

Consul General
EU Representative Office

12 March 2002

Dear Madam or Sir

Urgent Appeal –End the Silence: Act Now

MIFTAH (The Palestinian Initiative for Global Dialogue and Democracy), LAW (The Palestinian Society for the Protection of Human Rights & The Environment), and PCHR (The Palestinian Centre for Human Rights) are appalled by the ongoing silence and lack of effective action of the international community, in particular of the EU, in the face of the recent escalation by the Israeli occupying forces attacks. These assaults are targeting the Palestinian civilian population in key Palestinian cities and adjacent refugee camps in the last few days, including within and near Tulkarem, Nablus, Jenin, Bethlehem, Beit Jala, Ramallah, Al Bireh, Qalqilya, Hebron and within the Gaza Strip. Refugees and other civilians are being terrorised by brutal and deliberate campaigns of violence and incursions.

The military incursion, siege and invasion at Balata refugee camp in Nablus starting 28 February 2002, marked a new phase of cruelty and even more extreme Israeli methods of attacking civilians, that has been subsequently followed in the other refugee camps (including Tulkarem Nur al Shams; Jenin refugee camp; Aaza, Aida and Deheisha in Bethlehem; Al Arrob in Hebron; Khan Younis, Rafah and Jabalya in Gaza) and other civilian residential areas throughout the West Bank and Gaza. As we write, Amari and Qaddura refugee camps in Ramallah and Khan Younis in Gaza are currently under siege and attack. These tactics are an enactment of Sharon's stated 'new' policy for the Israeli occupation, on 6 March 2002 that ***"the Palestinians must be hit and it must be very painful. We must cause them losses, victims, so that they feel the heavy price...."***¹

The military tactics include:

- use of heavy weaponry in intensive strikes against the mass civilian population in densely populated residential areas, including ground missiles launched from tanks, tank shells, missiles from helicopter gunships and F-16 warplanes, deployment of tanks, armoured personnel carriers and heavily armed paratroopers, live ammunition;
- high numbers of civilian casualties and fatalities (at least 113 killed and 368 injured between 28 February 2002 to 10 March 2002) as a result of the disproportionate and lethal use of force in contravention of the Fourth Geneva Convention. Since September 2000 to date at least 1,160 Palestinians have been killed and 18,307 injured in the West Bank and Gaza.²;
- assassinations of targeted individuals carried out during these operations where arrests or other means of restraint could have been used (at least 70 have been assassinated and at least 20 bystanders (including 5 children) since November 2000 to 11 March 2002);
- mass arbitrary arrests of all those male Palestinians between 14 and 48 years. Initial reports indicate that these detainees, including children, are being arbitrarily arrested, and held in detention camps outside their areas before it is determined whether they should be held or even questioned for suspected 'terrorist' activity. This contravenes

¹ Ross Dunn, Herald, 'Sharon vows to hit Palestinians until it is 'very painful'', 6 March 2002.

² PRCS figures on the PRCS website as at 12 March 2002.

their rights against arbitrary arrest and detention. Since 28 February 2002, it is estimated that about 2,200 Palestinians have been arbitrarily arrested and detained. Cruel, inhuman and degrading methods used during these mass arrests have included blindfolding, hand-cuffing, strip-searching with removal of upper clothing; and numbers written on their arms (reported in BBC and Ha'aretz, 12 March 2002);

- extensive unnecessary destruction of property including of civilian homes, workplaces, hospitals, ambulances, fieldclinics, schools, universities, churches and mosques; and key infrastructure including water supplies and electricity lines. The new methods used since Balata includes the destruction of all the walls between adjoining homes, as soldiers move from home to home. Family homes have also been blown up by Israeli forces in situations where they state that 'suspects' have been in those homes rather than attempting to enter and arrest the purported suspects.
- Access to vital services and supplies, such as electricity, water and food, have been restricted or denied altogether, exacerbating the existing humanitarian crisis in all these areas – in violation of international humanitarian law.

On about 8 March 2002 there was a ban on any movement by Palestinian vehicles except those with express permission, throughout the West Bank. Those travelling without such permission are shot on sight without warning. This ban on vehicles intensifies the pre-existing restrictions on movement (including the hundreds of checkpoints, unmanned dirt blockades and trenches, and few iron gates) and siege - that have made access to work, schools, universities, food and water, and to other humanitarian and health services virtually impossible since September 2000. Ambulances are also denied permission to reach injured and sick patients or move them to hospitals.

Israeli occupying forces have also intensified their deliberate attacks on paramedics, medical staff and patients in ambulances; and hospitals and field clinics. Since September 2000 to about 1 March 2002 the PRCS estimate that about 165 of their ambulances have been attacked with damage to 69 vehicles (c. 68% of their fleet); and about 122 PRCS emergency medical personnel have been injured. LAW estimates that since September 2000 to 6 March 2002 about 17 medical staff have been killed by Israeli forces. It is estimated that since 28 February 2002 to date, about 6 paramedics have been killed, 12 injured and 5 ambulances totally destroyed, 10 partially damaged). Those constituting wilful killings or wilfully caused serious injuries amount to a grave breach of article 147 of the Fourth Geneva Convention; and under Article 85(2) of Protocol 1 as wilful killings or wilfully caused serious injuries committed against the wounded or sick, "or against those medical or religious personnel, medical units or medical transports which are under the control of the adverse Party...." The attacks and denial of access to humanitarian assistance and medical treatment are also in violation of other international humanitarian law.

Human Rights Watch has reiterated that such deliberate attacks are grave breaches of the Geneva Conventions (namely war crimes) and have called for investigations into all these incidents of firing on medical personnel. The International Committee of the Red Cross and PRCS have publicly stated that all ambulances were clearly marked and were coordinating their movements closely with the Israeli authorities.³ 9 March 2002, the Israeli NGO, Physicians for Human Rights-Israel lodged a second petition in the High Court on the issue of these Israeli attacks on ambulances and prevention of evacuation.⁴

³ Human Rights Watch, 'Israel: Cease Attacking Medical Personnel', 9 March 2002.

⁴ Physicians for Human Rights, 'A Second Urgent Petition was Submitted to the High Court by Physicians for Human Rights-Israel Today on the issue of Israeli Army Attacks on Ambulances and Prevention of Evacuation', 8 March 2002.

These military attacks and methods, have been ‘justified’ on the flimsy pretext of rooting out ‘terrorists’ and ‘terrorist bases’. However, these methods have been in effect punishing the entire, defenceless population. Furthermore, no so-called security or military purposes can justify the methods employed in particular the grave breaches, (war crimes) and other serious violations of international humanitarian law currently being perpetrated by the Israeli occupying forces. These massive attacks against Palestinian civilians in densely populated areas, deliberate impoverishment and starvations polices include the following grave breaches of the Fourth Geneva Convention, pursuant to article 85, Protocol 1 to the Conventions: namely, “making of the civilian population the object of attack”, in particular the launch of “indiscriminate attacks affecting the civilian population or civilian objects in the knowledge that such attacks will cause excessive loss of life, injury to civilians or damage to civilian objects”, “making non-defended localities and demilitarised zones the object of attack”, making persons the “object of attack in the knowledge that [they are] hors de combat”; and “making the clearly-recognised historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given...the object of attack....”.

In addition, Israeli occupation forces under political and military orders have perpetrated grave breaches of article 147 of the Fourth Geneva Convention (namely, war crimes) including wilful killings of purported ‘suspected terrorists’ as well as clearly marked paramedics and medical staff in ambulances during the course of their work, “wilfully depriving a protected person of the rights of fair and regular trial”, disproportionate use of force intended to “great suffering or serious injury to body or health”; as well as “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.”

LAW, MIFTAH and PCHR urge the international community, in particular the EU, to immediately intervene by:

- undertaking an unequivocal denunciation of these brutal actions, in particular the grave breaches of the Fourth Geneva Convention (i.e. war crimes);
- ensuring the Israeli occupying power’s respect of its obligations by taking effective measures, in particular economic sanctions such as the immediate suspension of the EU-Association agreement and other key trade agreements;
- ending these grave breaches of the Fourth Geneva Convention (war crimes) and other serious violations of international humanitarian law by immediately sending an independent, effective international protection presence to the area;
- providing an alternative that is capable of dealing with the core of the problem and ending the Israeli occupation, illegal settlement policies and providing refugee rights of return.
- complying with their own obligations by:
 - investigating, and bringing the perpetrators of such war crimes to trial, and by establishing a War Crimes Tribunal to prosecute such war criminals; and
 - ending all aid used to perpetrate such crimes in particular by ending the supply of all arms used against the Palestinian civilian population.

Yours sincerely
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Secretary General
MIFTAH

Khader Shkirat
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CC: Chris Patten (External Relations Commission, EC); Javier Soulana (High Representative of the EU for the Common Foreign and Security Policy)