

**Report on Violations of International Human Rights and Humanitarian Law  
Committed by the Israeli Military in Beit Hanoun  
From the Period 15 May- 30 June, 2003**

**Palestinian Centre for Human Rights**

This report attempts to provide documentation of the violations of international human rights and humanitarian law perpetrated by the Israeli military against the civilian population of the greater Beit Hanoun area during the Israeli military siege which began on 15 May 2003. This report represents the findings of PCHR's preliminary investigations. Information in this report is sourced from statements taken from eye-witnesses and victims, site visits, and photographic and other evidence obtained by PCHR fieldworkers and researchers.

### **Beit Hanoun Under Siege**

Starting at 02:30 in the morning hours of 15 May, 2003 Israeli military forces seized the northern Gaza Strip town of Beit Hanoun, in what the Israeli military Spokesperson's Unit stated was part of "the war against terrorist infrastructure in the Gaza Strip, and...the effort to prevent the firing of Qassam rockets and mortars towards Israeli communities in the Gaza Strip and other nearby areas."<sup>1</sup> Israeli infantry and approximately 70 armored vehicles, including bulldozers and tanks, escorted by helicopter gunships, entered the municipality while simultaneously blocking all the roads leading in and out of the area.<sup>2</sup> Following an agreement between the Palestinian Authority (PA) and the Israeli authorities,<sup>3</sup> on the 30 June, a month and a half into the prolonged siege that gave Israeli forces effective control over almost all movement and activities in the area, Israeli military forces withdrew from the town and surrounding area.

As this report will seek to demonstrate, during the Israeli siege of Beit Hanoun, between 15 May and 30 June 2003, Israeli military forces systematically contravened the provisions of international humanitarian law, specifically the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949 (Fourth Geneva Convention). The Fourth Geneva Convention, to which Israel is a High Contracting Party, is the primary legislation regulating Israel's actions in the Occupied Palestinian Territories (OPT). Israeli military actions also constituted wide-spread and systematic violations of international human rights law, as protected in the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Israel is a state party.

### **The Beit Hanoun Area**

#### Geography and Population:

The municipality of Beit Hanoun is located in the north-eastern corner of the Gaza Strip.<sup>4</sup> To the west of Beit Hanoun is the town of Beit Lahia, and to the south is the Palestinian town and

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<sup>1</sup> IDF Spokeperson's Unit, "IDF Activity in Beit Hanoun," at <http://www.idf.il/english/announcements/2003/may/15.stm>, 15/05/2003 14:01

<sup>2</sup> Harel, Amos, Haaretz Service and Agencies, "IDF tanks enter northern Strip in bid to stop rocket fire," at [www.haaretzdaily.com](http://www.haaretzdaily.com), 15/05/2003 07:26

<sup>3</sup> Harel, Amos and Regular, Arnon, Haaretz Staff and Agencies, "PA expected to take control of security in northern Gaza," at [www.haaretzdaily.com](http://www.haaretzdaily.com), 16/06/2003 11:30

<sup>4</sup> A map of the north Gaza is included in an Annex at the end of this report.

refugee camp of Jabalya. The border with Israel is located to the north and east of Beit Hanoun. According to the municipal authorities the total land mass of the Beit Hanoun area equals 17,600 donums.<sup>5</sup>

The town of Beit Hanoun has a population of 29,024 Palestinians, while 6, 657 Palestinians live in the areas surrounding the town. The total estimated population of the greater Beit Hanoun region is 35, 680.<sup>6</sup>

#### Service Suppliers:

The main humanitarian organizations that provide services to the residents of Beit Hanoun and sought to continue the provision of services in the area between 15 May and 30 June included:

Palestinian Authority (PA), including the municipal authorities and Ministry of Health (MOH), International Committee of the Red Cross (ICRC), World Food Program (WFP), Palestinian Red Crescent Society (PRCS), United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), Medecins Sans Frontieres (MSF), and the United Palestinian Health Work Committees (UPHWC).

#### Economic, Educational and Health-care Infrastructure:

The economy of Beit Hanoun is primarily based on agricultural production. 10, 500 donums or 59.7 % of the total land area in greater Beit Hanoun is cultivated. Citrus groves (oranges, lemons, grapefruits) account for approximately 80% of crop yield, while olives account for 15% and other fruits 5%. Livestock comprises a small percentage of agricultural production in Beit Hanoun. 75% of livestock is used for commercial purposes, while 25% is used for local subsistence. The value of annual agricultural production in the Beit Hanoun area is estimated at US\$8.5 million. Industrial production among the 28 factories located in the Industrial Sector of Beit Hanoun constitutes the other major economic pillar sustaining the district, providing an essential income source for many residents of the immediate and surrounding population.<sup>7</sup>

There are 11 schools in the area, 4 of which are funded by the PA and the rest by UNRWA. Beit Hanoun has 4 health clinics; 2 are run by the MOH, 1 is operated by UNRWA, and 1 operated and funded by a Palestinian NGO, UPHWC. In addition to the clinics, a house-to-house medical service is sometimes provided by MSF and ICRC, and emergency evacuation and health care services are provided by the PRCS and MOH.

## **Violations of International Human Rights and Humanitarian Law**

Similar to previous prolonged incursions into other Palestinian areas, the Israeli military siege of Beit Hanoun was characterized by strict closure of all access routes; curfews; denial/delays to medical and emergency services; use of excessive and disproportionate force resulting in unlawful killings and injuries; widespread demolition of civilian property, including homes and commercial facilities; destruction of civilian infrastructure; and the razing of agricultural land and crops.

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<sup>5</sup>1 donum equals 1000 square meters.

<sup>6</sup> The Palestinian Central Bureau of Statistics, "Projected Mid -Year Population for North Gaza Governorate by Locality 1997- 2003," <http://www.pcbs.org/inside/selelts.htm>, 22/06/2003 11:10

<sup>7</sup> Economic statistics were obtained from the Beit Hanoun Municipality and the Palestinian Ministry of the National Economy. Statistics are not available on the annual value of industrial production or the total annual value of production in the Beit Hanoun area.

## **Killings and Injuries**

During the Israeli military siege of Beit Hanoun, Israeli soldiers repeatedly used excessive and disproportionate force. This excessive use of lethal force resulted in civilian deaths and injuries. PCHR has documented 7 instances in which Palestinian civilians were unlawfully killed by the Israeli military.<sup>8</sup> Of these 7 deaths, 4 were children.<sup>9</sup> Approximately 103 Palestinian civilians were wounded by Israeli gun fire, including at least 45 children. These unlawful killings and injuries occurred in 2 main contexts; during demonstrations and clashes; and outside the context of fighting.

### Killings and Injuries in the Context of Demonstrations:

During the siege of Beit Hanoun, Israeli military forces repeatedly used excessive and disproportionate force against demonstrators and stone-throwing youth. Israeli soldiers opened fire at children and young adult demonstrators on 7 occasions; 5 times in the first 4 days of the siege; without first resorting to less lethal means, and when no immediate threat to life was posed. In this context 3 children were killed and 60 civilians were wounded, including approximately 40 children.

#### Case Studies:

##### *Killings*

1. At noon on 15 May, Israeli soldiers positioned on roofs of Palestinian houses opened fire at a number of Palestinian children who were throwing stones at Israeli forces. One of the children, Zuhair Khaled Abu Jarad, 15, was wounded by a live bullet in the head. He bled to death as ambulances were not able to gain access to him due to ongoing Israeli gunfire.
2. In the evening of 15 May, Israeli forces fired an artillery shell at a number of Palestinian boys who were throwing stones. 'Abdul Qader 'Ali Abu al-Kas, 17, was killed by shrapnel in the chest, and 8 others were injured, including 3 children who sustained serious injuries.
3. On 18 May, at approximately 19:30, Israeli forces opened fire at a number of Palestinian children who had gathered near Hammouda fuel station. Ziad Khaled Nasser, 14, from Jabalya refugee camp, was killed by a live bullet in the chest, and 20 others were wounded.

##### *Injuries*

4. On 16 May, at approximately 12:00, a number of Palestinian boys gathered and threw stones towards Israeli forces which immediately opened fire on the children. 5 boys were wounded.
5. On 17 May, two tanks and a military bulldozer blocked Salahaldin Street and another road leading to Beit Lahia. A number of Palestinian boys and young men gathered and threw stones towards the tanks and bulldozer. Israeli soldiers opened fire at the stone throwers wounding 24, including 3 who sustained serious injuries.
6. On 7 June, at approximately 18:30, Israeli military forces at the southern entrance of Beit Hanoun, opened fire at a number of Palestinian boys who were demonstrating in the area. One of the demonstrators, Ibrahim Mohammed 'Awadh, 17, was wounded by a live bullet in the left foot.
7. On 9 June, at approximately 18:30, Israeli military forces positioned south of Beit Hanoun opened fire at Palestinian civilians who had gathered in one of the main streets of the town. A child, Ghassan Khalil Hamdan, 15, was wounded by a live bullet in the left leg.

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<sup>8</sup> PCHR also documented 5 instances in which Palestinians were killed in gunfights with Israeli Forces.

<sup>9</sup> Classification of a child is based on the international legal standard of below 18 years of age.

## Killings and Injuries Outside the Context of Fighting:

During the period 15 May- 26 June, Israeli military forces opened fire on several occasions when no armed clashes were taking place. In a number of instances, Israeli soldiers opened fire indiscriminately in civilian residential areas, killing one Palestinian and wounding at least 37 Palestinians, including 5 children. In addition, PCHR has also documented at least three cases in which Palestinians, including a child, died in what appear to have been targeted killings of civilians outside the context of clashes or demonstrations<sup>10</sup>.

### Case Studies:

#### *Killings*

1. On 15 May, at approximately 07:00, Mohammed Nabil Mohammed al-Za'anin, 14, was killed by a live bullet in the head fired from an Israeli sniper. Mohammed was inside his home standing in front of a window at the time of the shooting.
2. On 26 May, Israeli military forces shot dead a young Palestinian man close to the northern border of the Gaza Strip. Rafiq Ejmei'an al-Banash, 21, and his friend, Sehda 'Ayad al-Bahri, 20, both from Beit Hanoun, went to the northern border of the Gaza Strip, apparently in an attempt to cross over into Israel to find work. When they were close to the border, at approximately 14:00, they were seen by Israeli soldiers at the Erez crossing and immediately fired upon. Al-Banash was killed by several live bullets and al-Bahri was arrested. Palestinian sources stated that neither Al-Bahri nor Al-Banash were armed.
3. On 2 June, at approximately 23:15, Israeli military forces, which had seized control over the entrances of Beit Hanoun, opened fire at 2 tents of the Palestinian National Security Force located 500m west of Salahaldin Street. A Palestinian officer, Nasser 'Abdul Qader Baker, 47, left one of the tents to check what was going on and warn his colleagues of the attack. Israeli soldiers shot him in the head. When his colleagues attempted to offer him help, Israeli soldiers fired at them. Baker remained bleeding in the area for an hour until a Palestinian ambulance was able to evacuate him. He was dead upon arrival at the hospital.
4. On 15 June, at approximately 01:00, an undercover unit of Israeli military forces infiltrated the town of Beit Hanoun. Ra'fat Ahmed Hassan al-Za'anin, 30, was watching television in his house when he heard one of his neighbors calling him. Ra'fat, accompanied by his cousin, exited the house to investigate what was happening. As he opened the door, he was approached by his neighbor, Khaled Abu 'Amsha, who told him that an undercover unit of Israeli forces was about 70m away from the house. As al-Za'anin was ushering his neighbor into the house, Israeli soldiers opened fired at him, his cousin and his neighbor. Al-Za'anin was wounded by a live bullet in the right thigh. Al-Za'anin's brothers then exited the house to see what was going on. As they tried to pull their brother into the house, Israeli soldiers fired at them, preventing them from pulling their brother to safety. One of the brothers, Mohammed, 23, was wounded by a live bullet in the right arm. Due to the strict siege imposed on the town, the evacuation of al-Za'anin to the hospital took about half an hour. He was suffering from intense hemorrhaging, and was dead upon arrival at the hospital.

#### *Injuries*

5. On 15 May, at approximately 07:00, 5 Palestinians, including 2 children, were wounded by indiscriminate Israeli shelling in Beit Hanoun.
6. On 19 May, the Israeli military conducted a land-leveling operation. During the operation Israeli forces opened fire on nearby homes without provocation, wounding 24 Palestinian civilians.

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<sup>10</sup> See case studies 2, 4, 6 and 7 of this section.

7. On 1 June, at approximately 18:00, Israeli military forces positioned at the entrance of Beit Hanoun opened fire at a number of Palestinian civilians, approximately 150m away. Two civilians were wounded:
  1. Ahmed Akram Abu Harbid, 7, seriously wounded by a live bullet in the back;
  2. Lu'ai Khalil Hamdan, 20, wounded by a live bullet in the right foot.
  
8. On 18 June, at approximately 02:00, Israeli military forces, reinforced with heavy military vehicles, including 2 bulldozers, moved from the eastern junction of Beit Lahia on Salahaldin Street (where they had been positioned for more than one month) approximately 700m along the Beit Lahia main road until they reached the site of the Palestinian Military Intelligence facility at the entrance of Tal al-Za'tar area. Israeli soldiers raided the nearby house of Mohammed 'Abdul 'Aziz 'Eissa Sabbah, and detained the 8 residents of the house in one room as they searched the rest of the house. The Israeli soldiers then mounted the roof of the house and opened fired into the surrounding streets and neighboring areas. Two Palestinian security men were wounded:
  1. Samih Mohammed Abu Fares, 24, wounded by a live bullet in the abdomen;
  2. Na'el 'Omar Abu Raya, 26, wounded by a live bullet in the abdomen.
  
9. On 26 June, at approximately 18:00, Israeli military forces positioned in Salahaldin Street, west of Beit Hanoun, opened fire for no apparent reason at Palestinian houses in the town. Two Palestinian children were wounded while they were near their homes:
  1. Nirmin Subhi al-Masri, 13, wounded by a live bullet in the abdomen;
  2. Mohammed Subhi al-Masri, 14, wounded by a live bullet in the right leg.

The willful killing of a protected person constitutes a grave breach of the Fourth Geneva Convention (article 147), and is further defined as a war crime in Additional Protocol 1 (article 85). The right to life is perhaps the most fundamental of all human rights and is protected under article 6 of the ICCPR.

PCHR notes with particular alarm the killing and injuring of Palestinian children in contravention of Israel's obligation to provide special protection to this section of the population under the Geneva Conventions (Fourth Geneva Convention, article 50 and Additional Protocol 1, article 77), and as a state party to the Convention on the Rights of the Child. Children constitute 57% of civilians killed and 44% of civilians injured during the siege.

## **Restrictions on Movement**

### Closures:

Beginning on 15 May and lasting until approximately 15 June, a complete military closure was imposed on the town of Beit Hanoun. During this period, passage into or out of the area was denied. Israeli tanks were stationed on all major roads leading in and out of the town along the perimeter of the municipality. Minor roads were also blocked by Israeli forces who maintained checkpoints. From the period 15 June- 30 June, movement in and out of the area was partially lifted. Israeli forces closed Salahadin Street, the main road leading through Beit Hanoun, from the east entrance of Beit Lahia in the south, to the customs junction near the Erez crossing in the north. The road was closed on 15 May to 30 June, excluding 20 May. The following roads were also closed during the siege:

1. Khalil Al Wazir Street. The main entrance to Beit Hanoun; closed between 15 May and 30 June.
2. Al Wad Street. The entrance to this road was closed between 15 May and 20 June.
3. Al Sikka Street. The southern entrance to Beit Hanoun.; closed between 15 May- 30 June.
4. Al Banat Street. This is a branch road of Khalil Al Wazir Street and was closed between 15 May and 30 June.

5. Zimmou Street. Branch road of Khalil Al Wazir Street; partially closed between 15 May and 19 May.
6. Sultan Abdul Hamid Street. The entire road was closed, except for a small section that served as the sole entrance to the town used during the siege.
7. Al Mughayar Street. Totally closed over the period of the siege.

The prolonged denial of freedom of movement for residents of Beit Hanoun brought a halt to normal civilian life; denying citizens of Beit Hanoun access to schools, work, family members and friends, health care services, and religious facilities outside the town. The closure also directly resulted in serious humanitarian consequences. Citizens were not allowed to exit the municipality in order to buy basic necessities such as food, medicine, stove gas, etc. The ICRC and WFP attempted to provide these supplies; however, they were unable to meet all the needs of the population. For instance, many Beit Hanoun citizens were unable to cook their food during the siege because of a shortage of stove gas.<sup>11</sup> Also, due to their inability to travel to work, many Palestinians in the area did not receive their wages for almost two months.<sup>12</sup>

The prolonged and excessive restrictions of movement imposed on the residents of Beit Hanoun contradict the fundamental principles of international human rights law,<sup>13</sup> and the Fourth Geneva Convention governing the behavior of an Occupying Power. The repressive character of the closure is inconsistent with article 27 of the Fourth Geneva Convention, protecting the right to humane treatment, which proclaims “the principles on which the whole of ‘Geneva Law’ is founded,”<sup>14</sup> and obligates the military power to respect the fundamental rights and liberties, customs, beliefs and ensure the humane treatment of protected persons under their control at all times.

#### Curfews:

Throughout the siege, curfews were imposed within Beit Hanoun in an arbitrary manner, effectively placing whole neighbourhoods under house arrest. Below are details of curfew areas:

1. Al Zeitoun area: 15 May, Israeli forces imposed a curfew on the area from 2am to 8am.
2. The Industrial Zone: Israeli forces imposed a curfew on the area between 15 May and 19 May. Israeli forces again imposed a curfew on the area from 20 May to 30 May, during which time they expelled 5 Palestinian families while 6 other families were not able to leave the area and had to have food delivered to them by the ICRC.
3. Salahadin Street: During the duration of the siege more than 15 Palestinian families living along the street were not able to leave their houses due to the intense Israeli presence in the area and because Israeli forces seized a number of houses and used their residents as human shields, including the families of Abdul Daim and Al Masri.

Curfews were largely enforced by Israeli sniper fire. At one point up to 7 Israeli military snipers were stationed on the roofs of Palestinian homes throughout the town in order to enforce the curfew. On a number of occasions these snipers open fired with live ammunition against civilians without first resorting to less severe measures.<sup>15</sup> In one particular case, on 15 May, an Israeli sniper shot and killed Mohammed Azanin, 14, with a single shot to the head.

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<sup>11</sup>United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Humanitarian Update 14 June- 30 June, 2003” p. 5, [www.reliefweb.int/hic-opt](http://www.reliefweb.int/hic-opt).

<sup>12</sup> Ibid., fn 10, p. 5.

<sup>13</sup> Such as the rights to education, work, family life, culture, freedom of religion, etc.

<sup>14</sup> International Committee of the Red Cross, Commentary: IV Geneva Convention Relative to the Protection of Civilians in Time of War, Geneva, 1958. p200

<sup>15</sup> See case studies 2 and 7 under the section “Killings and Injuries Outside the Context of Fighting” of this report.

Azanin was inside his house, in front of a window on the third floor when the shooting occurred.

#### Humanitarian Access:

Humanitarian concerns resulting from the prolonged closures and curfews in the area were further exacerbated by restrictions imposed by Israeli forces on the work of humanitarian agencies seeking to provide essential and emergency services to the Beit Hanoun residents. The movements and operations of international humanitarian and medical aid organizations were arbitrarily constrained and staff were harassed or attacked by Israeli military personnel.

When attempting to enter the town of Beit Hanoun personnel from humanitarian organizations were subject to extensive delays at checkpoints. On occasions such delays had the de facto effect of denying access to the area as permission would not be granted until the late afternoon, by which time international organizations did not have time to carry out operations before dark. The following case illustrates Israeli restrictions and the harassment of humanitarian agencies and personnel:

On 4 June a contingent from Medecins Sans Frontieres coordinated with Israeli authorities to enter Beit Hanoun in order to provide a door-to-door medical assistance and medicine supply service. Despite having pre-approved access the team waited two-and-half hours to enter though Salahaldin road. After they were allowed to enter they proceeded to a house where a patient needed medical attention, but before they could get out of their vehicle they were stopped by an Israeli tank. An Israeli military vehicle arrived and informed them that they could not leave their vehicle to attend to the waiting patient. They then proceeded to an area of the industrial zone where a number of families live. Again an Israeli military vehicle approached. An Israeli soldier got out and began interrogating the doctors. After a while another soldier arrived and began to ask the same questions. The second soldier's manner was very aggressive. When a MSF doctor was finally permitted to enter the house of a patient the soldiers refused to allow the MSF translator to accompany him. At a second house the doctor was given permission to enter with his translator but given a time limit of 5 minutes in which to conduct his work.

The activities of *emergency* health care providers were also subject to severe restrictions during the siege. Throughout the siege, ambulances were subject to delays and denials of movement into and out of the area by Israeli forces at checkpoints. In June, the ambulances of the PRCS were denied access in and out of the Beit Hanoun area on 4 occasions, and those of the MOH were denied access on 2 occasions while attempting to evacuate or reach patients with serious health problems. When ambulances evacuating patients were stopped by Israeli forces at a checkpoint and restricted from exiting Beit Hanoun, ambulance personnel had to carry the patient 200-500 meters from one ambulance to another ambulance waiting on the other side of the checkpoint.<sup>16</sup> PCHR documented 3 instances in which the denial or delay of emergency medical services contributed to the deaths of three civilians wounded by Israeli gun fire.<sup>17</sup> Moreover, Israeli soldiers opened fire on MOH ambulances on 3 occasions:

1. On 13 June, a MOH ambulance came under fire from Israeli forces when it was transporting a patient from Beit Hanoun to Gaza City.
2. On 16 June, a MOH ambulance came under fire by Israeli forces in Beit Hanoun when it was transferring an injured person from the scene of a clash to Shifa hospital in Gaza City.
3. On 19 June, Israeli forces fired shots towards a MOH ambulance transporting a pregnant woman in labor from Beit Hanoun to Kamal Odwan hospital in Beit Lahia.<sup>18</sup>

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<sup>16</sup> OCHA , "Gaza Ambulances Incident Reports of June 2003," at [www.reliefweb.int/hic-opt](http://www.reliefweb.int/hic-opt).

<sup>17</sup> See case study number 1 under "Killings and Injuries in the Context of Demonstrations" and case studies number 6 and 7 under "Killings and Injuries Outside the Context of Fighting" in this report.

<sup>18</sup> Ibid, fn 15.

The restrictions and harassment inflicted by Israeli forces on the operations and personnel of humanitarian organizations clearly stands in contradiction of Israel's obligations under the Fourth Geneva Convention, in particular articles 59, 61 and 63. The Convention obligates Israel to facilitate and assist humanitarian organizations in their operations, and give free access and protection to the staff of such organizations within the area under occupation, including medical personnel.

## **Property Destruction**

During the siege on Beit Hanoun, in contravention of articles 33, 53 and 147 of the Fourth Geneva Convention, Israel continued its ongoing policy of excessive and extensive destruction of civilian property and infrastructure not justified by military necessity.

### House Demolition and Appropriation:

From 15 May until 30 June, Israeli forces used tanks and bulldozers to demolish 26 homes in the area, leaving approximately 37 families totalling 223 Palestinians, mostly children, homeless. 18 of the families whose homes were destroyed are now living in tents issued by UNRWA. Israeli forces also partially demolished 70 homes inhabited by an estimated 132 families, totaling 792 Palestinians, also mostly children. Some of the families whose houses were partially destroyed have had to temporarily evacuate their homes for fear of further Israeli military measures and/or doubts concerning the structural safety of their homes after the damage was inflicted. In addition, 50 houses, inhabited by an estimated 58 families, in which 350 Palestinians continue to reside in, sustained minor damages. In total, 146 homes were demolished or damaged, affecting 227 families and 1375 civilians.<sup>19</sup>

In addition, at least 15 homes were demolished in Israeli military demolition operations carried out as a form of collective punishment against families of Palestinians who Israel claims have ordered, facilitated or carried out attacks against Israeli targets.

Frequently the demolition of Palestinian homes was executed without giving prior warning to the residents, or allowing them to evacuate their possessions. On one occasion the demolition operation began so suddenly that residents of homes had to jump from second and third-storey windows in order to escape safely. In November 2001, the United Nations Committee Against Torture concluded that the Israeli house demolition policy "may, in certain circumstances, amount to cruel, inhuman or degrading treatment or punishment" in violation of article 16 of the CAT.

On at least 6 occasions Israeli forces also appropriated the homes of Beit Hanoun residents. After raiding a house, Israeli soldiers expelled the family or confined them to a single room in the house. They then used the house as a military position to accommodate soldiers and/or position snipers on the roof.

PCHR also notes that, in contravention of article 27 of the Fourth Geneva Convention and article 53 of the First Additional Protocol, property damaged by the Israeli military during a house demolition operation on 18 May included a mosque located near the center of Beit Hanoun town.

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<sup>19</sup>The statistics concerning the number of families affected by house demolitions and damage are based on the average size of families in house demolition statistics gathered in Beit Hanoun by UNRWA between 15 May- 30 June, 2003. All other information in this section was gathered by PCHR staff.

### Commercial Property Destruction:

Israeli forces completely destroyed 11 and partially demolished 12 factories out of the 28 located in Beit Hanoun's Industrial Sector. One of the facilities bulldozed was a pharmaceutical factory that produced essential medicines for the Gaza Strip. These operations resulted in total or partial demolition of 82 % of the total number of factories in Beit Hanoun, resulting in U.S.\$ 4.3 million worth of property damage, and the loss of an unknown amount of output capital and rendered 350 workers unemployed. In justifying this large scale destruction to commercial properties, the Israeli military contended that the demolished facilities were "used by terrorists" in the construction of Qassam rockets.<sup>20</sup> However, no evidence has been proffered by the Israeli government to legitimize this accusation.

The excessive destruction of homes and commercial property, carried out wantonly and unlawfully in Beit Hanoun constitutes a grave breach of the Fourth Geneva Convention (article 147). In addition, the demolition of the pharmaceutical factory is a particularly serious instance of illegal property destruction with adverse ramifications for the entire population of the Gaza Strip, negatively impacting as it does on the availability of medicines throughout the area.<sup>21</sup>

### Destruction to Civilian Infrastructure:

During the siege the Israel military also targeted Beit Hanoun's transportational, electrical, water, sewage and communications infrastructure. From 15 May until 30 July almost all roads leading in and out of the Beit Hanoun Municipality were rendered impassable by the Israeli military operations to churn up the asphalted roads. In this regard, Khalil Al Wazir Street and Salahaldin Street, the main roads in the area were trenched at several points and milled by constant tank tread. Four road bridges were also demolished. On 18 May, Israeli forces cut the main telephone lines. On 9 June, Israeli forces cut all the telephone lines. Telecommunications were only reconnected following repairs completed on 2 July. Electricity lines were also damaged; from the 17-19 May a majority of Beit Hanoun residences were without electricity, and as of 2 July, 10 % of homes were still without electricity.<sup>22</sup>

The water network was damaged and 31 wells were destroyed. The Municipal sewage system was also damaged resulting in sewage leaks and over-flows into the streets and water wells; contaminating much of the remaining water supplies.

PCHR notes with particular alarm that this targeted destruction to infrastructure was conducted repeatedly. Israeli forces repeatedly damaged the water, sewage and electrical systems of Beit Hanoun after some repairs had been conducted by municipal workers. The repeated damage to the water and sewage networks has resulted in a prolonged public health crisis with major water shortages and contamination of remaining supplies. Some humanitarian organizations have expressed concern that the prevalence of raw sewage in the area could lead to widespread disease and sickness.<sup>23</sup> The Israeli military consistently restricted the ability of the Municipality to carry out repairs. During the siege the municipality coordinated with the Israeli military to allow municipal workers to repair the

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<sup>20</sup> Ibid, fn 1. In the IDF statement factories are referred to as "structures used by terrorists."

<sup>21</sup> This factory was particularly important since the Israeli military has consistently restricted the passage of medicines into the Gaza Strip from the West Bank and Israel. Medical personnel in Gaza have confirmed that the demolition could negatively "affect the running of Gaza hospitals in the long run." Agence France-Press, "Israeli army sweeps northern Gaza Strip," 16/05/2003 08:41

<sup>22</sup> OCHA, "Briefing Report. Beit Hanoun. 16 June 2003," P. 3. at [www.reliefweb.int/hic-opt](http://www.reliefweb.int/hic-opt)

<sup>23</sup> OCHA, "Repeated Destruction of Water and Waste Water Infrastructure in Beit Hanoun, Gaza 3 June 2003" at [www.reliefweb.int/hic-opt](http://www.reliefweb.int/hic-opt)

damaged electric and water networks. However, “of 40 requests made fewer than 10 were realized. Even where permission was granted there were repeated instances in which Israeli soldiers on the ground would not allow the work to proceed.”<sup>24</sup> In cases when they were allowed to proceed, municipal employees often came under unprovoked Israeli fire while carrying out their work, and were unable to finish the repairs.

This targeted destruction of the civilian infrastructure in Beit Hanoun clearly constitutes a serious health problem and contributed to the worsening humanitarian situation. article 56 of the Fourth Geneva Convention prohibits inflicting damage on public resources if such demolition threatens the “Hygiene and Public Health” of the population. Such destruction also raises serious concerns regarding the right to health and an adequate standard of living as provided for under articles 11 and 12 of the ICESCR.

#### Land Leveling and Agricultural Destruction:

Between 15 May and 30 June, using bulldozers and tanks, Israeli forces leveled 1387 donums of crops, 13.2 % of the total cultivated land in the Beit Hanoun area. The annual production value of the land is estimated at U.S. \$1.1 million. Land leveling operations were also conducted immediately prior to the siege. During the period 23 April-14 May, 492 donums of citrus tree crops were razed. In all, from 23 April to 30 June, almost 18 % of the total crops in Beit Hanoun were leveled by Israeli forces. It is important to note that the leveling of citrus trees not only causes immediate personal and public financial losses but, since citrus crops in the area take 20-40 years to fully mature, such land leveling will also have a *long term* negative impact on the income of the farmers and sharecroppers of Beit Hanoun.

Damage to the agricultural sector also included the destruction of 39 irrigation systems, several iron sheds, 1 chicken farm and, as mentioned earlier, 31 wells. Furthermore, several sheep, donkeys, horses, goats and other livestock and work animals were shot dead by Israeli forces.

This excessive destruction and appropriation of civilian property conducted by the Israeli military during the siege of Beit Hanoun constitutes numerous grave breaches of the Fourth Geneva Convention in relation to “the extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly”. The arbitrary demolition of homes, the targeted demolition of the area’s main income sources (agricultural crops and industrial facilities), use of lethal force in demolition operations, and the repeated destruction of the civilian infrastructure may also constitute “inhuman treatment” and willful “causing [of] great suffering” within the meaning of article 147. The demolition of commercial and agricultural property in Beit Hanoun also represents, among other things, a denial of the rights of the residents in the area to work and subsistence, as protected by articles 27 and 39 of the Fourth Geneva Convention and articles 1 and 6 of the ICESCR.

### **Analysis of Security Reasons for Military Operations in Beit Hanoun**

PCHR asserts that the character, or methods and tactics used by Israeli forces during the siege of Beit Hanoun were disproportionate and not justified by military necessity.

#### Proportionality and Military Necessity:

“Proportionality” is a fundamental principle of international humanitarian law that “seeks to limit damage caused by military operations by requiring that the effect of the means and

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<sup>24</sup> Ibid, fn 22, p. 2.

methods of warfare used must not be disproportionate to the military advantage sought.”<sup>25</sup> More specifically the principle of proportionality prohibits “attacks causing casualties in the civilian population and damage to civilian objects which would be excessive in relation to the “concrete and direct military advantage anticipated” (Additional Protocol 1, articles 51 and 57). Military Necessity is an interrelated principle of proportionality, in general “military necessity means doing what is necessary to achieve war aims.”<sup>26</sup> The Fourth Geneva Convention prohibits a military force from resorting to tactics and methods of warfare that cause damage and injury not justified by military necessity, and which cause harm to the civilian population that is “disproportionate to the military advantage sought.”

According to the Israeli military sources the purpose or military advantage sought during the siege of Beit Hanoun was to prevent the firing of Qassam rockets.<sup>27</sup> More precisely, the siege was justified as an attempt to stop the launching of Qassam rockets by Hamas militants at the Israeli town of Sderot, 6 kilometers to the east of the area over the border of the Gaza Strip.

### Qassam Rockets:

Qassam rockets are homemade, “extremely primitive” missiles constructed of crudely welded metal capsules with explosives stored in their tip and a propellant mixture of sugar, oil, alcohol and fertilizer in the lower cavity.<sup>28</sup> Qassam rockets contain no advanced weaponry components, such as guiding devices or detonation mechanisms, making them highly inaccurate and unreliable. Furthermore, the limited range and explosive-material carrying capacity of Qassam rockets significantly limits the amount of damage and injuries that they could potentially inflict.<sup>29</sup>

According to a report issued by the Jaffee Center for Strategic Studies, due to the deficiencies in their design and production “the damage that can be expected from Qassam rockets is minimal.”<sup>30</sup> This claim is consistent with the facts. Of the 140 Qassam rockets launched from the OPTs since September 2000<sup>31</sup>, few have intercepted the towns or settlements that were targeted. In cases where Qassam rockets have intercepted their intended targets, property damage and injury to the population has been minor. There have been no confirmed reports of fatalities caused by Qassam rocket, and only a small number of instances when serious injuries occurred.<sup>32</sup>

### The Proportionality and Military Necessity of Israeli Operations

PCHR contends that the Israeli operations in Beit Hanoun were disproportionate in view of the “concrete and direct military advantage anticipated.” In particular, PCHR asserts that the killing and wounding of unarmed civilians, prolonged restrictions on civilian movement, denial of access to emergency humanitarian services and large-scale destruction of civilian property, especially the repeated destruction of the civilian infrastructure, are acts of such an

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<sup>25</sup> Verri, Pietro, Dictionary of the International Law of Armed Conflict, Geneva, International Committee of the Red Cross: 1992. p.90.

<sup>26</sup> Ibid, fn. 25, p.75.

<sup>27</sup> Ibid., fn. 1.

<sup>28</sup> Reported by CNN, “Qassam-2 missile a wild card in Mideast conflict,” 5/03/2002, at <http://www.cnn.com/2002/WORLD/meast/03/05/qassam.facts/>.

<sup>29</sup> Brom, Shlomo, “Tel Aviv Notes: Palestinian Rockets: Dimensions of the Threat,” Note No. 32. Tel Aviv, Jaffee Center for Strategic Studies: 2002, at <http://www.tau.ac.il/jcss/tanotes/TAUnotes32.doc>.

<sup>30</sup> Ibid, fn. 29.

<sup>31</sup> IDF Spokeperson’s Unit, “140 Qassam Rockets Fired Since September 2000,” 25/06/2003, at <http://idf.il/newsite/english/0625-1.stm>.

<sup>32</sup> Associate Press. “Israel Seizes Gaza Territory” 03/07/2003, at [http://abclocal.go.com/wpvi/news/3703\\_israel.html](http://abclocal.go.com/wpvi/news/3703_israel.html).

injurious, destructive and indiscriminate nature, and were carried out in such a severe and widespread manner that they constitute a disproportionate use of force.

PCHR further maintains that the particular methods and tactics used by Israeli forces during the siege of Beit Hanoun can not be justified by the dictates of military necessity. PCHR notes that, in blatant disregard of international humanitarian law, military operations in Beit Hanoun appear to have been directed at civilians and civilian property. The repeated destruction of civilian infrastructure in particular indicates an intention to punish the wider civilian population. PCHR contends also that the ongoing restrictions and harassment of humanitarian agencies, and attacks on medical personnel and vehicles again are not militarily necessary and again indicate an intention to punish the civilian population. Furthermore, no evidence has been presented of a link between specific properties and persons targeted by Israeli operations and the production and launching of Qassam rockets in the area. In the cases of civilian killings listed in this report, the individuals killed did not pose an imminent threat to the safety of Israeli soldiers, settlers or others at the time of the incident.

Rather, PCHR asserts that the measures imposed on the community of Beit Hanoun, in particular, closures, curfews and the destruction of property, constitute collective punishment, as prohibited under article 33 of the Fourth Geneva Convention.

### **Conclusion: War Crimes and Impunity**

Bearing in mind the lack of proportionality and absence of military necessity that characterized Israeli military operations during the siege, PCHR contends that acts committed by Israeli forces in Beit Hanoun, between 15 May and 30 June, constitute serious breaches of the Fourth Geneva Convention, and also contravene numerous provisions of international human rights law.

Acts committed by Israeli forces during this period fall within the definition of “willful killing” of civilians, “inhumane treatment” of the civilian population, “willfully causing great suffering”, “causing serious injury to body or health” of civilians, and the “extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly,” as prohibited in article 147 of the Fourth Geneva Convention, and further clarified as war crimes in article 85 of the First Additional Protocol.

PCHR is not aware of any investigations conducted by the Israeli military into the violations of international humanitarian and human rights law perpetrated by the Israeli military during operations conducted in Beit Hanoun. Failure to investigate, prosecute and provide reparations for victims of illegal acts contravenes Israel’s obligations under articles 16 and 146 of the Fourth Geneva Convention, and is inconsistent with the fundamental principles of international human rights law. This is illustrative of Israel’s ongoing policy of failing to hold accountable those responsible for violations of international humanitarian and human rights law committed against Palestinian civilians in the OPTs, including war crimes. This culture of impunity only serves to encourage further violations.

# Annex 1: Map of Northern Gaza

Source: <http://www.reliefweb.int/hicpt/refmap/gazanorth.jpg>

