



المركز الفلسطيني لحقوق الإنسان

PALESTINIAN CENTRE FOR HUMAN RIGHTS

PCHR FACTSHEET: Extra-Judicial Executions of Palestinians by the Israeli Occupation Forces (IOF) January– March 2008.

The Israeli Occupation Forces (IOF) continue to implement a systematic policy of extra-judicial executions in the Occupied Palestinian Territory (OPT). From the beginning of the second Intifada in September 2000 until the end of March 2008, the Israeli Occupation Forces (IOF) have extra-judicially executed 724 Palestinian men, women and children.

IOF claim these Palestinians are wanted by the Israel security services, and have been "targeted" because they pose serious threats to Israel's security. The Palestinian Center for Human Rights (PCHR) has investigated and documented these extra-judicial executions in depth. The Centre has concluded that the IOF has consistently acted with utter disregard for the lives of Palestinian civilians in the OPT, and continues to carry out state sanctioned extra-judicial executions, thereby consistently violating international human rights law.

IOF utilize a host of rhetorical terms, such as "self defence, military response, Palestinian terrorists/ militants" in order to claim these extra-judicial executions are essential preventative responses which ensure the continuing security of the State of Israel. However, the facts on the ground reveal although in the overwhelming majority of cases the Palestinian suspects could have been arrested, no efforts were made to either apprehend or arrest them, and they were instead extra-judicially executed. IOF continue to employ the rhetoric of national security in order to justify why it extra-judicially executes suspects, as opposed to apprehending, arresting and questioning them according to due process. Since September 2000, in addition to executing almost 500 suspects, the IOF has also executed 228 civilian bystanders, including 77 children, who were not suspected of having committed any crimes.

During the first quarter of 2008 (January 1- March 31, 2008) the Palestinian Centre for Human Rights (PCHR) documented the extra-judicial executions of 32 Palestinians by IOF in the Occupied Palestinian Territory. Twenty six of the victims were specifically targeted by the IOF - nineteen were targeted in the Gaza Strip and seven in the West Bank. In addition, six bystanders were killed during the carrying out of these extra-judicial execution operations in the Gaza Strip.

PCHR reiterates that the IOF policy of extra-judicial executions in the OPT is illegal under international human rights law. This is made explicit in the (1949) Fourth Geneva Convention (Article 3 (d)) which states that "*the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples*" is prohibited at any time and in any place "whatsoever." In addition, Article 32 of the same Convention states,

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"The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents."

Examples of Extra-judicial executions carried out by IOF in the Occupied Territory (OPT): January 1-March 31, 2008.

On Wednesday 16 January, 2008 an IOF aircraft fired a missile at a civilian vehicle in Gaza city that was carrying three members of the same family, including a five year old boy. The vehicle was traveling in Al-Nafaq Street, in the Al-Daraj neighborhood of eastern Gaza City. The missile hit the vehicle, instantly killing Mohammed Hashem Mohammed al-Yazji (27), his five year old son, Ameer, and his forty year old brother, Aamer. According to subsequent reports in the Israeli media, IOF sources admitted the vehicle was targeted by mistake (see PCHR Press Release 04/2008).

On Thursday, 17 January, at approximately 7.25 pm, IOF fired a missile at the Sheikh Zayed intersection in Beit Lahia town in the northern Gaza Strip. A civilian vehicle and a donkey and cart were traveling in the nearby vicinity. The missile hit the ground three metres from the donkey and cart, instantly killing fifty two year old Miriam Mohammad Ahmad al-Rahel, and her 22 year old son, Mohammad Saleh al-Rahel.

Miriam's younger son, 17-year-old Mansour, was seriously injured, and five other civilians in the vicinity also sustained injuries. According to reports in the Israeli media, IOF sources claimed the missile had targeted a group of Palestinians traveling in a nearby vehicle. (see PCHR Press Release 06/2008).

On Wednesday, 12 March, 2008, four Palestinian men were executed by IOF whilst traveling in a car in Jamal 'Abdul Nasser Street in the centre of Bethlehem, in the Palestinian West Bank. Mohammed Shuhadeh 'Abed al-Ta'mari (45), Ahmed Khalil Salem al-Balboul (48), 'Emad Hassan Mahmoud al-Kamel al-Asakra (35) and 'Eissa Marzouq Zawahra (36) were all resistance activists. Each of them had been formally granted amnesty by the IOF, and they were all unarmed whilst traveling in the car. Whilst in Jamal 'Abdul Nasser St, their car was intercepted by a civilian vehicle with a Palestinian registration plate. Members of an IOF undercover unit were traveling in the vehicle, and opened fire at the four Palestinians at close range, killing all



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four of them instantly. Additional IOF vehicles immediately appeared on the scene, and opened fire, apparently in order to secure the withdrawal of the undercover IOF unit.

Mohammed Al-Ta'mari was a prominent activist of the al-Quds Brigades (the armed wing of the Islamic Jihad movement), Ahmed Al-Balboul was the Bethlehem leader of the al-Aqsa Martyrs Brigades (the armed wing of the Fatah movement), Emad Al-Asakra was an officer of the Palestinian National Security Forces, and Eissa Marzouq Zawahra was an activist of Islamic Jihad and an elected member of the Municipal Council of Bethlehem.

Israel and the Death Penalty

As a High Contracting Party to the (1949) Geneva Conventions, the State of Israel is legally and morally obliged to act in accordance with the Conventions. However, PCHR reiterates that the international community has failed to effectively lobby and pressure Israel to act in accordance with its legal and moral obligations as regards the Conventions. On 17 August, 2007, the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, John Dugard, submitted a report to the UN in accordance with Human Rights Council resolution 5/1. John Dugard's report stated that "The IDF [Israeli Defence Force] continue to assassinate suspected militants by targeting them with rockets. Since 2000 some 500 Palestinians, including many innocent bystanders, have been killed in this way. This practice makes a mockery of Israel's claim to have abolished the death penalty." ¹

The Palestinian Centre for Human Rights (PCHR) has exhaustively documented IOF extra-judicial executions in the OPT since the beginning of the second Intifada in September 2000. From September 2000- March 31, 2008, the Centre has documented 724 extra-judicial executions by the IOF in the Occupied Palestinian Territory.

389 Palestinians were extra-judicially executed in the Gaza Strip, and 335 Palestinians were extra-judicially executed in the West Bank.

Extra-judicial executions	Targeted persons	Bystanders
The Gaza Strip	234	155
The West Bank	262	73
Total number of executions	496	228

¹ See UN A/62/275, paragraph 45, 17 August, 2007.



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In total, 496 of the Palestinian victims executed during the reporting period were targeted persons. The additional 228 victims were civilian bystanders killed during the carrying out of the extra-judicial execution operations, including 77 children.



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Recommendations on the Application of International Law

The Palestinian Centre for Human Rights (PCHR) asserts that the Government of Israel (GOI) continues to act recklessly, and with utter disregard for the human rights of the Palestinian people, including the right to life. In addition, PCHR reiterates that the GOI is failing to meet its obligations under international human rights law, including the Fourth Geneva Convention. Therefore:

- PCHR Calls upon the international community and all High Contracting Parties of the (1949) Geneva Conventions, relative to the Protection of Civilian Persons in Time of War, to apply immediate and effective pressure on the Government of Israel (GOI) to abide by both the spirit and content of the Conventions, especially Articles (3) and (32) of the Fourth Geneva Convention, which explicitly prohibit the carrying out of extra-judicial executions, the extermination of protected persons, and other measures of brutality, whether applied by civilian or military agents.
- PCHR reiterates its utter condemnation of Israeli extra-judicial executions being carried out against the Palestinian population, and calls upon all High Contracting Parties of the Geneva Conventions to demand immediate and impartial investigations into these extra-judicial executions, including the roles of prominent Israeli officials in the carrying out of these executions.
- PCHR calls upon the High Contracting Parties to the Fourth Geneva Convention to fulfill their legal and moral obligations under article (1) of the Convention to ensure Israel's respect for the Convention in the OPT. PCHR believes that the conspiracy of silence practiced by the international community has provided Israel with an environment of de facto impunity, thereby encouraging Israel to continue its violations of human rights across the OPT.
- PCHR calls upon the High Contracting Parties to the Fourth Geneva Convention to comply with their legal obligations detailed in Article 146 of the Convention, to search for, and prosecute, all those responsible for grave breaches of the Convention, which may constitute war crimes.



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