

מרכז המידע הישראלי לזכויות האדם בשטחים
The Israeli Information Center for Human Rights in the Occupied Territories

INFORMATION SHEET: UPDATE JULY 1, 1989
(English Version)

<u>Contents</u>	<u>Page</u>
Intifada Fatalities	2
-Total deaths during the Intifada	
-20 Palestinian fatalities in June	
Analysis of Shooting Fatalities	4
-From Dec. 1987 to June 1989, listed by districts	
B'Tselem Data	5
-Verification of information	
Settlers	7
-Attacks against Palestinians	
Inquiry	9
-Death of Salah El Bah'sh from Nablus	
Deportations	11
-The legal perspective	
-Application of deportation order	

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B'Tselem, the Israel Information Center for Human Rights in the Occupied Territories, was founded in February 1989 by a group of lawyers, intellectuals, journalists, and Members of Knesset. The objective of B'Tselem is to document and to bring to the attention of policy makers and the general public, violations of human rights in the territories.

**"Everyone has the right to life, liberty
and the security of person".**

Universal Declaration of Human Rights. Article 3.

INTIFADA FATALITIES - TOTALS

477 Palestinian residents of the territories were killed by Israeli soldiers and Israeli civilians in the period from the beginning of the Intifada until the end of June 1989, according to data collected by B'Tselem.

* 445 by shooting (including plastic bullets), among them 19 children aged 12 years or less, and 71 aged 13-16

* 32 were killed from other causes (beatings, burns and other). Among them were 3 children aged 12 years or less, and 2 aged 13-16.

A further 71 persons died shortly after exposure to tear gas, some 30 of them infants. From a medical point of view it is difficult to determine that exposure to tear gas is the direct and sole cause of death.

During this period, 7 IDF soldiers were killed (according to the IDF spokesperson) and 10 Israeli civilians were killed, 3 of them infants.

FATALITIES IN JUNE - ANALYSIS

In June 1989 20 Palestinian residents and one Israeli civilian were killed in the territories. Following a two month period (April-May) when the number of fatalities rose, the number of fatalities in June returned to the level registered in the period January - March 1989.

In June, as in May, half of those killed (10) were from the Gaza Strip. This reflects a change from the period from the beginning of the Intifada up to April 1989, during which time about one third of the fatalities were from the Gaza Strip.

In June, 5 children were killed (2 of them aged 12 years or less, 3 aged 13-16), totalling one quarter of the month's fatalities.

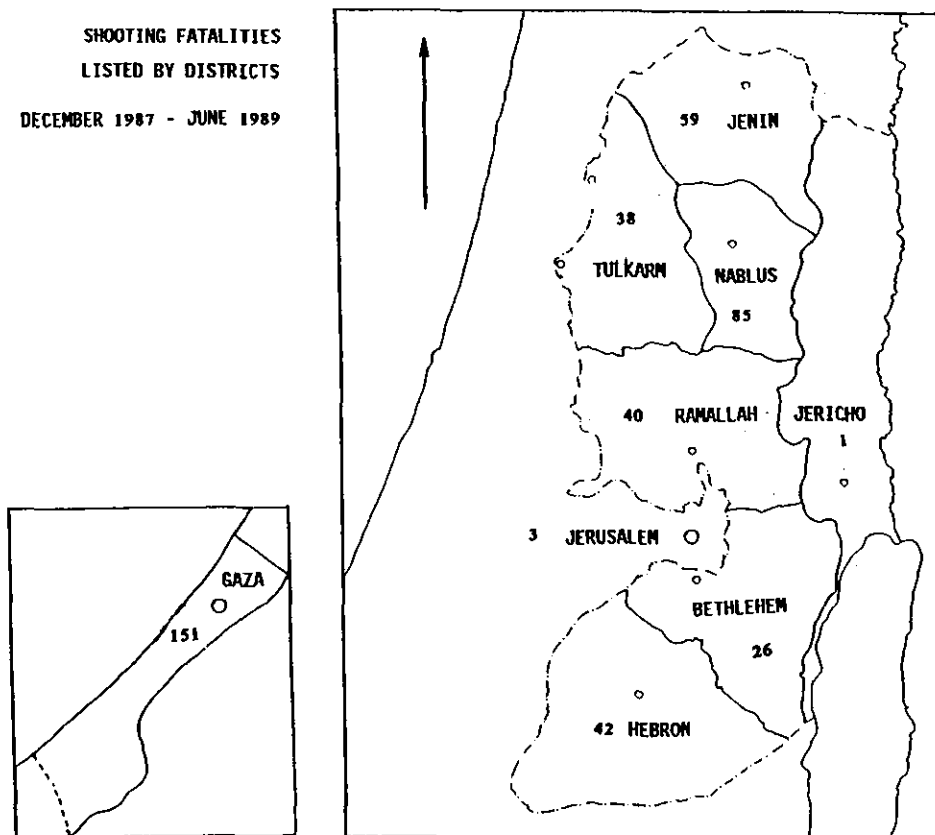
One Palestinian was shot and killed by Israeli civilians.

In 7 of the incidents where Palestinians were killed, it was reported that IDF soldiers had fired plastic bullets. In a further case it was learned from a high ranking IDF source that rubber bullets were fired. This is a particularly high figure in view of the claim by security sources that correct use of this type of ammunition is not supposed to be fatal. It will be remembered that the June Information Sheet drew attention to the "trigger happy" syndrome in situations where plastic bullets are used. In this month's Information Sheet we discuss the incorrect use of rubber bullets.

5 persons died of injuries several days after they were wounded by shooting. In 3 of these cases, it was reported that the injury was caused by plastic bullets.

A woman, aged 65, from Kabatiya, died shortly after exposure to tear gas that witnesses say was discharged into an enclosed space.

SHOOTING FATALITIES
LISTED BY DISTRICTS
DECEMBER 1987 - JUNE 1989



ANALYSIS OF SHOOTING FATALITIES - PALESTINIANS KILLED BY GUNFIRE
from Dec. 1987 to June 1989

The incidents in which 445 Palestinians were killed by shooting were spread over 270 days. The pattern is not one of a few incidents in which large numbers were killed, but rather of a long list of clashes with security forces and Israeli civilians, in each of which a few lives were claimed. The incidents took place in 147 different locations (refugee camps and large neighborhoods are counted as separate locations).

From the analysis it emerges that the districts with the largest number of fatalities are the Gaza Strip and the Nablus district. The districts with the lowest number of fatalities are the Jerusalem and Jericho districts. The city with the highest number is Nablus. A substantial number of the Intifada fatalities were villagers. The number of fatalities among refugee camp residents is similar to their proportion in the population as a whole.

The average age of those killed by shooting went down during the first months of the Intifada. In the last few months the age range has been from 18-20. The average age of all Palestinians killed by shooting in the Intifada was 21.6 years.

Since November 1988, the proportion of children (aged 16 years or less) among the Intifada fatalities by shooting has not fallen below 20% of the total of all Palestinians killed by shooting. The highest proportion occurred in the month of April 1989 in which 33% of those killed were children, three of them 12 years or less, eight of them aged 13-16 years.

"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

Universal declaration of Human Rights. Article 7.

SETTLERS

The month of June 1989 saw an escalation in actions initiated by Jewish settlers in the territories, against the Palestinian population.

For the first time settlers living in the territories took action within the Green Line (within the borders of the State of Israel), against Palestinians. A number of incidents in which settlers attacked journalists and IDF soldiers were recorded. Only in a few cases were arrests reported. Below is a list of incidents reported during June:

- June 1
 - SENJIL & TURMUSAYA: settlers entered the villages, burned agricultural crops and fired at solar heaters.
 - HALHUL: 5 settlers entered the town, in commercial Peugeot vehicles, smashed windows of two cars, and fired in the air, causing damage to property and to solar heaters.
- June 2
 - Dozens of residents of Ariel attacked and beat three journalists, causing them bodily injury. One of the journalists was pistol whipped. The suspects in this case were released on bail, and the weapon confiscated later returned.
- June 5
 - EL KHADER: Dozens of settlers attempted to enter the villages, following a Molotov cocktail attack on a bus. A Kiryat Arba resident, David Shiloni, was arrested on charges of attacking a soldier.
 - ZIVIYA: Settlers fired at a passing vehicle and at solar heaters.
 - BEITIN: Settlers from Ofra who had been attacked by stone throwers, alerted their friends, who burned vehicles and damaged property. A 17 year old villager was wounded in the leg by gun fire.
 - SENJIL: Settlers shot and caused damage to property.
- June 6
 - KIFL HARETH: Settlers from Ariel set fire to a grove of olive and almond trees. 15 dunams (nearly 4 acres) were destroyed.
 - NASSERIYAH: Settlers set fire to an orchard in the village following a stone throwing attack on their vehicles.
- June 12
 - OMATIN: Settlers threw stones at a vehicle. The front window was smashed and the driver injured in his face.

- NABLUS: Settlers fired at windows of houses after their vehicle was attacked by stone throwers.
- June 19 - BIDIYA: Residents of Ariel threw stones at a truck belonging to a resident of Nablus, smashing the front window.
- KIFL HARETH: Settlers smashed windows of houses.
- June 20 - FUNERAL of Steven Rosenfeld, Ariel resident, murdered by Palestinians from Burkin. Settlers attacked a foreign TV crew, and beat a reporter from Israel Television's Arabic department. Prime Minister Yitzhak Shamir was attacked verbally and his car pounded by fists. The secretary of Mapam Youth was attacked, and an IDF Officer who tried to protect him was also attacked. One settler spat at a senior army commander with the rank of Colonel. One person was arrested and later released.
- HARBATA: Settlers entered the village by night and damaged property.
- A-LUBEN SHARKIYIEH: A settler chased a child who had thrown stones at this vehicle. A violent brawl ensued .
- ELKANA: Settlers smashed the windows of a vehicle, injuring the passengers.
- June 21 - TAPUACH JUNCTION: A Palestinian vehicle was attacked by settlers throwing stones. Passengers from the village of Rujib were injured.
- June 23 - BANI ZAYID: Settlers set out for a hike to Burkin. They entered the village of Bani Zayid, caused damage to property, solar heaters and vehicles with machine gun fire. When the villagers threw stones at them, they fired wildly, killing Aziz Hamis Yussuf Arar, 20 years old, and injuring a 14 year old boy. Two settlers were arrested, and later released on bail. Meir Berg is "suspected of causing death by negligence", and Ariel Bigun suspected of firing in a built up area and causing damage to property in the village.

INQUIRY - Death of Salah El Bah'sh from Nablus

On June 18 Salah el Bah'sh, age 17, was killed by IDF soldiers, by shooting, in the Nablus Casbah, between 8 and 9 am. The Army Spokesperson told journalists that the youngster was fired on after he had pretended to draw his identity card from his pocket, and then suddenly struck one of the soldiers and fled. According to the IDF Spokesperson, El Bah'sh did not stop when the soldiers called out "Halt!", and he was then fired upon ('Hadashot' June 19).

The results of an inquiry conducted by B'Tselem and ACRI (Association for Civil Rights in Israel) present a different picture. Eyewitnesses who observed the incident from a distance of 10 to 15 meters from the point of firing, have given affidavits, taken by Attorney Dan Simon. From their testimony the following emerges:

1. The incident took place in the market known as the 'Khan', in 'Khan Merchants' Street, which runs from east to west.
2. A group of 3 soldiers were standing on the 'El Nasser' Steps. Another group of three soldiers were standing in an alley known as the 'Gold Market', at a distance of some 15 meters east of the steps.
3. At around 8.30 am Salah El Bah'sh was seen making his way through the Khan Market, going from east to west. There were many people in the market at this time.
4. As Salah passed near to the 'Gold Market' alley, the witnesses heard a shout in Hebrew "Ta'amod" (Halt!).
5. Salah continued to walk straight ahead. He did not halt, and he did not turn his head, but continued to walk slowly (After his death it was found that he was wearing slippers and not shoes).

According to the witnesses, Nablus residents usually do not respond promptly when they hear a soldier in the street calling out, since it is impossible to know who is being addressed. Thus the residents generally stop only when it is certain that the call is being addressed to them.

6. Salah continued to walk slowly. When he approached the 'El Nasser' steps, a soldier who had been kneeling on the second step, about 3 meters distant from Salah's path, rushed towards him. The soldier was carrying a weapon and a small walkie talkie.
7. As he leaped forward the soldier cocked his gun. He did not call out to Salah, and he did not fire a warning shot in the air.
8. The soldier landed in front of Salah and aimed his rifle at him.
9. Salah stopped immediately and quickly raised his hands.
10. The soldier fired two shots at Salah's chest, with the gun barrel at a distance of about 30 centimeters, while Salah's hands were raised.

11. Salah fell backwards. A tumult broke out in the market, and the soldiers took the young man away. The witnesses said that later they learned that Salah died on the way to the hospital.

MK Amir Peretz, on behalf of B'Tselem, brought this testimony to the attention of the IDF. In response, he was told that the IDF has begun an inquiry into the incident. To the best of our knowledge, the soldier who shot Salah used rubber bullets, which are supposed to be non-fatal.

We have learned that recently the IDF has been using a new type of rubber bullet, in the form of a 'cigar', which combines 4 bullets wrapped together in a cellophane wrapping. According to testimony given to B'Tselem, some soldiers make a practice of separating the 4 bullets of the 'cigar' into two pairs, **in contravention of orders**. As a result the bullets have a much greater range and force, and are likely to cause greater injury to the person hit by them.

Whereas the use of plastic bullets is permitted only after firing range training (admittedly a very perfunctory course as reported in the June 1989 Information Sheet), the IDF does not require soldiers to undergo special training before using rubber bullets.

"No one shall be subjected to arbitrary arrest, detention or exile".

Universal declaration of Human Rights, Article 9.

DEPORTATIONS

On June 13 1989, the Chief of Staff told the Knesset Foreign Affairs and Defense Committee that the IDF and the Ministry of Justice are examining the possibility of shortening the process of deportations from the territories, by speeding up the hearings of appeals to the High Court. According to the Chief of Staff, they are also examining the possibility of deportations being carried out before the hearings are completed: if the High Court rules against deportation then the plaintiff will be permitted to return.

On June 29 1989, 8 residents of the territories were deported to Lebanon. From 1967 to date, the number of persons deported by Israel from the territories totals 1253, 53 of them since the beginning of the Intifada, among them students, journalists, university lecturers, lawyers and teachers. The deportees generally speaking, form part of the political leadership, on the local or national level.

The reasons generally given for deportations are incitement, political subversion, active membership in banned organizations and so on. The security establishment does not employ deportation as a punishment for terrorist activities.

THE LEGAL PERSPECTIVE

Section 112 of the Defense (Emergency) Regulations (DER) enacted in September 1945 by the British authorities governing the Mandate of Palestine, empowers the High Commissioner or a Military Commander to order a person to be sent into exile out of Palestine. After the IDF entered the territories, this authority was transferred to the Military Commander of the region (Military Order 378).

Section 49 of the Geneva Convention lays down that "individual or mass forcible transfer, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited regardless of their motives."

The official Israeli interpretation, confirmed by the Supreme Court, claims that this section of the Geneva Convention does not apply to the present circumstances in the territories, and applies only to mass deportations. The expulsion order is an administrative decision and does not require any legal process.

Those awaiting deportation are allowed to appeal the expulsion order before the committee comprised of a Military Judge and two army officers. Further, they may petition the Supreme Court. To date only one deportation order has been cancelled, that of Mayor Bassam Shaka'a of Nablus, in 1979. The cancellation was made because of the public pressure, and not as a result of a Supreme Court ruling.

In a High Court verdict, on the expulsion of the Mayors of Halhul and Hebron, Muhamad Milhem, and Fahad Kawassmey, in 1979, a majority opinion confirmed the expulsion order. In a minority opinion Judge Haim Cohen noted that deportation "is in contravention of customary international law that forbids deportation of any person from his homeland. An order from the regional commander cannot take precedence over the customary international law. I regret that these obvious facts were not accepted by my honourable colleagues."

APPLICATION OF DEPORTATION ORDER

The policy of deportations has varied in its application, depending on the situation and on the style of the various Ministers of Defense. Between 1967-1980, 1155 persons were deported from the territories.

Year Number of deportees

67	5
68	69
69	223
70	406
71	306
72	91
73	10
74	11
75	13
76	2
77	6
78	9
79	1
80	3

1981-1985: No deportations
1985-1987: 45 residents of the territories deported

From the beginning of the Intifada in December 1987 until the end of June 1989 53 persons were deported.

<u>DATE</u>	<u>NUMBER OF DEPORTEES</u>
January '88	4
April '88	16 (6 of them from Beita Village)
August '88	12
January '89	13
June '89	8

22 persons deported from the Gaza Strip
31 Persons deported from the West Bank

A further 5 persons are scheduled for deportation. They are currently being held in Nablus prison.