abuse, such as beating and threats to detain family members or physical abuse of family members.

The violence against Palestinians during the arrest and interrogation procedure is systematic and is largely understood by Palestinians to occur regularly. According to one

¹⁹⁵ There are exceptions, as in the case below of Victor MacDiarmid, though this does not appear to be a common trend.

¹⁹⁶ Addameer interview with AATW activist Jonathan Pollack, June 15, 2009

interviewee¹⁹⁷, ‘they always beat you – that is normal’¹⁹⁸. In another instance, a protestor from Al Ma’sara described his experience during the arrest procedure:

*‘They were beating me. It felt like they were trying to kill me. They handcuffed me and forced me into a chair. My neck still hurts from the beatings I received. They were strangling me (demonstrated strangling by the neck.) I lost consciousness.’*¹⁹⁹

During detention, detainees are regularly placed in painful positions with their hands shackled behind their backs (known as the ‘Shabah’ position). Detainees are then habitually left for 24 hours or longer and interrogated while placed in this position. In some instances, physical violence is employed on the detainee, such as beating (hands) or the threat of physical violence is used. Samed Mohammed Hassan Salim was arrested in February 2009 and suffered physical abuse at the hands of his interrogators.

*‘My arm was broken and never mended correctly’ - at which point Salim showed Addameer’s researcher his arm which appears twisted and does not bend in the right place.) ‘They did not bring a doctor as they said this was because of our hunger strike. They just put it in hot water and tied it to my neck. The only treatment you ever get in prison is aspirin’*²⁰⁰

Food conditions in the interrogation and detention centres are dire. Although it varies from centre to centre, every interviewee complained of the quality and quantity of the food that was served to detainees. In one instance, an ex-detainee²⁰¹ complained that the food was often beyond its due date, and in two other cases that it looked like a mixture of someone else’s leftovers.²⁰²

With regards to hygiene conditions, the situation is not much better. In some instances²⁰³, detainees are only allowed 2 hours a day to be outside their cell, and in this time, detainees take the opportunity to visit the bathroom, which is located outside the cell. Addameer documented two cases²⁰⁴ when detainees in Ofer interrogation centre were given food with anti-diarrhoea medication inside, unbeknownst to them, and this prevented them from emptying their bowels for ten days. After 10 days, they were subsequently given laxatives to empty all the food they had accumulated. Both detainees claimed that the technique was used to exert physical pressure on them during the initial interrogation procedure and to extract confessions. Nasser Morar talked about how the extraction of information was a very common practice,

*‘The military commander told me that for every 1000 protestors arrested, one would give up information.’*²⁰⁵

¹⁹⁷ Addameer interview with Jayyus resident Samed Mohammed Hassan Salim (interpreted by Khalid Shareef) June 25, 2009

¹⁹⁸ Ibid.

¹⁹⁹ Addameer interview with Mohammad Brijiah, June 17, 2009

²⁰⁰ Addameer interview with Jayyus resident Samed Mohammed Hassan Salim, interpreted by Khalid Shareef, June 25, 2009

²⁰¹ Ibid.

²⁰² Addameer interviews with Ismael Ahmad Baida and Samed Mohammed Hassan Salim

²⁰³ Addameer interview with Jayyus resident Ismael Ahmad Baida, June 25, 2009

²⁰⁴ Addameer interviews with Samed Mohammed Hassan Salim and Ismael Ahmad Baida,

²⁰⁵ Addameer interview with Budrus popular committee member Nasser Morar, Budrus, June 15, 2009

Prisoners are often forced to sign documents in Hebrew, a language few understand. These documents are not translated to Arabic. Many of these documents are confessions the IOF have drafted and are subsequently used in court against them. One of the youth interviewed, who could read Hebrew, said he was asked to sign a statement saying that he had not suffered any abuse by the IOF while in detention. From the testimony we took, this was clearly not the case, but he signed as he knew it was not a confession.²⁰⁶

This type of treatment is not reserved for youth and adults who are arrested, but is also used against children. One of the Palestinians we interviewed, Abdullah Yassin, now aged 18, was arrested during a dawn raid when he was just 14. He had been attending the protests in Bil'in on a regular basis since they first started a few months before. According to Abdullah,

"I was arrested at home at around 2am. They took everybody out of the house, for about two hours. [...] They had come twice before. They said they wanted Abdullah, my brother. I don't know why, they said he was throwing stones. I have 11 brothers and sisters, and I am the youngest. They took me. They handcuffed me, and they beat me with their hands and their fists."²⁰⁷

3.3.4 The trial process

While the treatment Palestinians amounts to torture²⁰⁸, and is used as a means of forcibly extracting confessions through violence and extreme tactics – trying to break down prisoners' strength, spirit, orientation and awareness until they will admit to anything – Palestinians face no reprieve or justice in the sentencing process. There is a clear, institutionalised, and pervasive discrimination in the ways that Palestinian activists are treated, as opposed to their Israeli and international counterparts, throughout their detention and also during the sentencing process. Palestinian human rights activists are more likely to be tried and convicted for much longer prison sentences than their international and Israeli counterparts, and may face administrative detention, though this appears to be more rare in the case of protesters.²⁰⁹

²⁰⁶ Addameer interview with "AK" (interpreted by Hindi Mesleh) June 16, 2009. AK is a Palestinian youth who was arrested by the army at his house and detained for 8 days after he was involved in the protest.

²⁰⁷ Addameer interview with Bil'in resident Abdullah Yassin, June 26, 2009

²⁰⁸ The International Criminal Court Statute defines torture as "the intentional infliction of severe pain and suffering, whether physical or mental, upon a person in the custody or under the control of the accused," as defined in Article 7(2)(e)

²⁰⁹ In the lawyer Tamar Peleq's experience, administrative detention is not commonly used against Wall protesters. For one of her cases, where they, the defence, made clear the detainee would be actively involved in the protests once released, and making the case that this was because he was exercising his civil and political rights, he was released. The "secret" evidence against him related, she found out, to another charge, which the judge felt was not strong enough to keep him in detention.

The exception of Tito Kayak: a Puerto Rican national tried in the military court

While in general, foreigners are tried in civilian courts, there is one notable exception: the case of Tito Kayak, who was tried in a military court:

“After planting the Palestinian flag upon the Israeli army camera tower which watches over the village of Bil’in, Puerto Rican activist Tito was arrested and taken to jail. The military commander is using his authority to keep Tito in jail for 96 hours, a tactic which is regularly used on Palestinians. After the 96 hours and before seeing a judge, the military commander can extend the jail time for another 96 hours. Tito’s is a very rare case. In situations like this, with Israeli or international activists, arrestees are normally held for 24 hours or less.”

Tito’s case illustrates that the IOF can and occasionally will pursue cases in the military courts against internationals. Tito, who performed a very visible and symbolic act of protest by climbing the IOF camera tower (which records the activities of Bil’in’s protestors), and hoisted a Palestinian flag, may have been arrested and tried in a military court precisely because of the resonance of this symbolic act, and because it was perceived as effective. Whatever the reason, it is the only case we are aware of where a foreign national has been tried in a military court. April 24, 2007. See: <http://palsolidarity.org/2007/04/2209>

The following below will consider the sentencing processes for Israeli, international and Palestinians arrested, demonstrating how discriminatory these are in practice, and examining the methods used by the IOF, in tacit compliance with the courts, to try and deter Palestinians and their families from further activism. The resulting psychosocial impact on the villages of such tactics – from the use of violence in detention to the lack of justice in the trial process, especially with regards to children who are arrested, as well as the contingent consequences on their health and wellbeing after their release, will not be evaluated here, but must, however, be noted and given due consideration. The economic and social consequences resulting from the loss of their land and the complex and arbitrary system of permits, combine with heavy fines and high bail charges to detrimentally affect the community.

3.3.5 Israeli, international and Palestinian protesters: different rights, different jurisdiction, drastically different repercussions

“If your life is a Palestinian-based life, then [jurisdiction] is going to be different than if your life is an Israeli-based life.” Yael Berda, Israeli lawyer²¹⁰

As we have mentioned, the reasons for the arrest of Israeli and international activists tend to be similar and can range from ‘breaching an order against entering a closed military zone, to rioting, to obstructing a public worker or a police officer, or to carrying out an assault on a police officer²¹¹, or even ‘throwing stones.’²¹² At least one testimony indicated

²¹⁰ Yael Berda, quoted in ADDAMEER’s “Defending Palestinian Prisoners: a report on the status of defence lawyers in Israeli courts” p.38, April 2008

²¹¹ Addameer interview with AATW activist Jonathan Pollack, June 14, 2009

²¹² Their arrest can often also be very arbitrary, and the reasons they are given for them are also contentious. From the testimonies we received from Palestinians, Israelis and internationals, the latter two – as well as members of the popular committees – are never involved in stone throwing, yet this charge is often meted out at them after their arrest. More recently, protesters have been able to disprove these charges by bringing video evidence to trials, if and when they take place. The targeting of those with photo or video cameras, as well as the press, who are then told they were arrested for being in a closed military zone, seems to be used

that they were accused of sedition on a number of occasions. Unlike Palestinians, it is common for Israelis and internationals to be released within a few hours; they may or may not face charges within the following month. They may have to pay a fine or money for bail, which can range from 1,000-10,000 NIS, provided that they agree not to enter the West Bank for a certain amount of time. This period of time can range anything from a few weeks to a number of months, but rarely seems to exceed one month.²¹³ The travel ban period is often left at the discretion of the judge.

In the rare cases where they are detained for longer, Israelis and internationals can be held in custody for only a maximum of 24 hours under Israeli domestic law before being brought before a judge²¹⁴. Jonathan describes the arrest procedures as follows,

“I have been arrested dozens of times – I’ve lost count now. As an Israeli, the consequences are much less severe than for a Palestinian. The Israelis operate two separate legal systems for Palestinians and Israelis. In theory, I could also be prosecuted under military law, but in practice, I am always brought under the Israeli criminal system, whereas Palestinians who are arrested are always tried under the military court. After arrest, I have always been brought under a magistrate court in 24 hours – as per the legal requirements. Palestinians, on the other hand, can be held for 8 days without trial and then will be brought in front of a judge.”²¹⁵

During these 8 days, aside from not being brought in front of a judge, Palestinians may not even be informed of the reason for their detention.²¹⁶ This is in breach of international law.²¹⁷ By all accounts, even the most active Israeli protesters have never waited longer than the required 24 hours to see a judge, and often seen one in much less time.

The inequity of this system is striking. Two individuals involved in the same activity – in this case, they are both protesting against the Wall and using similar tactics – will then be tried under different court systems. As in all the cases of persons interviewed, an Israeli and a Palestinian with West Bank residency maybe arrested at the same protest in a village. The Israeli citizen will often only be given a warning, or on rare occasions, be charged in the Israeli civil courts with being in a military zone, an offence that is usually punishable by fine or suspended sentence for a first offence. In theory, anyone arrested in the occupied Palestinian territory can be arrested and tried under military law, according to article 87 in the main order 378 of Military Ordinance No. 2. This order provides the area commander with full legislative, executive and judicial authority over the West Bank, and thus can be held without charge up to six months on the authority of a judge of the First Instance Military Court. These charges fall under the rubric of the vaguely termed ‘Offences against the Maintenance of Public Order’, Article 53 and 90 of Israeli Military Order 378 (1970) and can carry prison sentences. As we have seen in practice, this would only happen if an

as a means of preventing them from accessing the protests themselves, and therefore preventing them from acting as a witness.

²¹³ The longest period we have been told of is 6 months.

²¹⁴ Addameer: Defending Palestinian Prisoners: A report on the status of defence lawyers in Israeli courts’ (2008)

²¹⁵ Addameer interview with AATW member Jonathan Pollack, June 14, 2009

²¹⁶ Between April and June 2002, during Israel’s mass arrest campaign in the OPT, this period of time was increased by the Israeli military order 1500 to 18 days.

²¹⁷ Additional Protocol I, Article 75 (3)

Israeli or international were to be tried in a military court. As they are invariably arrested and tried in the civil courts, these articles of the Israeli Military Order do not apply. Rather, the indictments and convictions they will receive will be under the Israeli penal code.

As of July 2009, there have been 129²¹⁸ indictments of Israeli activists, although not all these indictments have been related to protests against the Wall. 15²¹⁹ have resulted in a conviction, with the majority receiving suspended sentences or quashed convictions. See Appendix 3,²²⁰ which details the 41 indictments as of March 2009 of Israeli members of Anarchists Against the Wall who were involved in protests against the Wall, either in Israel or the West Bank. The majority of those indictments ended in charges being dropped or convictions being quashed.

By contrast, through the military courts, Palestinians will invariably be charged with throwing stones and attacking Israeli soldiers, which carries a maximum sentence of 10 years in prison.²²¹ In practice, many Palestinians who are charged with throwing stones are usually held in prison for periods between 3 months to 1 year.²²² Below is a table, which further highlights the differences between those tried under Israeli domestic law and the military court system. We will shortly consider how the charges pressed against Palestinians are manufactured or vastly inflated, and how the standard of proof needed to convict them is exceptionally low, as well as one-sided. This illustrates how the Military Courts collude with the IOF in repressing the protests and arbitrarily convicting and imprisoning Palestinians.

Israelis and internationals are also seldom charged with offences, This is likely to be because the IOF know that, unlike Palestinians from the West Bank, other nationalities have access to a fair trial in the civil courts, and the onus of responsibility of proving guilt lies with the prosecution and not the defence, as in the case with the majority of Palestinians. This will invariably cost the IOF more resources and time. According to Neta Golan,

“In a civil court, where Israelis are tried, they have to prove guilt. They bring in witnesses, commanders, and police officers... I had a court case going on for 4 or 5 years! I was only convicted in November 2006. They really didn’t want to pursue the case, and they kept trying to offer me alternatives if I just admitted I was guilty. This is the only time that charges were pressed against me, and they really didn’t want to have to do it. It takes a lot of resources and time.”²²³

The IOF also appear reluctant to press charges against internationals, though in their case, as we will see below, the state has additional tools against them: either deporting them or denying them entry. In itself, this demonstrates how discriminatory the treatment of

²¹⁸ <http://awalls.org/>

²¹⁹ Ibid.

²²⁰ Information provided by AATW member (source not to be disclosed).

²²¹ Throwing stones at a moving vehicle can result in a 20years-sentence

²²² Addameer (2008) “Defending Palestinian Prisoners: A report on the status of defence lawyers in Israeli courts”, April 2008, p. 24

²²³ Addameer interview with ISM activist and adviser Neta Golan, June 28, 2009. In the case above, Neta Golan was eventually convicted of a minor offence relating to the disruption to public order, and was made to see a probation officer for a period.

Palestinians is, and how arrests and convictions are an easy way to punish Palestinians for protesting and exercising and defending their rights, and surely – in their view – as a means of deterrence.

	Israeli Domestic Law	Military Orders
Detention until access to counsel	Up to 21 days (10 days on order from investigating ISA officer, +11 by district court judge)	Up to 90 days (15 days on request from interrogator, +15 ISA official in charge of interrogation centre order, +30 military judge + 30 legal advisor to military courts)
Detention until brought before a judge	24 hours	8 days
Total period of detention authorized by a judge	30 days (up to 75 on the authority of the Attorney General)	90 days (up to 180 days on the authority of a judge of the Military Appeal Court)
Detention from the end of investigation until indictment	5 days	10 days
Detention from filing of indictment until arraignment	30 days	2 years
Detention from arraignment until end of proceedings	9 months	
Judge's approval of extension of detention if proceedings have not concluded	90 days (Supreme Court judge)	6 months (judge of the Military Appeal Court)

To date, there have been no reported cases of an Israeli or international activist serving more than a week in prison²²⁴, or being placed in administrative detention due to the fact that in general, international and Israeli activists are rarely sentenced or placed in administrative detention. There are no international activists in prison at the moment as a result of participating in anti-Wall protests. While the sentencing process is much less stringent for Israelis and internationals, it is worth highlighting that arrests are more frequently used against the more active and regular supporters who attend the anti-Wall demonstrations. These arrests can also be financially costly and time consuming, though they do not seem to have any impact on the commitment of the organization to support the protest.

²²⁴ Eran Nissim served six days at Abu Kabir detention facility

3.3.6 Accessing legal advice

The right to prompt legal assistance upon arrest and detention is well established internationally.²²⁵ Included in this right are a series of guarantees that protect prisoners. Any person who has been arrested or detained should be allowed access, without delay, to competent counsel.²²⁶ If a prisoner cannot afford to pay for legal representation, he or she is entitled to be assigned competent counsel.²²⁷ Meetings between lawyers and their clients should be confidential, meaning that they may take place within sight but not within hearing of a guard and without interception or censorship of written or oral communications.²²⁸

While, for Palestinians, access to a lawyer can be denied or delayed through political and administrative obstructions, Israelis do not appear to face any official impediments to accessing legal representation (provided they can afford it, as legal aid provision is not always sufficient.) Theoretically, an order barring access to a lawyer could be applied to a Jewish Israeli prisoner in the civil courts, but according to lawyers who represent both Palestinians and Jewish Israeli defendants, this measure is applied primarily to Palestinians with Israeli citizenship. The lawyer Gaby Lasky reported, “It’s possible to obtain an order to bar access for Israelis, but its use is minimal compared to that against Palestinian detainees, where it is used greatly.”²²⁹

For Palestinians, access to legal representation is difficult and inadequate, and further complicated by the fact that a lawyer’s citizenship or residency status dictates his or her ability to provide adequate counsel to their clients, which is a breach of international law.²³⁰ Moreover, defence attorneys must contend with military orders, Israeli laws and prison procedures that curtail their ability to provide adequate counsel to their clients.

²²⁵ International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 14(3)(d), U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976.

²²⁶ Access to a lawyer must be granted no later than 48 hours from the time of arrest or detention. United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Basic Principles on the Role of Lawyers, Sept. 7, 1990,

²²⁷ Any such persons [arrested, detained or charged] who do not have a lawyer shall, in all cases in which the interests of justice so require, be entitled to have a lawyer of experience and competence commensurate with the nature of the offence assigned to them in order to provide effective legal assistance, without payment by them if they lack sufficient means to pay for such services.” *Id.*

²²⁸ “All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.” *Id.* For a more complete description of the international legal norms guaranteeing right to counsel, see Amnesty International, *Fair Trials Manual*, available at <http://www.amnesty.org/ailib/intcam/fairtrial/fairtria.htm>.

²²⁹ Addameer: Defending Palestinian Prisoners: A report on the status of defence lawyers in Israeli courts – April 2009 pg. 17

²³⁰ Article 72 of the Fourth Geneva Convention. Addameer’s report “Defending Palestinian Prisoners” offers a comprehensive analysis of the difficulties lawyers face in representing Palestinians through the military court system. See: “Defending Palestinian Prisoners” April 2008. Available online at <http://addameer.info/wp-content/images/defending-palestinian-prisoners-report-april-2009.pdf>

3.3.7 Inflated charges against Palestinians

Palestinians arrested are also more likely to be sentenced. When they are, it is highly likely they will be charged and convicted of at least one of the offences they are charged with, regardless of the strength of the evidence brought against them. “Although not all Palestinians who are arrested are prosecuted in the military court system (some are released, others are administratively detained without trial), of those who are charged, approximately 90 to 95 percent are convicted.²³¹ Of these convictions, approximately 97 percent are the result of plea bargains.²³²

The witness statements we obtained corroborated this trend. The charges against those arrested also tend to rely almost exclusively on testimonies from the soldiers, rather than on any hard evidence produced in court.

“Prosecutors in the military courts routinely inflate charges. A defendant who is accused of throwing a stone at a tank or firing a gun a kilometre away from a soldier, for example, will be charged with ‘trying to kill.’ This charge places the burden on the defendant to prove that his act could not have harmed the soldier and therefore did not constitute attempted murder.”²³³

Lymore Goldstein, who has represented a number of Palestinian and Israeli activists arrested by the IOF, says there is a clear system of “apartheid” in the sentencing process. In trials against Palestinians, the military courts take the charges against Palestinians at face value, there does not seem to be a need to demonstrate guilt or to define exactly how the charge is proportionate to the act committed. This makes it much more likely for Palestinians to be sentenced, even through the threshold of evidence is very low. Goldstein gave the following example to illustrate this:

“The evidence used against people is never verified, for instance, all the [Palestinians] who touched the microphone [at the Al Ma’sara protest] were charged with incitement – there was no mention of what they had said [and how this was incitement.] This is a very typical example”²³⁴

Increasingly, both the protesters and the IOF have started using cameras and videotapes to capture what happens at the demonstrations. In the case of the protesters, they have been able to use this as defence in court. According to Abdullah Abu Rahmeh from Bil’in, as well as to Neta Golan from ISM, this has helped demonstrate that the accused are

²³¹ Military court 2007 annual report

²³² Yesh Din. Of the 9,123 cases in the military courts in 2006, full evidentiary trials were conducted in only 130 – 1.42% – of them. Yesh Din, p. 136 The vast majority of files adjudicated in the Military Courts end with plea bargains. In fact, of the 8,854 files that reached verdict in 2006, only 130 ended after a full judicial process (“proof trial”) in which witnesses were questioned, evidence was examined and closing statements were delivered. Between 1988 and July 1993, some 100,000 Palestinians were arrested by Israeli forces, and 83,321 were prosecuted. Hajjar p. 107. Also see: Addameer Submission to the United Nations Special Rapporteur on the Independence of Judges and Lawyers, submitted in June 2009, p. 2

²³³ Addameer: Defending Palestinian Prisoners: A report on the status of defence lawyers in Israeli courts – April 2009 pg. 26

²³⁴ Addameer phone interview with Lymore Goldstein, Lawyer who represented Mohammed Brijiah and his brother Hassan, Tuesday 30th June 2009

innocent of the charges against them.²³⁵ Without such evidence, it is unlikely that the charges will be dropped. Moreover, even with such strong evidence, Addameer has heard that an acquittal is not always obtained.²³⁶

The injustices inherent in the legal system and the lack of Palestinians' access to a free and fair trial are well summarised by the lawyer Sahar Francis' comments:

'I'm against the military courts. Let the occupiers do this job for themselves. Why should lawyers go there and try to do things when we know at the beginning what the [result will be]?'

Lawyers find themselves in the unenviable situation of doing the best they can for individual clients even though they feel that in doing so they give legitimacy to a system they feel is unjust.²³⁷ From the moment they are arrested and charged with an offence, the result of Palestinian protesters' trial is almost predetermined, unless they can provide exceptionally strong evidence to refute the charges. Standards of evidence required by the prosecution, on the other hand, do not have to meet such a requirement.

3.3.8 International protesters: the threat of deportation or of being denied entry

Internationals are unlikely to be convicted and imprisoned, and in the rarer instance when there is a conviction, the sentence is usually suspended. However, unlike Israelis, they face the threat of deportation²³⁸, and can become blacklisted and denied re-entry on their next visit to Israel and the oPt. Deportation has been used against a number of protesters, such as against Gustav Fridolin, a Swedish MP, arrested in January 2004 in the West Bank

²³⁵ The tragic case of Basem Abu Rahmeh, who was killed last April by an extended range tear gas projectile shot directly at his chest from a distance of a few metres, also demonstrates the importance of video footage in bearing witness to events. The video of the event shows this happened while he was asking the IOF to stop shooting.

²³⁶ A secondary source informed us that Imad Burnat from Bil'in, who has been filming demonstrations on a regular basis, was arrested and accused of throwing stones. On the day of his arrest, he had been filmed the whole demonstration. The quality of the footage showed that he could not have been throwing stones at the same time as he was filming. The accusation was then changed to inciting children to throw stones, though again the recording provided no evidence of this. While we do not know for certain whether Imad was convicted, this would illustrate how Palestinians are still sentenced despite compelling evidence to prove their innocence.

²³⁷ Addameer: Defending Palestinian Prisoners: A report on the status of defence lawyers in Israeli courts – April 2009 p. 17

²³⁸ Deportation has also been another technique employed by the IOF to prevent international activists from participating in anti-Wall protests. Numbers of international activists have been deported and banned from travelling to the West Bank on the grounds of posing as a 'security risk to the State of Israel', without clarification of what the security risk entailed. Many of those arrested and deported have been members of the International Solidarity Movement (ISM), a Palestinian-based activist movement that engages in non-violent resistance in the Palestinian Territory and is frequently targeted and its members accosted by IOF and other security forces. Deportations of ISM activists was high in 2003-2004 but since proving costly, the Ministry of Defence has resorted to banning suspected ISM members from entering the country. Security officials at Ben-Gurion airport and other border entry points have been tasked with using harsh interrogation techniques and psychological profiling, particular those travellers who are internationals, to uncover suspected ISM members. 'Are you member of ISM?' or 'Do you have links with ISM?' are regularly asked during interviews for visas for internationals. Suspected members and leaders are often denied entry on the spot, on the grounds of being members of ISM and for no more than the infamous 'secret security' reason.

village of Budrus, or against Victor MacDiarmid²³⁹, a Canadian ISM activist, arrested in Niʿlin in July 2008. Fridolin was detained along with 4 Israelis and 6 other internationals, and was subsequently threatened with arrest. He was deported and given a 14-year travel ban.²⁴⁰ While we have not interviewed Victor himself for this report, Neta Golan felt that they had identified him as a leader and key protagonist at the protest, and targeted him specifically. In any case, Victor – who had also been in the village while it was under the very strict 4-day curfew – was a visible and familiar face to the IOF. The protest at which Victor was arrested was a Women’s Day demonstration at which very few men were present.

However, the frequency of using deportation against foreign protesters appears to have diminished over the past few years. The most logical reasons for this would be that it is both politically costly, given the strain it can put on bilateral diplomatic relations, and it is also more likely to reach the mainstream media. Protesters can still be deported, but this is more likely to occur when they have overstayed their visas. Addameer met some international activists whose property had been raided by the IOF, who checked all the passports to ensure that they had valid visas. In this case, they did.

Sasha Solanas has been an ISM activist for about a year in total. She explained how she was arrested once at a protest in Niʿlin, after which the Israeli authorities tried to deport her,

“The soldiers came running. Usually they don’t target internationals but this time they detained a couple of others (K. and N.) and I in Niʿlin – we were beaten up a little. I was being kicked on the ground by a group of 5 soldiers. When I was arrested, I was taken to a military base (by myself) and then to a police station, then to the Russian compound. I stayed in the interrogation centre overnight. [...] Then I was taken in front of a judge. I was read all the accusations against me [...] which included interfering in soldiers’ activities, being in a closed military zone, stone-throwing, and resisting arrest. [...] I was then invited to attend an administrative deportation hearing”²⁴¹

Denying people entry or re-entry into the country and territories appears to be a much more frequently used tactic. It is a quieter and less visible²⁴² means of preventing access to the oPt to anyone they think may have links there. As the campaign “Right to Enter” mentions on its website, it is difficult to compile statistics of the exact number of people denied entry, as the Israeli authorities do not provide such information. Therefore much of the information we obtained is anecdotal. ISM, for instance, state they often have members who are denied entry on a first or subsequent visit, and we have several accounts of people being asked this when they first arrive. The Israeli authorities exercise a huge

²³⁹ “Canadian student says he was beaten following arrest in Israel”, 29th July 2008

<http://www.cbc.ca/canada/ottawa/story/2008/07/29/ot-mcdiarmid-080729.html>

²⁴⁰ http://www.jerusalemitem.org/press_release/04jan2004.htm

²⁴¹ Addameer interview with Sasha Solanas, ISM Media Coordinator, 16th June 2009,

²⁴² In general, it is less visible. However, its prevalence and underlying objective is well illustrated by Israel’s denial of entrance to a prominent United Nations representative, namely of the Special Rapporteur for Human Rights in the Israeli-occupied Palestinian territory (oPt), U.S. Jewish-American Professor Richard Falk, in December last year: *“The Campaign for the Right of Entry / Re-Entry to the oPt deplors this continued Israeli practice of prohibiting unfettered access of persons to the oPt who do not pose any security threat to the State of Israel, be they senior UN human rights professionals, or average persons, Palestinian and non-Palestinian, who are trying to reach the oPt for family, work, or educational reasons.”* Right to Enter <http://www.righttoenter.ps/moreInfo.php?pid=5>

discretion in its power to deny entry. While the first “category” of persons most effected by entry denial are Palestinians with dual citizenship and family in the oPt, a wide set of persons working in the oPt are affected. “In addition to families, affected groups include professionals and academics who are in the oPt for teaching, research, the arts, business, visiting or volunteering their services. Most of these individuals have never overstayed their visitor's visas or breached any visiting regulations.”²⁴³

3.3.9 Palestinian protesters: arrests as a tool of control, oppression and subjugation

“There are different prisons, different methods of investigation. I was at Ofek, next to Hasbaron. When prisoners go to the yard, next to the WC, the Israeli prisoners can speak to their families by telephone. Palestinians cannot, because of “security reasons.”” Samed, Jayyus

Harassment

Mohammed Brijiah, from Al Ma’sara, provides a good illustration of someone who had been arrested and harassed before because of his engagement in the anti-Wall demonstrations. His prominent role as public speaker at the demonstrations, as well as, perhaps, his political status, meant he is likely to have been proactively targeted by the army. He had been arrested twice before, and harassed at his home,

*“Three times during the night, they came and attacked my house, took out my brothers and nieces during the night, and my children, including my 1-year-old daughter. They made my family stand outside for 3-4 hours. They damaged the furniture, told me to get dressed and that they would take me to prison. I was arrested twice in total (1st in November 2007 and then in December 2008.) They brought me to a court and then released me. [...] I stayed one week, but the arrest was because of the demonstration. They told me not to participate in the demonstration. My lawyer that time was Gaby Lasky. The accusation was that I beat a soldier, but the video clearly shows that I did nothing like this.”*²⁴⁴

His lawyer Lymore Goldstein stated that the prosecution did everything they could to extend his detention, from randomly warmed up old charges to delaying his trial hearing. Even while two Judges ruled that he should be released, the prosecution managed to extend his time in detention by bringing up other charges that were baseless. The charges against protesters, who are exercising their right to self-determination and right to freedom of expression and assembly, are not just inflated, but appear to have been totally fabricated and utilised to prevent an activist from participating – and in these cases – leading the demonstrations. The adaptability and creativity that the village’s popular committee has shown, in appointing new actors to lead the protests, as well as in the parallel campaigns they are running, demonstrates that this policy’s objective has failed. That is not to deny however, the unnecessary harm caused to those detained and their families.

²⁴³ <http://www.righttoenter.ps/main.php?mid=7>

²⁴⁴ Addameer interview with Mohammed Brijiah, June 17, 2009

Suspended sentences and bail conditions

“Israel uses a technique – they arrest you and then you cannot participate in the protests, as you have a suspended sentence, an ongoing court case. Therefore, Hassan for instance was arrested on 1st May 2009, but his case is likely to be pending until 2011 because of his previous arrest. They put huge pressure on you not to participate.”²⁴⁵ Mohammed Brijiah, Al Ma’sara

A number of Palestinians interviewed had been given suspended sentences, and were almost always released on condition that they stopped participating in the demonstrations for a defined period of time. Nasser Abdul Nasser Ahmed Hussein Morar²⁴⁶, a member of the Popular Committee in Budrus, was detained for 5 months because he was an activist against the Wall and was told that the demonstrations were dangerous and a ‘threat to the State of Israel’²⁴⁷. After serving his sentence, Nasser Morar from Budrus was told he could not join the protests for 11 months and that, if he was “caught”, he would be jailed for a further 5 months. He was also warned not to host any Israeli nationals in his home either.

“They then released me one day late in order to put some psychological pressure on me – to make me unsure about whether I would be released or not.”²⁴⁸

In Jayyus, Samed was arrested and detained for allegedly throwing stones at the Wall, and for helping one of his cousins who was a wanted person. He was mistreated during and after the arrest, as seen above, but also told that if he attended a protest again and was arrested, he would be jailed for much longer:

“They told me I would be “under watch” for 5 years, and that if I did anything, or made any problems, I would be arrested again and jailed. I had to go to the military court 6 times, and have been arrested twice before though they had no evidence against me. The soldiers would taunt me, say I could be arrested at any time [...] I also had to sign a paper saying I would not attend the protests.”²⁴⁹

With regards again to the Al Ma’sara case, Mohammed Brijiah, Mahmoud Zwahre and the two other members of the popular committee who were released on bail cannot attend the protests, or they would immediately be re-arrested as they would be in breach of their bail conditions. All the ex-detainee activists Addameer interviewed were not “allowed” to attend or be involved in demonstrations, either through their bail conditions or because of a suspended sentence. The fact that a number of cases drag on in court for years after an arrest can be seen as a way of prolonging this form of deterrence.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ Ibid.

²⁴⁸ Addameer interview with Budrus popular committee member Nasser Morar, Budrus, June 15, 2009

²⁴⁹ Addameer interview with Jayyus resident Samed Mohammed Hassan Salim (interpreted by Khaled Shareef) June 25, 2009

Imposing high fines and bail costs (1,400NIS per month)

To secure their release, Palestinians are made to pay high fines, which are much higher than those meted out to foreign or Israeli protesters. While the Palestinian Authority usually reimburses families for these fines²⁵⁰, families have to first pay the fine at an Israeli Post Office²⁵¹, which places a significant financial burden. In all the villages, inhabitants' livelihoods and the local economy have already suffered an important downturn as a result of the occupation, and this extra financial burden can be very detrimental. Indeed, it can take up to several months for them to be reimbursed. Moreover, the PA does not assist individuals or families with bail costs, which they have to pay upfront. The Popular Committees and other agencies, the International Solidarity Movement, and Anarchists Against the Wall, and others, assist with paying these bail costs and facilitating prisoners' relief. However, there is no doubt that, once again, the bails and fines are used as a means of coercing villagers into abandoning their resistance to the Wall. These fines and bail sums are a disproportionate, unjust, and punitive means of coercion. They will be acutely felt by the communities and especially by the families.

The prosecution of children

Children and youth, as we have seen above, are one of the most highly targeted groups of society with regards to arrests in Wall-related incidents. The most common charge against them is of throwing stones, something that is also widespread amongst children living near settlements or settlement roads. "In 2008 the most common charge faced by Palestinian children detained by Israeli forces in the occupied Palestinian territory was for throwing stones. In 26.7% of cases handled by DCI-Palestine during the year, the charge was stone throwing."²⁵²

As we have seen, under Military Order 378, stone throwing carries a maximum penalty of 20 years imprisonment. Yet, the children who are arrested – from the evidence collected from a number of testimonies with children or youths, as well as from DCI's findings, are not necessarily those who were involved in stone throwing, which exemplifies how the arrests are used indiscriminately. "The threshold of evidence required before an Israeli soldier arrests a Palestinian child on suspicion of throwing stones is so low in some cases as to suggest the existence of a policy of collective punishment, rather than any serious attempt to identify those actually involved in any unrest. It should be noted that all forms of collective punishment are prohibited by the Fourth Geneva Convention."²⁵³

Seth Freedman, a writer and journalist who used to be an IOF soldier, says it is common for the military to target one individual amongst a collective, regardless of whether they are

²⁵⁰ If the individual is detained for longer than three months, the PA also provides a monthly stipend to the individual and their family. This is 1,000 NIS if the individual is unmarried, and 1,300NIS for a detainee who is married. A further 50NIS is added on for each child in the family.

²⁵¹ These post offices are located at main checkpoints such as Huwarra and Qalandia

²⁵² Palestinian Child Prisoners: The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities, DCI p.25. Available online: <http://www.dci-pal.org/english/publ/research/CPRreport.pdf>

²⁵³ Ibid. p. 25

the one who perpetrated the act in question.²⁵⁴ While this, as we saw in the section on arrests, appears to be an embedded and accepted practice by the IOF, the courts' convictions of individuals based on the soldiers' testimonies appears all the more unacceptable.

Significantly, there is further discrimination in the way the Israeli Courts deal with Palestinian and Israeli children.

As we saw earlier, the military courts fail to recognise Palestinians between the ages of 16 and 18 as juveniles, and they are tried and sentenced as adults. Younger children are also tried through the military court. These practices demonstrate a clear failure to put into place adequate child protection standards and respect for children's rights. Mohammed, a 16-year-old from Jayyus, was detained in the school and then arrested from his home on the night of February 18, 2009, when the IOF carried out a large-scale incursion into the village, detaining many youths for hours, before finally arresting around 10 people. He recounted his experience in court,

"In court, an officer called Jalal Maliki and 3 other soldiers were witnesses against me, saying that I had thrown a cocktail Molotov against them and the Wall. I had never seen them before. I was not allowed to negotiate or present my case to the Judge. The Judge said I was convicted to 3 months' imprisonment and had to pay 1,000NIS. [...] My lawyer advised that if he tried to have a dialogue with the judge, this would double the amount of time that I would be held for. So I pleaded guilty."²⁵⁵

Mohammed's case is not unique. A number of children are convicted for throwing stones or for other similar charges, without any explicit evidence being submitted in court. While further research is needed to determine exactly how many children have been arrested and sentenced in this way, it appears clear that it is applied indiscriminately, and that a large number of children are imprisoned for offences they may not have committed. Even when they have thrown a stone, if this stone was thrown at a Wall (as is often the case during protests or when children are walking by), this is a relatively minor offence. Israel's policy and practice of arresting children cannot be considered as a proportionate response and disregards its obligations to protect and rehabilitate child offenders. For example, Hiba Ibrahim Abu Sota a-Dar'awi was taken from her home for interrogation by five Israeli border police because she had touched the Wall on her way home from school, to show her friend that it was not electric. She was threatened with a 6 months jail sentence.²⁵⁶ Interrogating and threatening to jail a 13-year-old who touched the Wall is a further illustration of the ways in which Palestinian children are treated in disproportionately punitive ways, with disregard for child protection issues.²⁵⁷

²⁵⁴ Addameer interview with Seth Freedman, June 29, 2009

²⁵⁵ Addameer interview with Jayyus resident Mohammed Amar Hussan Nofal (interpreted by Khalid Shareef.) June 25, 2009

²⁵⁶ Her full testimony is available online:

http://www.btselem.org/english/testimonies/20080106_police_threaten_girl_from_numan_with_prison.asp

²⁵⁷ Addameer will consider this further in their follow-up report

3.3.10 The use of threats

“On the 2nd day of my detention, the commander asked me “do you want to be jailed”, and I said “I don’t care.” I did not want to show them how much I wanted to go home. They put a lot of psychological pressure on you. If they see you don’t care then they may let you go. I knew this because I had talked to prisoners before.”²⁵⁸ “AK”, Ni’lin

As we have seen, soldiers can detain and arrest persons involved in the protest arbitrarily, either during the protests, at night during dawn raids, or during the day. Threats to arrest individual protesters, or threats made to individuals after their arrest, are commonly used by Israeli soldiers to try and deter protesters as well. The testimonies collected show a pattern of soldiers threatening activists with long jail sentences during their detention, or with grave bodily harm to them or their families, with damage to their property, and with permit confiscation. The use of threats as a means of intimidating Palestinians is well known, and the knowledge that such acts have and are being carried out against Palestinians by the IOF gives them a greater resonance. The complex system of controls and permits that the Israeli government has introduced provides the IOF with many ways to collectively punish protesters and their families, as we have seen in the last chapter. The use of “realizable” threats is a powerful coercive means of intimidating – and harassing – protesters.

As the quote above illustrates, detainees can be threatened with long-term detention. While, according to our findings, this is not a systematic threat, it was used slightly more against younger detainees, who the IOF may suspect are easier to intimidate.

In detention, death threats or threats to harm someone physically also seem to be applied during interrogations of protesters. This has been the case of two very active members of popular committees, Iyad Burnat from Bil’in and Nasser Morar from Budrus.

For instance, during interrogations, threatening one’s family member is quite commonplace. Threats appear to involve anything from arresting a family member to harming them – physically or economically. Two of the interviews Addameer collected from young detainees in Jayyus and Ni’lin said that the interrogators had threatened to arrest their families. According to 16-year-old Mohammed Nofal,

“Captain Faisal asked me to become his friend. It was not a decision for me – I did not want to become a spy. So the Captain hit me in the face. I do not want to become like the others, I said. The Captain threatened that he would arrest my parents and my whole family if I did not collaborate. I said they could arrest them anytime, it would be worse to become a spy. He then said they would confiscate my family’s permits, so they could not pick olives. If the price was collaboration, then I did not want permits.”²⁵⁹

As we will see in the paragraph below concerning collective punishments, the threats can be carried out. The case below illustrates how it can also be used to threaten someone

²⁵⁸ Addameer interview with “AK” (interpreted by Hindi Mesleh) June 16, 2009. AK is a Palestinian youth who was arrested by the army at his house and detained for 8 days after he was involved in the protest.

²⁵⁹ Addameer interview with Jayyus resident Mohammed Amar Hussan Nofal (interpreted by Khalid Shareef.) June 25, 2009

An eye-witness, Saher Rashid Ibrahim Salim provided an account of the Jayyus raid:

On Wednesday, on February 18, 2009 at around 2.30 in the morning while I was sleeping, I woke up to the sound of vehicles on the street and a voice at the door. I exited my room and my father opened the entrance to the house and there was a group of Israeli soldiers in military uniform and among them, two of them were masked. 15 soldiers entered the house and asked my dad for the IDs of the youths present in the house. They took the ID of my brother and after checking it, informed my father that they wanted some time with Saher; they took my ID and asked me to get dressed. Shortly after that, two soldiers then took me. I put on my shoes and they assembled every member of the family and put them in the living room and asked me to leave my belongings in the house. They started checking the house and with them was a dog to check every belonging; the search operation took half an hour. They informed my dad that they wanted to arrest me. My father replied to them that if they wanted to arrest me, they should arrest him as well. One soldier said to him 'your son is causing problems and we will return him after a day'. Full affidavit is available online at: <http://addameer.info/?p=1191>

whose wife is on a tourist visa, thereby showing a strategy of intimidation adapted to the individual concerned.

"I was threatened with longer-term detention in both Ni'lin and Ofer, and threatened with imprisonment once. When I travelled back from Lebanon in December 2008, and crossed through the Allenby Bridge, I was told to go to Ofer for interrogation – I think this is because of my activities in Ni'lin. The Intelligence officer there threatened to jail me if I was someone who supported the 'trouble-makers'. Although he didn't threaten anything explicitly, the intelligence officer mentioned my wife (who is Dutch and here on a visa) and I felt he was threatening to deport her."²⁶⁰

3.3.11 Collective punishment of detainees and their families

Collective punishment has been used to deter Palestinians from attending anti-Wall protests. One of the clearest example of this tactic was on February 18, 2009, when around 100 IOF soldiers raided the town of Jayyus in the middle of the night, imposed a curfew on the area, closed all main roads leading to the town with dirt barricades, occupied the roofs of a number of houses and converted them into military posts, and searched a number of houses. The IOF subsequently detained up to 65 Palestinians and interrogated them inside the town's school. The IOF soldiers questioned the detainees for hours concerning the anti-Wall protests that were taking place each Friday in Jayyus. 10 people were subsequently arrested and among those arrested were members and heads of the Youth Committee of the Stop the Wall Campaign. One detainee (Muhammad Taher al-Qaddumi) was severely beaten. In addition, the IOF destroyed property and belongings on the pretext of searching for arms and a number of family members were beaten during the raid.

The February 2009 incident in Jayyus highlighted the use of mass arrests of known protestors, and known members of the popular and youth committee of the Stop the Wall Campaign, to put pressure on the entire movement. Since then, the tactic has been rarely

²⁶⁰ Addameer interview with Ni'lin resident and activist Hindi Mesleh, June 16, 2009

used in Jayyus owing to the fact that it did not deter protestors from attending the Friday protests.

Threats to arrest family members are not just empty threats, and the IOF appear to have no misgivings about doing this. In the case of Salam Kanaan, Salam's father Jamal Kanaan, who is 55 years old, was arrested at a demonstration 4 days after his daughter's video was made public on the July, 20. He, and some youths at the scene, said they overheard the soldiers saying "catch him, catch than man, with whatever ways you can, this is the father of Salam."²⁶¹ They said that the soldiers' intention to arrest Mr. Kanaan was clearly related to the release of the video. His daughter was present during the incident, which she once again, recorded on camera.

"They started beating me, pushed me on the ground and kicking me with their rifles. In the photos that Salam took you can see that I'm being beaten. Five minutes later they called Amri, the commander that Salam had filmed, by phone. The commander told them on the phone to hit him. On the way to the military jeep, they said "we will arrest your children, we will beat them up, we will arrest your daughter. You won't get any of the permits and you won't see your land. How dare you film a soldier like this and then sell the footage. I told him we did not sell the footage. For 12 hours, I was taken from place to place before they took me to the detention centre. I was in prison for 27 days. During the court hearings, they always asked me about the footage. They tried to charge me with the fact that I had attacked 5 soldiers. But the lawyer brought the photos from the demonstrations, which showed that I was lying on the ground. Eventually, I was released on bail and made to pay 7,500NIS. My court hearing is still pending. [...] My permit was taken away, I was not able to reach my land and was forbidden from approaching the soldiers. My lawyer helped me get it back after a month [...] The soldiers also damaged our car. They would also come close to the house during patrols and throw tear gas at the house. A month and a half ago they came by the house again, talked to my son. They always say the same thing "we know your children", "we will take revenge" – Jamal Kanaan

Salam further explains how their entire family was punished:

"Our family has a store and we bring in some products from inside [the Green Line]. My dad's permit was taken away for an entire month until our lawyer managed to get it back. During that time, we could not purchase any of the needed items in Israel".

A number of those who have been detained face further practical problems and additional stumbling blocks in their dealings with Israeli soldiers after their release. They are more likely to be consistently detained and questioned, or face problems at checkpoints. According to Nasser of Budrus,

"When released, I was interrogated by the Shabak every 2-3 weeks, and always had problems at Ni'lin checkpoint. The soldiers would recognize my name after I'd show them my ID and then tell me to wait on the side of the road. They would let me go only after 2-3 hours. I can't remember how many times it happened, as it happened so often. Only since Machsom Watch was involved in my case in 2007, I have not been served with summons for interrogation."²⁶²

²⁶¹ Stop the Wall interview with Ni'lin resident Salam Kanaan 'Amira, July 1, 2009. See Chapter 2 for this incident.

²⁶² Addameer interview with Budrus popular committee member Nasser Morar, Budrus, June 15, 2009

After his release, Nasser's brother, Ayed Morar, who is the head of Budrus popular committee, was "invited" for interrogation at Ofer on a regular basis. This constant interference on an individuals' freedom of movement, constant intrusion into their activities, as well as their continued intimidation and threats, can be seen as a form of harassment. Its purpose is likely to be intimidation and a renouncement of protest activities, and its real impact will be acutely felt on the individuals and their families. These contingent effects of detention, e.g. the confiscation or denial of permits, detention at checkpoints, ongoing summons for interrogation, require further investigation. They are part of a set of more subtle, but damaging, set of tactics used to punish anyone exercising their right to self-determination and resistance. Their impact will be manifold, affecting family's livelihoods, freedom of movement, as well as their rights to express themselves and assemble freely.

In the case of Mohammed Nofal, who was released after 3 months in jail, his whole family were not able to renew their permits to work in Israel. As with all the ex-detainees we met with, it is very common for permits to be denied to all the member of a detainee's family. In Samed's case at least, it also affected members of his extended family, such as his cousins. The permits in question may be permits to access their land, or permits to work in Israel, depending on the situation of the family and its needs. It is an attempt to target them where it would hurt the most. This was the case for all the interviewees Addameer met. This is obviously having a hugely detrimental impact on families' livelihoods and warrants further research.

In terms of economic impact, two of the ex-detainees we met with in Jayyus said they had not been able to find employment since their release. One of them, Samed, has incurred huge debts, partly as a result of medical fees, which were needed to treat the injuries his wife sustained after the soldiers' violent assault on their home. His father was only granted a one-month permit to tend to his olives during the harvest, and his brothers have not been able to get access to the land. Samed has two young children and a wife to support, and the family face important economic hardship. Further research is needed to determine the extent of how denying permits have severely affected the villagers' livelihoods. This form of collective punishment, as with other forms of collective punishment, is illegal under international law.

3.4 ADDAMEER CONCLUSION

“We have a right to expect that the international community deal the same way with Israel as they did with Apartheid South Africa, and that they do the same thing and impose a boycott. This is [amongst] the best support they can provide us, as well as imposing sanctions. A real [concerted] boycott could help end the occupation. We for our part will continue our protests, and keep our resistance movement going, with the support of international activists.”²⁶³ Khalid Sharif, Jayyus

Israeli authorities have frequently violated the indelible right to peaceful protest and assembly in the West Bank and frequently use the term ‘illegal demonstrations’ to justify the excessive clampdown on peaceful anti-Wall protests, violating international law. In their pursuit to subdue any dissent, IOF regularly use violent and aggressive methods to deter protestors, Israeli, international and Palestinian, from attending anti-Wall protests. This can range from detaining protestors, threatening them with detention, threatening family members, forbidding them from attending protests by turning them away at checkpoints, to the more usual methods of firing tear gas, rubber and live bullets and beating protestors. Palestinians, who attend the weekly protests, regularly face the risk of being arrested, interrogated and finally detained for weeks or months, as a result of merely participating in the protests, blocking a bulldozer or being in a ‘closed military zone’.

Despite the threats and the risk of detention, many Palestinians who have provided Addameer with an account of their experience, have not renounced their ‘right to peaceful protest’. According to one interviewee, ‘the army has created a lot of obstacles but it hasn’t prevented the protests’.²⁶⁴ Although proving effective in some instances, especially with married men whose family depend on their livelihoods, the tactic of arbitrarily arresting and detaining protestors has, on the whole, proved counter-productive and ineffective, not to mention illegal. Once released, many Palestinians return to protesting, although they are more cautious.

There is also blatant discrimination in the treatment provided to Israeli and international activists and Palestinian activists, as there exists a separate legal system for both types of activists. On the one side, Palestinians are tried in a military court system, which often fails to uphold international standards for a fair trial. They are often do not see a judge for 8 days (during that time, they are often subjected to mentally and physically straining interrogation) and do not have the right to counsel for up to 90 days. On the other side, Israeli and international activists see a judge after 24 hours, and can see their lawyer up to 21 days later. The sentencing and the bail conditions are also markedly different according to the defendant’s nationality.

²⁶³ Addameer interview with Jayyus resident Khaleed Sharif, June 26, 2009

²⁶⁴ Addameer interview with Al Ma’sara popular committee member Mahmoud Zwahre, June 17, 2009

Key findings of Addameer’s research related to Israel’s policy of arrests of protestors against the Wall and its “associated regime” can be summarised as follows:

A policy of arrests, carried out indiscriminately:

- The IOF have a policy of arresting those involved in the protest. Those targeted and the ways of arresting them may vary, due the nature of the army’s structure (because much is up to the commander in charge), but arrests are carried out frequently, indiscriminately and in a way that is vastly disproportionate to the events.
- The IOF have carte blanche when it comes to carrying out arrests, and they can target protesters indiscriminately to suppress the demonstrations and Palestinians’ right to self-determination.

Targets of the arrest:

- At first, the IOF targeted the leaders of the popular committee. While this still occurs in certain areas, this policy seems to have shifted towards arresting the youth, in an attempt to undermine the demonstrations and “break” the spirit and stronghold of the resistance.
- There is some evidence that the IOF targets the more active youth for arrest, such as the members of youth committees, though there is also conflicting evidence which suggests that the arrests of youth are indiscriminate and arbitrary. Further research is needed.

Institutionalised racism during the arrest and detention:

- When they are arrested, Israeli, international and Palestinian activists all face high levels of violence, though again it appears the IOF will still use more force in its arrest of Palestinians.
- Israelis and internationals are less likely to be arrested than Palestinians.
- Once detained, Israeli and international activists are treated much less violently than Palestinians and do not suffer the same human rights violations.
- Meanwhile, Palestinians face violence, torture, and long periods of interrogation, as well as humiliation, denial of adequate medical care, poor sanitary and hygiene conditions, insufficient and inadequate food and drink, and exposure to the elements.

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- In addition to physical abuse, Palestinians face threats of arrest and violence to their families, as well as damage to their property and livelihoods, amongst other forms of psychological abuse.

Failure to recognise the applicability of international law when detaining juveniles, and failure to meet minimal child protection standards:

- The Israeli prison system has special facilities for juveniles, but the military courts use sixteen as the cut-off age. Palestinian juveniles are therefore treated and sentenced as adults.
- From the accounts received from children in detention, child protection measures are not respected in detention, and juveniles are subjected to ill-treatment and torture.

Institutionalised racism during the sentencing process:

- Israeli and International activists are tried in civil courts and are much less likely to face charges.
- Palestinians are tried in military courts and are likely to be convicted of an offence, regardless of the strength of evidence against them.
- Palestinians do not receive fair trials, due to problems with accessing legal advice, coercive methods used during interrogations – which are used in court against them, contrarily to international law - and an inability to prepare their case properly.
- Palestinians and their lawyers are caught between a rock and a hard place: admit guilt and be sentenced for a short period, or appeal and risk facing a much harsher sentence.
- The fines that Palestinians are charged with are much higher than those of other nationalities, and consist of one of the punitive measures used against them.

Suspended sentences and bail conditions

- One of the key bail conditions for Palestinians released is that they do not attend the protests.
- Often, prisoners who are released have to sign a statement that they will no longer attend the protests.

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- Suspended sentences are used as a means of coercing Palestinians to stop protesting. They can be applied at any time to threaten further arrest for attending a protest.

Collective punishment

- Palestinians who have been detained and their families are subjected to economic sanctions through permit denials.
- They are also the victims of harassment by the IOF, who further reduce their freedom of movement and regularly summon them for interrogation for unjustifiable reasons.
- Curfews and mass arrests have been carried out in most active villages with the aim of undermining the protests, IOF raids are usually accompanied by house searches, interrogations of family members, destruction and confiscation of private property.

Chapter 4: Recommendations



Soldiers block the road during a protest in Al Ma'sara. Photo: Anne Paq

This report has laid down how the affected communities are suffering on a number of levels. This includes not only the direct effects of the Wall – loss of land and livelihood, and ghettoisation – but also the continuous trampling of their rights by a low intensity warfare that is designed to stop them resisting the construction of the Wall.

As part of the international effort to defeat the Wall and guarantee basic human rights for the Palestinians, it is important that the international community support both the Palestinian grassroots struggle and international human rights defenders in their fight against the Wall.

We are therefore calling on the different actors to live up to their responsibilities and find effective ways of supporting such resistance:

To the United Nations:

- In light of the United Nations General Assembly endorsement of the advisory opinion of the International Court of Justice in its voting of July 20, 2004, we urge

the UN to follow through on its mandate to develop relevant measures to ensure the implementation of ICJ decision. These measures should be upheld until all other relevant UN Resolutions, including UN Resolution 194, are implemented.

- Pressure should be exacted on Israel through targeted sanctions, such as an arms embargo. The Israeli arms industry and military that are responsible for the oppression of communities resisting the Wall, and of the Palestinian people in general, should not get financial and political backing through trade and investments.
- The UN Human Rights Council and Special Rapporteurs for Human Rights and relevant rights should address and further investigate the issues discussed in this report.

To the international community, in particular the High Contracting Parties to the Geneva Conventions:

- Take real action to ensure that Israel complies with the Advisory Opinion of the International Court of Justice, fulfils its obligations under international law and (1) stops the construction of the Wall in the occupied Palestinian territory (2) dismantles the sections built to date; (3) provides compensation for all damage, including for land confiscation caused by the construction of the Wall.
- In the mean time, establish mechanisms to protect the popular resistance against the Wall in its rightful protests against the Wall's construction and land confiscation by (1) ensuring a permanent and institutionalized presence of international monitors in Wall-affected villages to prevent the use of indiscriminate force – including arbitrary arrests – during weekly demonstration as well as acts of collective punishment at night – including raids, curfews, cases of threats and intimidation against protestors, and (2) intervening with the Israeli authorities in cases of arbitrary detention of Palestinian protestors.
- Investigate all acts of repression against Wall-affected communities and individuals resisting the construction of the Wall and hold Israel accountable under international law for all such violations by implementing sanctions.
- Pressurise Israel to stop the arbitrary arrest of individuals, including human rights defenders.
- While the arbitrary detention of activists should be stopped completely, Israel should in any case respect the right to a trial in which international standards and legal guarantees for fair trial are upheld for all political detainees. The international community should pressurise Israel to respect and uphold these standards throughout any of its legal proceedings.
- Suspend cooperation, free trade, research and development agreements with Israel, and thus abide by their commitments under international law, by not contributing

or being complicit in maintaining Israeli occupation, including in all settlement activities and the construction of the Wall, as these constitute a war crime.

- In light of Israel's use of arms in oppressing civilian populations and repressing human rights defenders, including through the use of violence and torture, establish and implement arms embargos and ensure that no arms manufacturers trade or in any way co-operate with the Israeli military industry.
- Illegalize all trade with and investment in companies that aid or assist the construction or maintenance of the Wall, and follow the same course of action with regards to companies that construct, invest or operate in the settlements.

To Palestinian NGO's working in the protection sector in the oPt:

- Develop training programmes for the popular and youth committees, to provide them with effective techniques of documenting human rights violations, including effective ways of compiling statistics, lists of names of detainees, damage to private property, injuries, curfews and incursions. Additionally, provide training to popular committees on how to monitor trends in Israeli policies.
- Train Wall-affected communities in the use of new media, including video and still cameras for the purpose of documenting human rights violations.
- Raise the popular, land and youth committees' awareness on human rights issues including the right to fair trial and due process, the right to personal security, the right to freedom of expression and assembly, and the rights of the child, by holding regular workshop in the communities and establishing strong institutionalized ties with these communities.
- Assist in coordination efforts between popular committees in exchanging information and experiences of their struggle against the Wall and its associated regime.
- Establish a referral mechanism to provide coordinated free legal counsel and representation in courts to arrested demonstrators, including children.
- Direct services and development projects in a way that supports the sustainability of the communities, their capacity to continue cultivating isolated lands and to uphold their capacity to gain a livelihood and access services.
- Support the activities of the popular committees on the ground through their services and capacities.

To international NGO's working in the protection sector in the oPt, as well as international solidarity groups:

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- Endorse the Palestinian call for boycott, divestment and sanctions against Israel until it complies with its obligations under international law and dismantles the Wall and its associated regime. All BDS actions should be specifically directed against companies – including private security companies – that participate either directly or indirectly in helping to maintaining the status quo, providing services, material or otherwise to the Wall and the policy of ethnic cleansing, ghettoisation and racial discrimination.
 - Endorse other Palestinian awareness raising and solidarity campaigns aimed at influencing decision-makers worldwide and calling for a just settlement in the region based on the principles of international law by (1) influencing international public opinion and exposing the brutal low-intensity warfare outlined in this report (2) exerting pressure on their own elected representatives and governmental bodies to hold Israel accountable under international law and bring an end to its impunity in repressing all Wall-affected communities.

To international and local media:

- Continue to regularly report on events occurring in Wall-affected villages, during weekly protests or under other circumstances of collective punishment, while sharing the information collected with local and international organizations working in the protection sector in the occupied Palestinian territory.
- Expose the socio-economic and political effects of the Wall on the daily life of Palestinians through investigative journalism.

Appendix 1: Summary of the Construction of the Wall and its Effects²⁶⁵

Israel began constructing the Wall in the occupied West Bank, including in and around East Jerusalem, in 2002. Once complete, the Wall will be over 760km in length.

Only around 20% of the Wall follows the path of ‘the Green Line’, with the majority deviating significantly into West Bank territory, *de facto* annexing over 12% of land in the West Bank and Jerusalem, and – along with the settlements and their road infrastructure – effectively preventing Palestinians from accessing 46% of the West Bank.

The Wall incorporates around 83% of the West Bank settler population, along with 320,000 Palestinians from East Jerusalem and the West Bank.

It expropriates prime agricultural lands and water resources, and has had a devastating impact on the Palestinian economy, increasing unemployment, poverty and aid dependency in once flourishing agricultural communities.

The Wall also impedes the ability of the affected population to maintain normal family and social relationships and visit sites of religious and cultural importance.

The construction of the Wall has caused the demolition of thousands of Palestinian homes, as well as water and sanitation networks, greenhouses and olive trees. Between June 2002 and December 2005, the Palestinian Central Bureau of Statistics estimated that some 15,000 people had been displaced by the Wall’s construction. Thousands more remain at risk of internal displacement due to the direct demolition of their homes, and still more via the manufactured impossibility of living a normal life in dignity.

In July 2004, five years prior to the publication of this report, the International Court of Justice (ICJ) issued an advisory opinion to the effect that Israel’s construction of the Wall was contrary to international law. Since 2004, both the United Nations General Assembly and the United Nations Human Rights Council have issued a number of similar resolutions.

The ICJ noted violations of Palestinian human rights resulting from the construction of the Wall as including the right to self-determination, freedom of movement, work, an adequate standard of living, education and health. The ICJ also noted violations of international law resulting from the Wall’s construction, including Israel’s transfer of its own civilian population into the territory it occupies, the confiscation and destruction of property, annexation of land and the forcible population transfer of protected persons.

²⁶⁵ All data and some wording in this appendix are taken or adapted with corrections from an earlier report: *Rights without Remedy* released by The Grassroots Anti-Apartheid Wall Campaign and The Centre on Housing Rights and Evictions, July 9th 2009

Appendix 2: List of documented Palestinian anti-Wall activists and protestors arrested in five villages

No.	Name	Age (or DOB)	Place of residence	Date of Arrest	Period of Detention
1	Mujahid Zahdi Ashaal	N/A	Bil'in	26/03/2005	4 months
2	Farhat Ibrahim Hashem Barnat	N/A	Bil'in	26/03/2005	4 months
3	Rafiq Abdul-Razzaq al-Khatib	N/A	Bil'in	17/03/2005	4 months
4	Alian Ibrahim Ahmad Abu-Rahmah	N/A	Bil'in	28/04/2005	1 month
5	Riad Mohammad Yassin Barnat	N/A	Bil'in	28/04/2005	1 month
6	Hamza Mohammad Toufiq al-Khatib	N/A	Bil'in	N/A	6 months
7	Abdullah Mahmoud Mohammad Abu Rahmah	15/01/1971	Bil'in	17/06/2005	1 week
8	(arrested again)			15/07/2005	3 weeks
9	Rateb Mahmoud Mohammad Abu Rahmah	N/A	Bil'in	17/06/2005	3 weeks
10	Akram Abdul-Kareem Al-Khatib	N/A	Bil'in	15/07/2005	1 week
11	Tamer Amer Ali Al-Khati	N/A	Bil'in	20/07/2005	1 week
12	Khaled Mustafa Amer Mustafa	N/A	Bil'in	09/09/2005	3 weeks
13	Abdullah Mahmoud Mohammad Abu Rahmah (arrested twice before)		Bil'in	09/09/2005	1 week
14	Mohammad Khalil Mohammad Abu Rahmah	1986	Bil'in	23/10/2005	4 months
15	Abdullah Abdul-Halim Abu Rahmah	03/03/1977	Bil'in	23/10/2005	1 week
16	Jawar Amran Ali Al-Khatib	16/12/1986	Bil'in	23/10/2005	4 months
17	Mohammad Amran Ali Al-Khatib	24/09/1983	Bil'in	23/10/2005	4 months
18	Hussein Aoud Ali Yassin	02/12/1977	Bil'in	23/10/2005	4 months

19	Fadil Aoud Ali Yassin	09/03/1980	Bil'in	23/10/2005	4 months
20	Faraj Aoud Ali Yassin	11/05/1986	Bil'in	23/10/2005	4 months
21	Wajdi Shawkat Al-Khatib	20/03/1988	Bil'in	23/10/2005	3 months
22	Hamza Mohammad Al-Abid Samara	31/07/1984	Bil'in	24/10/2005	3 weeks
23	Asrar Suleiman Mohammad Samara	09/12/1981	Bil'in	24/10/2005	8 months
24	Bassem Ahmad Aysa Yassin	01/01/1977	Bil'in	29/10/2005	4 months
25	Basil Shawkat Al-Khatib	30/04/1985	Bil'in	29/10/2005	4 months
26	Khaled Shawkat Al-Khatib	09/06/1986	Bil'in	29/10/2005	3 months
27	Mohammad Abdul Al-Fatah Barnat	08/05/1988	Bil'in	29/10/2005	3 months
28	Naif Ghazi Salah Al-Khatib	24/07/1988	Bil'in	01/11/2005	4 months
29	Nour Mahmoud Aysa Yassin	19/02/1985	Bil'in	01/11/2005	4 months
30	Abdullah Ahmad Aysa Yassin	02/05/1991	Bil'in	01/11/2005	2 months
31	Halami Fatahi Mustafa Abu Rahmah	05/08/1984	Bil'in	18/10/2005	N/A
32	Ashraf Ibrahim Dar Abu Rahmah	15/03/1981	Bil'in	13/11/2005	N/A
33	Saji Mohamad Ali Nasser	11/04/1986	Bil'in	27/11/2005	N/A
34	Assam Ibrahim Ali Mattar	28/02/1974	Bil'in	10/01/2006	N/A
35	Hassam Mohammad Hussein Hamed	25/07/1977	Bil'in	10/01/2006	N/A
36	Wael Fahami Dar Nasser	25/07/1976	Bil'in	23/02/2006	N/A
37	Sharar Hussein Daoud Mansour	04/02/1984	Bil'in	23/02/2006	N/A
38	Mohammad Ahmad Mohammad Hamad	N/A	Bil'in	N/A	N/A
39	Mohammad Abdul Al-Fatah Barnat (arrested once before)	08/05/1988	Bil'in	N/A	N/A
40	Tariq Shouqi Al-Khatib	N/A	Bil'in	13/04/2006	N/A
41	Yassir Maher Ashaal	N/A	Bil'in	13/04/2006	N/A
42	Ayyad Abdul-Rahman Saeed Barnat	N/A	Bil'in	N/A	N/A

43	Ahmad Mohammad Hussein Hamad	N/A	Bil'in	N/A	N/A
44	Amad Mohammad Yassin Barnat	N/A	Bil'in	06/10/2006	N/A
45	Bilal Rabah Ahmad Abu Rahmah	N/A	Bil'in	02/12/2006	N/A
46	Farhat Ibrahim Hashem Barnat (arrested once before)	N/A	Bil'in	02/02/2007	N/A
47	Ayyad Mohammad Yassin Barnat	N/A	Bil'in	2007	N/A
48	Laith Aber Al-Qader Salim	N/A	Jayyus	18/02/2009	3 months
49	Saeed Abdul-Hafith Khaled	N/A	Jayyus	23/02/2009	3 months
50	Mohammad Aamer Hussein Noufal	N/A	Jayyus	18/02/2009	3 months
51	Maher Mohammad Fouzi Shmasanah	N/A	Jayyus	02/03/2009	3 months
52	Mohammad Naim Baidah	N/A	Jayyus	18/02/2009	3 months
53	Ahmad Ghassan Harami	N/A	Jayyus	18/02/2009	3 months
54	Mohammad Mahmoud Namer Baydah	N/A	Jayyus	18/02/2009	1 month
55	Jaber Mathaqal Maher Shmasanah	N/A	Jayyus	18/02/2009	1 month
56	Shadi Yussef Wakad Salim	N/A	Jayyus	18/02/2009	1 month
57	Munis Abdullah Khaled	N/A	Jayyus	23/02/2009	2 months
58	Rajjai Mohammad Salim	N/A	Jayyus	09/11/2008	still in detention
59	Samed Mohammad Salim	N/A	Jayyus	18/02/2009	2 months
60	Nader Abdul-Munaim Salim	N/A	Jayyus	09/11/2008	3 months
61	Amjad Abdullah Moqabal	N/A	Jayyus	N/A	2 weeks
62	Kamal Mohammad Taher Shmasanah	N/A	Jayyus	18/02/2009	1 month
63	Fadi Mohammad Qassem	N/A	Jayyus	18/02/2009	1 day
64	Hassam Muthaqal Shmasanah	N/A	Jayyus	18/02/2009	3 months

65	Ahmad Afif Faiz Shmasanah	N/A	Jayyus	18/02/2009	1 month
66	Abdul Rahman Amer Aoud	N/A	Budrus	31/11/2003	5 months
67	Abdul Raheem Amer Aoud	N/A	Budrus	31/11/2003	5 months
68	Hamzah Amer Aoud	N/A	Budrus	31/11/2003	5 months
69	Bilal Sami Mustafa Aoud	N/A	Budrus	31/11/2003	5 months
70	Mustafa Sami Mustafa Aoud	N/A	Budrus	31/11/2003	5 months
71	Ayyad Ahmad Marar	N/A	Budrus	02/01/2004	2 weeks
72	Naim Ahmad Marar	N/A	Budrus	02/01/2004	2 weeks
73	Ahmad Hussein Khalil Aoud	N/A	Budrus	02/01/2004	2 weeks
74	Abdul Nasser Ahmad Hussein Marar	N/A	Budrus	05/01/2004	5 months
75	Ayyad Ahmad Marrar (arrested once before)	N/A	Budrus	2004/2005	N/A
76	Naim Ahmad Marar (arrested once before)	N/A	Budrus	2004/2005	N/A
77	Ahmad Hussein Khalil Aoud (arrested once before)	N/A	Budrus	2004/2005	N/A
78	Abdul Nasser Ahmad Hussein Marar (arrested once before)	N/A	Budrus	2004/2005	N/A
79	Bilal Sami Mustafa Aoud (arrested once before)	N/A	Budrus	2004/2005	N/A
80	Mustafa Sami Mustafa Aoud (arrested once before)	N/A	Budrus	2004/2005	N/A
81	Baha Mohammad Abdullah Aoud	N/A	Budrus	2004/2005	N/A
82	Hamza Amer Mustafa	N/A	Budrus	2004/2005	N/A
83	Abdul Rahman Amer Mustafa	N/A	Budrus	2004/2005	N/A
84	Rakan Tissir Khalifah	N/A	Budrus	2004/2005	N/A
85	Abdul-aziz Ghassan Aoud	N/A	Budrus	2004/2005	N/A
86	Thaer Hanoun Mohammad Aoud	N/A	Budrus	27/06/2007	N/A

87	Tariq Hanoun Mohammad Aoud	N/A	Budrus	27/06/2007	N/A
88	Salah Sharif Salah Abdul Hadi	1981/82	Budrus	2008	N/A
89	Fouaz Shahadah Ragheb Aoud	N/A	Budrus	2008	N/A
90	Ahmed Al-Sheikh	N/A	Budrus	2008	N/A
91	Ahmad Hussein Khalil Aoud (arrested twice before)	N/A	Budrus	Jan-09	N/A
92	Yussef Mohammad Yussef Shaheen	N/A	Budrus	Jan-09	N/A
93	Jabreen Ahmad Mohammad Abdul Rahim Aoud	N/A	Budrus	Jan-09	N/A
94	Ihab Mohammad Mahmoud Khalifa	N/A	Budrus	15/04/2009	N/A
95	Mohammad Sabti Khawaja	28 yo	Ni'lin	10/11/2009	N/A
96	Ahmed Sabti Khawaje	24 yo	Ni'lin	10/11/2009	N/A
97	Mohammad Yaser Ameerah	28 yo	Ni'lin	10/11/2009	N/A
98	Moussa Khaleel Nafea	19 yo	Ni'lin	10/11/2009	N/A
99	Abdeallah Abdel- Karim Sarour	18 yo	Ni'lin	10/11/2009	N/A
100	Ayham Mohammad Nafea	23 yo	Ni'lin	10/11/2009	N/A
101	Tariq Khaled Sarour	17 yo	Ni'lin	10/11/2009	N/A
102	Maath Fahama Al- Aalam	N/A	Ni'lin	N/A	Still in detention
103	Hussein Mohammad Al-Khawaje	N/A	Ni'lin	N/A	Still in detention
104	Hamada Abdul-Razaq Al-Khawaje	N/A	Ni'lin	N/A	Still in detention
105	Ibrahim Khalil Al-Dik Srou	N/A	Ni'lin	N/A	Still in detention
106	Mahmoud Abdullah Ameera	N/A	Ni'lin	N/A	Still in detention
107	Firas Ahmad Aamirah	N/A	Ni'lin	N/A	1 week
108	Jamal Kanaan Ameera	N/A	Ni'lin	N/A	1 day
109	Hussein Yussef Moussa	N/A	Ni'lin	N/A	1 week

110	Samer Mustafa Al-Khawaje	N/A	Ni'lin	N/A	1 week
111	Ahmad Mustafa Al-Khawaje	N/A	Ni'lin	N/A	1 week
112	Yunis Mahmoud Yunis Ameera	N/A	Ni'lin	N/A	3 months
113	Ibrahim Mustafa Rashid Ameera	N/A	Ni'lin	N/A	1 week
114	Mohammad Abdul-Qader Ameera	N/A	Ni'lin	N/A	1 week
115	Tariq Shaker Al-Khawaje	N/A	Ni'lin	N/A	4.5 months
116	Fouad Shaker Al-Khawaje	N/A	Ni'lin	N/A	1 week
117	Majda Maslah Aateeah Moussa	N/A	Ni'lin	N/A	N/A
118	Saeed Atta Allah Ameera	N/A	Ni'lin	N/A	N/A
119	Yuzaid Hassam Moussa	16 yo	Ni'lin	N/A	N/A
120	Saeed Ibrahim Mustafa Ameera	17 yo	Ni'lin	22/12/2008	N/A
121	Mohammad Daoud Al-Khawaje	17 yo	Ni'lin	22/12/2008	4 months
131	Mohammad Abdullah Ameerah	32 yo	Ni'lin	22/12/2008	N/A
132	Mohammad Hussein Al-Baloui Sarour	N/A	Ni'lin	N/A	N/A
133	Abdul Rahman Loui	N/A	Ni'lin	N/A	N/A
134	Moomin Abdul Rahman Shahade	N/A	Ni'lin	N/A	N/A
135	Safian Abdul Halim	17 yo	Ni'lin	N/A	N/A
136	Mohammad Atta Mustafa Moussa	14 yo	Ni'lin	N/A	N/A
137	Moulahem Falah Ameera	N/A	Ni'lin	N/A	N/A
138	Arafat Khalil Ameera	N/A	Ni'lin	N/A	N/A
139	Aaqel Sadiq Sarour	N/A	Ni'lin	N/A	N/A
140	Ahmad Daoud Sita Khawaje	N/A	Ni'lin	N/A	N/A
141	Mohammad Daoud Sita Khawaje	N/A	Ni'lin	N/A	N/A
142	Sitta Mahmoud Sita Khawaje	N/A	Ni'lin	N/A	N/A
143	Majda Salah Hussein Ameera	N/A	Ni'lin	N/A	N/A

144	Ashraf Hashem Safa Nafaa	N/A	Ni'lin	N/A	N/A
145	Muntaser Fadil Aouf Al-Khawaje	N/A	Ni'lin	N/A	N/A
146	Mohammad Haem Khawaje	N/A	Ni'lin	N/A	N/A
147	Mohammad Salah Tayeh Al-Khawaje	N/A	Ni'lin	N/A	N/A
148	Halal Abdul-Qader Khawaje	N/A	Ni'lin	N/A	N/A
149	Mohammad Suleiman Al-Khawaje	N/A	Ni'lin	N/A	N/A
150	Khalil Mustafa Rashid Ameera	N/A	Ni'lin	N/A	N/A
151	Majd Hashem Safaa Nafaa	N/A	Ni'lin	N/A	N/A
152	Ayyub Abdul Maata Sarour	17 yo	Ni'lin	N/A	N/A
153	Mohammad Aoud Sadiq Sarour	N/A	Ni'lin	N/A	N/A
154	Shaheb Mohammad Jamaa Al-Khawaje	N/A	Ni'lin	N/A	N/A
155	Ayhab Mohammad Jamaa Al-Khawaje	N/A	Ni'lin	N/A	N/A
156	Mohammad Namr Andaleeb	N/A	Ni'lin	N/A	N/A
157	Salah Mohammad Tayeh Al-Khawaje	N/A	Ni'lin	N/A	N/A
158	Mohammad Seeha Sarour	N/A	Ni'lin	N/A	N/A
159	Safwan Namr Hussein Nafaa	N/A	Ni'lin	N/A	N/A
160	Ghaim Jamal Kanaan Ameera	N/A	Ni'lin	N/A	N/A
161	Saadat Ibrahim Mustafa Ameera	N/A	Ni'lin	N/A	N/A
162	Hussein Namr Andaleeb	N/A	Ni'lin	N/A	N/A
163	Saddam Namr Hussein Nafaa	N/A	Ni'lin	N/A	N/A
164	Aysa Aoud Huseein Ameera	N/A	Ni'lin	N/A	N/A
165	Munthar Rada Sarour	N/A	Ni'lin	N/A	N/A
166	Barakat Mohammad Aziza Moussa	N/A	Ni'lin	N/A	N/A

167	Mohammad Aoud Hussein Ameera	N/A	Ni'lin	N/A	N/A
168	Sa'dat Ibrahim Mustafa Ameerah	19 yo	Ni'lin	02/06/2009	Still in detention
169	Mahmod Abdallah Ameerah	26 yo	Ni'lin	02/06/2009	Still in detention
170	Ibrahim Khalil Ad-Dik Srou	18 yo	Ni'lin	02/06/2009	Still in detention
171	Hamada Abdel Raziq Khawaja	28 yo	Ni'lin	02/06/2009	Still in detention
172	Mohammad Brijjah	N/A	Ma'sara	01/05/2009	38 days
173	Hasan Brijjah	N/A	Ma'sara	01/05/2009	Still in detention
174	Mahmoud Zawahre	N/A	Ma'sara	01/05/2009	2 weeks
175	Mustafa Fuara	N/A	Ma'sara	01/05/2009	2 weeks
176	Azmi Ash-Shuyukhi	N/A	Ma'sara	01/05/2009	2 weeks

Appendix 3: Addameer list of arrested Israeli activists from Anarchists Against the Wall

Israeli Activists from <u>Anarchists Against the Wall</u> Arrested and indicted since 2004				
Date of Arrest	Place of arrest	No. of Defendants	Original Charges	Further Comments
March 2004	Kharbatha	3	Rioting. One defendant charged with assaulting officer	One indictment withdrawn. Second defendant reached a plea bargain and the court quashed his conviction. A third was fully acquitted.
March 2004	Kharbatha	4	Illegal assembly, rioting, aggravated rioting, disrupting a police officer in the line of duty, assaulting a police officer, preventing a dispersal order.	Charges against one defendant dropped. The rest reached a plea bargain reducing their charges. The court quashed their convictions.
April 2004	Kharbatha	6	Obstructing a police officer, illegal assembly	Four defendants reached a plea bargain. The other two defendants were convicted and are still awaiting their sentencing.
September 2004	Beit Awwa	2	Rioting	Both defendants reached a plea bargain reducing their charges to illegal assembly. The court quashed their convictions.
September 2004	Budrus	2	Rioting and breach of legal order	Prosecution dropped breach of a legal order charges shortly after the trial began. The Judge eventually acquitted the two in a verdict harshly criticizing the police for lying in court.
December 2004	Budrus	2	Insulting a public worker, rioting	The two defendants reached a plea bargain, reducing their charges. The court quashed their convictions.
April 2005	Bil'in	1	Obstructing a police officer	Prosecution withdrew charges despite not watching film evidence that proved the arresting policeman was lying.
May 2005	Ni'lin	1	Obstruction of traffic (defendant was stopped from passing through a checkpoint on the way to an anti-Wall demonstration)	Defendant was acquitted of all charges

June 2005	Bil'in	1	Rioting, aggravated assault of a police officer	Defendant reached a plea bargain reducing his conviction to illegal assembly. The court quashed his conviction.
July 2005	Immatim	3	Rioting, obstructing a public worker	Two defendants reached a plea bargain reducing their charges to illegal assembly and their convictions were quashed. Third defendant was acquitted of all charges.
Unknown	Bil'in	1	Assaulting a police officer	Defendant cleared of all charges and subsequently acquitted.
August 2005	Bil'in	1	(1) obstructing a public worker (2) obstructing a public worker, rioting	Defendant indicted for two different arrests. Reached a plea bargain reducing his charges to illegal assembly. The court quashed conviction.
September 2005	Budrus	1	Intentional property damage	Signed a plea bargain.
September 2005	Bil'in	1	Rioting, assaulting a public worker	Charges were withdrawn after the prosecution viewed film evidence documenting army violence in the demonstration.
November 2005	Bil'in	1	Insulting a police officer	Defendant reached a plea bargain.
Late in 2005	Bil'in	1	Obstructing a public worker	Defendant reached a plea bargain, and the court quashed his conviction.
May 2006	Ar-Ram	1	Illegal Assembly	Unknown

Appendix 4: Addameer Association's list of interviewees and contributors

PALESTINIAN PROTESTORS BY VILLAGE

AL MA'SARA (Bethlehem)

Mahmoud Zwahre, Al-Masara popular committee

Mohamed Brijiyah, Al- Masara popular committee

ARTASS (Bethlehem)

Awad, Artass popular committee

X, Local activist in village nearby

ABOUD (Ramallah)

Rami Masad, member of Aboud popular committee

AZZOUN (Qalqilya)

Abdullah Judi, member of Azzoun popular committee

BUDRUS (Ramallah)

Ayed Morar, Budrus popular committee

Nasser Morar, Budrus popular committee

BIL'IN (Ramallah)

Iyad Bournat, Bi'lin popular committee

Abdullah Abu Rahmeh, Bil'in popular committee

Abdullah Yassin, arrested at a Wall protest in Bil'in when he was 13

Basma Abdullah Abu Rahmeh Yassin, mother of youth detained in Bil'in

JAYYUS (Qalqilya)

Abu Azzam (Shareef Khaled) who had set up the former Land Defence Committee in Jayyus

Mohammed Othman from Jayyus and Stop the Wall Campaign

Mohammed Amar Hussan Nofal, 16-year-old arrested during night raid

Samed Mohammed Hassan Salim, 25-year-old arrested during night raid

Ismael, youth arrested during night raid

NI'LIN (Ramallah)

Hindi Mesleh, Ni'lin resident and activist

AK, youth arrested in Ni'lin during night raid

Mohammed Khawawajeh, youth arrested in Ni'lin during night raid

LAWYERS

Lymore Goldstein, Gaby Lasky Lawyers

Tamar Peleg, freelance lawyer

Addameer Association lawyers

ISRAELI PROTESTERS & HUMAN RIGHTS NGO'S

Jonathan, Anarchists Against The Wall

Dafna Banai, Matchsom Watch

Informal discussions with Israeli protesters in Bil'in

Neta Golan, ISM co-founder and activist

FOREIGN PROTESTERS & HUMAN RIGHTS NGO'S

Anne, international activist

Rada Daniell, IWPS (International Women's Peace Service)

“K” – international activist in Ni’lin village

Sharen, EAPPI

Sasha Solanas – ISM media coordinator

“W” – international activist with Stop the Wall

JOURNALISTS

Seth Freedman, Freelance journalist

Gerard Malsim, Chief English editor for Al Maan News, and Director of English news service